



Office of Police Ombudsman Commission

Agenda
February 15, 2022
5:30PM – 7:30PM
Virtual WebEx Meeting

TIMES GIVEN ARE AN ESTIMATE AND ARE SUBJECT TO CHANGE

Commission Briefing Session:

5:30 – 5:35pm	1) Welcome to Public	Commissioner Jasmin
	2) Agenda Approval	Commissioner Jasmin
	3) Approve January 18 th Minutes	Commissioner Jasmin

Items:

5:36 – 6:15pm	1) Public Forum	Citizens Signed Up to Speak
	2) OPO Monthly Reports for December 2021 and January 2022	Bart Logue
	3) Critical Incident (January 24 th)	Bart Logue
	4) OPO Annual Report	Bart Logue / Luvimae Omana

Commission Business:

6:16 – 7:30pm	1) OPO Annual Report Approval	Commissioner Jasmin
	2) OPOC Annual Report	Commissioner Smith
	3) OPOC Annual Report Approval	Commissioner Jasmin
	4) Commissioner Goals follow up	Commissioner Jasmin
	5) Commissioner Speak Out	Commissioners
	6) Executive Session	Commissioners

Adjournment:

The next Ombudsman Commission meeting will be held on March 15, 2022.

Join by WebEx:

Meeting link: <https://spokanecity.webex.com/spokanecity/j.php?MTID=me8a3f50f58014b70316c10fad853d61b>

Meeting number: 2494 689 9324

Password: tkJsVHAD826

Join by phone:

+1-408-418-9388

Access code: 2494 689 9324

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Office of Police Ombudsman Commission Minutes

January 18, 2021

Meeting Minutes: 1:52

Meeting called to order at: 5:30pm

Attendance

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

Briefing Session

- Agenda - Approved
- November 16th minutes - Approved

Items Session

- Public Forum – No one signed up to speak
- Guest Speaker, Chief Meidl and Commissioner Q&A
 - Jasmin - How you are using Use of Force data to drive accountability?
 - Meidl - One of the challenges when you are looking at just raw numbers is that it doesn't really tell you a lot. It tells you what type of force you used, but when you look at specific numbers it doesn't give you the details on the call type, how many officers were there, what tools were used. So I would say that the raw numbers aren't going to tell us a lot about our processes. What we do, is after a Use of Force (UOF) goes through a Chain of Command Review (COC) we look at the uses of force with a panel of employees in Use of Force Review Board. They review all the data, Body Worn Camera (BWC) footage independently. The review board is then assigned the task of determining if UOF was in policy and law. If there is a lack of compliance, depending on the severity will determine the next course of action.
 - Jasmin – Can you discuss the disbandment of the PAC Team?
 - Meidl – There were a number of reasons and it was covered accurately by the Spokesman Review. There were 2 officers that were involved in a case trial, during that trial the judge made some allegations, that I don't want to get into now because it is an active investigation. Between that, the staffing issues we are having and a number of other reasons, it was just a good time to do this.
 - Jasmin – The OPO has issued several closing reports per the negotiated police contract. Can you share, from your side what value these reports bring to your department?
 - Meidl – The Office of the Police Ombudsman is here to provide various input from the concerned citizens in our community to the police department, they provide a different lens. With that being said we aren't

always going to agree on every topic, but we all want the same thing. They are providing valuable input at a number of different levels for me. We have taken a lot of their input and appreciate their thoroughness

- Jasmin – Under HB1310, where officers need Probable Cause (PC) to use force. How do conducting terry stops change?
 - Meidl – This can be complicated; a terry stop means an officer has specific knowledge that an individual was or is involved in a crime at a specific time/location. They have reasonable suspicions, more than just a hunch. Legislators didn't want force used on terry stops unless you have PC. In the past at a Domestic Violence (DV) call officers would arrive and prior to speaking with both parties they would tell the parties that they were not free to leave and if the alleged suspect would try to leave, they would be able to use force to keep them on site until they finished their investigation. Now the officers can ask them to stay but they cannot compel them to stay without injuries, witnesses etc.
- Jasmin – Now the Lateral Neck Restraints (LNR) are banned, what other training tools are SPD officers using?
 - Meidl – We didn't get any new training that we weren't already using. However, what we did do was utilize funding options with City Council to purchase 100 pepper ball guns and shields. We also send more officers to help deescalate a situation.
- Jasmin – A lot of other agencies typically send civilian response for behavioral health scenarios. Can you describe what SPD does?
 - Meidl – About 2.5 years ago, we received a grant that launched Behavior Health Unit (BHU). We currently have 8-9 officers/deputies who have a mental health counselor that will respond directly with them to scenes. ¾ of interactions are being diverted away from jails.
- Jasmin – Did SPD previously have military grade weapons?
 - Meidl – We didn't get weapons, but we had protective gear like helmets, flak jackets etc. These will be turned over to the military or destroyed.
- Jasmin – New legislation that creates a bigger role for the Criminal Justice Training Commission (CJTC), what changes does this bring?
 - Meidl – It brings some pretty significant changes. Currently a chief or sheriff will be the ultimate final decider on discipline and separation of employment. Now with the changes the CJTC now has the authority to conduct their own investigation into any agency, officer, deputy etc. for any potential policy violation. If they find there is a violation, they have the ability to remove certification. They will also have the ability to weigh in on chief's/sheriffs' decisions.
- Jasmin – There are concerns that obstruction will be used as a work around for developing PC. How are you addressing potential PC?

- Meidl – The guidance I have given our department. The greater the level of government interest in the crime you are investigating the more I would encourage using obstructing to stop the person from fleeing.
- OPO Monthly Reports for November – Approved
 - There is currently no December report due to Administrative Specialist being out of office on FMLA
 - November report – 129 contacts 8 interviews, 4 complaints, 10 referrals, 7 IA interviews, 28 meetings with SPD, Meeting with Patrick Striker of COPS
 - The City just funded and staffed an office of Civil Rights (3 staff and authority to conduct investigation) We should have the same thing

Commissioners' Business

- OPO Legal Counsel Update – There have been no applications submitted. Call to action, if you know anyone who is interested please let us know.
- Annual Reports – The goal is to have it done by February. Please let us know if you have any ideas of items to include.
 - Ombudsman appointed to CJTC by the Governor
 - Commissioner Wilburn appointed to Washington State Attorney General Law Enforcement Data Collection
 - Commissioner Smith – Funding restoration approved for OPOC training in 2022 by the City Council
- 2022 Budget – City Council approved the OPOC request to restore the OPOC training for the 2022 budget. Not only did they approve the training, they reset our budget to pre-2020 numbers. Commissioner Jasmin would like to write a letter of thanks to the City Council with the approval of the Commission
- Commissioner Speak Out
 - Commissioner Jasmin – We received the funds, lets schedule some time to train together. What goals do we want for 2022
 - Commissioner Wilbur – I like the idea of us having the same power to investigate as the new Civil Rights Office. How can we make that happen?
 - Commissioner Rose – Where is the office of Civil Rights located in City Hall? We are not exactly sure where it is location
 - Commissioner Navarrete – I would like to get more involved in the community
 - Commissioner Smith – I agree with Commissioner Navarrete re: being out in the community. I would also like to see us be more involved in the Police Guild meetings as they negotiate their next contract is my #1 for the 2022 wish list. We should be at the table.

Motion Passes or Fails: 3

Meeting Adjourned at: 7:22

**Note: Minutes are summarized by staff. A video recording of the meeting is on file -
Spokane Office of Police Ombudsman Commission**

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

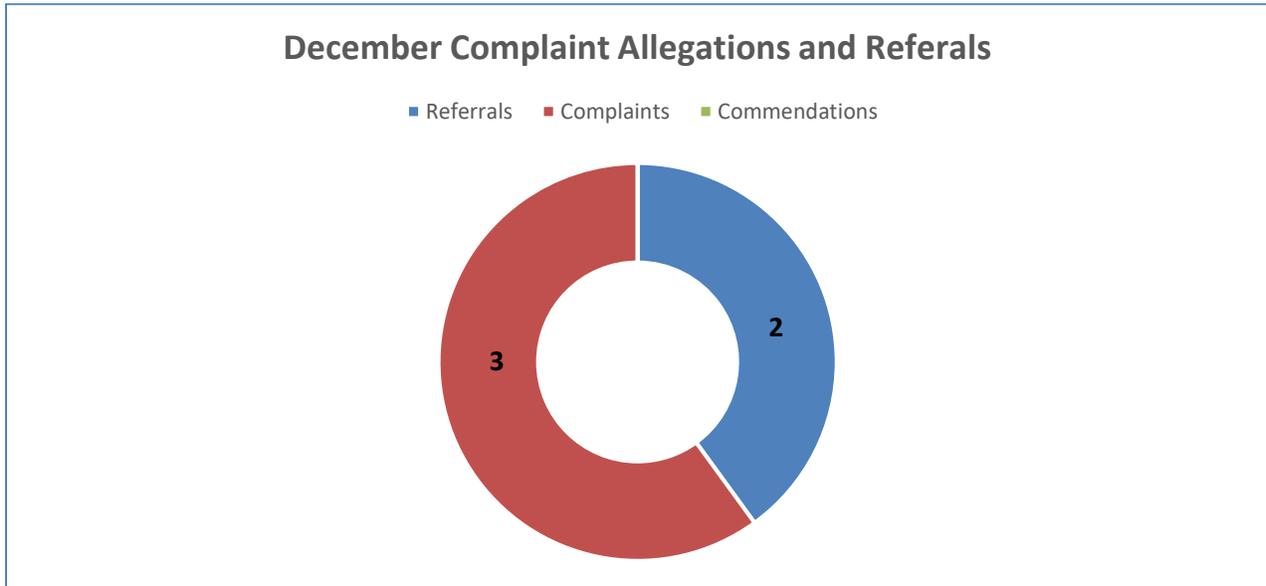


Office of the Police Ombudsman

Public Safety & Community Health Committee Report

Reporting Period: December 1-31, 2021

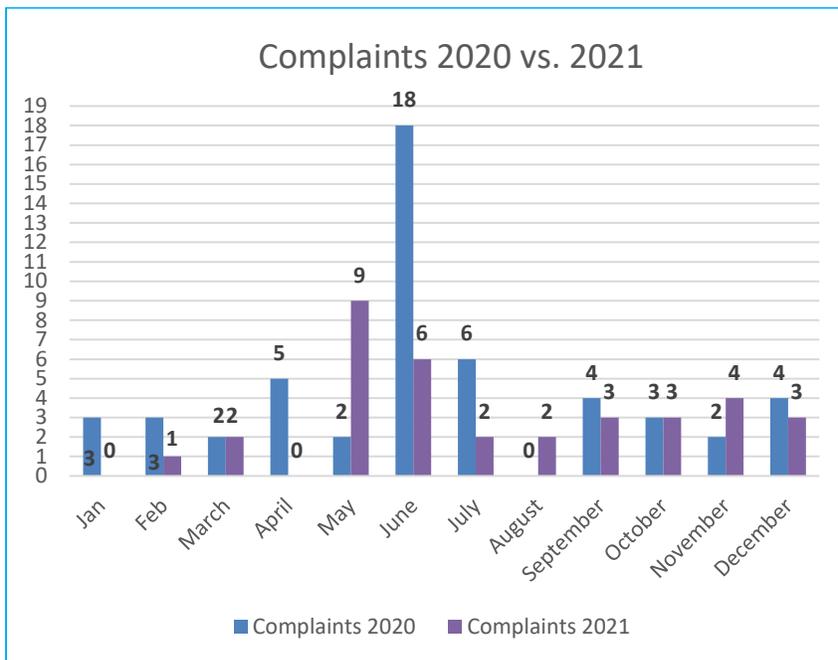
Complaints/Referrals/Contacts



Highlights:

In December, the Office of the Police Ombudsman (OPO) submitted 3 complaints to the Spokane Police Department's (SPD) Internal Affairs (IA). Additionally, 1 referrals were submitted to the SPD IA, 1 referral to Dispatch.

- OPO 21-35: A community member
- OPO 21-40: A community member alleges that officers falsely arrested another community member. In addition, those officers allegedly committed perjury in Federal Court regarding the arrest.
- OPO 21-41: A community member had made numerous attempts to have a vehicle removed from their church property. When an officer did respond the community member was told that the vehicle was reported stolen but did not have the vehicle towed from the property.
- IR 21-65: A community member wanted to know the policy on why their insurance company was not allowed to take pictures of their totaled vehicle. This was referred to the SPD IA.
- ER 21-67: A community member called Crime Check to report an issue at the apartment complex that they lived. The dispatcher told them that couldn't make a report due to them not being the owner of the property. The dispatched then allegedly called mental health services on the community member.



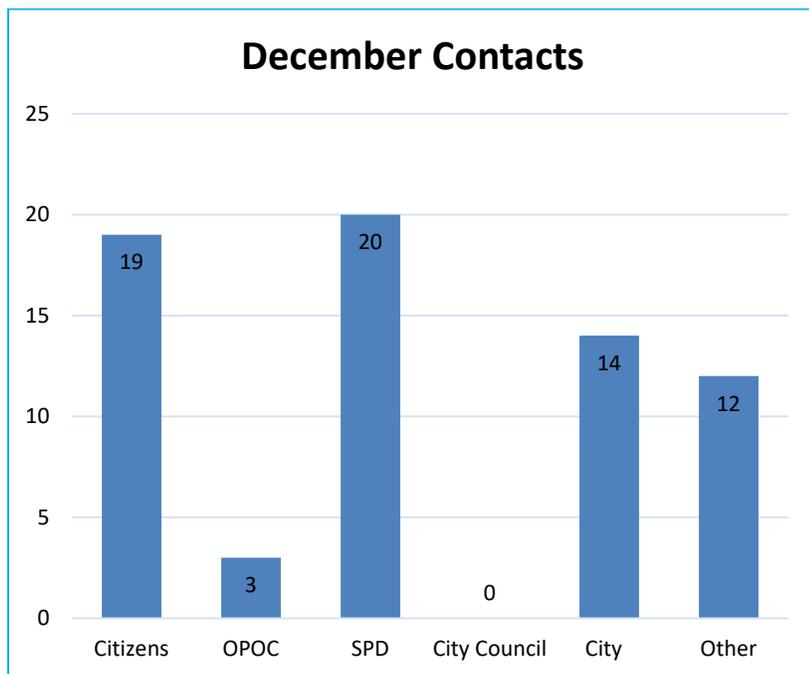
YTD Complaint Comparison

The OPO saw a decrease in intake of complaints in December 2021 (3) compared to December 2020 (4). Overall complaints are down YTD (35) Compared to 2020 (48). Difference is due to civil unrest following the death of George Floyd.

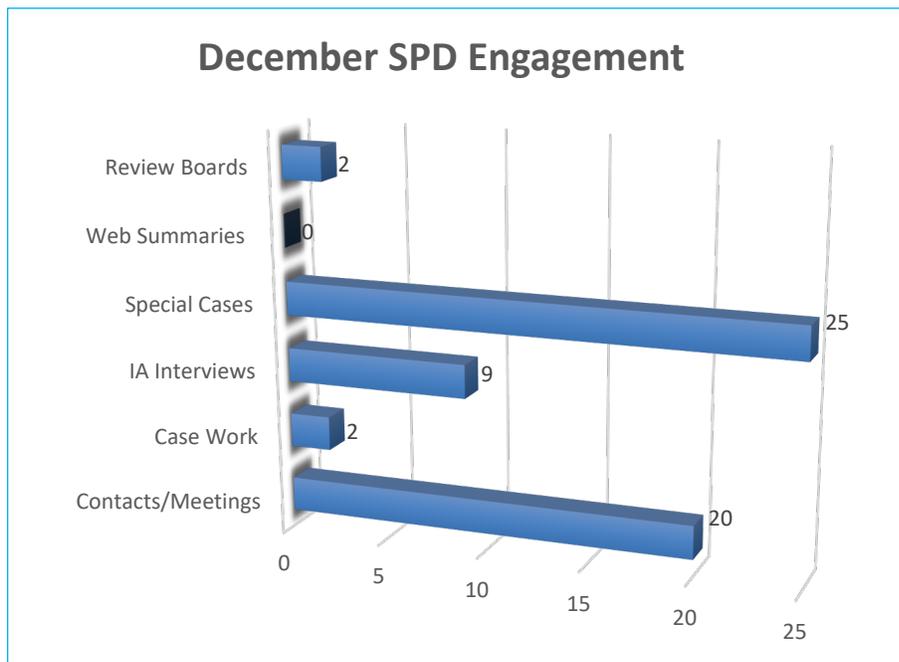
Contacts/Oversight:

Contacts/Oversight

- 68 total contacts
- 19 community member 6 interviews were conducted
- 9 officer interviews in IA
- 20 total SPD meetings/significant contacts
- 16 IA meetings/significant contacts



Oversight Activities



Case Work

2 – cases certified
0 – Web Summaries Reviewed

Special Cases

13 – Use of Force
3 – K9
7 – Collision
2 – Pursuit

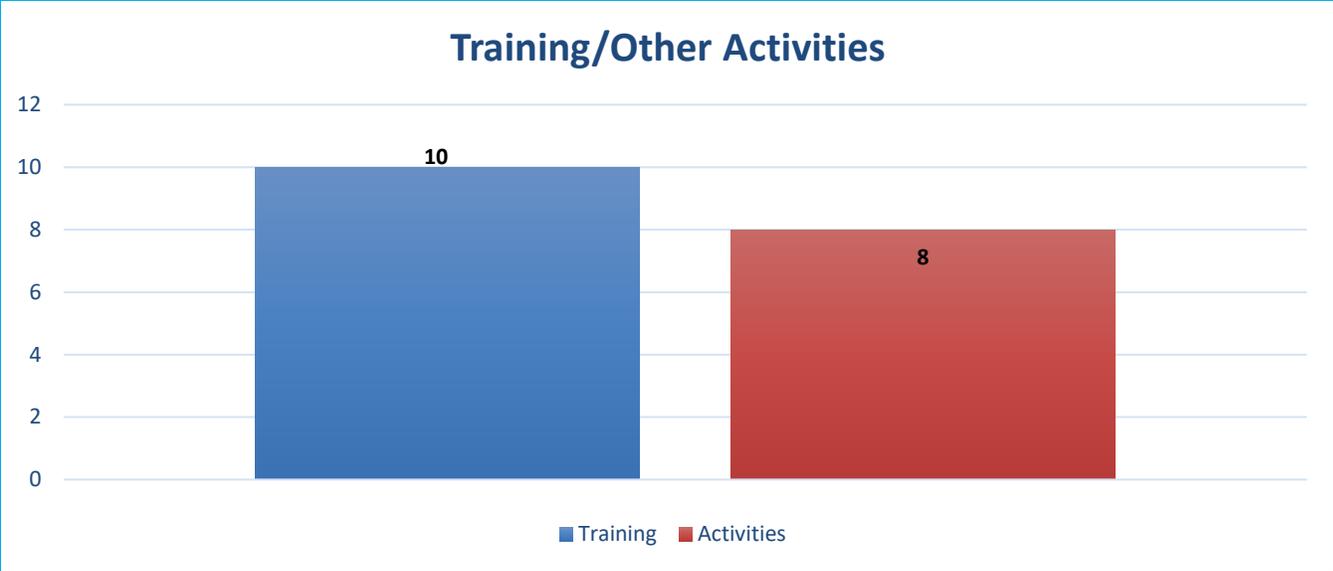
Review Boards

1 – UOF
1 – CPRB

Training/Other Activities

Highlights:

- Training – NACOLE Virtual Annual Conference Sessions, Daigle Law Group Use of Force Summit, NACOLE Annual Conference, WSCJTC Training, PRA University Training from the AGO: Building a Repeatable, Defensible PRA Process, AGO PRR Case Law Updates Training
- City Meetings – PSCHC Meeting,
- Oversight – NACOLE meeting for Member Development and Support Committee, NACOLE Strategic Planning Committee, NACOLE Use of Force Working Group
- Other Community Meetings – Leadership Spokane, Leadership 2021, Celebrate Recovery Events, Leadership 2021 Event, Leadership Spokane Holiday Special Event
- Oversight/Outreach
 - Testimony for Washington State Attorney General’s Office Law Enforcement Data Collection Advisory Group



Upcoming

- 2021 Annual Reports

Office of the Police Ombudsman Commission Meeting:
Held virtually, the 3rd Tuesday of every month at 5:30pm
Agendas and meeting recordings can be found at:
<https://my.spokanecity.org/bcc/commissions/ombudsman-commission/>

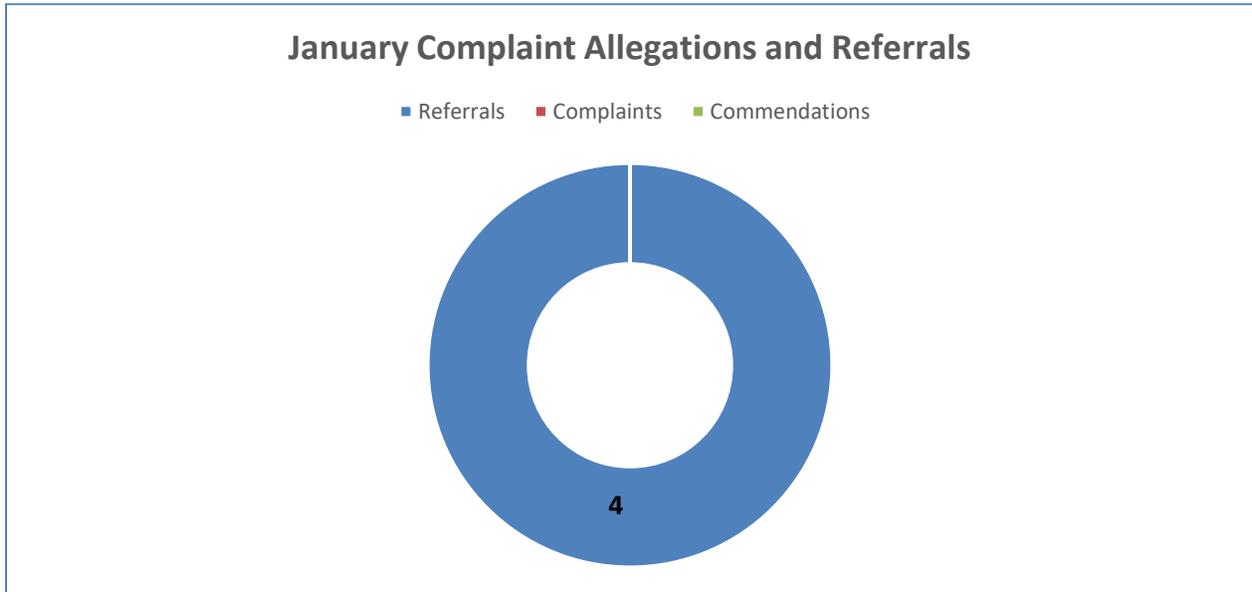


Office of the Police Ombudsman

Public Safety & Community Health Committee Report

Reporting Period: January 1-31, 2022

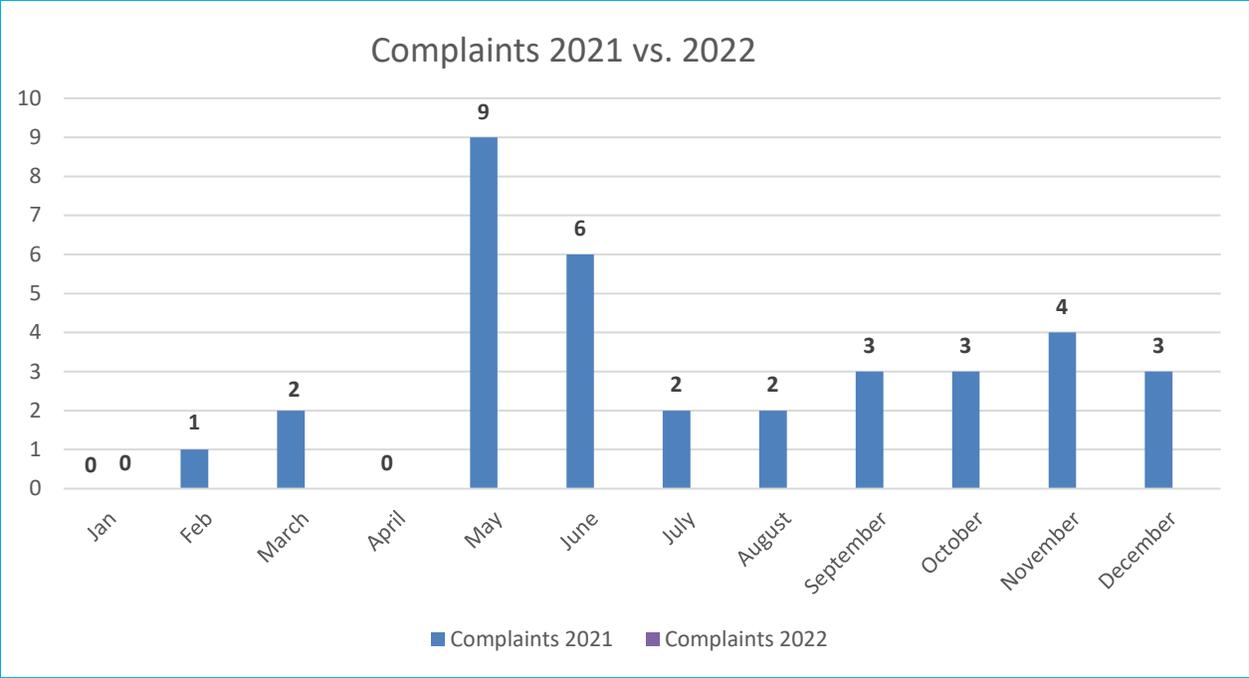
Complaints/Referrals/Contacts



Highlights:

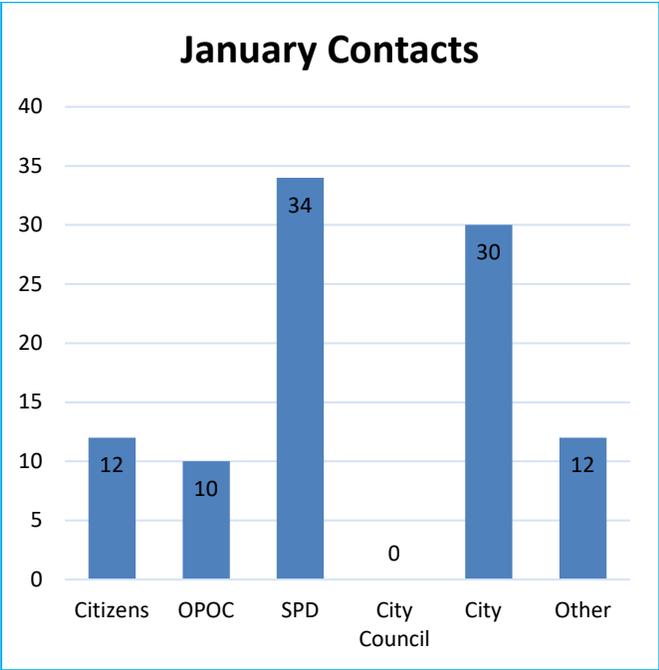
In January, the Office of the Police Ombudsman (OPO) submitted 4 referrals to various agencies.

- ER 22-01: An employee from Spokane Behavioral Health was concerned about a female inmate's treatment in the County Jail; this was referred to Spokane County Detention Services Jail
- ER 22-02: A community member wanted to report an issue with a parking meter; this was referred to 311
- ER 22-03: A community member had a question regarding their status of a Concealed Carry Permit; this was referred to the SPD.
- ER 22-03: A community member had concerns about the possible segregation of children who are not vaccinated in public schools; this was referred to the Washington State Department of Health

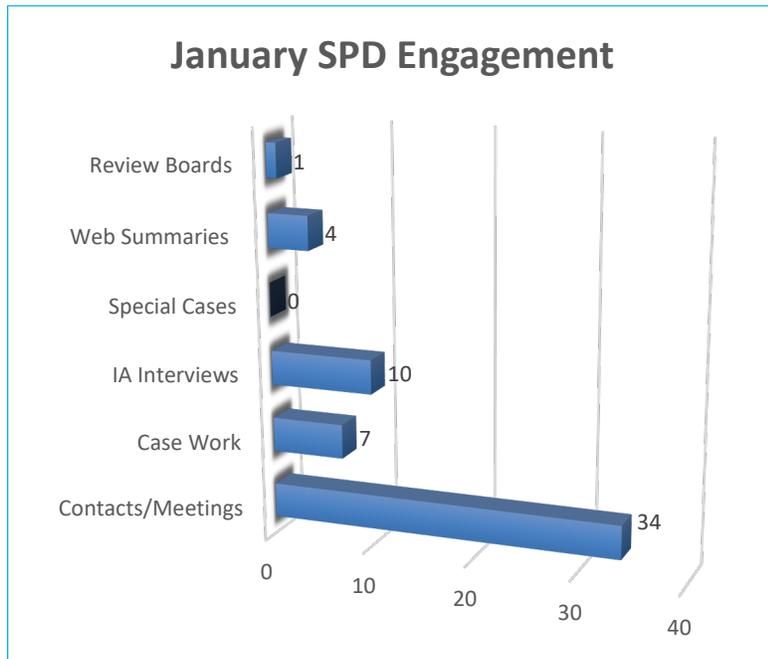


Contacts/Oversight:

- Contacts/Oversight**
- 98 total contacts
 - 12 community member contacts
 - 2 interviews were conducted
 - 10 officer interviews in IA
 - 34 total SPD meetings/significant contacts



Oversight Activities



Case Work

4 – Cases certified
3 – Cases returned for further investigation
4 – Web Summaries Reviewed

Special Cases

0 – Use of Force
0 – K9
0 – Collision
0 – Pursuit

Review Boards / ARP

1 – D-ARP

Training/Other Activities

Highlights:

- Oversight – IA Bi-Weekly Meeting, January COPS Board Meeting, Deadly Force Administrative Review Panel
- Other Community Meetings – OPOC Meeting, Leadership 2022, Celebrate Recovery Events, Leadership Spokane Finance Committee, Leadership Spokane Program Committee Meeting, Leadership Spokane Executive Board Meeting, Leadership Transformation Table Meeting
- Oversight/Outreach - Washington Coalition for Police Accountability Meeting
- 2021 OPO Annual Report, 2021 OPOC Annual Report

Upcoming

- 2021 Annual Report presentations to City Council
- WSCJTC Meetings

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MEDIA RELEASE



Officer involved shooting after officers encounter male holding knife to toddler

On 01-24-22 at 1248 hours, 911 received a call from the 2400 block of E Desmet Ave. The caller reported a woman was outside saying her child was dead and people were screaming. Additional 911 calls were received indicating a domestic violence incident was taking place and at least one person appeared injured.

Officers responded to the location and encountered a male holding a knife to a small child. Several moments later an officer involved shooting occurred. The toddler was not physically injured. Officers rendered first aid to the suspect, and care was subsequently transferred to SFD and AMR Paramedics. The suspect was transported to a local hospital where he succumbed to his injuries.

The officer involved shooting protocol was invoked, and the Spokane Independent Investigative Response Team (SIIR) will handle the investigation. The SIIR team is comprised of multiple law enforcement agencies; the Washington State Patrol will be the managing agency for this incident. As required, the Spokane Police Department will not be involved in the investigation to ensure an independent inquiry is conducted.

All future information related to the incident will come from the SIIR team, with the exception of identifying the officers involved which SPD will release in the coming days. The involved officers have been placed on administrative leave which is standard procedure.

E Desmet, between Stone and Smith will remain closed for several hours as the investigation continues.



DRAFT

2021 ANNUAL REPORT

Office of the Police Ombudsman



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Staff

Bart Logue, Police Ombudsman – Bart Logue began serving in this capacity in September 2016, after serving as the Interim Police Ombudsman. Bart is a Certified Practitioner of Oversight through the National Association for Civilian Oversight of Law Enforcement (NACOLE). Bart has a Master of Forensic Sciences from National University and a Master of National Security Affairs from the Naval Postgraduate School. Bart is a graduate of the Federal Bureau of Investigation National Academy, Session 239, and is also a certified Advanced Force Science Specialist.

Luvimae Omana, Deputy Police Ombudsman – Luvimae Omana has dual degrees in Business Administration and Political Science from the University of California, Riverside and a *Juris Doctorate* from Gonzaga University School of Law. Luvimae is licensed to practice law in Washington. Luvimae is also a certified Advanced Force Science Specialist.

Christina Coty, Administrative Specialist – Christina began working at the City of Spokane in 2015 for the ITSD department in contract procurement. Prior to her work at the City of Spokane she worked for Sony Electronics as a Regional Sales Manager managing the retail store operations in Southern California.

Tim Szambelan, OPO Attorney – Tim works in the Civil Division of the City Attorney's Office and currently represents the Ombudsman Office and other departments within the City of Spokane. Tim is licensed to practice law in Washington and Arizona.

OFFICE OF THE POLICE OMBUDSMAN

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Mission

The Office of Police Ombudsman exists to promote public confidence in the professionalism and accountability of the members of the Spokane Police Department by providing independent review of police actions, thoughtful policy recommendations, and ongoing community outreach.

Office of the Police Ombudsman

Commission

Jenny Rose, *Chair*

Ladd Smith, *Vice-Chair*

Blaine Holman

Lili Navarrete

James Wilburn

Luc Jasmin

Letter from the Ombudsman

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

This report covers the period from January 1 through December 31, 2021. The year continued to present the challenges of working in a pandemic environment. Most of the work of the Office of the Police Ombudsman (OPO) was done remotely with a limited City Hall office presence beginning in the summer. Our office remained connected through regular virtual meetings internally as well as with members of the Office of the Police Ombudsman Commission (OPOC), the Spokane Police Department (SPD), and other City departments.

Despite the pandemic, the OPO saw an increase in contacts from the community by 220 compared to 2020 for a total of 1452 contacts. We conducted additional interviews to determine if an allegation rose to the level of a complaint 73 times. Overall, community member complaints submitted to Internal Affairs (IA) for investigation declined from 50 complaints in 2020 to 35 in 2021. We also saw a significant decrease in the number of referrals of 66 made. This was largely due to an absence of two individuals who regularly generated referrals in the past. Complaints spiked in June 2020 following the death of George Floyd in Minneapolis resulting in nationwide protests. In response, Washington State enacted numerous police accountability reform measures into law. Prior to the legislative change, overall complaints against the SPD were already trending downward and have continued throughout 2021.

The OPO attended a variety of virtual and in-person training opportunities in 2021. The OPO and the Office of Police Ombudsman Commission (OPOC) attended the virtual National Association for Civilian Oversight of Law Enforcement (NACOLE) conference. The NACOLE annual conference provides the training necessary to become a Certified Practitioner of Oversight that is required by the Spokane Municipal Code 04.32. This year's conference was held over a period of approximately eight weeks, in which three to four classes a week were held. Because of this unique setup, we were able to attend substantially more training than we would normally receive as none of the classes overlapped. As the pandemic appeared to be winding down, the Deputy Police Ombudsman attended the Use of Force Summit. The Administrative Specialist also attended the Reid Advanced Interviews and Interrogation course. Additionally, I went on four ride-alongs with SPD to fulfill the requirements of the ordinance to make up for the ride-alongs I was unable to go on in 2020 which were waived by City Council.

I included these concepts in the letter last year, but I feel it is especially pertinent to reiterate NACOLE's basic principles for effective oversight, especially in light of the upcoming bargaining session for the next Collective Bargaining Agreement (CBA) between the City of Spokane and the Police Guild. I continue to ask that you, the leaders of Spokane, strenuously consider whether the following basic principles have been adequately addressed in this upcoming agreement. **The basic principles for effective oversight include independence, clearly defined and adequate jurisdiction and authority, adequate funding and operational resources, and public reporting and authority.**

Independence is one of the most important and defining concepts of civilian oversight. In the broadest sense, it means an absence of real or perceived influence. To maintain legitimacy, the agency must be able to demonstrate its independence from law enforcement, especially in the face of high-profile issues. As an example, Chief Meidl asked the OPO to perform an independent review of the May 31st protest in Spokane which occurred in the aftermath of the death of George Floyd. The Police Guild filed a grievance against this review citing that it was akin to an independent investigation, which is authorized in the City Charter but not in the CBA. Chief Meidl denied their grievance and it moved forward in the process to City Hall where it languished due to a variety of factors, including multiple City Administrator changes in personnel.

Sometime after that, Chief Meidl sent me an email requesting that I review the protests and provide my independent opinion. However, the email restricted the OPO from watching Body Worn Camera (BWC) video or talking with officers. I contacted a member of the Police Guild leadership to ask them about those restrictions. At that point, I was told that the Police Guild would not and could not object to any officer that might voluntarily want to come and talk with me. However, due to the restrictions imposed in the Chief's protest review request, the OPO would only be able to rely on the documentation generated by the police department to conduct the review. Without unimpeded access to all sources of information that exist in SPD, the OPO could not provide a thorough report on the incident based only on officer reports.

Further complicating the issue is that the Chief's request asked the OPO to publish a report of our opinions regarding the matter. However, the OPO is expressly forbidden by the CBA to give our opinion in any report that the OPO writes. Further, should the Police Guild take the matter to binding arbitration, a bench decision would be issued on whether the OPO was in violation of the CBA. That issue combined with other language in the contract creates an environment in which it is impossible to provide an assessment on any issue. The CBA provides in Article 27, subsection Y, "Knowingly or negligently acting outside of their legal authority will be considered a failure to perform the duties of the office and/or negligence in the performance of the duties and may result in appropriate discipline up to and including removal of the person(s) from the OPO in accordance with the SMC."

Further, Article 27 of the current CBA between the City of Spokane and the Spokane Police Guild, all OPO closing reports must disclose additional restrictions:

1. Any closing report from an IA investigation shall clearly state the information expressed within the report is the perspective of the OPO, that the OPO does not speak for the City on the matter, and the report is not an official determination of what occurred;
2. The report will include the current policy practice, policy, and/or training as applicable and shall expressly state the policy recommendations that follows reflect the OPO's opinion on modifications that may assist the department in reducing the likelihood of harm in the future; they do not reflect an opinion on individual job performance under the current policy, practice, or training;
3. A report shall not comment on discipline of an officer(s). This includes a prohibition on writing in a report whether the OPO or OPOC agrees with or differs from the Chief's findings, whether the officer acted properly, whether the officer's actions were acceptable, or whether the officer's actions were in compliance with training or policy. Additionally, no report will criticize

an officer or witness or include a statement on the OPO or OPOC's opinion on the veracity or credibility of an officer or witness.

4. The OPO's closing report shall not be used by the City as a basis to open or re-open complaints against any bargaining unit employees, or to reconsider any decision(s) previously made concerning discipline.
5. The report may not be used in disciplinary proceedings or other tangible adverse employment actions against bargaining unit employees, but not limited to decisions regarding defense and indemnification of an officer; and
6. The names of officers or witnesses may not be disclosed.

The Spokane City Charter provides the OPO's responsibilities, duties, and functions and the independence required to accomplish those mandates. The OPO is charged with publishing reports which reflects its independent findings and recommendations.¹ In order to accomplish its responsibilities, the Charter provides "The [P]olice [O]mbudsman and any employee of the OPO must, at all times, be totally independent. Any findings, recommendations, reports, and requests made by the OPO must reflect the independent views of the OPO²...The City shall not enter into any collective bargaining agreement that limits the duties or powers of the OPO as set forth in Section 129 unless such limitation is required to comply with existing federal or state law."³

To maintain legitimacy, the OPO must be able to demonstrate its independence from law enforcement, especially in the face of high-profile issues. When the OPO does not have **clearly defined and adequate jurisdiction and authority**, it can neither perform its mission nor fulfill the mandates of the Charter. The May 31st protests review request illuminates several issues regarding the independence, jurisdiction, and authority of the OPO. NACOLE maintains that stakeholders must ensure the level of authority of an oversight agency has in relation to its core oversight functions permits the agency to perform its duties to the greatest degree possible and without limitation. We request that the Administration and City Council carefully consider these matters in upcoming bargaining sessions.

Issuing public reports is critical to an agency's credibility because it is an effective tool in bringing transparency to a historically opaque process. Reports provide a unique opportunity for the public to learn about misconduct complaints and other areas of the law enforcement agency that serves the community. During 2021, the OPO began to publish Closing Reports and Policy and Procedure Reports utilizing the new process outlined in the most recent CBA. The OPO utilized these case reviews to present recommendations to SPD for improvements to existing policies and procedures with the examples presented by the police responses in each case. While each recommendation may not represent systemic issues, we believe that the implementation of these recommendations would jointly benefit SPD and the community. Several of the recommendations were a repeat of recommendations made in Closing Report C19-040 regarding case review and review board practices which we continue to believe should be improved upon.

The new CBA created additional layers in the review process of Closing Reports that infringe on the OPO's independence. Prior to publishing a report, the OPO is required to send the reports to the

¹ See Spokane City Charter §129(B)(4) (Effective date February 26, 2013).

² *Id.* at §129(C).

³ *Id.* at §129(F).

Police Guild for review. During the process of each review, the OPO met with members of the Police Guild's leadership to discuss their feedback on the report. While this meeting was not mandated by the CBA, it facilitated agreement and allowed both parties a glimpse behind the curtain regarding the reasoning behind each item of discussion. It is pertinent to note that at no time did the Police Guild attempt to remove, adjust, diminish, or tamper with the content messaging. However, they provided several adjustments to wording. To further facilitate the review process, the OPO also sent each report to the City Attorney's Office for a compliance review. Tim Szambelan, our assigned City Attorney, initially pushed back on the review process citing a conflict of interest. He has since reviewed the content of each report as to form prior to sending it to the Police Guild. The reports were also provided to the Police Chief and the Assistant Police Chief for their review.

It is imperative that the content of the reports be vastly improved to allow the OPO express its opinion in upcoming negotiations. To maintain legitimacy, the OPO must be able to demonstrate its independence from law enforcement. The insistence by law enforcement and the City through the CBA that the OPO provide no opinion on any matter reported upon is short-sighted and greatly infringes upon the independence of the OPO and the transparency to the public on matters of public concern upon which the office was established.

According to NACOLE, allocating **adequate funding and operational resources** are necessary to ensure that work is being performed thoroughly, timely, and at a high level of competency. Political stakeholders must ensure support for civilian oversight includes a sustained commitment to provide adequate and necessary resources. Civilian oversight agencies must have adequate training on a regular basis, perform outreach, and disseminate public reports and other outreach materials to be effective.

We are appreciative of many things that occurred throughout 2021. The OPO was honored to receive a proclamation from the City Council for Ombuds Day. We also want to acknowledge the Mayor's Administration and City Council who have allocated adequate funding and operational resources to the OPO. This is a significant demonstration of support of the OPO. During 2021, the position of Deputy Police Ombudsman was fully established; the Police Ombudsman position was reclassified; and the training budget for both the OPO and the OPOC was re-established to pre-pandemic levels for 2022. Since my arrival in 2016, the Administration and City Council have continued to fund OPO initiatives, such as the Police Force Analysis System (dashboards). The OPO implemented the dashboards system several years ahead of a statewide initiative to create a use of force database in 2021. The Washington State Attorney General's Office Special Advisory Group invited the OPO to provide testimony regarding dashboards as Washington considers how best to implement the database.

In 2022, I look forward to engaging in a robust communication effort as we work to increase community trust, ensure transparency, and continue to work towards greater accountability of the complaint process and use of force analysis and review.

Respectfully Submitted,

Bart Logue
Police Ombudsman

OPO Activities

2021	Highlight of Activities
1452	Citizen contacts
52	Participation or attendance in community meetings and events
6	Letters of officer appreciation / commendation
35	OPO generated complaints
66	Total referrals to SPD and other agencies / departments
2	Cases offered to SPD for mediation
0	Cases Ombudsman declined to certify
73	Interviews of citizens with ongoing or potential complaints
88	Oversight of IA interviews
84	Special cases reviewed
307	Meetings with SPD
20	SPD review boards attended

THE OPO WAS CONTACTED 220 MORE TIMES IN 2021 THAN 2020 DESPITE THE ONGOING PANDEMIC.

Training

Per SMC §04.32.070(A)-(C), The Ombudsman must complete 2 ride-alongs with SPD per year. The Ombudsman completed **4 ride-alongs** on June 4, 14, 18, and 19, 2021. The OPO attended **2 SPD In-Service Training days** on June 16, 2021 (Spring In-Service) and October 15, 2021 (Fall In-Service). The OPO also attended **SPD Supervisor Training on Legislative Changes** on July 7 & 14, 2021.

Non-SPD training highlights include:

- NACOLE Annual Virtual Conference
- Daigle Law Group's Use of Force Summit
- Reid Advanced Interview and Interrogation Techniques
- The Police Ombudsman continued work on several NACOLE groups including the Strategic Planning Committee, the Membership Development and Support Committee, and the Use of Force Working Group.
- The Deputy Police Ombudsman was a panelist on the US Commission on Civil Rights on Excessive Use of Force: Disparities and Definitions.
- The Deputy Police Ombudsman continued work on Task Force 2.0 convened by the Seattle University School of Law. She co-chaired the Alternatives to Policing subcommittee and was a member of the Policing subcommittee. She was also a panelist on the Task Force's presentation to the Washington State supreme court justice on how to address racial disproportionality in the criminal justice system.
- The OPO met with the Attorney General's Office to discuss police use of force policy and House Bill 1310. We also presented to the Attorney General's Office's Special Advisory Group on Use of Force Dashboards.
- The OPO met with a Pierce County attorney establishing a police oversight office to advise her on police oversight practices in Spokane.
- The OPO attended short seminars on:
 - Analyzing and Reporting Use of Force Statistics

- Transforming Dispatch and Crisis Response Services: Meeting Challenges with Innovation
- Investigation and Systemic Review of Police Responses to Large-Scale Protests
- Crowd Control - Use of Munitions, Dispersal Orders
- Crossroads of the 1st and 4th Amendment
- Subversive Group Identification
- How to Calm an Angry Person in 90 Seconds or Less
- Attorney General Office's Public Records University

Reporting

The OPO reports monthly to the Public Safety & Community Health Committee, the Mayor, the City Council, the City Administrator and the Chief of Police. In 2021, the Ombudsman completed 1 annual report for 2020 and 11 monthly reports. Per SMC §04.32.110(C), the Ombudsman briefed City Council on April 12, 2021.

Closing and Policy and Procedure Reports

In 2021, the OPO began writing closing reports after the ratification of the current CBA in March 2021. The OPO issued **9 reports** from March to December 2021. The cases below were the basis of our closing reports. The cases range from uses of force, Internal Affairs complaints, OPO generated complaints, and SPD related accidents. OPO Reports 1-9 are listed below with corresponding case numbers.

1. F20-033/C20-090/OPO 20-59
2. A20-038/C20-081
3. F20-028
4. F20-049/A20-042/P20-014
5. C21-017/C21-030/OPO 21-09 – Mediation Report⁴
6. F20-052
7. F20-045
8. F21-004
9. C21-002

⁴ The OPO requested the City and the Guild agree to amend the CBA to exempt the OPO from writing mandatory mediation reports that would disclose the content of a confidential mediation. While both parties agreed, this change has not been made in the CBA.

Commendations & Complaints

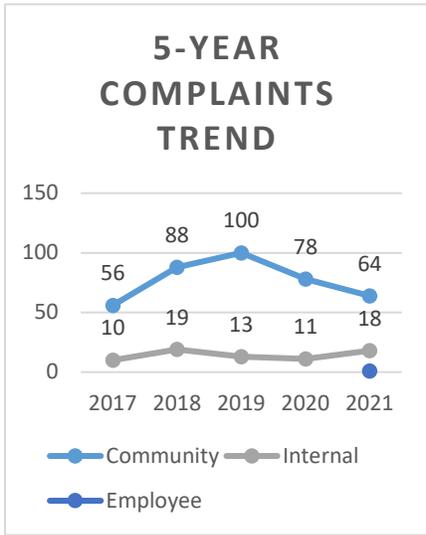
Commendations Received

Commendations Submitted by the OPO	
1)	An officer was commended by the Ombudsman on a ride-along (OPO 21-15)
2)	An officer was commended by the Ombudsman on a ride-along (OPO 21-16)
3)	An officer was commended by the Ombudsman on a ride-along (OPO 21-17)
4)	An officer was commended by the Ombudsman on a ride-along (OPO 21-18)
5)	An SPD employee was commended by a community member for helping an animal (OPO 21-31)
6)	An SPD employee was commended by the Ombudsman for providing prompt assistance regarding a public records request (OPO 21-37)

5 COMMENDATIONS SUBMITTED WERE FROM THE OPO AND 1 FROM A COMMUNITY MEMBER

(insert picture)

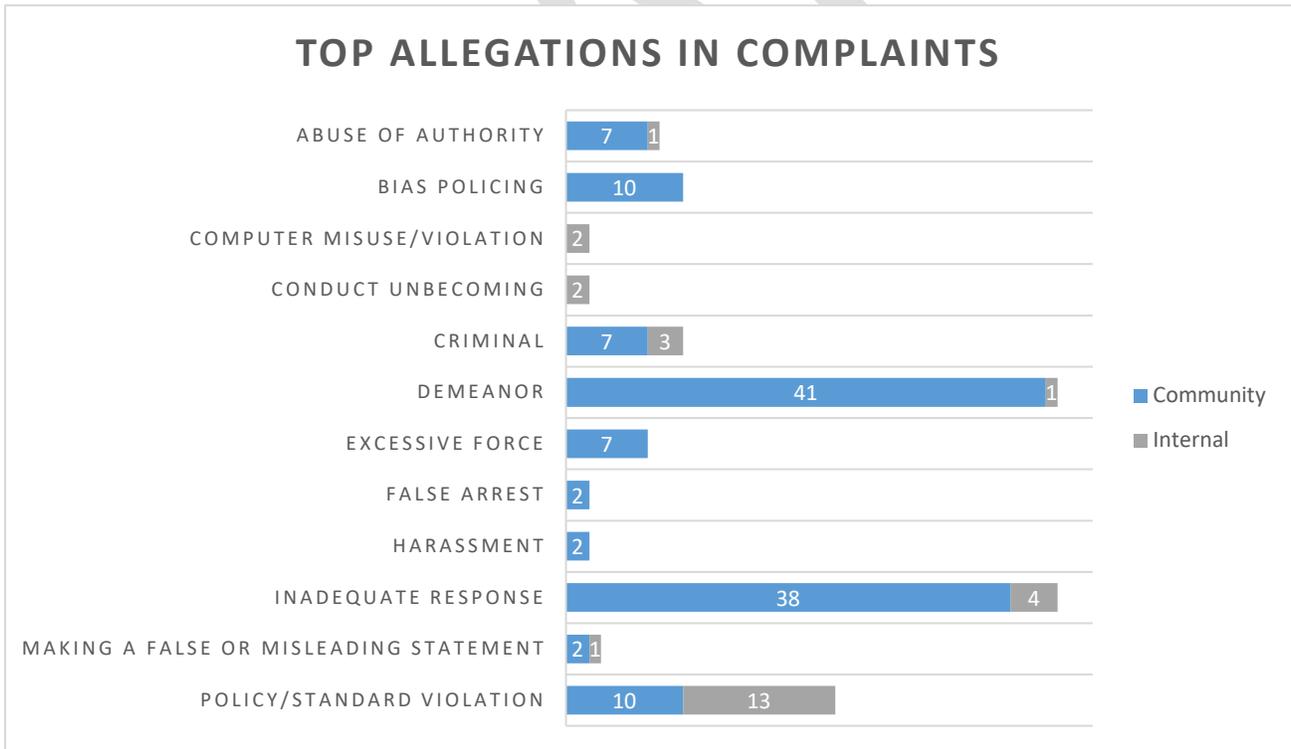
Complaints Received



↓ 19% IN COMMUNITY GENERATED COMPLAINTS FROM THE PREVIOUS YEAR.

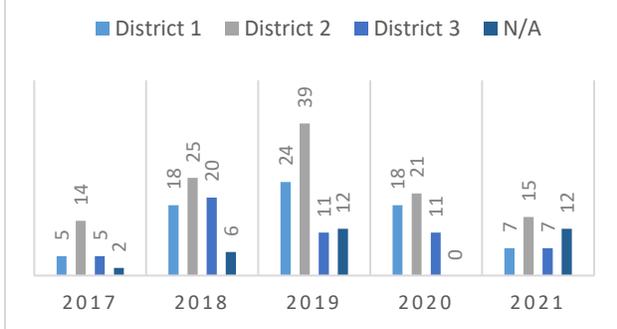
In 2021, community generated complaints were down 19% from 2020 despite an increase in community contacts. Community members filed 29 complaints directly with Internal Affairs and 35 with the OPO. In 2020, community complaints were down 22% despite a surge of complaints received because of protests in the summertime. This decrease is likely due in large part to the ongoing pandemic. The OPO staff predominantly worked remotely for most of the year.

IN 2021, THE OPO FILED ITS FIRST COMPLAINT FROM AN SPD EMPLOYEE. HOWEVER, THE OUTCOME OF THIS CASE CANNOT BE TRACKED AS IT WAS PURGED FROM SPD RECORDS.



THE COMMUNITY CONTINUES TO SUBMIT THE MOST COMPLAINTS ON DEMEANOR AND INADEQUATE RESPONSE.

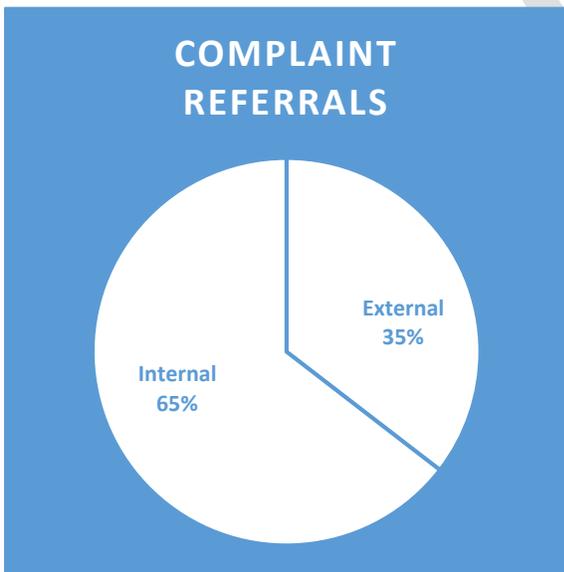
OPO COMPLAINTS BY CITY COUNCIL DISTRICT



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

N/A REFERS TO COMPLAINTS THAT DID NOT OCCUR WITHIN CITY LIMITS OR A DISTRICT COULD NOT BE DETERMINED

Referrals



The OPO made **64 referrals** in 2021. 23 referrals were external and 44 were internal. Internal referrals refer to inquiries or concerns to other areas in the Police Department outside of Internal Affairs, while External Referrals refer to all other referrals made.

REFERRALS WERE DOWN 53% IN 2021. IN 2020, TWO INDIVIDUALS FILED 17 REFERRALS BUT ONLY 2 COMBINED IN 2021.

Referrals Made Outside SPD IA

Port Orchard Police Department
Spokane County Detention Services
Spokane County Sheriff's Office
Washington State Patrol
Crime Check
Clerk's Office
Code Enforcement
SPD Communications
SPD Records

Comparing Complaints Over a 3-Year Period

3 Year Comparison of Community Complaints	2019	2020	2021 ⁵
Inquiry / Suspended / Closed	68%	63%	73%
Unfounded / Exonerated / Not Sustained	20%	17%	0%
Sustained	4%	5%	0%

In 2021, 73% of allegations raised in community-based complaints did not rise to the level of a full IA investigation. This is up 10% from 2020. These categories include those classified as “Inquiry,” “Closed,” and “Administratively Suspended.” It should be noted that with almost 25% of all allegation still TBD, a full analysis is not available. However, data available indicates similar patterns to previous years.



Of all community complaints, “Inquiry” made up 11%, “Closed” made up 23% and “Administratively Suspended” made up 39% of all allegations made in complaints. The remaining allegations were mediated or classified as a “Training/Policy Failure.”

51 allegations were subsequently Administratively Suspended. All allegations suspended cited to a specific subcategory. This is a practice the OPO began reporting on in 2020 to provide more information on why cases are suspended. The subcategories are defined in the table below.

Administratively Suspended Subcategories

A – complainant refuses to cooperate

B – complainant is unavailable and further contact is necessary to proceed

C – complaint involves pending criminal prosecution

D – complaint involves civil suit or claim for damages has been filed with the City

E – minor allegation sent to the officer’s supervisor for informal follow-up

F – all reasonable investigative leads were exhausted, and no evidence of wrongdoing was uncovered

Subsection E made up 41% of allegations. This is up 8% from 2020. These complaints were suspended due to allegations being minor in nature and sent to the employee’s supervisor for informal follow-up.

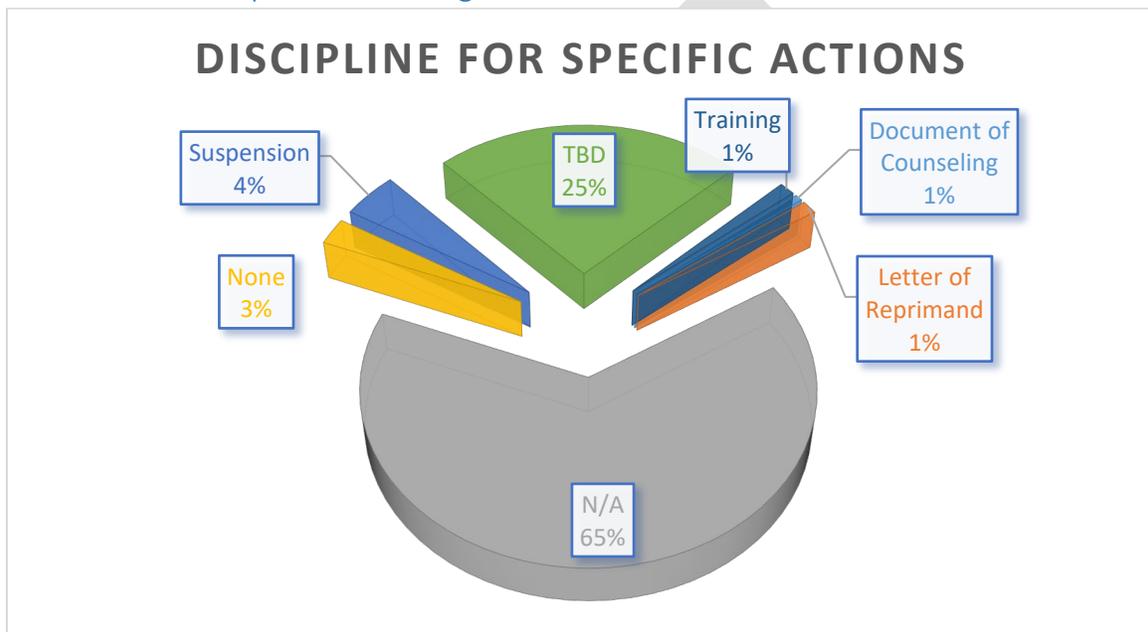
Subsection C made up 35% of allegations. This is up 10% from 2020. These were suspended due to a pending criminal prosecution where an administrative investigation may impact the outcome of a criminal prosecution.

⁵ This accounts for 73% of all community findings as of January 6, 2022. The remaining findings rounded to the nearest whole number include: Mediation 1%, Training/Policy Failure 2%, and TBD 25% as of January 6, 2022.

3 Year Comparison of Internal Complaints	2019	2020	2021 ⁶
Inquiry / Suspended / Closed	28%	14%	22%
Unfounded / Exonerated / Not Sustained	16%	23%	15%
Sustained	56%	36%	37%

Of the internal complaints received, sustained complaints were relatively stable with a 1% increase while complaints that were found in favor of the officer were down 8%. The number of internal complaints that did not warrant a full IA investigation went up 8% compared to 2020.

Classification and Disposition of Allegations



Notwithstanding 24% of allegations are still TBD, 10% of all complaints in 2021 received a Chain of Command review. This is down 18% from 2020. Of the complaints the Chain of Command reviewed, they found 3% of allegations to be Unfounded, Exonerated, or Not Sustained, with 1% as a Training/Policy failure.

The Chain of Command sustained 6% of all allegations. Of the sustained allegations, 11% received some form of discipline. This includes: 3% training, 4% of some type of suspension, 1% Document of Counseling, and 1% Letter of Reprimand.

Of the cases that are still TBD, the allegations include: Abuse of Authority, Bias Policing, Computer Misuse/Violation, Conduct Unbecoming, Criminal, Demeanor, Excessive Force, Harassment, Inadequate Response, Policy/Standard Violation, and TBD.

⁶ This accounts for 74% of internal findings as of January 6, 2022. The remaining findings rounded to the nearest whole number include: Mediation 4% and TBD 22%.

Statistics of Interest

	2019	2020	2021 ⁷	Change from Previous Year
Non-Deadly Use of Force	117	71	66	↓7%
Critical Incidents	5	3	2	↓40%
Pursuits	30	14	13	↓7%
Preventable Collisions	23	17	16	↓6%

The statistics of interest continue to reflect a decline across all categories. Calls for service decreased by 6% from 2020 (100,468) to 2021 (94,300). This may likely be due to the continuing impact of the pandemic which restricted calls for service and contact but can also be attributed to positive efforts within the department as well as Washington State legislative reforms.

As an example, preventable collisions decreased greatly in 2021 proportionate to changes SPD made to its Pursuit policy, Policy 315. The updated policy strictly limits when an officer may engage in pursuit to dangerous felonies specifically listed. 2 of 13 pursuits were found out of policy, while 12 are still under review and TBD. SPD officers were involved in 63 total collisions in 2021. 27 cases do not have a final disposition. 5 collisions were found in compliance with policy,⁸ 16 collisions were not preventable, and 17 collisions were found preventable.

The reduction in uses of non-deadly force, while not directly measurable, may be attributed in part to SPD's greater emphasis on reducing use of force incidents along with police accountability reform by the Washington State Legislature that took effect in the end of July 2021. For example, HB 1054 banned the use of neck restraints, proposed changes to police K-9s, limited the use of tear gas, banned the acquisition of military equipment, banned the use of certain firearms and ammunition, and forbade officers from engaging in a pursuit unless there is probable cause to believe a crime had been committed or a person is committing a violent offense or sex offense, or reasonable suspicion exists that someone is driving under the influence. HB 1310 requires an officer exhaust all alternatives to using force before resorting to force in any situation. SB 5066 created a duty for officers to intervene and report if they witnessed another officer attempting or engaging in use of excessive force.

Typically, the data points are finalized by the Office of Professional Accountability before providing them to the OPO. However, SPD is still in the process of reviewing cases from 2021 as of the date this report was written. The data points were obtained from IAPro and an unofficial count kept by IA and may differ from the final statistics the department may publish.

⁷ This information was current as of the date this report was written on January 28, 2022.

⁸ This is normally when an officer purposely uses their vehicle to disable another vehicle.

Critical Incidents

SPD officers were involved in a total of **2 critical incidents**. Under SMC 04.32.040, SPD shall notify the Ombudsman to observe any administrative or civil investigation conducted by or on behalf of the Department. Due to the passage of I-940 in 2018, IA is no longer allowed on-scene once the designated investigating agency under the Spokane Independent Investigative Response (SIIR) Team arrives. Previously an IA sergeant or the lieutenant would brief the Police Ombudsman on-scene. Since the passage of I-940, the Police Ombudsman's brief has been reduced to a phone call and SPD's media release. The OPO is navigating how to receive information to remain in compliance with the SMC. The summary below is generated from information obtained from SPD and the SIIR Team media releases.

Date	Location	Race	Status	Incident Type	Summary
1/5/21	5100 N. Ash	White	Deceased	Officer involved shooting	Officers and detectives from Major Crimes Unit, Special Investigations Unit, Patrol Anti-Crime Team, and Special Weapons and Tactics were attempting to locate and capture the subject on a warrant for Murder 2 nd degree. Officers received information the subject might be armed and dangerous in North Spokane. Officers located the subject leaving a vehicle and applied a Pursuit Intervention Technique to stop the vehicle. As officers moved in to apprehend the subject, they engaged officers with gunfire. Several officers discharged their firearm in response.
4/17/21	500 S. Cannon	White	Deceased	Officer involved shooting	Officers responded to a vehicle prowling call. The victim said the prowler was in their vehicle and had pointed a gun at them when the victim confronted the subject. Officers arrived on scene within minutes. The subject was still inside the victim's vehicle armed with a firearm. There was an exchange of gunfire.

Recommendations

Update on 2020 Recommendations

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

Recommendation #1: I recommend IA investigators, as a matter of practice, identify disputed facts in an investigation provide the available evidence for both sides of the dispute, and document them clearly so that the designated person can make fully informed determinations on how to view the facts.

Chief's response: In progress. I believe a template for the IA investigators will ensure consistency and readability. Having a separate category for “disputed facts” will allow clarity and conciseness to the review and recommendation process.

I will have IA staff update the template for approval to guide future reports.

Recommendation #2: I recommend SPD either update the function of their review boards to critically analyze the officer's tactical conduct and make findings similar to LVMPD and/or enhance the chain of command review function of categorical uses of force similar to LAPD that examine an officer's tactics and uses of force that result in specific findings. (See Appendix A for a sample categorical use of force review and findings)

Chief's response: In progress. Similar to recommendation #1, a template of all factors to consider when evaluating a use of force will ensure all levels of response are analyzed for best practices (e.g., use of time, distance, cover, word choice, de-escalation efforts when appropriate, etc.). Additionally, we will make it clear that dissenting opinions should be noted and included in the report.

An outline has been developed, however I will ask that IA work with the OPO (which has experience attending UOFRBs) to determine what, if any, enhancements should be instituted.

Recommendation #4: I recommend reinforcing in training that when officers test compliance of subjects, they give them an opportunity to respond to commands before making the decision to use force, if feasible. This opportunity to respond to commands before making the decision to use force, if feasible. The opportunity for compliance should also be critically looked at as part of a tactical review following any use of force.

Chief's response: Ongoing. SPD provides on-going training, in addition to training received via BLEA as directed by the CJTC, at measuring compliance, de-escalation, procedural justice and proper use of force based on level of resistance. In 2021, SPD has incorporated ongoing training into its de-escalation curriculum and has committed to training on these topics into perpetuity.

Recommendation #5: I recommend SPD continue to reinforce its new de-escalation policy through training, encouraging officers to provide many opportunities for compliance before resorting to using force. Officers should fully consider other alternative means before resorting to using force, if feasible.

Chief's response: Completed / Ongoing. SPD believes strongly in the expectation of its officers to de-

escalate when reasonable. Because of our conviction, we created a separate de-escalation policy to ensure the importance of this policy is stressed. Additionally, we continue to train at in-services on this topic and will do so into perpetuity.

Recommendation #6: I recommend SPD reevaluate its culture of accountability on both direct and indirect levels. Supervisors should randomly audit the BWC videos of their officers to safeguard against problematic behaviors, working to recognize and change problematic behaviors before they become issues through a strong mentoring program. Any reviewing authority, whether in an ARP or in a chain of command review, should critically examine incidents in order to limit liability.

Chief's response: Completed / Ongoing. SPD supervisors are not authorized to proactively audit BWC footage randomly based on labor law. The SPD administration is interested in exploring this with the Guild, and desired to include this in negotiations as a bargaining topic for several years. Based on the dynamics of the current unsettled contract, we were not able to incorporate this into the current open contract. It is our desire to explore this with the Guild upon settlement of the current open contract.

Additionally, the SPD chain of command is addressing officer policy violations (of a minor nature, not specifically complained about or related to the Blue Team cause of action) as the incident works its way through the Blue Team review, prior to the conclusion.

Recommendation #7: I recommend SPD research best or effective practices to update its K9 guidelines into a policy. The OPO is ready to collaborate with SPD to research different K9 models (i.e. on leash and off leash) and their implications for liability on the department and the City.

Chief's response: Completed. Sgt. Spiering updated the K9 deployment policy in 2020. Additionally, he has noted that this policy will be a living document that will be frequently reviewed and updated as necessary to stay current with case law and best practices as they relate to K9 programs.

Ombudsman's response: This report has yet to be provided to the OPO for review.

Recommendation #9: I recommend SPD clearly define the allegations of misconduct against an officer at the beginning of a review or investigation and document if the allegations are later modified and the subsequent reasons for doing so.

Chief's response: In progress; work with OPO's office on format. Allegations being investigated are typically noted at the beginning of the IA case file, as well as sent to the officer(s) being investigated. This specific notification of policies being investigated is required by law, as departments are not authorized to go on "fishing expeditions" (phrase used by the Courts to describe investigations that are not specifically and narrowly focused based on allegations). Additionally, the chain of command or Administrative Review Panel (ARP) may add additional allegations that the investigation reveal may be warranted based on the evidence presented. For the ARP review, the final allegations addressed are always placed at the back of the ARP finding letter to clearly spell out the allegations and findings.

As noted during our recent meeting, clearly breaking down each of the allegations for each employee, along with findings and recommended sanctions under each employee, makes sense. We will ensure this process is documented in the Internal Affairs SOP manual and each employee assigned to Internal

Affairs, as well as the ARP members, are trained to follow this protocol.

Additionally, my sense is the OPO has a template or format that they were exposed to at recent training. We would welcome the opportunity to review this material and adjust our documents and documentation accordingly.

Recommendation #10: I recommend SPD create a standard format and procedures for supervisors to utilize when conducting chain of command reviews.

Chief's response: In progress. The example provided by the OPO during our recent meeting was the difference between, as an example, some supervisors utilizing the Blue Team software to document their recommendations, and others using an IA additional 'Word' document and incorporating that document into Blue Team as an additional report. The OPO recommended following a consistent format for review and submission. Internal Affairs will update the IA SOP to reflect the method that should be used when providing a review through the chain of command.

Recommendation #17: I recommend SPD update its Administrative Investigation Format Policy to require IA investigators to critically evaluate evidence by conducting credibility assessments, identifying disputed facts, and providing other relevant information to the investigation. (See Appendix C for a Sample IA Investigation template)

Chief's response: In progress. This recommendation appears to parallel recommendation #1. In discussions with the OPO, this recommendation was given more detail as it relates to conflicting statements. The OPO suggested conflicting statements be clearly spelled out (under a separate section of the Internal Affairs summary), with the statements attributed specifically to who stated what (or what the evidence – BWC – clearly reveals). Internal Affairs will update the IA SOP to reflect this recommendation as part of the template for summary reports.

Recommendation #19: I recommend a strong *Graham* statement to begin any review of a use of force.

Chief's response: In progress. SPD officers have been directed to include a *Graham* statement in their use of force reports for the past several years, and these reports are part of the chain of command review. The example provided from the LAPD Board of Commissioners contains essentially the same information already provided in SPD's use of force reports and reviews, though in a different format. I am always supportive of examining what other agencies are doing, while weighing the resources SPD has available as compared to other agencies. The 8 page report provided as an example, for each use of force, will take considerable supervisory time, removing supervisors from the field for even longer periods of time and diminishing the much need field supervision we try to achieve. Having said that, developing a consistent template may help meet the genesis of much of this recommendation. I will direct IA to collaborate with the OPO on what that template should look like.

Recommendation #21: I recommend the ARP, or IA in its investigation, note any discrepancy in facts and disputed evidence and make a determination of each matter. The ARP should arrive at a finding for every allegation in a case. The ARP should also critically evaluate any other additional policies and training guidelines that may apply.

Chief's response: In progress. SPD agrees with this recommendation, specifically having a separate category where disputed facts are noted, as well as individually listing out each officer involved and

what the allegations / findings are for each officer. This recommendation will be part of the updated template used by IA.

Recommendation #23: I recommend SPD update its Policy 703.11, Release of Body Camera Videos to maintain compliance with case law on public records requests that involve internal investigation records.

Chief's response: In progress. This recommendation parallels the logistics of recommendation #22, and the response is the same. SPD relies heavily on City Legal to ensure we are complying with all laws and will request clear guidelines to ensure we are following case law.

2021 Recommendations

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: No response received.

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: No response received.

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: No response received.

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: No response received.

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: No response received.

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: No response received.

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: No response received.

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: No response received.

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: No response received.

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: No response received.

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: No response received.

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: No response received.

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: No response received.

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: No response received.

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: No response received.

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: No response received.

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: No response received.

2021 Complaints Received

The complaints are listed below according to the OPO complaint number, corresponding IA number, and allegation.

OPO #	IA #	District	Allegation(s)	Days Investigated	Date Filed	OPO Certification	Finding(s)	Subsection	Sanction
21-01	C21-006	N/A	Inadequate Response	48	2/8/21	4/14/21	Administratively Suspended	E	N/A
21-01	C21-006	N/A	Inadequate Response	48	2/8/21	4/14/21	Administratively Suspended	E	N/A
21-01	C21-006	N/A	Bias Policing	48	2/8/21	4/14/21	Closed		N/A
21-01	C21-006	N/A	Bias Policing	48	2/8/21	4/14/21	Closed		N/A
21-02	C21-009	3	Demeanor	13	3/9/21	3/25/21	Administratively Suspended	E	N/A
21-03	C21-013	1	Abuse of Authority	29	3/22/21	4/29/21	Inquiry		N/A
21-04	C21-022	N/A	Demeanor	67	5/3/21	8/3/21	Administratively Suspended	E	N/A
21-05	C21-018	1	Demeanor	19	5/3/21	5/27/21	Closed		N/A
21-05	C21-018	1	Inadequate Response	18	5/4/21	5/27/21	Closed		N/A
21-06	C21-023	3	Demeanor	50	5/5/21	7/13/21	Closed		N/A
21-06	C21-023	3	Inadequate Response	50	5/5/21	7/13/21	Closed		N/A
21-07	C21-025	2	Demeanor	54	5/3/21	7/15/21	Closed		N/A
21-07	C21-025	2	Demeanor	54	5/3/21	7/15/21	Closed		N/A
21-07	C21-025	2	Inadequate Response	54	5/3/21	7/15/21	Closed		N/A
21-07	C21-025	2	Inadequate Response	54	5/3/21	7/15/21	Closed		N/A
21-08	C21-028	2	Abuse of Authority	42	5/16/21	7/13/21	Closed		N/A
21-08	C21-028	2	Abuse of Authority	42	5/16/21	7/13/21	Closed		N/A
21-08	C21-028	2	Inadequate Response	42	5/16/21	7/13/21	Closed		N/A
21-08	C21-028	2	Inadequate Response	42	5/16/21	7/13/21	Closed		N/A
21-09	C21-030	2	Making a False or Misleading Statement	18	5/18/21	6/10/21	Mediation		N/A
21-10	C21-029	1	Policy/Standard Violation	82	5/18/21	9/8/21	Administratively Suspended	E	N/A
21-11	C21-031	3	Demeanor	59	5/20/21	8/10/21	Closed		N/A
21-12	C21-033	3	Abuse of Authority	72	5/26/21	9/2/21	Training/Policy Failure		Training
21-12	C21-033	3	Inadequate Response	72	5/26/21	9/2/21	Training/Policy Failure		Training

OPO #	IA #	District	Allegation(s)	Days Investigated	Date Filed	OPO Certification	Finding(s)	Subsection	Sanction
21-13	C21-034 ⁹	2	Inadequate Response	N/A	6/1/21	None	None		None
21-14	C21-035	2	Inadequate Response	66	6/3/21	9/2/21	Closed		N/A
21-15	N/A	N/A	Commendation						
21-16	N/A	N/A	Commendation						
21-17	N/A	N/A	Commendation						
21-18	N/A	N/A	Commendation						
21-19	C21-037	2	Demeanor	32	6/15/21	7/28/21	Administratively Suspended	E	N/A
21-19	C21-037	2	Inadequate Response	32	6/15/21	7/28/21	Administratively Suspended	E	N/A
21-20	C21-040	2	Demeanor	19	6/17/21	7/13/21	Closed		N/A
21-20	C21-040	2	Failure to Identify as an Officer	19	6/17/21	7/13/21	Closed		N/A
21-20	C21-040	2	Harassment	19	6/17/21	7/13/21	Closed		N/A
21-21	C21-039	2	Demeanor	23	6/21/21	7/21/21	Administratively Suspended	C	N/A
21-21	C21-039	2	Policy/Standard Violation	23	6/21/21	7/21/21	Administratively Suspended	C	N/A
21-21	C21-039	2	Unlawful/Improper Arrest	23	6/21/21	7/21/21	Administratively Suspended	C	N/A
21-22	C21-045	1	Demeanor	12	6/30/21	7/15/21	Administratively Suspended	B	N/A
21-22	C21-045	1	Demeanor	12	6/30/21	7/15/21	Administratively Suspended	B	N/A
21-22	C21-045	1	Inadequate Response	12	6/30/21	7/15/21	Administratively Suspended	B	N/A
21-22	C21-045	1	Inadequate Response	12	6/30/21	7/15/21	Administratively Suspended	B	N/A
21-23	C21-047	3	Bias Policing	70	7/4/21	10/8/21	Closed		N/A
21-23	C21-047	3	Inadequate Response	70	7/4/21	10/8/21	Closed		N/A
21-24	C21-048	2	Demeanor	47	7/8/21	9/10/21	Closed		N/A
21-24	C21-048	2	Inadequate Response	47	7/8/21	9/10/21	Closed		N/A
21-25	C21-054	N/A	Demeanor	102	8/4/21	12/23/21	Administratively Suspended	E	N/A
21-25	C21-054	N/A	Policy/Standard Violation	102	8/4/21	12/23/21	Administratively Suspended	E	N/A
21-26	C21-056	2	Inadequate Response	68	8/16/21	11/17/21	Administratively Suspended	E	N/A

⁹ This IA complaint number was assigned twice. The initial OPO complaint was purged from IA's records after being sent to HR contrary to past practices and reassigned to another community complaint that was filed directly with IA. Only complaints filed with the OPO receive OPO numbers. Thus, while the number is assigned to multiple cases, it is not reflected in the OPO complaints.

OPO #	IA #	District	Allegation(s)	Days Investigated	Date Filed	OPO Certification	Finding(s)	Subsection	Sanction
21-27	C21-069	2	Inadequate Response	TBD	10/28/21	TBD	TBD		TBD
21-28	C21-059	2	Inadequate Response	49	9/2/21	11/9/21	Administratively Suspended	E	N/A
21-28	C21-059	2	Making a False or Misleading Statement	49	9/2/21	11/9/21	Administratively Suspended	E	N/A
21-29	C21-062	1	Demeanor	TBD	9/28/21	TBD	TBD		TBD
21-29	C21-062	1	Inadequate Response	TBD	9/28/21	TBD	TBD		TBD
21-30	C21-065	1	Bias Policing	69	9/30/21	1/4/2022	Closed		N/A
21-30	C21-065	1	Bias Policing	69	9/30/21	1/4/2022	Closed		N/A
21-30	C21-065	1	Policy/Standard Violation	69	9/30/21	1/4/2022	Closed		N/A
21-30	C21-065	1	Policy/Standard Violation	69	9/30/21	1/4/2022	Closed		N/A
21-31	N/A	N/A	Commendation						
21-32	C21-067	N/A	Demeanor	45	10/20/21	12/21/21	Inquiry		N/A
21-32	C21-067	N/A	Inadequate Response	45	10/20/21	12/21/21	Inquiry		N/A
21-33	C21-070	2	Policy/Standard Violation	TBD	10/29/21	TBD	TBD		TBD
21-34	C21-061	1	Criminal	TBD	9/24/21	TBD	TBD		TBD
21-35	C21-075	3	Bias Policing	TBD	11/11/21	TBD	TBD		TBD
21-35	C21-075	3	Demeanor	TBD	11/11/21	TBD	TBD		TBD
21-35	C21-075	3	Harassment	TBD	11/11/21	TBD	TBD		TBD
21-35	C21-075	3	Inadequate Response	TBD	11/11/21	TBD	TBD		TBD
21-36	C21-076	2	Demeanor	TBD	11/18/21	TBD	TBD		TBD
21-36	C21-076	2	Demeanor	TBD	11/18/21	TBD	TBD		TBD
21-36	C21-076	2	Demeanor	TBD	11/18/21	TBD	TBD		TBD
21-36	C21-076	2	Demeanor	TBD	11/18/21	TBD	TBD		TBD
21-36	C21-076	2	Inadequate Response	TBD	11/18/21	TBD	TBD		TBD
21-36	C21-076	2	Inadequate Response	TBD	11/18/21	TBD	TBD		TBD
21-36	C21-076	2	Inadequate Response	TBD	11/18/21	TBD	TBD		TBD
21-36	C21-076	2	Inadequate Response	TBD	11/18/21	TBD	TBD		TBD
21-37	N/A	N/A	Commendation						
21-38	C21-077	N/A	Policy/Standard Violation	TBD	11/18/21	TBD	TBD		TBD

OPO #	IA #	District	Allegation(s)	Days Investigated	Date Filed	OPO Certification	Finding(s)	Subsection	Sanction
21-38	C21-077	N/A	Demeanor	TBD	11/19/21	TBD	TBD		TBD
21-39	C21-078	3	Inadequate Response	TBD	11/23/21	TBD	TBD		TBD
21-40	C21-082	N/A	Policy/Standard Violation	TBD	12/31/21	TBD	TBD		TBD
21-41	C21-081	2	Inadequate Response	TBD	12/29/21	TBD	TBD		TBD

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**2021 ANNUAL REPORT
OFFICE OF POLICE OMBUDSMAN COMMISSION
SPOKANE, WASHINGTON**



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LETTER FROM THE OPOC CHAIR

February 2021

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

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 are every 3rd
Tuesday, unless otherwise
indicated.

Mission

The OPOC exists to promote public confidence in the professionalism and accountability of the members of the Spokane Police Department by providing, through the Ombudsman, independent review of police actions, thoughtful policy recommendations, and ongoing community outreach. The Commission also assists the OPO in communicating with Spokane's diverse communities and the general public about the complaint filing and investigation process.

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 20-59¹
 - 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

¹ For more information, see Recommendations and Findings section.

- 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 subjectmatter of the recommendations and the Chief’s response are:

Number	Recommendation	SPD Response
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.	SPD has not responded to this recommendation.

Number	Recommendation	SPD Response
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.	SPD has not responded to this recommendation.
R21-03	The OPO recommends IA formalize its practice of advising individuals the call is being recorded at the onset of a conversation before any substantive discussion occurs by requiring it in the IA SOP. If providing an advisement was overlooked, the investigator should provide the advisement immediately after they realize it had been omitted.	SPD has not responded to this recommendation.
R21-04	The OPO recommends SPD reinforce its commitment to de-escalation both in practice and review, especially with the Use of Force Review Board. SPD should also consider implementing officer feedback from the Review Board which includes other techniques which could have been considered, if any were identified. SPD already has a thorough de-escalation policy, however the interpretation and enforcement of it should be consistent with SPD's stated value of using force only when necessary.	SPD has not responded to this 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.	SPD has not responded to this recommendation.

Number	Recommendation	SPD Response
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.	SPD has not responded to this 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).	SPD has not responded to this 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.	SPD has not responded to this recommendation.
R21-09	As previously recommended in Closing Report C19-040, recommendation #2 where 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.	SPD has not responded to this 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.	SPD has not responded to this recommendation.

Number	Recommendation	SPD Response
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.	SPD has not responded to this 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.	SPD has not responded to this 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.	SPD has not responded to this 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.	SPD has not responded to this 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	SPD has not responded to this recommendation.

Number	Recommendation	SPD Response
	leaders on outcomes on requests they make to evaluate critical cases.	
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.	SPD has not responded to this 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.	SPD has not responded to this recommendation.

V. EVALUATION OF THE OPO

The OPOC commends the OPO’s performance through another year of the COVID-19 pandemic. The OPOC 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.



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January 26, 2022

Council President Breean Beggs
Spokane City Council
808 W. Spokane Falls Blvd.
Spokane, Washington 99201

RE: Thank you

Dear Council President Beggs,

On behalf of the Office of the Police Ombudsman Commission, I would like to express my sincere appreciation to the City Council. Last December you approved our and the Office of the Police Ombudsman's (OPO) budget request to restore our training budget that we gave up due to impact of COVID-19 on the 2020-21 budget.

The City Council constantly balances many competing interests in your effort to serve the dynamic needs of the community. I know the community's needs certainly have not slowed during the ongoing pandemic. One of those areas is police accountability. The rapidly evolving landscape of police accountability laws on the state level and the increasing responsibilities placed on civilian oversight requires the OPOC Commissioners and OPO stay engaged with effective practices at the state and national level. In 2022, the OPO will be able to resume attending training from NACOLE conference, the United States Ombudsman Association conference, and the International Association of Chiefs of Police conference on an annual basis. All five OPOC commissioners will also be able to attend the annual NACOLE conference.

I am thankful to you and the entire City Council for your support and commitment to strengthening civilian oversight in Spokane.

Sincerely,

Luc Jasmin, OPOC Chair

**cc: Jonathan Bingle, Council Member
Michael Cathcart, Council Member
Betsy Wilkerson, Council Member
Lori Kinnear, Council Member
Zack Zappone, Council Member
Karen Stratton, Council Member**

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