



Photo by James Richman

OFFICE OF THE POLICE OMBUDSMAN COMMISSION 2018 ANNUAL REPORT



OFFICE OF THE
POLICE OMBUDSMAN COMMISSION





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LETTER FROM THE OPOC CHAIR

Mayor David Condon
Council President Ben Stuckart
City Council Members
Office of Police Ombudsman
Chief Craig Meidl

The Office of Police Commission (OPOC) is pleased to share our accomplishments for 2018. The year was marked by change and growth. From January through July, the OPOC functioned with a full commission of 5 commissioners. During the month of June, Commissioner Colleen Gardner resigned. Between July and December 2018, two formal requests to replace Commissioner Gardner were made to city council members that represent northeast Spokane. To date, this commissioner position continues to remain open. While this vacancy prevented us from fully engaging with the community, we dedicated ourselves in continuing towards our Community Outreach goal.

This was a year of firsts. Mr. Logue declined to certify a case involving a citizen complaint against an SPD officer for inappropriate demeanor. It became apparent to him that Internal Affairs (IA) did not adequately investigate the citizen complaint and Mr. Logue requested a more thorough investigation. IA and Chief Meidl refused to investigate the complaint any further. Pursuant to the Spokane Municipal Code, the impasse triggered a review by the OPOC. During the September OPOC meeting, Assistant Chief Lundgren presented SPD's findings to the OPOC. Commissioners made a formal decision that directed Internal Affairs to make a further investigation by:

1. Re-interviewing the complainant.
2. Interviewing the officer involved.
3. Interviewing the two witness officers.
4. Looking for and interviewing any available independent witnesses.

To date, IA has not followed through on the OPOC's directive. Chief Meidl has subsequently questioned the OPOC's authority to review this matter.

Increasingly throughout the year, there were deep concerns about the Spokane Police Department impeding the work of the Office of Police Ombudsman, and the OPOC Examples include the following:

1. The Administrative Specialist, Christina Coty, was denied access to the IAPRO data base. Ms. Coty's access to this data base is crucial in completing her daily tasks.
2. Despite signed confidentiality agreements with all commissioners, SPD denied Commissioner James Wilburn access to cases that would help bring a better understanding of race relations between SPD and African American citizens of Spokane. SPD sent a letter to the OPOC implying that the commission was overstepping its authority. The cases were requested in May of 2018 and received in June 2019.

With these examples in mind, the OPOC filed a complaint against SPD Chief Meidl for continuous interference of the OPO's independence. Additionally, on Christmas Eve, the OPO and OPOC received a letter from Joan Butler, Chair of the Police Advisory Committee, indicating a perceived conflict of interest with any OPOC commissioners or OPO staff continuing to attend monthly PAC meetings. The timing aligned with other areas of disagreement between SPD and OPO/OPOC. I consider this action to be a retaliatory move by SPD.

The above challenges have made it extremely difficult for the OPO and OPOC to effectively achieve the goals set forth by the Spokane Municipal Code. Collaboration between the SPD and OPO has been stymied and this impacts potential change in SPD's policies and procedures.

The year included several successes. Use of Force Dashboards was introduced and adopted by the OPOC in order to provide more transparency on the uses of force that occur in the community. Our January meeting was well attended by the Native American community. They were able to voice their anger and frustration over SPD's insensitive handling of the shooting death of Joshua Spottedhorse. At our June meeting, Chief Meidl presented a revised Use of Force Policy that emphasizes restraint and time management. During the month of October, we held an all-day OPOC/OPO retreat. This event was attended by all commissioners, all OPO staff and OPOC legal counsel. Mr. Logue was able to secure the president of NACOLE to facilitate the retreat. This was an excellent opportunity to strengthen OPO/OPOC relationships and determine our priorities as a commission.

Commissioners attended a variety of trainings including the annual NACOLE meeting in St. Petersburg, FL. Along with staff from the OPO, we attended a multitude of workshops and took opportunities to network with other commissioners around the country striving to implement best practices in police oversight.

In conclusion, despite many challenges, the OPOC is excited to move forward in a positive direction. The recommendations put forth in this report are truly a desire to help SPD become a more transparent and community oriented organization. Despite pushback from SPD in 2018, the OPOC is committed to reassuring the public that the OPOC will diligently work towards increasing the professionalism and accountability of the SPD.

Respectfully submitted,



Ladd Smith
Chair

COMMISSIONERS

Ladd Smith, Chair (August 2015 – Present)

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

Jenny Rose, Vice Chair (September 2015 – Present)

Jenny has been in the education field for over 25 years. She has a B.A. in elementary education from WSU and a M.A. in Curriculum and Instruction from EWU.

Colleen Gardner (September 2017 – May 2018)

Colleen is the Chief Garry Park Neighborhood Council co-chair, the Community Assembly representative for her neighborhood, facilitator for the District 1 Leadership group, and is a member of the North South Corridor Steering Committee, The Central City Line steering committee, facilitates the Community Conversations with local law enforcement, and is an Advisory Board member of the Community Court Northeast.

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 is currently a member of the Mayor's Advisory Council on Multi-Cultural Affairs He has also served as President for the NAACP Spokane Branch from 2008-2010.

Elizabeth Kelley (November 2017 – Present)

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

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

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

OFFICE OF THE POLICE OMBUDSMAN COMMISSION

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Monthly meetings every 3rd Tuesday, unless otherwise indicated.

Mission

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



ANNUAL REPORT

STATUTORY AUTHORITY

This OPOC Annual Report is a compilation of the work performed by the OPOC in 2018. The annual report is a requirement of §04.32.150 of the Spokane Municipal Code (SMC), and includes: a summary of the activities of the OPOC's activities, findings, and recommendations during the preceding year; a summary of the OPO's recommendations for changes to the police department's policies, procedures and training during the preceding year; and an evaluation of the work of the OPO.

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

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

I. SUMMARY OF OPOC ACTIONS AND DEVELOPMENTS

2018 was a year of growth molded by achievements, push-backs, and multiple attempts to ignore or challenge the governing ordinance. The Commissioner position from District 1, formerly held by Commissioner Gardner, has remained vacant for over a year. In January, the OPOC retained Dennis Hession to act as their legal counsel for the 2018 year.

Commissioners remained active in the City and in the community attending over 90 events and trainings throughout the year. Commissioners held 5 regular meetings and 6 special meetings, including a retreat facilitated by Brian Corr, the president of NACOLE (National Association for Civilian Oversight of Law Enforcement). Throughout the year, Commissioners held meetings with the Ombudsman, Mayor Condon, City Council President Stuckart, Council Members, City Legal, and Police Chief Meidl.

ACTION #1: OPO AND FIRST FLOOR SPACE DESIGN

Summary: During the renovation of the first floor of City Hall, it was brought to the OPOC's attention that the Administration had plans of altering the space that would negatively impact the OPO and the services it provides to the citizens. The proposed plans included reducing the OPO's office space by half and turning the other half into a break area for employees on the first floor or a meeting room and converting the City Conference Room 1-A into two separate phone booths.

Outcome: While the renovation continued on the south side of the building, the OPO managed to retain its existing office space and its use of City Conference Room 1-A for confidential meetings.

ACTION #2: OFFICER INVOLVED SHOOTING COMMUNITY IMPACT CASE

Summary: On December 26, 2017, SPD was involved in an Officer Involved Shooting (OIS) in response to a fleeing suspect from an armed robbery. The Ombudsman, was not notified of the incident as prescribed by the Spokane Municipal Code and an ongoing practice of doing so. This OIS led to outcry from the local Native American community.

Outcome: The Ombudsman has since been notified of subsequent OIS incidents and invited to conduct a scene walkthrough. The OPOC's January 2018 meeting was the most attended in recent memory. The feedback received during the community forum portion of this meeting eventually led to SPD holding a series of community forums with the Native community at the Native Project to help bridge the gap with SPD.

ACTION #3: CRIME SCENE BARRIERS

Summary: In response to the OIS on December 26, 2017, part of the community's concern was that the deceased was left exposed in public view for an extended period of time. The OPOC reinforced to SPD the need for screens in every patrol vehicle or that every patrol officer would have access to in order to shield an exposed body of a deceased individual from the public's view.

Outcome: SPD ordered shields and received them as of April 2018. The shields are deployed when there is a scene where a body may be easily viewed by the public.

ACTION #4: COMPLAINT AGAINST CHIEF MEIDL

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

Outcome: Complaint is pending.

ACTION #5: OPOC REVIEW OF OPO #18-32 / C18-055

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

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

ACTION #6: CHANGING SPOKANE MUNICIPAL CODE §04.32.140(B)

Summary: The OPO recommended removing the RCW warning given to complainants when they file a complaint. This is currently provided in the SPD's complaint form and investigators advise interviewees prior to the interview. Removing the advisement is consistent with the Department of Justice's position that coming forward with a complaint should be an easy and simple process and that the widest net should be cast at intake to receive all complaints from all possible sources. In Chief Meidl's response on October 30, 2019 to the recommendation, not only did he disagree with the recommendation, he pointed out that under SMC 04.32.140(B), "The OPO shall notify complainants that they can be charged with a criminal gross misdemeanor for making a false misleading material statement pursuant to SMC 10.07.020." The OPO should have the ability to determine whether providing an advisement is necessary, if at all. As such, the OPO requested City Council amend SMC 04.32 to change "shall" to "may" notify complainants they may be charged.

Outcome: In January 2019, the City Council voted on and passed changing 04.32.140(B) from "shall" to "may." SPD also agreed to reduce the number of advisements, either on the form or at the time of interview, to no more than one.

ACTION #7: FULL-TIME ADMINISTRATIVE SPECIALIST POSITION

Summary: The OPOC Administrative Specialist position is currently a part-time (.6) position. The Commission requested that under SMC 04.32.160, the City Council shall maintain necessary funding to appropriately staff the Office of the Police Ombudsman and the Commission. This includes adequate staff to enable the Police Ombudsman to perform required duties and responsibilities of the office as well as providing staff assistance to the Police Ombudsman Commission. This would require a budget increase of \$23,693 to make the position full-time. The Commission sent a letter requesting these funds be added to the budget and the position be adjusted accordingly.

Outcome: The position was not approved for the 2019 budget cycle. Securing a full-time position is the Ombudsman's highest priority and the OPOC will continue to support the work on finding a path forward.

II. COMMUNITY ENGAGEMENT

Commissioners are consistently looking for ways to become engaged with the community. In 2018, Commissioners attended, participated, and presented at over 78 meetings and functions.

Some of these events included:

- The Police Advisory Committee
- Spokane Homeless Coalition
- The Bail Project
- Native Project Community Forum
- Coffee with a Cop
- Community Assembly
- MLK Center Grand Opening
- Unity in the Community
- SPD Foundation Breakfast
- SCAR Meetings
- Gathering at the Falls Powwow
- Kwanza Unity Celebration

III. TRAINING

Training opportunities continue to be an area of focus for the Commissioners. The Commission continually pursues updated training in civilian oversight including the following: NACOLE Annual conference, NACOLE Regional conference, NACOLE Webinars, Daigle Law Group – Use of Force Summit, Diversity training, and the Spokane Police Department Citizen’s Academy.

The Commissioners agreed that it was important to come together in order to focus on the most important issues in our community. This led to the OPOC retreat being held in October. From this retreat the Commissioners identified priorities and goals moving forward. The Commission used this platform to expose each person’s passion and bring attention to relevant areas in policing. The Commission also stay relevant to the community’s needs so that OPOC meetings can be a place where the community will convene to voice concerns in policing. The Commission also committed to help ensure the safety of our community; invite community groups to speak with the OPOC; ensure the Commission retains an independent voice; work with the OPO to educate and conduct outreach, be more proactive in community impact cases or issues, and continue to support the OPO’s initiatives.

IV. RECOMMENDATIONS AND FINDINGS

2018 RECOMMENDATIONS

The Ombudsman provided 5 recommendations to SPD related to policy and/or training. The subject matter of recommendations made included:

RECOMMENDATION #1: CRIME SCENE SHIELDS

Summary: The Ombudsman recommends that SPD refresh or implement a practice of shielding bodies of the deceased at the scene of the incident. SPD should also have a policy that diverts traffic when a deceased subject may be in public view.

Status: Implemented. The Chief requested shields be ordered. As of April 2018, the shields are deployed when officers respond to a scene where a body is located in a place that may be easily viewed by the public, so long as the screens do not compromise the integrity of the crime scene.

RECOMMENDATION #2: EVIDENCE RELEASE PROCEDURE

Summary: The Ombudsman recommends that the Property Unit update the letter it sends to citizens to better identify the property at issue and update its standard operating procedures to provide citizens the option of picking up property or have the Property Unit destroy it.

Status: Partially Implemented. The form letter has been updated to include the date of the incident. However, no action is being considered on providing citizens an option on how to release or dispose of the property due to the volume of release forms Property sends out every year.

RECOMMENDATION #3: USE OF FORCE DASHBOARDS

Summary: The Ombudsman recommends SPD collaborate with the OPO in implementing Use of Force dashboards in order to provide more transparency on the uses of force that occur in the community.

Status: In Progress. Internal Affairs provided the data required to build the dashboards. SPD is also working with the contractor to provide feedback on data collected to ensure reporting is accurate and providing input for outward facing dashboards.

RECOMMENDATION #4: SAFEGUARDING BODY WORN CAMERA EVIDENCE

Summary: The Ombudsman recommends that SPD review all investigative cases that involved body worn cameras (BWC) to ensure proper safeguarding during an investigation and the prescribed retention period.

Status: Completed. The Director of Strategic Initiatives created a new category that ensures all BWC related to ongoing IA investigations are not purged in accordance to Washington State Archives records and retention schedules for IA investigations.

RECOMMENDATION #5: SWORN STATEMENT REQUIREMENT

Summary: The Ombudsman recommends SPD remove the requirement that complainants submit essentially a sworn statement with their complaint by acknowledging that making false or misleading material statement is a gross misdemeanor and investigators remove a similar advisement prior to conducting an interview.

Status: Partially Implemented. The Chief did not consider action for removing the requirement that complainants acknowledge making a false or misleading material statement but said one advisement was sufficient.

V. EVALUATION OF THE OFFICE OF POLICE OMBUDSMAN

Overall the OPOC is pleased with the performance of the OPO. Mr. Logue has a tremendous focus and strategic vision for the OPO and he has consistently displayed a depth of care about the reputation of both the OPO and the OPOC. Noteworthy in 2018, the OPO was able to take very difficult conversations about Officer Involved Shootings with the Chief of Police and change them into collaboration in updating and reforming the Spokane Police Department's Use of Force policy. The OPO was also successful in their initiative with the forthcoming Use of Force Dashboards in an effort to make use of force data more user friendly and interactive for citizens. The Police Ombudsman and Administrative Analyst attended the Spokane Police Department Reserve Academy over a 16 week period, fulfilling the training requirements set forth by SMC 04.32. The OPO has also been relentless in maintaining the authority provided to them in SMC 04.32 despite tremendous pushback and complacency of the City to that pushback.

The scope of work in the OPO has been increasing. In addition to responding to 1534 citizen contacts, the OPO conducted 187 interviews with citizens who had concerns with the SPD and had requested Ombudsman personal intervention. The Ombudsman attended and participated in 141 officer and complainant interviews in SPD; attended 302 meetings in SPD; and attended 102 public meetings with community stakeholders and community groups. The complaint process also saw a significant increase in utilization. The OPO oversaw 64 complaints against SPD brought into the OPO, and 50 Complaint Referrals to other agencies. Mr. Logue was relentless as he pursued the creation, funding, and implementation of the Administrative Analyst position. He continues in that effort as he put together well thought out and reasonable budget papers to the City Administration for 2019, which would increase the position from part-time to full-time. We urge the City to look favorably on this request.

The OPO's efforts at reforming the Spokane Police Department's Use of Force policy cannot be understated. The Police Ombudsman, along-side Chief Meidl, announced this collaboration in an unprecedented manner to the community in front of the OPOC. The OPO was instrumental in Police Chief Meidl's Use of Force policy reform initiative by serving on the Chief's policy committee. The committee was responsible for reviewing the current policy, identifying areas to update, and coming up with suggested verbiage. Further, when asked by Chief Meidl, the OPO took on the additional responsibility to craft a progressive Use of Force policy for his consideration. After an in-depth study of 100 Use of Force policies from around the country and meeting with other oversight practitioners, the OPO pieced together a policy using well informed recommendations that would greatly strengthen the proposed revised policy if utilized.

The Police Ombudsman was steadfast and determined in ensuring the OPO's access to Internal Affairs was consistently improving and focused heavily on proper complaint intake, classifications, and investigations. This caused him to be disruptive regularly as he diligently worked with Internal Affairs to improve investigations, ensure complaints were properly classified; as well as properly reviewed. Mr. Logue has performed commendably as he balanced between collaboration and pushback and has been very effective in this regard.

The Police Ombudsman has clearly shown that the mission of the OPO is his priority, and he regularly spends an inordinate amount of after-hours time ensuring tasks are completed, and completed thoroughly and properly. Mr. Logue has often had to defend his opinions and the actions of the office in public meetings; often times face to face with opposition from the police department and community members. He is steadfast in his resolve and he has proven that he will not back down no matter the intensity of the pushback from the police department. His courage and commitment to stand up for what is right no matter what defines him as an excellent Ombudsman. We look forward to working with him and continuing to strengthen the OPO in 2019.



FAQ Office of Police Ombudsman Frequently Asked Questions

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

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

2. How do I file a complaint?

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

3. Is there a time limit?

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

4. Is there a cost involved?

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

5. Can I compliment an officer?

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

6. How is the investigation handled?

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

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

7. Will I know the results?

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

8. What problems does the Ombudsman deal with?

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

9. Are there matters that cannot be investigated?

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

10. Can the Ombudsman get my charges dropped?

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

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

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

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

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



City of Spokane Office of Police Ombudsman

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