



# Office of Police Ombudsman Mid-Year Report

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*Reporting Period: January 1 – June 30, 2011*

The Office of Police Ombudsman mid-year report provides information about police misconduct complaints. The report presents data on the number and classification of OPO complaints filed, with a comparison to the previous year. There are charts showing the percentage of cases closed with different type of findings and information about use of force complaints and applications. This report includes information for the first six months of 2011 (January 1 – June 30).

## PERSPECTIVE

In the first sixth months of 2011, Officers from the Spokane Police Department made a minimum of **63,318 contacts** with individuals in the community. These contacts resulted in:

- 2,053 Arrests;
- 1,246 Warrants Being Served;
- 8,451 Citations Being Issued.

These numbers are intended to provide a perspective on the number of public contacts made by members of the Spokane Police Department during the reporting period. These numbers **are not intended** to minimize the significance of complaints made against officers and received by the Office of Police Ombudsman or the Spokane Police Department's Internal Affairs Unit.

## OMBUDSMAN FINDINGS

In the first six months of 2011, pursuant to Spokane Municipal Code Section 04.32.030, the Office of Police Ombudsman certified 23 Internal Affairs Unit investigations as timely, thorough and objective.

This total includes five investigations (four citizen-generated, one internally-generated) that were initiated in 2010 and closed in 2011.

**There were no declined certifications issued in the first six months of 2011.**

**There were no appeals for additional investigation or reclassification in the first six months of 2011.**

## INTERNAL AFFAIRS INVESTIGATIONS

In the first six months of 2011 the Spokane Police Department Internal Affairs Unit received 62 complaints. Pursuant to Spokane Municipal Code Section 4.32.030 (E), 27 of those complaints were classified by Assistant Chief Nicks as Investigative Inquiries. The remaining 35 were classified as formal complaints and were investigated, mediated, or are in the process of being investigated

### INTERNAL COMPLAINTS

In the first six months of 2011, 6 of the 35 complaints assigned for formal investigation were internally generated (typically by police supervisors). These complaints involved one civilian employee, two Senior Police Officers, two Detectives and one Corporal.

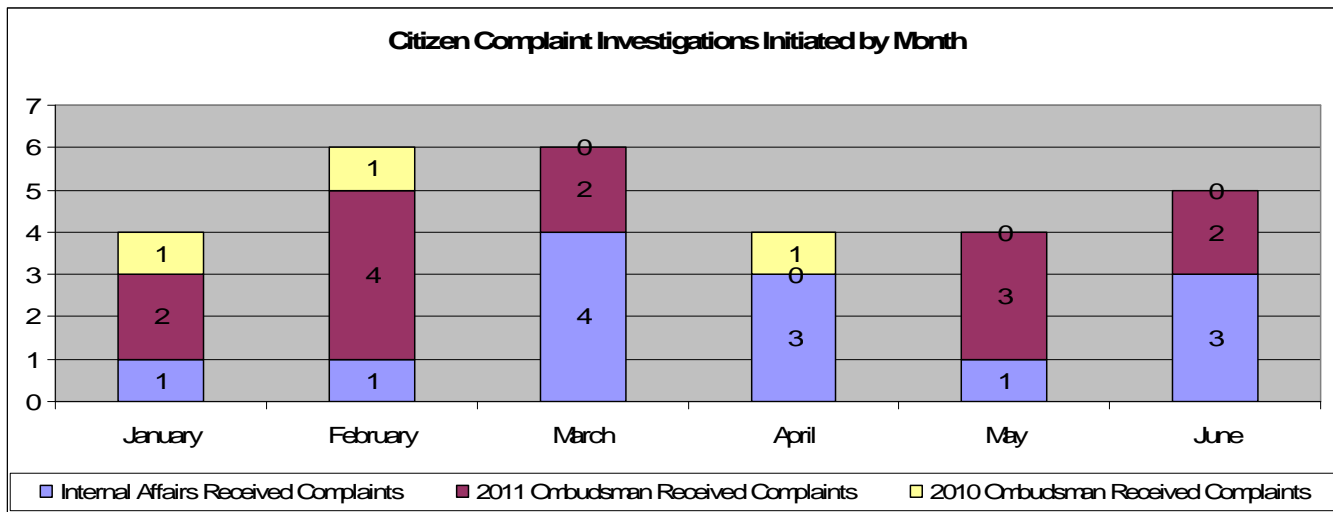
Internal complaints included allegations of Inadequate Response, Mobile Digital Device (Use While Driving), Insubordination, Obstruction, and Unlawful Search/Use of Informant.

**One internally generated complaint was Sustained, one complaint was Exonerated, one complaint was Not Sustained, and an additional complaint was Sustained but attributed to a training failure.**

**Two internally generated complaint investigations remained open as of June 30, 2011.**

### CITIZEN COMPLAINTS (including OMBUDSMAN RECEIVED COMPLAINTS)

Twenty-nine of the 35 complaints assigned for formal investigation in the first six months of 2011 were generated by citizens. Fifty-five percent of those complaints originated through the Office of Police Ombudsman (sixteen total; 3 from 2010 and 13 from 2011).



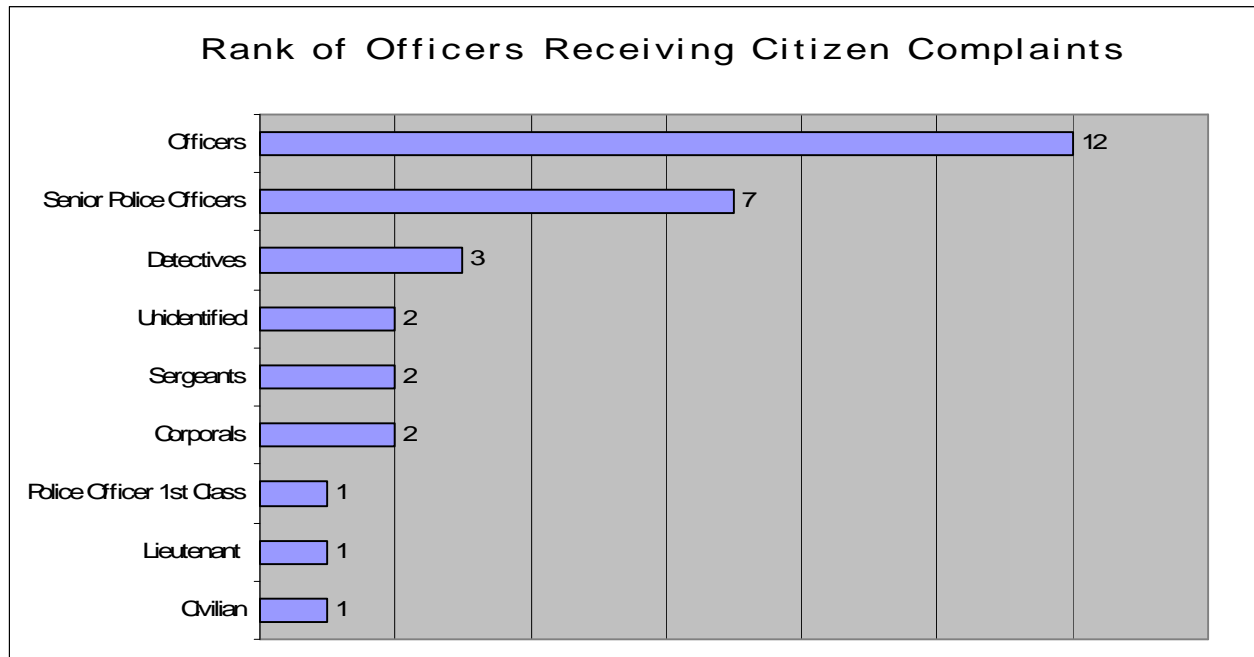
***PRIOR YEAR COMPARISON:** During the same period last year (January 1, 2010 to June 30, 2010), 49 investigations were initiated in response to citizen complaints. Twenty-eight of those complaints, approximately 65%, originated through the Office of Police Ombudsman.*

The 29 citizen complaint investigations initiated during the 2011 mid-year reporting period involved 31 employees of various rank (see next page).

Five officers were the subject of more than one citizen complaint investigation during the first six months of 2011. Of these, three officers received three complaints from separate citizens and two officers received two complaints from separate citizens. One additional officer (a sixth) was the subject of one internally generated complaint investigation and one citizen complaint investigation. Demeanor was the most common allegation against officers with more than one citizen complaint.

**No officer received more than one Sustained finding as a result of these investigations.**

**No officer received more than one allegation for use of Excessive Force.**



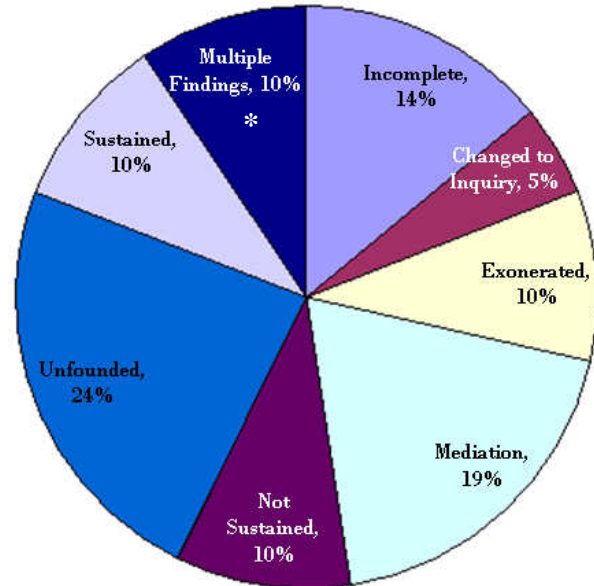
*PRIOR YEAR COMPARISON: From January 1, 2010 to December 31, 2010 the rank of Senior Police Officer received the highest number of citizen complaints and Officers received the second highest number of citizen complaints when compared to other ranks within the department for the entire year (data is not available for the mid-year point of 2010). Current 2011 statistics show Officers receiving the highest number of complaints and Senior Police Officers receiving the second highest number of citizen complaints.*

*A reporting change by the OPO may contribute to this reversal as the 2010 Office of Police Ombudsman Annual Report considered each complaint separately when determining the number of complaints received by each rank within the Department. As a result, employees involved in more than one citizen complaint investigation were counted multiple times towards complaints received by their rank. Within this report and future reports, employees will be considered once when analyzing complaints by rank with a separate analysis section concerning members involved in multiple complaint investigations.*

### Citizen Complaint Resolution

In the first six months of 2011, citizen complaint investigations resulted in the following findings:

- Three complaints were Incomplete (previously Administratively Suspended)
- One complaint was Changed to Investigative Inquiry
- Two complaints were Exonerated (previously Proper Conduct)
- Four complaints were resolved through Mediation
- Two complaints were Not Sustained
- Five complaints were Unfounded
- Two complaints were Sustained (previously Improper Conduct)



\*Two complaints (containing multiple allegations) had more than one finding. Those complaints each included one allegation that was determined to be Unfounded and one allegation in which the involved officer was Exonerated.

Eight citizen complaint investigations remained open as of June 30, 2011.

### Ombudsman-Received Complaints

During the first six months of 2011, the Office of Police Ombudsman was contacted 226 times for a variety of reasons. Of the 226 contacts, 34 were forwarded to the Internal Affairs Unit for classification and assignment; 16 of those were classified as Investigative Inquiries, 13 were sent forward for formal investigation, 2 were referred to outside jurisdictions, and 3 were pending classification as of July 1, 2011.

The 13 Ombudsman-received complaints assigned for formal investigation resulted in the following 24 misconduct allegations:

- Theft (1)
- Demeanor (8)
- Negligent Driving (1)
- Excessive Force (5)
- Failure to Identify (2)
- Inadequate Response (4)
- Release of Confidential Information (1)
- Truthfulness (1)
- Unlawful Entry (1)

Three additional Ombudsman-received complaints received in 2010 and assigned for formal investigation in 2011 resulted in the following misconduct allegations:

- Unlawful Detention/Demeanor (1)
- Harassment (3)
- Demeanor (1)

## CRITICAL INCIDENTS

In the first six months of 2011 Spokane Police Officers were involved in one critical incident requiring the use of Deadly Force. No complaints were received as a result of this incident.

- On Sunday, January 16, 2011 at approximately 5:38 am the Ombudsman was contacted by Lieutenant Meidl of the Internal Affairs Unit and advised that an individual had been shot and killed by an officer who had responded to a domestic violence call for service at 5726 N. Elgin. At the time of this incident the Ombudsman was out of town on vacation. The Ombudsman made arrangements to be briefed and provided with a drive by of the location of occurrence upon his return to Spokane.

During the reporting period Spokane Police Officers were involved in one critical incident resulting from a fatal vehicle collision. No complaints were received as a result of this incident.

- On Sunday, January 30, 2011 at approximately 10:40 pm the Ombudsman was contacted by Sergeant McCabe of the Internal Affairs Unit and advised that a pedestrian had been struck by a patrol car at the intersection of Monroe and Montgomery while the officer was responding to a call for service. The Ombudsman met with Sergeant McCabe and responded to the scene where the Ombudsman was briefed on the incident and provided with a view of the scene.

## OTHER STATISTICS OF INTEREST

### EXCESSIVE FORCE COMPLAINTS

In the first six months 2011, 7 complaints involving allegations of excessive force were received involving 11 different officers.

**Two Excessive Force investigations remained open as of June 30, 2011.**

**None of the Excessive Force investigations completed in the first six months of 2011 were Sustained.**

### DISCIPLINE

The 25 current year internal and citizen formal complaint investigations closed between January 1, 2011 and June 30, 2011 resulted in four members of the Spokane Police Department receiving some level of discipline. The sanctions imposed by the Chief of Police included:

- 1 Letter of Reprimand;
- 3 Employees Receiving Counseling (verbal, shift level, and other);

The four sustained findings (two internal and two citizen) were delivered in response to allegations of Inadequate Response and Demeanor.

### TASER USE

In the first six months of 2011 Spokane Police Officers used the taser 13 times in 10 incidents in the performance of their duties. In each instance the use of the taser was determined to be necessary, appropriate and used within the scope of department policies, procedures and training.

**The Office of Police Ombudsman and the Spokane Police Department's Internal Affairs Unit did not receive any complaints regarding the use of the taser in the first six months of 2011.**

### SPECIAL WEAPONS AND TACTICS (SWAT) CALL OUTS

In the first six months of 2011 there were 22 call outs of the Special Weapons and Tactics (SWAT) Team. No complaints were received by the Office of Police Ombudsman or the Spokane Police Department Internal Affairs Unit related to SWAT deployments.

**No complaints were received regarding response by the Special Weapons and Tactics (SWAT) team during the first six months of 2011.**

### DOMESTIC VIOLENCE

In the first six months of 2011 Spokane Police Officers responded to 3,151 Domestic Violence calls.

**No data is available regarding complaints received in response to Domestic Violence calls.**

### VEHICLE PURSUITS

In the first six months of 2011, members of Spokane Police Department were involved in 21 vehicle pursuits. The results/consequences of the pursuits were:

- 11 Suspects were arrested/apprehended
  - 3 Suspects were forcibly stopped
  - 3 Suspects were involved in collisions
  - 4 Suspects surrendered
  - 1 Suspect was apprehended through other means
- 10 Suspects escaped
  - 6 Pursuits were terminated by the pursuing officer(s)
  - 4 Pursuits were terminated by a supervisor

**No data is available regarding complaints received in response to Vehicle Pursuits.**

### VEHICLE ACCIDENTS

In the first six months of 2011, 26 members of the Spokane Police Department were involved in 29 collisions. Investigation of the collisions revealed that:

- 7 collisions were determined to have been Preventable
- 12 collisions were Not Preventable

- 8 collisions were through Legal Intervention
- 2 collisions involved Property Damage

As a result of preventable vehicle accidents: 4 employees received an oral reprimand or counseling, 2 employees received shift level counseling, and 1 employee received a written reprimand.

**One complaint was received by the Office of Police Ombudsman in response to a Non-Preventable vehicle collision.**

#### MENTAL HEALTH RESPONSE

In the 2009 Annual Report presented to the Spokane City Council on April 12, 2010 the Office of Police Ombudsman recommended to the Office of the Chief that the Police Department document the number of police encounters with individuals who displayed symptoms of “Excited Delirium” and report the number to the Public Safety Committee on an annual basis. The purpose of this recommendation was to quantify the actual number of encounters and review how the situations were resolved to assess future training needs.

In the first six months of 2011 Spokane Police Officers responded to 289 incidents involving citizens with mental illness or disability. Of those incidents:

- 138 contacts required no enforcement action,
- 135 contacts resulted in the citizen being transported to a medical or mental health facility,
- 9 contacts resulted in the citizen being arrested and incarcerated in a Spokane County jail facility, and
- 7 individuals contacted exhibited symptoms of “Excited Delirium”.

