



OFFICE OF POLICE OMBUDSMAN

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Office of Police Ombudsman 2014 Mid-Year Report

Reporting Period: January 1 – June 30, 2014

The Office of Police Ombudsman's mid-year report provides information about misconduct complaints against the Spokane Police Department. The report includes information on the number, classification, and resolution of complaints filed during the reporting period. Additionally, the report contains statistical information regarding other items of community interest.

*Note: For comparison purposes, figures from January 1 through June 30, 2013 are added in **red**.*

PERSPECTIVE

In the first six months of 2014, the Office of Police Ombudsman made a minimum of **617 contacts** with individuals in the community (**588**). These contacts resulted in:

- **49** complaints filed (**68**)
- **18** complaints referred to other agencies (**20**)
- **1** request for an appeal of a previously completed investigation (**0**)
- **2** requests for an independent investigation (**New option in 2014**)

*(Source: City of Spokane Office of Police Ombudsman***)*

In April 2014, a more detailed method of tracking of citizen contacts was developed to include information on the method of citizen contact (walk-in, telephone, internet, outreach, etc.). This detailed information will be provided in future reports.

In the first six months of 2014, officers from the Spokane Police Department made a minimum of **67,009 contacts** with individuals in the community (**66,150**). These contacts resulted in:

- **5,008** Arrests (**2,033**)
- **1,680** involved Subjects with Outstanding Warrants Being Served (**1,735**)
- **4,742** Citations were Issued (**5,978**)

(Source: Spokane Police Department Office of Professional Accountability)

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.

****Note: Whenever possible, source of data and/or data analysis will be identified in **italics** throughout this report.*

COMPLAINTS & INTERNAL AFFAIRS INVESTIGATIONS

In the first six months of 2014, a total of **85 complaints** were received by the Spokane Police Department Internal Affairs Unit (142). This number includes both internal complaints and citizen complaints, regardless of whether they were filed with the Office of Police Ombudsman or the Spokane Police Department.

Pursuant to Spokane Municipal Code Section 4.32.030(E), Internal Affairs Lieutenant Justin Lundgren classified those **85 complaints** (142) as follows:

- **40 Investigative Inquiries** (67)
 - **40** Citizen complaints
 - **0** Internal complaints
- **37 Formal Complaints** (75)
 - **27** Citizen Complaints
 - **10** Internal Complaints
- **3** Citizen Complaints were immediately Administratively Suspended
 - **2** were not Spokane PD personnel
 - **1** was a duplicate complaint
- **4** Internal Complaints generated to investigate Officer-Involved Shooting/In-Custody Fatality
- **1** Citizen Complaint has not yet classified as either Inquiry or Complaint

The **37** complaints which were classified as formal complaints were investigated, mediated, and/or are still in the process of being investigated.

(Source: City of Spokane Office of Police Ombudsman review of Internal Affairs Unit reports)

INTERNAL COMPLAINTS

In the first six months of 2014, **10 of the 37** complaints classified as Formal Complaints were internally generated (**15 of 75**).

(Source: City of Spokane Office of Police Ombudsman review of Internal Affairs Unit reports)

INTERNAL COMPLAINT RESOLUTION

In the first six months of 2014, the **10** internal complaints assigned for formal investigations (**15**) resulted in the following findings:

- **1** internal complaint was Sustained
- **1** internal complaint was Not Sustained
- **2** internal complaints were changed to Investigative Inquiries
- **2** internal complaints were Administratively Suspended and referred to the City of Spokane Human Resources Department for further investigation/review

As of June 30, 2014, **4 of the 10** internal complaint investigations remain open (**12 of 15**).

(Source: City of Spokane Office of Police Ombudsman review of Internal Affairs Unit reports)

CITIZEN COMPLAINTS

In the first six months of 2014, **27 of the 37** complaints classified as Formal Complaints were generated by citizens (**60 of 75**). **18 of the 27** citizen generated complaints, or **66%**, originated through the Office of Police Ombudsman (**23 of 60, 38%**).

(Source: City of Spokane Office of Police Ombudsman review of Internal Affairs Unit reports)

CITIZEN COMPLAINT RESOLUTION

In the first six months of 2014, the **27** citizen complaints assigned for formal investigations (**60**) resulted in the following findings:

- **5** complaints were Administratively Suspended (**8**)
- **8** complaints were changed to an Investigative Inquiry (**1**)
- **1** complaint was Sustained (**2**)
- **1** complaint was Not Sustained (**1**)
- **2** complaints were Exonerated (**4**)
- **0** complaints were Unfounded (**3**)
- **0** complaints containing multiple allegations were determined to have one allegation that was Exonerated and one allegation that was Sustained (**1**)

As of June 30, 2014, **10** citizen complaint investigations remain open (**40**).

(Source: City of Spokane Office of Police Ombudsman review of Internal Affairs Unit reports)

OMBUDSMAN-RECEIVED COMPLAINTS

During the first six months of 2014, the Office of Police Ombudsman was contacted **617** times for a variety of reasons (**588**). As a result of those contacts, **49** complaints were made against Spokane Police Department personnel (**68**) and **18** complaints were referred to the following outside agencies (**20**):

- **11** complaints were referred to Spokane County Sheriff's Office (**16**)
- **2** complaints were referred to Spokane Transit Authority Ombudsman (**1**)
- **1** complaint was referred to C.O.P.S. Board of Directors (**0**)
- **1** complaint was referred to Cheney Police Department (**0**)
- **1** complaint was referred to Spokane Parking Enforcement Office (**0**)
- **1** complaint was referred to Spokane Valley Police Department (**0**)
- **1** complaint involving the Spokane Police Department was referred to the SPD Internal Affairs Unit, as the incident occurred more than a year ago, exceeding the 1-year statute of limitations for the OPO (**0**)
- **0** complaints were referred to Washington State Patrol (**1**)
- **0** complaints were referred to Spokane Streets Department (**1**)

(Source: City of Spokane Office of Police Ombudsman)

The **49** OPO-received complaints against Spokane Police Department personnel (**68**) included the following allegations:

- **1** Asset Seizure (**0**)
- **2** Conduct Unbecoming (**0**)
- **0** Conspiracy (**1**)
- **8** Demeanor (**12**)
- **4** Excessive Force (**7**)
- **0** False Arrest (**1**)
- **0** Gratuity (**1**)
- **2** Harassment (**2**)
- **28** Inadequate Response (**34**)
- **3** Negligent Driving (**1**)
- **0** Perjury (**1**)
- **0** Procedural (**6**)
- **1** Racial Profiling (**0**)
- **0** Selective Enforcement (**1**)
- **0** Unlawful Entry (**1**)

(Source: City of Spokane Office of Police Ombudsman)

The **49** OPO-received complaints against Spokane Police Department personnel (**68**) were forwarded to the Internal Affairs Unit for classification and assignment. Of those **49** complaints (**68**),

- **27** complaints were classified as Investigative Inquiries (**44**)
- **18** complaints were classified as Formal Complaints (**23**)
- **3** complaints were immediately Administratively Suspended (**8**)
- **2** were not Spokane PD personnel
- **1** was a duplicate complaint
- **1** Citizen Complaint has not yet classified as either Inquiry or Complaint

(Source: City of Spokane Office of Police Ombudsman review of Internal Affairs Unit reports)

In the first six months of 2014, the **18** Office of Police Ombudsman received complaints assigned for formal investigations resulted in the following findings:

- **4** complaints were Administratively Suspended
- **4** complaints were changed to an Investigative Inquiry
- **0** complaints were Sustained
- **1** complaints was Not Sustained
- **2** complaints were Exonerated
- **0** complaints were Unfounded

As of June 30, 2014, **7** OPO-received complaint investigations remain open.

(Source: City of Spokane Office of Police Ombudsman review of Internal Affairs Unit reports)

OMBUDSMAN CERTIFICATION OF COMPLAINT INVESTIGATIONS

Pursuant to Spokane Municipal Code Section 04.32.030(e)(2), “The OPO will review the case file and determine whether the investigation was timely, thorough and objective.” If the OPO finds that the investigation was “timely, thorough and objective”, the investigation will be certified; if not, the OPO will decline to certify the investigation.

INVESTIGATIONS CERTIFIED

In the first six months of 2014, the Office of Police Ombudsman certified **21** Internal Affairs Unit investigations as timely, thorough, and objective (**29**). This total includes **13** investigations that were initiated in 2013 and closed in 2014 (**13**).

(Source: City of Spokane Office of Police Ombudsman)

DECLINED CERTIFICATIONS

In the first six months of 2014, the Office of Police Ombudsman **declined** to certify **6** Internal Affairs Unit investigations as timely, thorough, and objective (**1**). This total includes **3** investigations that were initiated in 2013 and closed in 2014.

1. Monday, February 17, 2014: The Office of Police Ombudsman declined to certify a **Demeanor** complaint that was received by the Police Department on October 1, 2013. For unknown reasons the OPO was overlooked in the certification process and the complaint was closed without the OPO’s participation in the process until after the fact. (**SPD IA #13-098**), (**OPO #N/A**)
2. Thursday, February 27, 2014: The Office of Police Ombudsman declined to certify an **Excessive Force, Racial Bias, Demeanor, and Failure To Take A Complaint** investigation that was received by the Office of Police Ombudsman on June 17, 2013. The investigation was thorough and objective; however, it was not timely. The investigation

- appears to have sat idle between June 29 and August 14, 2013, as well as between October 25, 2013 and January 27, 2014. (SPD IA #IA13-071), (OPO #13-64)
3. Tuesday, April 8, 2014: The Office of Police Ombudsman declined to certify an **Inadequate Response** complaint related to a traffic accident investigation that was received by the Police Department on October 28, 2013. For unknown reasons, the OPO was overlooked in the certification process and the complaint was closed without the OPO's participation in the process until after the fact. (SPD IA #13-100), (OPO #N/A)
 4. Monday, June 9, 2014: The Office of Police Ombudsman declined to certify a **Demeanor** complaint as thorough after Internal Affairs refused to interview the accused officer regarding the complainant's allegation that the officer referred to a memorial service the complainant was hosting as a "mess". Internal Affairs then closed the complaint as an Inquiry without OPO agreement. (SPD IA #I14-030), (OPO #14-38)
 5. Thursday, June 12, 2014: The Office of Police Ombudsman declined to certify an **Inadequate Response** complaint because it was not timely or objective. The complainant advised that they were excluded from the St. Patrick's Day parade because they brought their service animal with them. The investigation was not timely because it took 7+ weeks for the complaint to be reviewed through the chain-of-command process once the investigation had been completed. It was not objective in the Ombudsman's opinion because RCW 70.84.010 did not appear to be considered in the investigation process. The Ombudsman requested that the matter be forwarded to the Prosecutor's Office for review and comment. The Ombudsman's request was denied. (SPD IA #IA14-016), (OPO #14-17)
 6. Monday, June 23, 2014: The Office of Police Ombudsman declined to certify an **Excessive Force** complaint as thorough after Internal Affairs refused to send the completed investigation to an Administrative Review Panel or Chain of Command for review. Internal Affairs reclassified the investigation as an Investigative Inquiry after their investigation revealed untruthfulness in several areas by the complainant. (SPD IA #IA14-023), (OPO #14-20)

(Source: City of Spokane Office of Police Ombudsman)

CRITICAL INCIDENTS

In the first six months of 2014, Spokane police officers were involved in **3** critical incidents where Deadly Force was used (**2**). A fourth incident occurred involving a vehicle and foot pursuit where an in-custody death resulted and Deadly Force was not used.

1. Thursday, January 16, 2014: At 9:25pm the Ombudsman was notified that an officer involved shooting had occurred at the Truth Ministries at 1912 E. Sprague Ave. in Spokane. The Ombudsman was unable to respond to the scene because the Ombudsman was attending training in Phoenix, Arizona at the time of the incident. On Monday, January 20, 2014 at 3:00pm, the Ombudsman and Internal Affairs Unit Sergeant Staben went to the shooting location and Sergeant Staben briefed the Ombudsman about the incident.
2. Wednesday March 26, 2014: At 8:34 pm, IA Lieutenant Lundgren called the Ombudsman and advised of an Officer involved shooting at 1527 W. Grace in Spokane. The incident involved members of the SWAT team and Criminal Intelligence Unit (CIU). As a result of the altercation, the individual died. The Ombudsman was out of town at the time of the incident and did not respond, but was briefed via telephone. A site visit was conducted on April 4, 2014.
3. Wednesday, April 2, 2014: At 12:55pm, IA Sergeant Staben called the Ombudsman and advised that an Officer had been involved in a pursuit, and the person chased had ingested

drugs and suffered a medical emergency as a result. The SIRT was activated to investigate the incident. The Ombudsman was out of town at the time of the incident.

4. Tuesday, April, 29, 2014: At 1:54 pm, IA Lieutenant Lundgren called the Ombudsman and advised that Officers had been involved in a shooting at the intersection of Jackson and Standard while investigating a homicide in the area. As a result the confrontation, the individual died from injuries sustained in the incident. The SIRT was activated to investigate the incident. The Ombudsman responded to the scene with the Lieutenant and received a preliminary briefing and tour of the crime scene.

As of June 30, 2014, no complaints were received as a result of these Critical Incidents.

(Source: City of Spokane Office of Police Ombudsman)

OTHER STATISTICS OF INTEREST

The items below have been included in the Office of Police Ombudsman mid-year report due to high levels of community interest and/or relevance to current law enforcement policy making.

EXCESSIVE FORCE COMPLAINTS

In the first six months 2014, **3** complaints involving allegations of Excessive Force were received involving **3** different officers (**8 complaints involving 13 officers**).

In the first six months of 2014, **1** Excessive Force investigations was completed (**3**). The completed investigations resulted in the following findings:

- **1** complaints was changed to an Investigative Inquiry

As of June 30, 2014, **2** Excessive Force investigations remain open (**5**).

(Source: City of Spokane Office of Police Ombudsman review of Internal Affairs Unit reports)

TASER USE

In the first six months of 2014, Spokane Police Officers used the Taser® **14** times in **14** incidents in the performance of their duties (**14 times in 11 incidents**). 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. As of June 30, 2014, **0** complaints were filed regarding the use of a Taser® (**0**).

(Source: City of Spokane Office of Police Ombudsman review of Internal Affairs Unit reports)

SPECIAL WEAPONS AND TACTICS (SWAT) CALL OUTS

Between January 1 and July 16, 2014,*** there were **34** call outs of the Special Weapons and Tactics (SWAT) Team (**29**). No complaints were received by the Office of Police Ombudsman or the Spokane Police Department Internal Affairs Unit related to SWAT deployments.

- **15** High Risk Warrant Service Drug Search Warrants (**20**)
- **16** Tactical Operations (**6**)
- **2** Special Events, Bloomsday & Lilac Parade (**2**)
- **1** Agency Assistance: Spokane County Sheriff's Office (**1/Kootenai County**)

(Source: Spokane Police Department Office of Professional Accountability)

***Note: 2013 SWAT Callout statistics were for period of January 1-June 30, 2013. 2014 statistics provided to OPO were for January 1-July 16, 2014 and were categorized differently.

K9 (DOG) UNIT DEPLOYMENTS

In the first six months of 2014, Spokane Police Department K9 (Dog) Units were deployed **672** times to assist with tracking, building searches, perimeter security, accelerant searches, explosive sweeps, evidence finds, and suspect apprehension. K9 deployments were often associated the following types of calls: burglary in-progress, felony warrant service, vehicle theft, domestic violence, murder, assault, shooting, and robbery. Out of the **672** total K9 deployments, canine contacts (bites) occurred 11 times, or **1.6%** of the total K9 deployments.

(Source: Spokane Police Department Office of Professional Accountability)

DOMESTIC VIOLENCE

In the first six months of 2014, Spokane Police Officers responded to **1,781** Domestic Violence calls (**3,147**), which were categorized as follows:

- **1,210** Domestic Violence Assaults
- **459** Domestic Violence Protection Order Violations
- **59** Burglaries
- **34** Larceny Thefts
- **6** Robberies
- **10** Forcible Rapes
- **2** Motor Vehicle Incidents
- **1** Murder
- **0** Manslaughter
- **0** Arson

(Source: Spokane Police Department Office of Professional Accountability)

VEHICLE PURSUITS

In the first six months of 2014, members of Spokane Police Department were involved in **19** vehicle pursuits (**33**). Of these 19 pursuits:

- **16** pursuits involving **17** officers were determined to be within policy
- **3** pursuits involving **5** officers were determined to NOT be within policy

As of June 30, 2014, **no** complaints were filed in response to a vehicle pursuit (**0**).

(Source: City of Spokane Office of Police Ombudsman review of Internal Affairs Unit reports)

VEHICLE COLLISIONS

In the first six months of 2014, **35** members of the Spokane Police Department were involved in **33** collisions (**29 members involved in 27 collisions**). Investigation of the collisions determined that:

- **12** collisions were Preventable (**5**)
- **15** collisions were Not Preventable (**15**)
- **3** collisions were Legal Intervention (**5**)
- **1** collision was determined to be both Non Preventable and a Legal Intervention (**1**)
- **1** collision involved Property Damage (**2**)

As of June 30, 2014, **1** collision investigation remains open (**4**).

As a result of the **12** vehicle collisions determined to have been Preventable, the involved employees received the following disciplinary actions:

- **6** Verbal Counseling (**3**)
- **1** Verbal Counseling and P.A.R. Notation (**0**)

- **1** Verbal Reprimand (0)
- **0** Oral Counseling (1)
- **0** Written Reprimand (1)
- **1** Documentation of Counseling (0)
- **1** Written Reprimand and Emergency Vehicle Operations Course (EVOC) Training (0)
- **1** None – Employee Retired from SPD (0)

As of June 30, 2014, **no** complaints were filed in response to a vehicle collision (0).

(Source: City of Spokane Office of Police Ombudsman review of Internal Affairs Unit reports)

ARREST DEMOGRAPHICS

In the first six months of 2014, Spokane Police Department arrested **4,599** adult (18-year-olds and above) individuals. The racial makeup of Adult arrestees was:

- **3,741** were White, or **81.34%** of total arrestees
- **445** were Black, or **9.68%** of total arrestees
- **320** were Native American or Pacific Islander, or **6.96%** of total arrestees
- **65** were Asian or Pacific Islander, or **1.41%** of total arrestees
- **28** of adult arrestees had NO RACE indicated, or **0.61%** of total arrestees

In the first six months of 2014, Spokane Police Department arrested **489** juvenile (under 18-years-old) individuals. The racial makeup of juvenile adult arrestees was:

- **353** were White, or **72.19%** of total arrestees
- **78** were Black, or **15.95%** of total arrestees
- **38** were Native American or Pacific Islander, or **7.77%** of total arrestees
- **6** were Asian or Pacific Islander, or **1.23%** of total arrestees
- **14** of juvenile arrestees had NO RACE indicated, or **2.86%** of total arrestees

(Source: City of Spokane Office of Police Ombudsman review of Spokane Police Department Uniform Crime Report data)

For comparison purposes, data from the United States Census Bureau indicates that the racial demographic for the City of Spokane in 2010 (most recent year data is available), out of a total population of 208,916, was:

- **86.7%** White
- **2.3%** Black
- **2.0%** Native American or Pacific Islander
- **0.6%** Asian or Pacific Islander

(Source: U.S. Census Bureau: Spokane, WA: <http://quickfacts.census.gov/qfd/states/53/5367000.html>)

NON-RESPONSE CALLS

Citizens can make requests for assistance from a Spokane Police Department officer in multiple ways; they can call 911 for emergencies, call Crime Check, or makes an in-person request for assistance at their local C.O.P.S. shop or precinct office. Per department policy, all requests for officer assistance or “calls for service” are categorized with a priority level. Sometimes, a Spokane Police Department Communications Supervisor may clear a call from the list of waiting calls as a “non-response” call without an officer response, including when a situation may not require police officer response or when police officers are not available to respond to the call.

In the first six months of 2014, there were a total of **61,218** “calls for service” generated in Spokane Police Department jurisdiction (**66,150**). Of those calls, **4,809**, or **7.86%**, were cleared as “non-response” calls (**5,178, 7.83%**). Of the 4,809 “non-response” calls, **2,317** of those originated from calls to 911 (**2,742**) and **2,492** originated from calls to Crime Check (**2,436**).
(Source: Spokane Police Department SRECS IT Division)

MENTAL HEALTH RESPONSE

The Office of Police Ombudsman’s 2009 Annual Report contained a recommendation that the Spokane Police Department document the number of law enforcement encounters with individuals who displayed symptoms of “excited delirium,” and to 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 2014, Spokane Police Officers responded to **583** incidents involving persons with mental illness or mental disability (**578**). Of those incidents:

- **354** contacts required no enforcement action (**354**)
- **206** contacts resulted in the person being transported directly to a medical facility (**175**)
- **19** contacts resulted in the person being transported directly to a jail facility (**40**)
- **4** individuals contacted exhibited symptoms of “excited delirium” (**9**)

(Source: Spokane Police Department Office of Professional Accountability)

CITIZEN RIDE ALONGS

In the first six months of 2014, the Spokane Police Department hosted **263** Citizen Ride Alongs (**203**). The breakdown of the types of riders taken was:

- **98** Citizen Riders (**92**)
- **144** Reserve Officers (**74**)
- **17** Teenage Explorers (**26**)
- **4** Co-op College Students (**9**)
- **0** Senior Volunteers (**2**)

For more information on how to participate in the ride along program, contact Sergeant McIntyre at the Spokane Police Department at (509) 477-5980.

(Source: Spokane Police Department Office of Professional Accountability)

CLOSING REMARKS

A comparative review of the statistics from the first six months of 2013 and 2014 reveals some interesting trends. While many of the activity statistics remained fairly static across the two periods, there were a couple areas of significant change. One major difference was the drop in the number of overall complaints received during the first six months of 2014 (**85**) compared to 2013 (**142**), a **decrease** of **57 complaints**. Another significant difference was the number of Internal Affairs Unit investigations that the Office of Police Ombudsman **declined to certify** as timely, thorough, and objective, going from only **1 declination** in the first six months of 2013 to **6 declinations** in the first half of 2014.

If you have any questions or concerns about the information contained in this document, please do not hesitate to contact us at (509) 625-6742 or by email at spdombudsman@spokanecity.org.

Elysia Spencer

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