



# Office of Police Ombudsman Commission

Meeting Agenda  
November 21, 2023  
5:30PM – 7:30PM  
City Council Chambers

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

## Commission Briefing Session:

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

## Items:

5:36 – 6:15pm	1) Guest Speaker	Detective Dave Dunkin
	• Spokane Police Guild President	
	2) Public forum	Citizens signed up to speak
	3) Ombudsman report from September and October	Bart Logue
4) OPO closing reports and recommendations		Bart Logue / Luvimae Omana
	• F22-064	
	• F23-035	

## Commission Business:

6:16 – 7:00pm	1) Closing report recommendations approval	Commissioner Jasmin
	2) Chair and Vice-Chair Elections	Commissioners
	3) NACOLE Annual Conference Recap	Commissioners
	4) December Meeting	Commissioners
	5) Executive Session – Annual Performance Assessment Review	Commissioners

## Adjournment:

The next Ombudsman Commission meeting will be held on December 19, 2023.

**AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION:** The City of Spokane is committed to providing equal access to its facilities, programs and services for persons with disabilities. The Spokane City Council Chamber in the lower level of Spokane City Hall, 808 W. Spokane Falls Blvd., is wheelchair accessible and is equipped with an infrared assistive listening system for persons with hearing loss. Headsets may be checked out (upon presentation of picture I.D.) at the City Cable 5 Production Booth located on the First Floor of the Municipal Building, directly above the Chase Gallery or through the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write, or email Risk Management at 509.625.6221, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or [m\\_lowmaster@spokanecity.org](mailto:m_lowmaster@spokanecity.org). Persons who are deaf or hard of hearing may contact Risk Management through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.



# Office of Police Ombudsman Commission Minutes

September 19, 2023

Meeting Minutes:  
Meeting called to order at: 5:35 pm

## Attendance

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

## Briefing Session

- Agenda – Approved
- August Minutes – Approved

## Items Session

- **Public Forum:**
  - There were no community members signed up to speak
- **Ombudsman August Monthly Reports:**
- 232 contacts, 1 mediation conducted, 1 complaint, 3 referrals, 12 cases certified, 1 case returned for further investigation, 17 special cases reviewed, 11 IA interviews attended
- City Budget opportunities – was able to cut approx. \$11,000
  - Commissioner Rose is beyond frustrated that they have required us to cut our budget which is also very small.
- **OPO Closing Report: F23-009**
  - **R23-06:** In addition to establishing a tracking system which accounts for all uses of force as previously recommended in OPO recommendation 19-03, The OPO recommend that the Spokane Police Department change its current terminology of non-reportable force to non-reviewable force which would reinforce that all force, regardless of severity, is required to be reported on while only a subsection of that force received automatic chain of command subsequent reviews.
  - **R23-07:** The OPO recommend that the Spokane Police Department ensures that parameters regarding the use of approved police techniques and equipment by clearly placed into police or standard operating procedures to ensure that the uses follow Washington State laws governing force, compliance and de-escalation.
  - **R23-08:** The OPO recommend that the use of force review board provide formal feedback to supervisors on departmental guidance when significant differences in critical evaluations occur.

## Commission Business

- **Closing report recommendation approval**
  - R23-06 through R23-08 are Approved
- **Investigation Procedure Discussion**
  - Proposed language Approved
- **4<sup>th</sup> Quarter Meeting Dates**
  - October meeting cancelled

- November meeting will occur on regular date November 21<sup>st</sup>
- December meeting will be decided during the November meeting
- **Commissioner Speak Out**
  - **Rose** – Ride along in NE Precinct, How long should we be without the mayoral appointee. Can we make a language to create a timeline for the appointment
  - **Navarette** – Excited to be back
  - **Jasmin** – Thank-you for all the work. Excited for NACOLE

**Motion Passes or Fails: 5**

**Meeting Adjourned at: 6:47**

**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/>

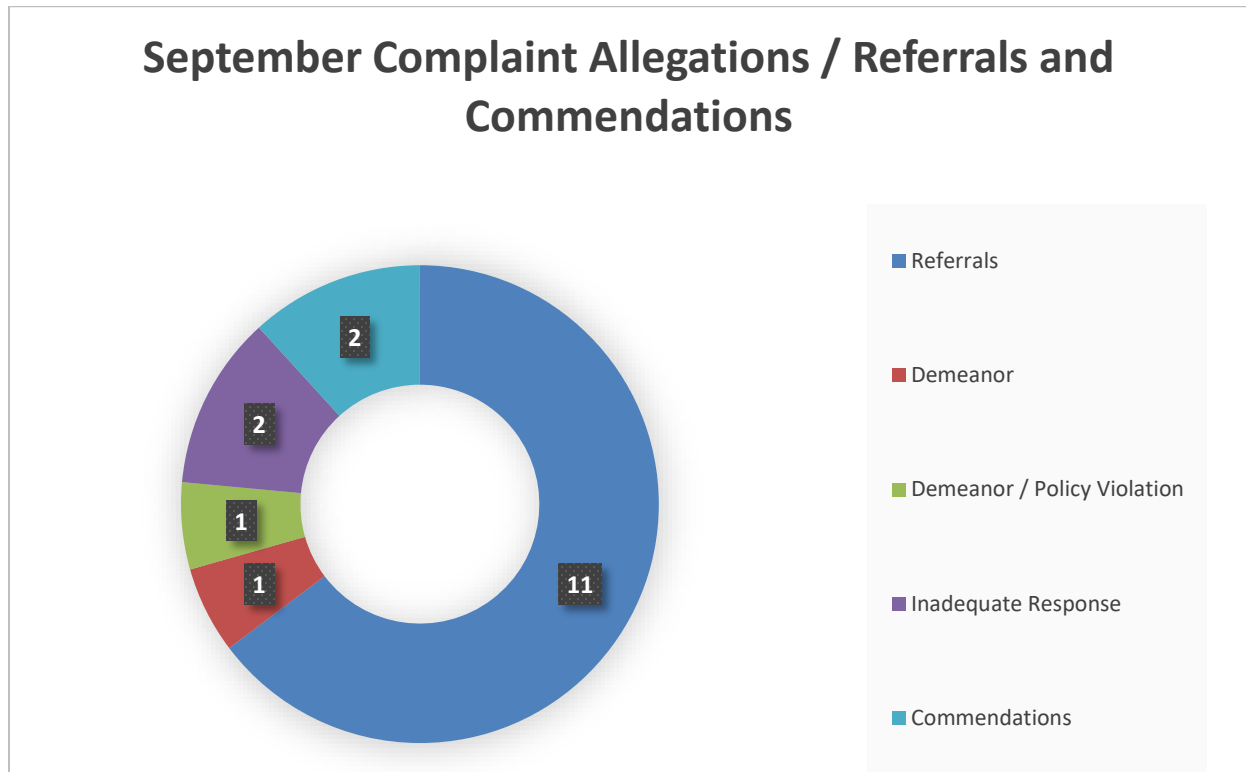


# Office of the Police Ombudsman

## Public Safety & Community Health Committee Report

Reporting Period: September 1 - 30, 2023

### Complaints / Referrals / Contacts



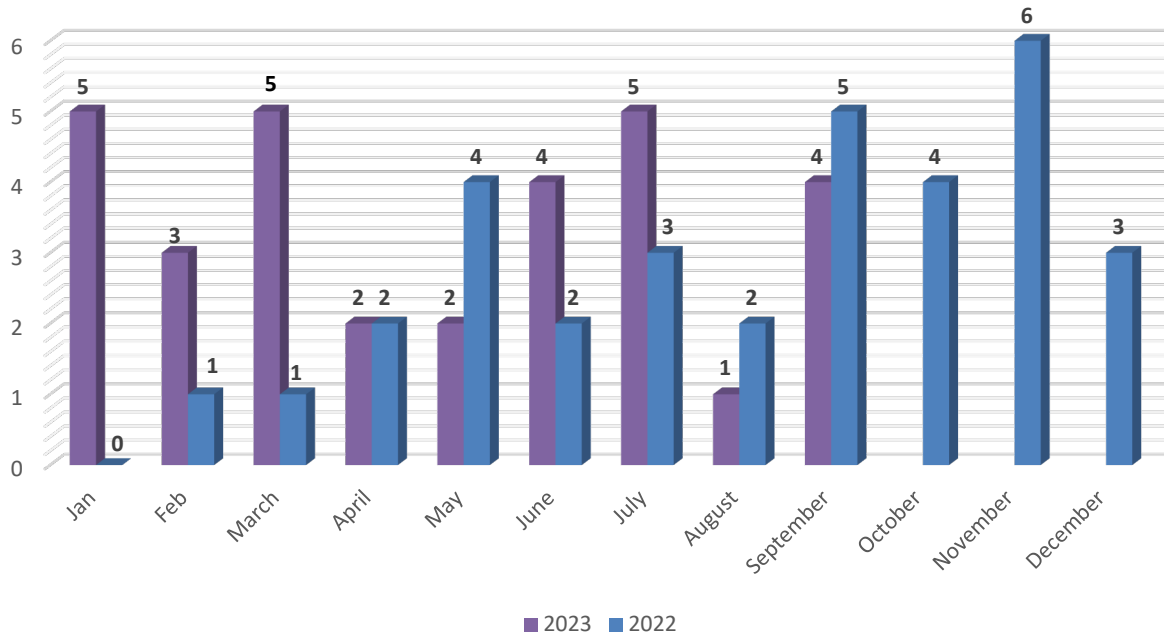
### Highlights:

In September, the Office of the Police Ombudsman (OPO) submitted 4 complaints to Internal Affairs, 2 commendations and 11 referrals to various agencies.

Highlights include:

- OPO 23-36: A community member was concerned about the demeanor shown to the community member during a request to move police vehicles from blocking a business driveway.
- OPO 23-37: A community member was frustrated that a suspect in a shooting death was not being charged.
- OPO 23-38: A community member was frustrated that when their business calls for police assistance their calls for help go unanswered.
- ER 23-40: A community member was frustrated with the inhumane conditions in the jail: Department of Corrections

## Complaints 2022 vs. 2023



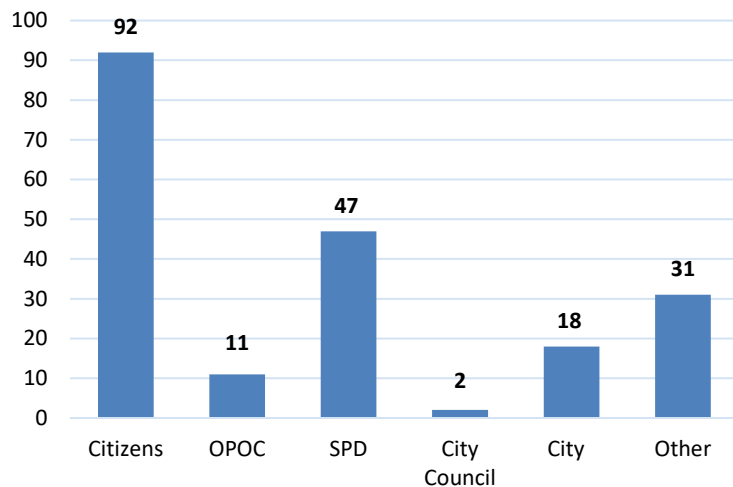
- The OPO has also submitted 10 commendations to SPD in 2023

## Contacts / Oversight:

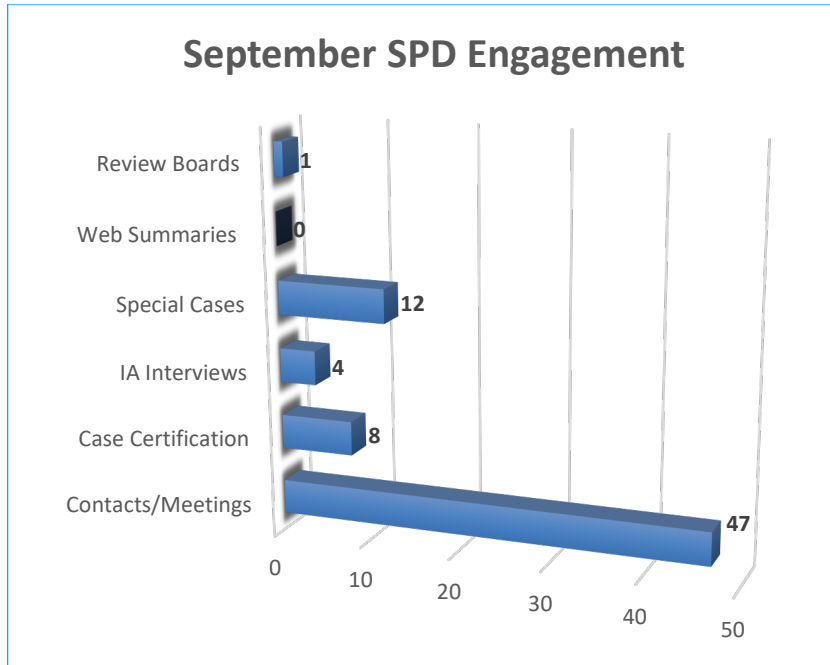
### Contacts / Oversight

- 201 total contacts
- 10 OPO interviews were conducted
- 4 IA contacts
- 47 total SPD contacts

## September Contacts



## Oversight Activities



### Case Work

12 – Cases certified

### Special Cases

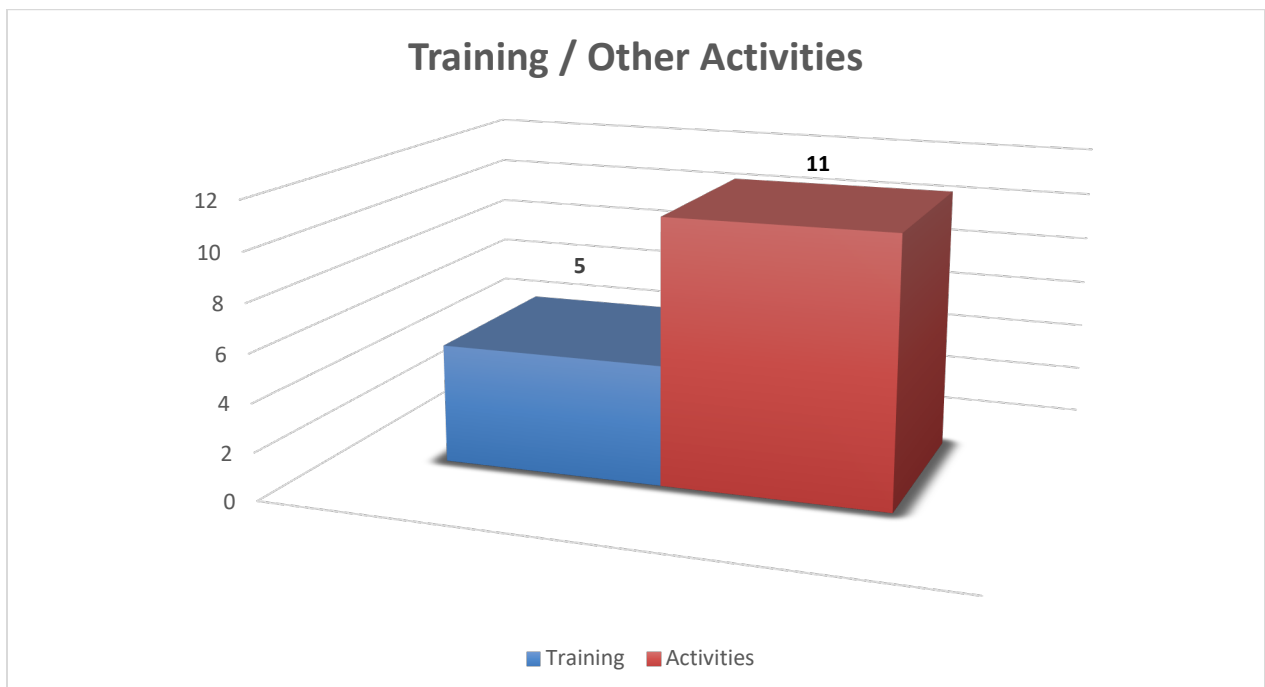
17 Cases Reviewed

- UOF – 11
- K9 – 0
- Collision – 0
- Pursuit – 0

### Review Boards

1 – Use of Force

## Training / Other Activities



## **Highlights:**

- Community Meetings / Events –OPOC Meeting, BLEA Graduation, Celebrate Recovery, City Council Standing Committee, Womens Outreach Meeting
- Oversight / Outreach – Leadership Spokane Board Retreat, NACOLE Board Meeting, 4 Peer Review meetings for NOLA, SPD Review Board Meeting – Use of Force, NACOLE Member Development and Support Committee Meeting, WSCJTC Commission
- Training – Know Be 4 Training, SPD Ride Along (2), NACOLE CPO Certification discussion: Evolution and growth of Civilian Oversight: Key Principles and Practices for Effectiveness and Sustainability, NACOLE CPO Certification discussion: Disorderly (MIS)conduct: The Problem with “Contempt of Cop” Arrests,

## **Upcoming:**

- WSCJTC Committee Meeting
- IACP Annual Conference
- NACOLE Annual Conference
- OPO selected for presentation at NACOLE Annual Conference

Office of the Police Ombudsman Commission Meeting:  
Held virtually, the 3rd Tuesday of every month at 5:30pm

Agendas and meeting recordings can be found at:

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

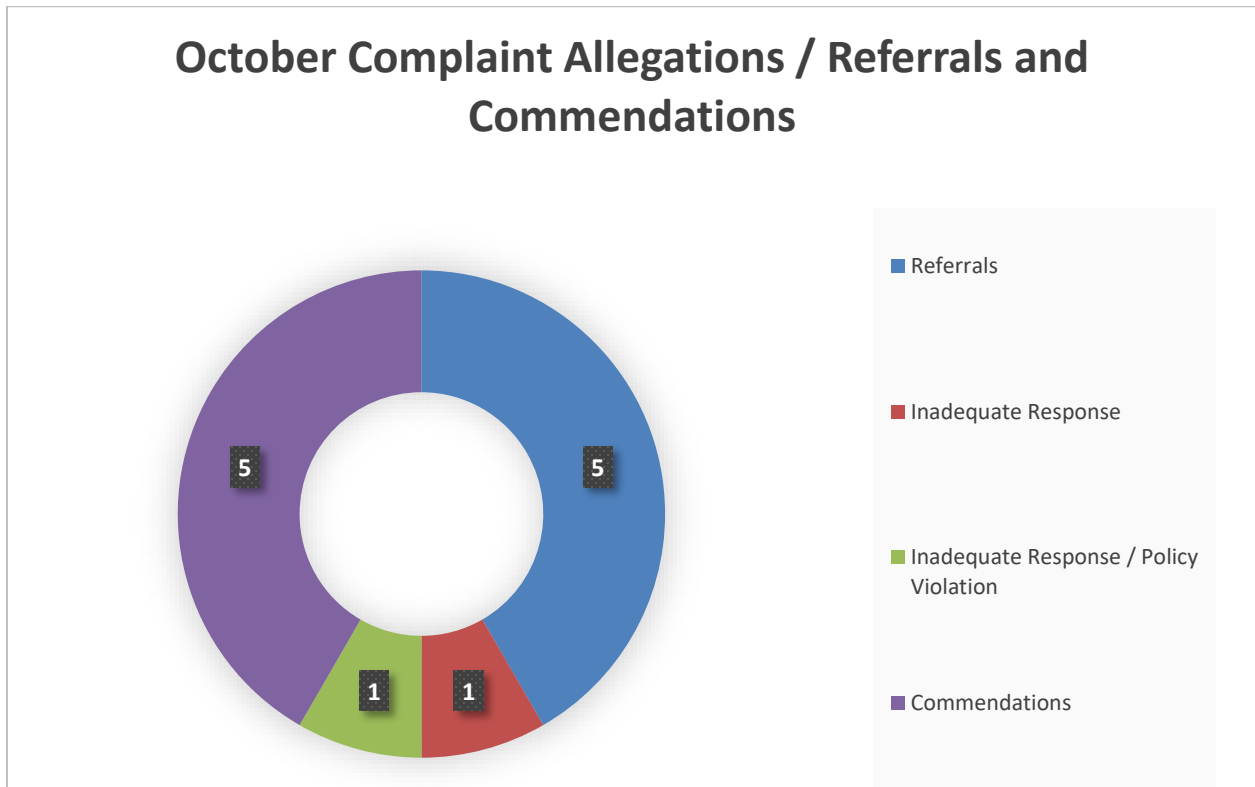


# Office of the Police Ombudsman

## Public Safety & Community Health Committee Report

Reporting Period: October 1 - 31, 2023

### Complaints / Referrals / Contacts



### Highlights:

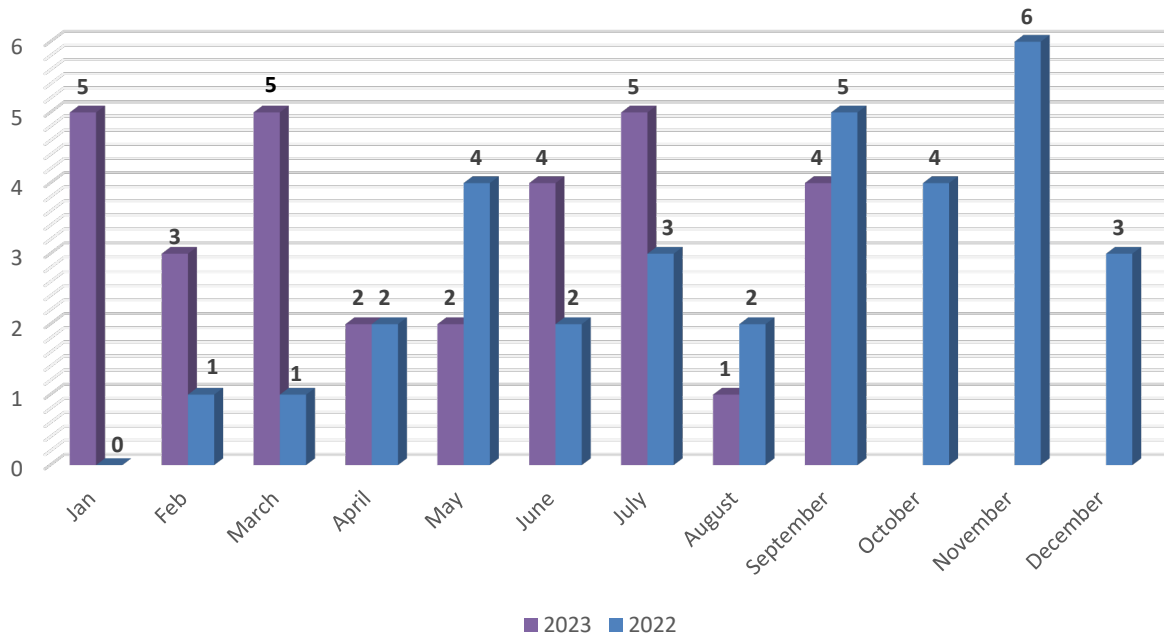
In October, the Office of the Police Ombudsman (OPO) submitted 2 complaints to Internal Affairs, 5 commendations and 5 referrals to various agencies.

Highlights include:

- OPO 23-45: A community member was frustrated with a lack of follow up regarding a burglary on their property.
- OPO 23-46: A community member was frustrated that an officer supported a business owner that was refusing service the community member due to a medical disability.
- IR 23-54: A community member was frustrated that there has been limited traffic enforcement on a major street by Manito Park and that the speeding has become excessive: SPD IA
- IR 23-55: A community member was frustrated that officers won't help them get their truck back due to it being a civil matter: SPD IA



## Complaints 2022 vs. 2023



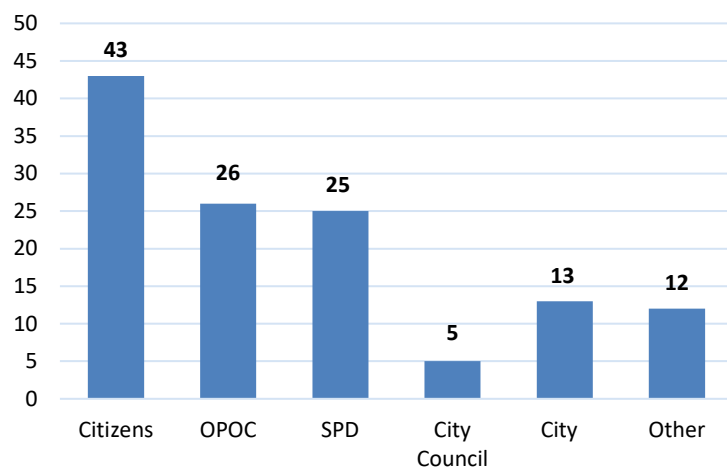
- The OPO has also submitted 15 commendations to SPD in 2023

## Contacts / Oversight:

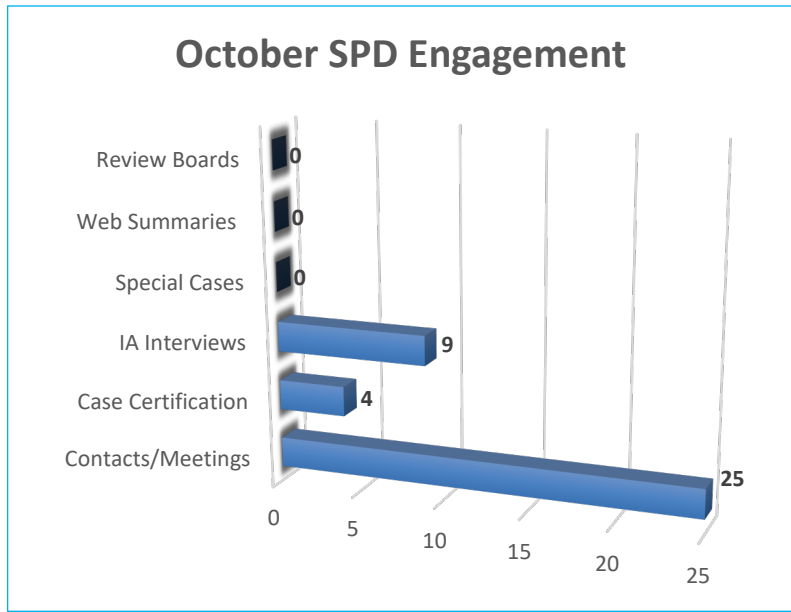
### Contacts / Oversight

- 124 total contacts
- 5 OPO interviews were conducted
- 15 IA contacts
- 25 total SPD contacts

### October Contacts



## Oversight Activities



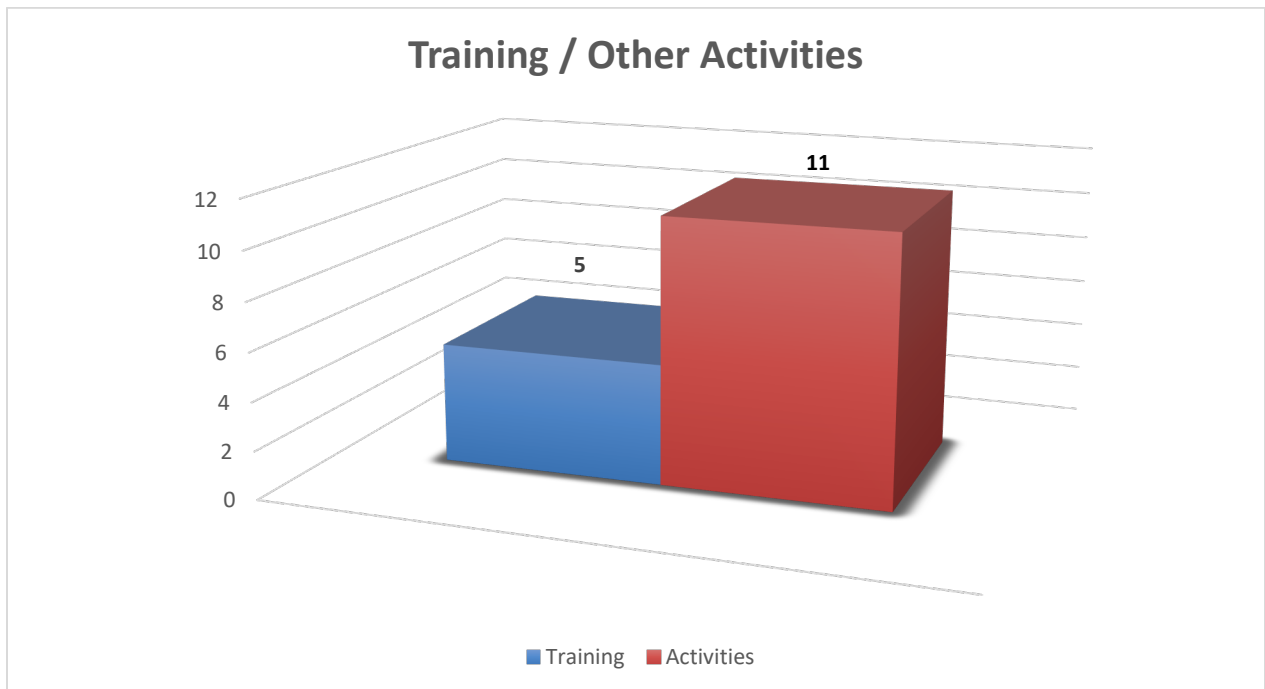
### Case Work

4 – Cases certified

### Review Boards

There were no special cases to review and no reportable review boards attended due to the review boards being cancelled in October.

## Training / Other Activities



## **Highlights:**

- Community Meetings / Events – Northeast Youth Family and Education Services Masquerade Ball and Fundraiser, Women Outreach Meeting, Celebrate Recovery, PSCHC Meeting
- Oversight / Outreach – Meeting with Chief Meidl and Assistant Chief Lundgren, NACOLE Board Meeting, 4 Peer Review meetings for NOLA
- Training – CJIS Annual Renewal Training, Ride Alongs (2), Leadership Training, IACP Conference

## **Upcoming:**

- WSCJTC Committee Meeting
- NACOLE Annual Conference
- OPO selected for presentation at NACOLE Annual Conference

Office of the Police Ombudsman Commission Meeting:  
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# Policy and Procedures Report and Recommendations

F22-064

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OFFICE OF THE POLICE OMBUDSMAN



BART LOGUE | POLICE OMBUDSMAN, *AUTHOR*  
LUVIMAE OMANA | DEPUTY POLICE OMBUDSMAN, *CO-AUTHOR*

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## Mission Statement

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.

## Staff Information

### **Bart Logue**, *Police Ombudsman*

Bart Logue began serving in this capacity in September 2016, after serving as the Interim Police Ombudsman. Bart also serves as a Commissioner on the Washington State Criminal Justice Training Commission. Bart is a Certified Practitioner of Oversight through the National Association for Civilian Oversight of Law Enforcement (NACOLE). 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 a Certified Practitioner of Oversight through NACOLE. 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 and joined the Office of the Police Ombudsman in 2018. Christina is a Certified Practitioner of Oversight through NACOLE. 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.

This document was reviewed by the City Attorney's Office as to form prior to submission for review by the Spokane Police Guild pursuant to the requirements provided in Article 27 of the Agreement between the City of Spokane and the Spokane Police Guild (2017-2021).

## Authority and Purpose

The mission of the Office of the Police Ombudsman (OPO) is to promote confidence and accountability in the members of the Spokane Police Department (SPD). The OPO does so through providing independent and thorough oversight of matters that impact the community and the department. We desire to help bridge the gap between the community and the SPD by writing closing reports in cases that are of public concern to increase accountability and transparency into the matter as well as closing reports that may lead to recommendations for improving police policies or practices. By insisting on transparency, our goal is to help eliminate similar incidents in the future and ensure that the practices contained herein are limited and/or never happen again. It is also our intent to highlight effective police practices to give the community a better understanding as to why those practices were utilized, although this is limited by provisions within the 2017-2021 Collective Bargaining Agreement (CBA).

Spokane Municipal Code (SMC) §04.32.030 and the CBA provide authority for the OPO to publish closing reports on a case once it has been certified by the Police Ombudsman and the Chief of Police has made a final determination in the matter. The OPO can also publish policy and procedure reports regarding cases the OPO reviews during a review board process. The OPO's recommendations will not concern discipline in specific cases or officers and shall not be used in disciplinary proceedings of bargaining unit employees. Reports are solely meant to further discussion on aspects of incidents that may be improved upon.

Reports also provide opportunities for policy and procedure recommendations that can result in improved police performance through their eventual implementation. Writing a report allows us to provide a more thorough review of what occurred in an incident to offer recommendations for improving the quality of police investigations and practices, including the Internal Affairs (IA) investigative process, policies, and training or any other related matter.

The OPO may also recommend mediation to the Chief of Police at any time prior to certifying a case. Should all parties agree and the officer(s) participate in good faith, the OPO may publish a report following a mediation including any agreements reached between parties. Mediations are governed by the Revised Code of Washington (RCW) 7.07. The content of the mediation may not be used by the City or any other party in any criminal or disciplinary process.

## Required Disclosures

Under Article 27 of the current CBA between the City of Spokane and the Spokane Police Guild, this report must provide the following disclosures:

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 follow reflects 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 prohibition 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.<sup>1</sup>

Additional information and records regarding this matter are available through the City Clerk's Office by [Public Records Requests](#).

## Summary

## Procedural History

The incident occurred on December 15, 2022. The incident was reviewed by SPD as a use of force incident for the use of a TASER as specified in SPD Policy 301.2(I). The subject had injuries from being struck by a car as a pedestrian and also sustained apparent injuries from the TASER use including a probe puncture and possible abrasions from falling to the ground, which would also trigger a use of force review. SPD Employee F was the final reviewer and made the final determination on this case on July 18, 2023.<sup>2</sup> The case was reviewed by the Use of Force Review Board in September 2023.

The OPO's summary of facts are based upon a careful review of reports, BWC footage, the chain of command review, and participation in the Use of Force Review Board. This closing report provides an analysis of issues identified through the chain of command review and review board processes, which allow for a policy and procedures report.

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<sup>1</sup> In addition to not mentioning officer or witness names, every effort was made to remove identifying pronouns throughout this report. The same standard was used for the complainant and involved persons.

<sup>2</sup> Per the agreement between the City and the Police Guild in the current CBA, the OPO is prohibited from mentioning whether the officer(s) acted properly, whether the officer's actions were acceptable, or whether or not the officer's actions were in compliance with training or policy. As such, the final determination by the chain of command cannot be mentioned.

## OPO Summary of Facts

### Incident

On December 15, 2022, at approximately 6:30am, SPD Employee A was one of several units dispatched to a collision involving a vehicle and pedestrians. The pedestrian, the subject of this incident, had been on a bicycle when they were struck by the vehicle. Upon arrival, SPD Employee A was directed to ascertain the identity of the subject. The subject initially identified themselves as "'God' and that [their] eyes could heal the world,"<sup>3</sup> but they eventually provided their actual name. In their report, SPD Employee A reported that the subject appeared to be under the influence of a controlled substance. They were fidgeting around, talking about being God, and did not seem to notice their injuries from being struck by the car. Through their investigation, officers learned that the subject had a restraining order from another nearby pedestrian and other outstanding warrants. Officers arrested the subject for violating a Domestic Violence Order of Protection and brought them to Deaconess Hospital's emergency room (ER) for treatment of injuries they had sustained from the collision.

SPD Employee A accompanied the subject while in the hospital. They reported seeing a small laceration on the subject's leg and minor abrasions to the subject's arms, legs, and the top of the head. The medical staff determined that the subject needed a computerized tomography (CT) scan to check for internal injuries; however, the subject was unable to remain still for the CT scan. They kept sitting up and tried to remove the straps holding them in place. They kept making statements about how they were God and that the CT was going to remove atoms from their brain. The medical staff decided to sedate the subject before proceeding with the CT scan and then transporting them back to the ER. SPD Employee A followed behind as the subject was transported through the hospital. The subject was neither handcuffed nor strapped to the hospital bed. Then, without warning, the subject sat up and leapt from the bed and ran out of the ER. The subject still had medical devices attached to them including a blood pressure cuff and parts of an intravenous drip. They were barefoot and only clothed in boxer shorts during their escape.

SPD Employee A pursued the subject on foot. They reported identifying themselves as police and giving commands to stop several times. They saw the subject run towards the Cooper George apartments. It appeared the subject entered the building, and they feared the subject could attempt to harm an innocent person in their escape attempt. SPD Employee A requested additional units to set up a perimeter and requested a police K9. SPD Employee A spotted the subject in the parking area of the apartment complex. They continued to give the subject commands to stop but the subject did not comply. SPD Employee A then unholstered their TASER "in an attempt to spark it giving [the subject] a warning that force could be used if [they] failed to comply..."<sup>4</sup> SPD Employee A continued pursuit on foot and saw the subject between a dumpster and a chain linked fence. The subject momentarily glanced at SPD Employee A, which SPD Employee A interpreted as the subject was going to take an assaultive position since there

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<sup>3</sup> See SPD Employee A's Field Case Supplement report, case # 2022-20221942 at 1 (December 15, 2022).

<sup>4</sup> *Id.* at 4.

was no way out. SPD Employee A deployed their TASER approximately six to eight feet away from the subject. One TASER probe contacted the subject's back. They took a few more steps before falling to the ground.

SPD Employee A provided the following justification of force in their report:

- The subject posed a threat to citizens in the area. The subject was running towards an apartment complex and high school. Lewis and Clark High School was placed on lockdown due to this incident.
- The subject was not dressed for the weather.
- The subject made statements that they did not want to go to jail today.
- SPD Employee A thought the subject may create an improvised weapon.
- The subject continued to willfully ignore commands.
- Taking the subject into custody in the apartment complex parking lot would have placed the subject in a position of advantage. SPD Employee A would have had to traverse going down some stairs or lose sight of the subject to approach from the driveway.
- SPD Employee A believed the subject to be assaultive when they looked back at them.
- The subject appeared to be in good physical shape. In combination with their erratic movements, this would have made going hands on nearly impossible without additional officers.
- The subject had blood on their hands and feet and going hands on would have exposed SPD Employee A to these potential harmful bodily fluids.

#### Chain of command review

SPD Employee B was the supervisor who reviewed this incident and entered it into Blue Team. Their suggested finding is that the use of a TASER was in policy. They noted the following at arriving at their recommended finding:

- SPD Employee B focused their analysis on a freeze frame of the subject glancing back at SPD Employee A when the subject was between a dumpster and a chain link fence.
- SPD Employee B said based on the action/reactionary gap, special time and place, and perceived threat of an impending assault, the deployment appeared objectively reasonable.

SPD Employee C's recommended finding was that the use of force was in policy. They noted the following at arriving at their recommended finding:

- SPD Employee A was alone in a foot pursuit and closing distance.
- There were uninvolved citizens including Lewis and Clark High School students and family nearby.
- When SPD Employee A made the decision to deploy the TASER, the subject had paused and looked back, giving the appearance that they may assault SPD Employee A.

SPD Employee D's recommended finding was that the use of force was out of policy as a training failure. They noted the following at arriving at their recommended finding:

- There was no indication that the subject physically demonstrates an intent to assault SPD Employee A.
- SPD Employee A's report does not describe any verbal challenges or additional physical posturing as a precursor to an assault aside from the turn to glance back.
- SPD Employee A deployed the TASER at the first opportunity that the subject was in clear range/clear opportunity to use the device.
- SPD Employee A did not reach the threshold necessary to employ the device per SPD policy.
- SPD Employee A conducted themselves professionally and in line with the values of the department during the contact. There is no indication that this application was done with malice or mal-intent.
- SPD Employee D goes on to say, "I am aware of similar instances across the department where a TASER has been deployed for fleeing subjects. This may indicate not only an individual need for additional training, but a broader need to refresh or hone the skills regarding this device department wide."

SPD Employee E's recommended finding was that the use of force was out of policy with a recommended training on justification for proper use of a conducted energy weapon/TASER. They noted the following at arriving at their recommended finding:

- SPD Employee A reported that they knew the subject was unarmed in the hospital but could have armed themselves while out of SPD Employee's sight during the foot pursuit.
- SPD Employee A had the opportunity to view the subject's whole person for over 30 seconds prior to deploying the TASER.
- SPD Employee E agreed with SPD Employee D's assessment that SPD Employee A does not challenge the subject about weapons during the pursuit.
- SPD Employee A says twice in their report that they believed the subject was "going to / likely to" take an assaultive position. They do not articulate whether the subject made any threatening statements or demonstrated any actual assaultive behavior prior to deploying the TASER.
- SPD Employee E viewed the BWC footage on the moment the subject turned their head and shoulders to look at SPD Employee A. They did not believe the subject's behavior would cause a reasonable officer to believe the subject reached the threshold of assaultive behavior justifying the TASER deployment.
- SPD Employee E included an excerpt of the TASER application policy, "The TASER device may be used when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person who is demonstrating non-compliance perceived as assault."<sup>5</sup> Active resistance or mere flight from a pursuing officer, without other known circumstances or factors is not good cause for the use of the TASER device to apprehend an individual.

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<sup>5</sup> See SPD Policy Manual 308.8.4, Application of the TASER Device.

## Policy Recommendations

### Recommendations to Policy and/or Training<sup>6</sup>

#### 1. SPD Policy 301.14 Chain of Command Review of Use of Force

- a. **301.14.1 Supervisor Reporting.** When a supervisor becomes aware of an incident in which there has been a reviewable application of force, the supervisor shall complete a Use of Force Report in a timely manner. In the event a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still required to complete a Use of Force Report. Use of Force reports are required under the circumstances described in Section 301.13 Notification to Supervisors.
- b. **301.14.2 Investigation, Documentation, and Navigation.** When completing a Use of Force Report the supervisor shall take the necessary steps to conduct a thorough investigation. The supervisor shall:
  - i. Respond to the scene, when possible.
  - ii. Review all documentation of the incident and make every reasonable effort to contact all involved officers.
  - iii. Ensure identification of witnesses and other involved parties. When possible conduct civilian interviews of those subjects, including the subject to whom the force was applied, on body worn camera when possible.
  - iv. Ensure the collection of any appropriate evidence when applicable.
  - v. Ensure photographs are taken of all injuries and relevant items such as dirt stains on uniforms, tears in clothing, damage to equipment, etc. Photos shall also be taken when appropriate to document the lack of injury.
  - vi. In the event that the supervisor believes that the incident may give rise to potential civil litigation, the supervisor shall notify the DSO or appropriate command staff member during normal business hours.
  - vii. Attach all incident reports, the CAD incident history, Conducted Energy Weapon downloads, and a link to all officer-worn videos in Evidence.com.
  - viii. Enter force options used by any officer who used reviewable force. List other officers present as witness officers.
  - ix. Provide a brief summary of the incident in BlueTeam and attach a Use of Force Additional form with all other information.
  - x. Provide a brief comment stating whether the use of force was within policy and any possible training issues, unless the involved officer is of an equal or superior rank. If more detailed analysis is needed, include it in the Use of Force Additional report.
  - xi. Forward the Use of Force Report to 'Internal Affairs Group' in BlueTeam.

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<sup>6</sup> The applicable version of the SPD policy for when this incident occurred in January 2021 was the policy version updated September 2020. There are portions of this policy that are no longer in effect in 2023, such as the lateral neck restraint.

**2. SPD Policy 301.14.3 Referral to Internal Affairs.**

- a. The supervisor shall complete a Use of Force Report through BlueTeam. The supervisor shall forward the Use of Force Report through BlueTeam to the Internal Affairs Group and copy each member of the chain of command to include the appropriate Major.
  - b. If upon review of an application of force by an officer(s), the supervisor believes that the application of force could rise to the level of misconduct, or the supervisor sees conduct that could rise to the level of misconduct, the supervisor shall initiate an internal affairs complaint in BlueTeam.
  - c. If the subject of the use of force makes a complaint about the use of force or demeanor of the officer(s) involved in the incident, an Internal Affairs Complaint will be generated in BlueTeam.
  - d. The supervisor shall forward the Internal Affairs Complaint and the Use of Force report through BlueTeam to the Internal Affairs Group and copy each member of the chain of command to include the Chief of Police in the routing.
  - e. Upon initiating an Internal Affairs Complaint for the reasons above, the DSO will be promptly notified through the Chain of Command.
- 3. SPD Policy 302.2 Use of Force Review Board Purpose and Scope.** Use of force incidents are investigated and reviewed by the involved officer's chain of command. The Assistant Chief, or his or her designee, makes the final determination if the officer's actions were within policy. After the final determination, the incident is evaluated and debriefed by the UOFRB to evaluate training, equipment needs, and policy and standard operating procedures (SOPs) in place or practiced department-wide. The UOFRB will not be utilized to recommend discipline or conduct investigations in unresolved use of force incidents.

Training recommendation after a chain of command review

In SPD Employee D's review, they raised the issue that departmentwide training on the use of TASERs on fleeing subjects may be needed. However, upon reviewing the casefile and UOFRB minutes, there does not appear to be any further action taken on SPD Employee D's suggestion and the OPO can find no documentation tracking this training suggestion.

***RECOMMENDATION R23-09:*** *THE OPO RECOMMENDS SPD IMPLEMENT A FORMAL TRACKING SYSTEM THAT ALERTS THE UOFRB, TRAINING ACADEMY, OR APPROPRIATE PERSONS WHEN A RECOMMENDATION FOR TRAINING IS MADE DURING A CHAIN OF COMMAND REVIEW. THIS WILL ENSURE THAT WHEN A NEED FOR A TRAINING OPPORTUNITY IS IDENTIFIED, THE RECOMMENDATION CAN BE TRACKED THROUGH IMPLEMENTATION.*

## Use of force review versus an IA investigation

The SPD policy on chain of command review on use of force are vague on procedures after the first-level supervisor. The Supervisor Reporting Policy, SPD Policy 301.14.1-2, provides a step-by-step list of the first-level supervisor's responsibilities from reporting on scene to entering the incident into BlueTeam. SPD Policy 301.14.2(J), says that the first-level supervisor, "provide a brief comment stating whether the use of force was within policy."<sup>7</sup> The UOFRB Purpose and Scope Policy, SPD Policy 302.2, provides additional clarification on the chain of command review process, "The Assistant Chief, or his or her designee, makes the final determination if the officer's actions were within policy."

Interpreting the policies together, it can be ascertained that SPD policy on use of force reviews only require the chain of command to determine if a use of force was within policy or not. If a member of the chain of command believes any use of force could rise to the level of misconduct, SPD Policy 301.14.3 requires they send the incident to IA for investigation.

A senior SPD official said that policy violations were not necessarily misconduct. The SPD policy manual is unclear on the difference between misconduct and a policy violation. SPD's policy manual provides numerous examples of misconduct in certain policies. For instance, attendance, conduct, and discrimination among others. However, it does not define misconduct. Meanwhile, policies are bright line rules and it is clear whether an officer's conduct is a violation or not. Another senior SPD official said sending every violation of policy to IA for investigation would hurt morale, adding even more ambiguity to SPD's internal system of accountability. Vague and inconsistently applied policies can also be harmful to morale, the department, and the community. As such, I recommend that the language in the policy change "misconduct" to "policy violation."

***RECOMMENDATION R23-10:*** *THE OPO RECOMMENDS SPD UPDATE ITS USE OF FORCE POLICY, 301.14.3, LANGUAGE FROM "MISCONDUCT" TO "POLICY VIOLATION" WHEN MAKING REFERRALS TO INTERNAL AFFAIRS, "IF UPON REVIEW OF AN APPLICATION OF FORCE BY AN OFFICER(S), THE SUPERVISOR BELIEVES THAT THE APPLICATION OF FORCE COULD RISE TO THE LEVEL OF A POLICY VIOLATION, OR THE SUPERVISOR SEES CONDUCT THAT COULD RISE TO THE LEVEL OF A POLICY VIOLATION, THE SUPERVISOR SHALL INITIATE AN INTERNAL AFFAIRS COMPLAINT IN BLUETEAM."*

While the chain of command reviewers are the same in both a use of force review and IA investigation, the procedures in policy are different. One important difference is that under the investigation process, there are procedures in place that notify the officer being investigated of allegations of misconduct. This triggers other due process rights. However, in the current practice of use of force reviews, officers may only receive notice of discipline after the review is complete. Thus, to preserve an officer's due process rights and in accordance with policy, I

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<sup>7</sup> This policy is listed above as 301.14.2(x) due to the automatic list formatting in Microsoft Word.

recommend SPD limit its chain of command findings to “in policy” or “out of policy.” If any supervisor believes an officer’s conduct could potentially be out of policy, they should send it to IA for investigation as SPD policy only includes dispositions on IA investigations.

***RECOMMENDATION R23-11:*** *THE OPO RECOMMENDS SPD UPDATE ITS POLICY MANUAL TO ENSURE PROPER DETERMINATIONS IN REVIEWS. THE CHAIN OF COMMAND REVIEWS SHOULD BE LIMITED TO DETERMINATIONS OF “IN POLICY” OR “OUT OF POLICY.” IF ANY SUPERVISOR DURING A REVIEW BELIEVES AN OFFICER’S CONDUCT IS POTENTIALLY OUT OF POLICY, THEN THEY MUST SEND THE CASE TO INTERNAL AFFAIRS FOR INVESTIGATION.*



## Summary of Recommendations

**Recommendation R23-09:** The OPO recommends SPD implement a formal tracking system that alerts the UOFRB, training academy, or appropriate persons when a recommendation for training is made during A Chain of command review. This will ensure that when a need for a training opportunity is identified, the recommendation can be tracked through implementation.

**Recommendation R23-10:** The OPO recommends SPD update its use of force policy, 301.14.3, language from “misconduct” to “policy violation” when making referrals to Internal Affairs, “If upon review of an application of force by an officer(s), the supervisor believes that the application of force could rise to the level of a policy violation, or the supervisor sees conduct that could rise to the level of a policy violation, the supervisor shall initiate an Internal Affairs complaint in BlueTeam.”

**Recommendation R23-11:** The OPO recommends SPD update its policy manual to ensure proper determinations in reviews. The chain of command reviews should be limited to determinations of “in policy” or “out of policy.” If any supervisor during a review believes an officer’s conduct is potentially out of policy, then they must send the case to Internal Affairs for investigation.

# Policy and Procedures Report and Recommendations

F23-035

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OFFICE OF THE POLICE OMBUDSMAN



BART LOGUE | POLICE OMBUDSMAN, *AUTHOR*  
LUVIMAE OMANA | DEPUTY POLICE OMBUDSMAN, *CO-AUTHOR*

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## Mission Statement

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.

## Staff Information

### **Bart Logue**, *Police Ombudsman*

Bart Logue began serving in this capacity in September 2016, after serving as the Interim Police Ombudsman. Bart also serves as a Commissioner on the Washington State Criminal Justice Training Commission. Bart is a Certified Practitioner of Oversight through the National Association for Civilian Oversight of Law Enforcement (NACOLE). 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 a Certified Practitioner of Oversight through NACOLE. 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 and joined the Office of the Police Ombudsman in 2018. Christina is a Certified Practitioner of Oversight through NACOLE. 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.

This document was reviewed by the City Attorney's Office as to form prior to submission for review by the Spokane Police Guild pursuant to the requirements provided in Article 27 of the Agreement between the City of Spokane and the Spokane Police Guild (2017-2021).

## Authority and Purpose

The mission of the Office of the Police Ombudsman (OPO) is to promote confidence and accountability in the members of the Spokane Police Department (SPD). The OPO does so through providing independent and thorough oversight of matters that impact the community and the department. We desire to help bridge the gap between the community and the SPD by writing closing reports in cases that are of public concern to increase accountability and transparency into the matter as well as closing reports that may lead to recommendations for improving police policies or practices. By insisting on transparency, our goal is to help eliminate similar incidents in the future and ensure that the practices contained herein are limited and/or never happen again. It is also our intent to highlight effective police practices to give the community a better understanding as to why those practices were utilized, although this is limited by provisions within the 2017-2021 Collective Bargaining Agreement (CBA).

Spokane Municipal Code (SMC) §04.32.030 and the CBA provide authority for the OPO to publish closing reports on a case once it has been certified by the Police Ombudsman and the Chief of Police has made a final determination in the matter. The OPO can also publish policy and procedure reports regarding cases the OPO reviews during a review board process. The OPO's recommendations will not concern discipline in specific cases or officers and shall not be used in disciplinary proceedings of bargaining unit employees. Reports are solely meant to further discussion on aspects of incidents that may be improved upon.

Reports also provide opportunities for policy and procedure recommendations that can result in improved police performance through their eventual implementation. Writing a report allows us to provide a more thorough review of what occurred in an incident to offer recommendations for improving the quality of police investigations and practices, including the Internal Affairs (IA) investigative process, policies, and training or any other related matter.

The OPO may also recommend mediation to the Chief of Police at any time prior to certifying a case. Should all parties agree and the officer(s) participate in good faith, the OPO may publish a report following a mediation including any agreements reached between parties. Mediations are governed by the Revised Code of Washington (RCW) 7.07. The content of the mediation may not be used by the City or any other party in any criminal or disciplinary process.

## Required Disclosures

Under Article 27 of the current CBA between the City of Spokane and the Spokane Police Guild, this report must provide the following disclosures:

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 follow reflects 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 prohibition 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.<sup>1</sup>

Additional information and records regarding this matter are available through the City Clerk's Office by [Public Records Requests](#).

## Summary

## Procedural History

The incident occurred on July 11, 2023. The incident was reviewed by SPD as a use of force incident for the intentional pointing of a firearm as specified in SPD Policy 301.2(I). SPD Employee E was the final reviewer and made the final determination on this case.<sup>2</sup> The case was then reviewed by the Use of Force Review Board in September 2023.

The OPO's summary of facts are based upon a careful review of reports, BWC footage, the chain of command review, and participation in the Use of Force Review Board. This closing report provides an analysis of issues identified through the chain of command review and review board processes, which allow for a policy and procedures report.

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<sup>1</sup> In addition to not mentioning officer or witness names, every effort was made to remove identifying pronouns throughout this report. The same standard was used for the complainant and involved persons.

<sup>2</sup> Per the agreement between the City and the Police Guild in the current CBA, the OPO is prohibited from mentioning whether the officer(s) acted properly, whether the officer's actions were acceptable, or whether or not the officer's actions were in compliance with training or policy. As such, the final determination by the chain of command cannot be mentioned.

## OPO Summary of Facts

### Incident

The incident occurred on January 21, 2023. SPD was assisting the Spokane Valley Police Department (SVPD) in the Spokane Regional Safe Streets Task Force (SRSSTF) for reported vehicle thefts. SRSSTF is a multi-jurisdictional drug and gang task force between the SPD, the Spokane County Sheriff's Office, and the Spokane Valley Police Department. The purpose of this task force is to provide a coordinated and concentrated effort to identify, disrupt, and dismantle existing and emerging gangs and mid to upper-level drug trafficking organizations operating in the Spokane County area.<sup>3</sup> SPD and SVPD arrived at the Dick's Sporting Goods' parking lot in the Spokane Valley Mall to try and apprehend three subjects suspected of stealing vehicles.

SPD Employee A observed three subjects walking through the parking lot and reported they appeared to be looking for a car to steal. SPD Employee A was instructed to observe the subjects and be prepared to activate emergency lights in case the subjects needed to be contacted immediately. They witnessed one subject unsuccessfully attempt to open a Subaru car door in the parking lot because the vehicle was locked. The subjects moved out of SPD Employee A's view, but the task force received a report that one of the subjects was seen breaking the window of a Kia Sportage. SRSSTF established probable cause for Attempted Vehicle Theft and Malicious Mischief and decided to attempt to contact and detain the subjects. The subjects were reported to have firearms, so units were advised to proceed with extra precaution at the time of contact. SVPD Employee A directed the task force to contact the subjects once they were north of the TJ Maxx store.

When the subjects passed TJ Maxx, units approached with emergency lights activated on their vehicles. As the units approached the subjects began to run on foot. Two were captured almost immediately. SPD Employee A pursued in their vehicle driving toward Evergreen to an intersection near the I-90 ramps. The remaining subject was seen running over an embankment toward Hobby Lobby and they ended up hiding in a tree. SVPD Employee A made announcements over the public address (PA) system that they could see the subject and directed them to come out. The subject then began to emerge from the tree, near SPD Employee A.

SPD Employee A reported not initially being able to see the subject's hands and they directed their weapon at the subject while commanding them to lay on the ground. When SPD Employee A saw the subject did not have a gun, they moved their firearm to the low ready position and began to negotiate their way down the hill of a steep embankment. They continued to give commands to the subject as they went down the embankment. The subject suddenly moved their hand from their side toward their head area. SPD Employee A reported that they saw this as disregarding their command to keep their hands out to the side. SPD Employee A reported they were not aware if the subject had other weapons and that the subject had disregarded numerous PA commands to surrender. This provided the subject with

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<sup>33</sup> See <https://static.spokanecity.org/documents/opendata/interlocal-agreements/opr-2019-0992.pdf>.



ample opportunity to formulate a plan of action. SPD Employee A pointed their firearm at the subject, reportedly fearing the subject may change to a position of advantage and potentially access a weapon. SPD Employee A gave another command and the subject complied, so SPD Employee A holstered their weapon and promptly took control of the subject's left arm. Within seconds, officers arrived to assist and handcuff the subject. The subject was arrested without further incident.

#### Chain of command review

SPD Employee B was the supervisor who reviewed this incident and entered it into Blue Team. Their suggested finding was that SPD Employee A's actions were in policy. They noted the following at arriving at their recommended finding:

- SPD Employee A started to traverse a steep, rocky, and downward slope while issuing verbal commands to the subject.
- SPD Employee A had no cover or concealment as they approached the subject.
- SPD Employee A appeared to be in the low ready with their weapon drawn as they continued addressing the subject.
- SPD Employee A audibly raised their voice and was more forceful while directing the subject on what to do with their head and hands. While this was happening, SPD Employee A raised their firearm in the direction of the subject until they gained compliance.
- SPD Employee A raised their firearm in conjunction with raising the tone of their voice for seven seconds toward the subject.
- SPD Employee A was at a considerable disadvantage when contacting the subject.
- The subject was laying in tall grass which could have concealed a weapon.

SPD Employee C's recommended finding was that SPD Employee A's actions were in policy but a training failure. They noted the following at arriving at their recommended finding:

- SPD Employee A has had hundreds of firearms training prior to the "on target, on trigger" philosophy.<sup>4</sup>
- SPD Employee A has established a motor program in response to trained stimuli. Their existing motor program will take an even greater amount of training to be overwritten.
- SPD Employee C disagrees that pointing in with a firearm is in compliance with policy. However, this should not a policy violation but a training failure.

SPD Employee D's recommended finding was that SPD Employee A's actions were out of policy/training failure. They noted the following at arriving at their recommended finding:

- Intentional pointing of a firearm of this nature has been documented as a training failure in the past.

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<sup>4</sup> "On target, on trigger" teaches resting a finger on the trigger as soon as one takes aim.

## Policy Recommendations

### Recommendations to Policy and/or Training<sup>5</sup>

1. **“On Target, on Trigger,” is the Spokane Police firearms training philosophy.** Relevant excerpts include:<sup>6</sup>
  - a. “We point the firearm when we have the intention of shooting, although it doesn’t mean that I have to shoot.”
  - b. This is the accepted practice with the Washington State Criminal Justice Training Commission.
  - c. We can now say that an officer pointing the firearm at a subject without the intent to shoot serves no purpose other than placing the officer at risk if they were to have an unintentional discharge. It does not make the officer faster to engage and tends to limit their vision below the muzzle. Officers pointing in with their firearms tend not to de-escalate a situation and the firearm is not a shield, or an exclamation mark.
2. **SPD Policy 301.2(I): Reportable Force Defined.** When the officer is intentionally “pointed in” at a subject with their firearm.
3. **1020.7 Disposition of Personnel Complaints.** Each allegation shall be classified with one of the following dispositions:
  - a. **Unfounded** - When the investigation discloses that the alleged act(s) did not occur or did not involve department personnel.
  - b. **Exonerated** - When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.
  - c. **Not Sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.
  - d. **Sustained** - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.
  - e. **Training Failure** - Deficiency in training was the cause of the alleged act.
  - f. **Closed Due to Mediation** - Is an alternative to the investigation, adjudication and disciplinary process.
4. **SPD Policy 1020.1.1 Personnel Complaints Defined, Closed.** Investigations may be classified as Closed if they meet one or more of the following reasons:
  - a. An allegation of misconduct that is disproven upon initial review (i.e. BWC footage or other evidence clearly disproves an allegation); or
  - b. The Internal Affairs Lieutenant and Police Ombudsman, upon review of a complaint, may agree to the finding of ‘Closed’ for instances where both agree an allegation is Unfounded, Exonerated, Not Sustained, or Training Failure concurrent to the Ombudsman’s certification of timely, thorough, and objective.

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<sup>5</sup> The applicable version of the SPD policy for when this incident occurred in January 2023 was the policy version updated December 2022.

<sup>6</sup> For the full training document, see F23-035 casefile.

## Dispositions

The use of the “Training Failure” disposition is not clearly defined in policy and SPD is inconsistent in its use. This case illustrates the inconsistency in its application. First, when SPD Employee D cited SPD’s previous practice of consistently documenting an intentional pointing of a firearm as a training failure in the past. There is no policy underpinning the rationale for the “Training Failure.” Then, when comparing this case to F22-064, there was similar use of the training failure disposition but with different suggested outcomes. In this case, a member of the chain of command recommended an in policy use of force with a training failure. However, in F22-064, a member of the chain of command recommended an out of policy use of force with a training failure.

SPD needs to clearly define what constitutes a training failure. It is unclear at what point an officer’s conduct should become a policy violation and when it is the department’s failure to train. The SPD policy manual only mentions “Training Failure” twice, both are under Internal Affairs investigations of personnel complaints. It is defined and then is listed as a reason a case may receive the “Closed” disposition. Based on SPD Policy, a suggested finding of “Training Failure” is only appropriate when the chain of command reviews IA investigations and not in use of force reviews. However, it has been SPD’s practice to attach IA investigation dispositions to Use of Force reviews without initiating the IA investigation process.

SPD should only allow officers back on the street who are trained and act consistently with the current firearms philosophy. If an officer was trained under a different firearms philosophy and overwriting the existing motor program will require extensive training, then SPD should be willing to invest that time to ensure officer actions are within policy. If SPD’s training is deficient, then it must take steps to ensure their training is effective. Alternatively, SPD should also be assessing individual officers’ performance if they are still unable to override their motor program after retraining to determine what additional steps need to occur to help the officer.

Continuing to categorize an intentional pointing of a firearm as a training failure could signal that SPD’s training is broken and raises liability concerns. SPD has been following the “on target, on trigger,” firearms philosophy for at least 10 years.<sup>7</sup> Further, there is an annual firearms certification. This could be perceived as an admission that SPD has knowledge about a deficiency in performance but did not do enough to eradicate the deficiency. Worse, it could signal that the department lacks due care in properly training its officers. SPD should be cautious and suggest this disposition sparingly. If an officer is continuing to show a lack of training comprehension, especially after multiple sessions of training, SPD should consider alternative methods to ensure training comprehension and policy compliance.

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<sup>7</sup> See 2013 Training Bulletin #4: Direct Pointing of a Firearm at an Individual – Now Considered a Use of Force (May 23, 2013).

**RECOMMENDATION R23-12:** *THE OPO RECOMMENDS SPD CLEARLY DEFINE THE LIMITS OF A TRAINING FAILURE. WHEN SPD IDENTIFIES A SERIES OF TRAINING FAILURES, THEN IT MUST TAKE THE APPROPRIATE STEPS TO ENSURE IT IS INVESTING THE TIME TO PROPERLY TRAIN ITS OFFICERS. ALTERNATIVELY, IF IT IS THE INDIVIDUAL OFFICER STRUGGLING, SPD MUST IDENTIFY WHAT STEPS ARE REQUIRED TO HELP AN OFFICER UNDERSTAND IMPLEMENT THE TRAINING.*

### Supervisor feedback

The OPO has written on a series of cases that involves supervisor feedback, including F22-064 and F23-009. This case involves at least one supervisor with a differing suggested finding based on their review of the facts. SPD Employee B's review focused more on the facts of the case. For instance, Employee A's lack of cover and intentionally pointing their firearm when the subject did not comply with their commands. However, other members in the chain focused on SPD's philosophy of "on target, on trigger." The IAPro file does not appear to address the supervisors with differing opinions from the final determination.

In the OPO's closing report for F23-009, we recommended, "that the use of force review board provide formal feedback to supervisors on departmental guidance when significant differences in critical evaluations occur." Since issuing that report, the OPO has learned of the informal practices SPD uses in sending feedback to supervisors. In the September 2023 UOFRB, the issue of how supervisors receive feedback after chain of command reviews was discussed. The consensus is that IA sends the chain of command the completed file. However, whether first level supervisors are sent the files and whether any training or coaching occurs, was personality driven. It is the department's duty to create the structure and procedures to ensure consistent supervision. A formal feedback system will ensure all supervisors are current on how the department expects supervisors and by extension officers handle future incidents that implicate similar issues.

The core purpose of an accountability system is to find, address, and prevent officer misconduct. A supervisor who either does not understand policy or is unwilling to critically evaluate conduct can be detrimental to a department's long term success. In 2023, the DOJ's findings report on their investigation into the Minneapolis Police Department MPD, found "persistent deficiencies in MPD's accountability systems, training, supervision, and officer wellness programs, which contribute to the violations of the Constitution and federal law."<sup>8</sup> Accountability needs to be attached to findings as a metric that is tracked. As such, I recommend that SPD emphasize the importance placed upon supervisory determinations.

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<sup>8</sup> [https://www.justice.gov/d9/2023-06/minneapolis\\_findings\\_report.pdf](https://www.justice.gov/d9/2023-06/minneapolis_findings_report.pdf)

**RECOMMENDATION R23-13:** *I RECOMMEND THAT SPD CREATE METRICS TO ENSURE THAT SUPERVISORY AND REVIEW BOARD EVALUATIONS AND DETERMINATIONS ARE TRACKED AND EVALUATED PER REVIEWER TO ENSURE SUPERVISORS AND REVIEWERS ARE UPHOLDING POLICY AND HIGH STANDARDS IN THEIR REVIEW OF POLICE CONDUCT.*

## Summary of Recommendations

**Recommendation R23-12:** The OPO recommends SPD clearly define the limits of a training failure. When SPD identifies a series of training failures, then it must take the appropriate steps to ensure it is investing the time to properly train its officers. Alternatively, if it is the individual officer struggling, SPD must identify what steps are required to help an officer understand implement the training.

**Recommendation R23-13:** I recommend that SPD create metrics to ensure that supervisory and review board evaluations and determinations are tracked and evaluated per reviewer to ensure supervisors and reviewers are upholding policy and high standards in their review of police conduct.