



# OFFICE OF THE POLICE OMBUDSMAN

## OFFICE OF THE POLICE OMBUDSMAN 2020 Annual Report





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# STAFF

## **Bart Logue, Police Ombudsman**

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

## **Luvimae Omana, Analyst / Deputy Police Ombudsman**

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

## **Christina Coty, Administrative Specialist**

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

## **Tim Szambelan, OPO Attorney**

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

## OFFICE OF THE POLICE OMBUDSMAN

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### **Mission**

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

### **Office of the Police Ombudsman Commission**

Jenny Rose, Chair  
Ladd Smith, Vice-Chair  
Blaine Holman  
Elizabeth Kelley  
James Wilburn  
Luc Jasmin

# LETTER FROM THE OMBUDSMAN

February 25, 2021

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

This report covers the period from January 1, 2020 through December 31, 2020. Oversight efforts in 2020 saw both successes and challenges. As with every department in City Hall, the Office of the Police Ombudsman (OPO) was immediately impacted by the COVID-19 pandemic (the pandemic). As City Hall remained closed to the public, we transitioned to working from home and the majority of our work was performed remotely. We stayed connected as an office through virtual meetings 2-3 times per week which helped us stay on task, stay abreast of any challenges, and maintain office morale; especially as the pandemic continued.

Despite the pandemic, the OPO was consistently contacted by the community at a rate similar to when the office was open to the public in 2019, only seeing a slight decrease of 62 contacts. We conducted interviews to determine if an allegation rose to the level of a complaint 129 times. This represents over a 400% increase from 2017, when only 29 interviews were conducted. Overall, community member complaints submitted to Internal Affairs (IA) for investigation declined from 77 complaints in 2019 to 50 complaints in 2020. Considering that complaints spiked in June following the death of George Floyd in Minneapolis and the resulting nationwide protests, it is fair to say that overall complaints against the Spokane Police Department (SPD) saw a substantial decrease during 2020, which has continued thus far into 2021.

When the OPO receives an allegation that we do not believe rises to the level of a complaint, our practice is to send the information over to the police department in the form of an Internal Referral. In 2020, we submitted 71 referrals to IA. In previous years, these referrals would have been submitted to IA as Inquiries and counted as part of the number of complaints against the department. As such, the total number of complaints and referrals submitted in 2020 represent a 400% increase since I became the Ombudsman. We did not offer a mediation for a complaint during 2020 due to the pandemic.

The OPO attended a variety of virtual training opportunities in 2020. The OPO and the Office of Police Ombudsman Commission (OPOC) attended the virtual National Association for Civilian Oversight of Law Enforcement (NACOLE) conference. The NACOLE annual conference provides the training necessary to become a Certified Practitioner of Oversight. This year's conference was held over a period of approximately 8 weeks, in which 3-4 classes a week were held. Because of this unique setup, we were able to attend substantially more training than we would normally receive as none of the classes overlapped. We also took advantage of the remote learning environment to attend the Use of Force Summit which is held annually in Connecticut. I also completed the requirements to become an Advanced Force Science Specialist in 2020, joining Luvimae Omana with this certification. As for missed training, I requested that the annual requirement in the Spokane Municipal Code (SMC) for the Ombudsman to participate in two ride-alongs with SPD be waived due to the restrictions in place due to the pandemic. The Chief of Police, the OPOC, and City Council all agreed to waive that requirement for both the Ombudsman as well as OPOC Commissioners for 2020.

We are appreciative of many things that occurred throughout 2020. Two highlights: the OPO was honored to receive a proclamation from the City Council for Ombuds Day and we are extremely grateful that we received budget approval that allowed for our Administrative Specialist to become a full-time employee. On the flip side, 2020 showed us that we still have work to do to ensure our voices are heard in City Hall. Human Resources has just begun in March 2021 to take action on the promotion of Luvimae Omana to the position of Deputy Police Ombudsman in 2019. While some delay is understandable with the transitions in Human Resources as well as the pandemic which caused focus to turn elsewhere, waiting more than a year for action on a personnel request is excessive. I am also troubled by the general insistence by the Human Resource representative for the Police Guild that the Police Guild should have some sort of say in the OPO's Human Resource requests despite the OPOC's clear authority to request the action and the clear lack of authority for the Police Guild to do so. This extremely inappropriate intrusion into personnel matters combined with the lack of action by a city department shows just how important the independence of our office and the OPOC is. It also shows how easily our independence can be manipulated or ignored as it has greatly exacerbated the length of time in which an employee is not being appropriately compensated for their duties. Even if a grievance had been filed regarding the 2019 action by the OPOC, and there hasn't been; the length of time for the City to take action on a Human Resources request has caused significant concerns.



The Police Guild also, for the second time, inappropriately (without sanction or recourse and outside of the governing contract and the SMC) attempted to have the Mayor remove the Ombudsman from a case and also interfered with several other matters which would have enhanced oversight in Spokane. When the Police Chief requested that the OPO do an independent review of SPD's response to the May 31st protest, the interference was at such a level that the police department has still not provided requested documents, despite the requirement to do so being set forth in the current contract and existing SMC. We have not received any documents nearly nine months into the request. At this point, the delay has been so great, an attempt at any meaningful evaluation is greatly diminished. Appropriate access to systems and information is also still being denied for employees of the OPO.

Therein lies the principal problem which will be at the forefront of our efforts during 2021: Increasing transparency on matters that are important to the community. We began this in 2020 when we published a Closing Report on C19-040 following the guidelines set forth in the existing governing bargained contract (2012-2016) as well as the SMC. In so doing, we provided a comprehensive review of an incident regarding the use of a K9 and used that review to issue 23 recommendations to the police department, largely consisting of recommendations to improve reporting and evaluating an incident in which there was a questionable use of force. As of this writing, the Police Chief has agreed to implement or partially implement 21 of those 23 recommendations. To get to that point, the Chief and the Deputy Chief both sat down with the OPO on several occasions to discuss the recommendations. This is a vast improvement from 2018/2019 when the Chief removed the OPO from the Police Advisory Committee. The OPO is committed to bringing well-researched effective practices from around the country to the Chief for discussion and consideration moving forward.

I put these concepts in the letter last year, but I feel it is especially pertinent to again mention NACOLE's basic principles for effective oversight, especially in light of the tentative agreement between the City of Spokane and the Police Guild which was issued mid-year and was voted down by City Council unanimously. I would ask that you, as leaders of our city, strenuously consider whether the following basic principles have been adequately addressed in future agreements. The basic principles for effective oversight include independence, clearly defined and adequate jurisdiction and authority, adequate funding and operational resources, and public reporting and authority. Below is a synopsis regarding why NACOLE believes these principles are the building blocks for effective oversight:

- Independence is one of the most important and defining concepts of civilian oversight. In the broadest sense, it means an absence of real or perceived influence. To maintain legitimacy, the agency must be able to demonstrate its independence from law enforcement, especially in the face of high-profile issues.
- When an agency does not have clearly defined and adequate jurisdiction and authority to perform its mission, it simply cannot be effective. Stakeholders must ensure the level of authority of an oversight agency has in relation to its core oversight functions permits the agency to successfully perform its duties to the greatest degree possible and without limitation.
- Allocating adequate funding and operational resources are necessary to ensure that work is being performed thoroughly, timely, and at a high level of competency. Political stakeholders must ensure support for civilian oversight includes a sustained commitment to provide adequate and necessary resources. Civilian oversight agencies must have adequate training on a regular basis, perform outreach, and disseminate public reports and other outreach materials in order to be effective.
- Issuing public reports is critical to an agency's credibility because it is an effective tool in bringing transparency to a historically opaque process. Reports provide a unique opportunity for the public to learn about misconduct complaints and other areas of the law enforcement agency that serves the community.

In 2021, I will continue my efforts to push SPD towards greater transparency and public accountability, beginning with a greater emphasis on report writing. I look forward to engaging in a robust communication effort as we work to increase community trust; ensure transparency; and continue to work towards greater accountability of the complaint process and use of force analysis and review.

Respectfully Submitted,



Bart Logue  
Police Ombudsman

# OPO ACTIVITIES

2020	Highlight of Activities
1232	Citizen contacts
56	Participation or attendance in community meetings and events
7	Letters of officer appreciation / commendation
50	OPO generated complaints
110	Referrals to other agencies / departments
1	Cases offered to SPD for mediation
0	Cases Ombudsman declined to certify
129	Interviews of citizens with ongoing or potential complaints
51	Oversight of IA interviews
150	Special cases reviewed
337	Meetings with SPD
17	SPD review boards attended

DUE TO COVID-19, THE OPO BEGAN WORKING REMOTELY FROM MARCH 2020 THROUGH THE END OF THE YEAR AND INTO 2021.

## TRAINING

Per Spokane Municipal Code (SMC) §04.32.070(A)-(C), The Ombudsman went on 2 ride-alongs with SPD, and attended the Spokane Police Department Spring In-Service.

Other highlights include:

- NACOLE Annual Conference
- NACOLE Regional Conference
- US Ombudsman Association Conference
- International Association of Chiefs of Police Annual Conference
- Daigle Law Group's Conducting Proper and Effective Investigations
- Forensic Video Solutions Investigating Course

Other training and activities:

- The Police Ombudsman joined the NACOLE Strategic Planning Committee which is responsible for planning future training opportunities to be presented to NACOLE members
- The Deputy Police Ombudsman was certified as an Advanced Force Science Specialist with the Force Science Institute
- Short seminars on:
  - o Dealing with Difficult and Unreasonable Complainants
  - o Administrative Investigations and Demonstrating Your Value
  - o Understanding Affinity Groups as a Strategy to Advance Race Equity
  - o Strategies for Conducting Compelled Interviews with Officers
  - o False Confessions, Interrogations, and In-Custody Interviewing
  - o Law Enforcement Interaction with Individuals with Developmental Disorders
  - o Finding the Leader in You
  - o Active Shooter Course

## REPORTING

The OPO reports, on a monthly basis, to the Public Safety & Community Health Committee, the Mayor, the City Council, the City Administrator and the Chief of Police. In 2019, the Ombudsman completed 1 annual report for 2018 and 12 monthly reports. Per SMC §04.32.110(C), the Ombudsman briefed City Council on September 9, 2019.

# COMMENDATIONS & COMPLAINTS

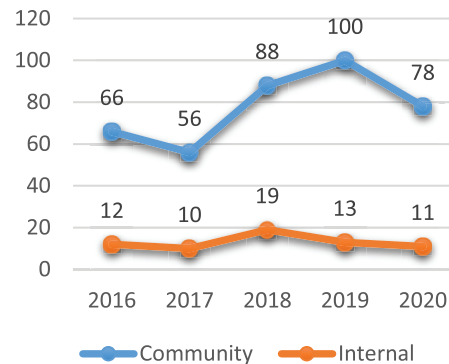
## COMMENDATIONS RECEIVED

### Commendations Submitted by the OPO

- 1) An officer was complimented by an observer for excellent mental health response provided to someone in crisis.
- 2) SPD was commended for how they handled the riots downtown this summer.
- 3) An officer was commended for the assistance provided following an accident.
- 4) A community member wanted to show support for all police in our city continuing to do great work during the riots.
- 5) An officer was commended for their kind and courteous response to an incident.
- 6) An officer was commended for helping locate a stolen vehicle.
- 7) SPD was commended for positive community policing to deter crime in the Perry District neighborhood.

## COMPLAINTS RECEIVED

### 5-YEAR COMPLAINTS TREND



In 2020, community generated complaints were down 22% from 2019. This decrease is likely due in large part to the pandemic. The OPO office has been closed since March 2020 and the staff has been working remotely. Despite working from home, the OPO received several complaints of note.

ALL OF THE COMMENDATIONS SUBMITTED BY THE OPO WERE RECEIVED FROM MEMBERS OF THE PUBLIC.

↓22% IN COMMUNITY GENERATED COMPLAINTS FROM THE PREVIOUS YEAR.

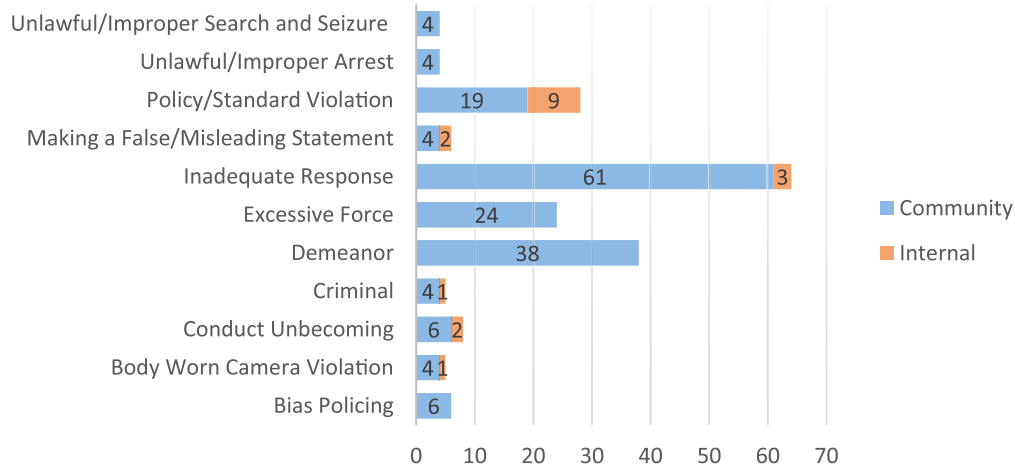
### Notable complaints the OPO received in 2020

1. **3 complaints on officers working the Planned Parenthood protest event.** Two of the complaints were based on body worn camera footage viewed from a public records request. The complaints allege Demeanor and Inadequate Response policy violations. This case was Administratively Suspended. The officer received verbal counseling from multiple members of their chain of command prior to the receipt of the complaint. This led to a change in SPD's Personnel Policy regarding third party complaints.
2. **6 complaints on the protests following George Floyd's death last summer,** with 1 complaint comprised of 9 complainants. These complaints allege:
  - Excessive force
  - Property loss/mishandling of another
  - Policy/standard violation – required reporting
  - Demeanor
  - Criminal – hit and run
  - Improper tactics

These complaints were all suspended due to a combination of not being able to identify a specific officer and investigators not being able to reach complainants after they filed their complaints. Another reason for suspension included ongoing criminal proceedings.
3. **1 complaint alleging officers improperly received gifts from Tom Sawyer Coffee and immediately after the owner made racist comments online, SPD officers were seen patronizing the establishment.** This complaint was closed.
4. **1 complaint alleged Inadequate Response after officers failed to detain and cite private citizens who brandished a weapon and held a woman at gunpoint in a South Hill parking lot.** This complaint received a chain of command review and exonerated 2 officers and found the allegations to be not sustained against a 3rd officer.
5. **1 complaint alleging an officer put their knee on a man's throat while assisting Park Rangers in detaining the man.** The officers in this case were exonerated.
6. **2 complaints on officers' off-duty actions.** 1 complaint on an officer allegedly creating a fake Facebook profile to make racist comments online. 1 complaint of an officer allegedly refusing to wear a mask while getting a haircut. Respectively, one complaint received a chain of command review and was found not sustained and the other was closed.

# COMMENDATIONS & COMPLAINTS

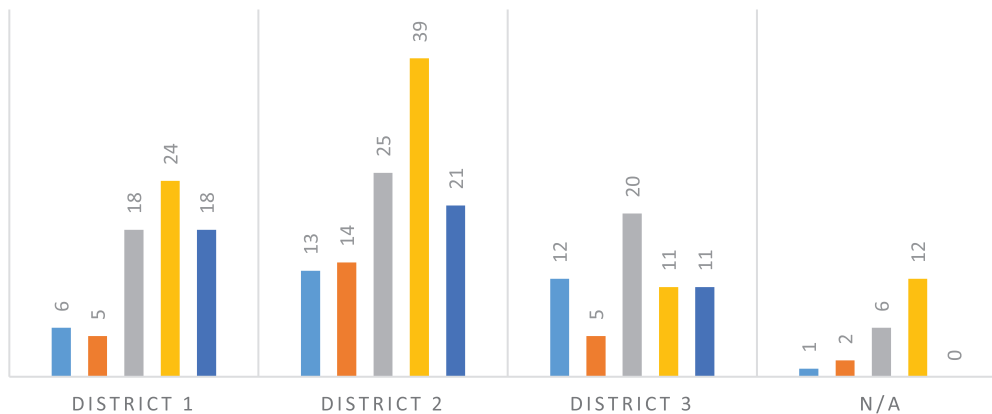
## TOP 10 ALLEGATIONS IN COMPLAINTS



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

## OPO COMPLAINTS BY CITY COUNCIL DISTRICT

2016 2017 2018 2019 2020



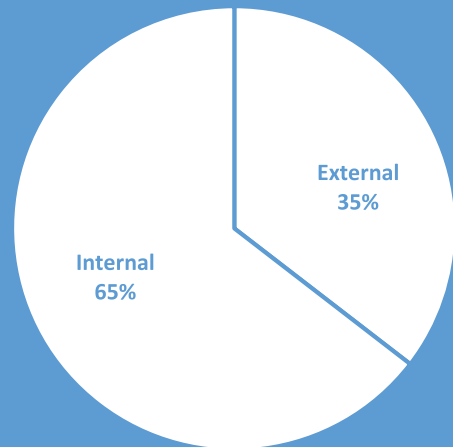
DISTRICT 2, WHICH INCLUDES THE DOWNTOWN CORE AREA, CONTINUED TO GENERATE THE MOST COMPLAINTS FOLLOWED CLOSELY BY DISTRICT 1, WHICH HAS SEEN AN INCREASE IN PROPORTION OF COMPLAINTS GENERATED.



# COMMENDATIONS & COMPLAINTS

## REFERRALS

### COMPLAINT REFERRALS



REPEAT COMPLAINANTS DECREASED BY 30%, TOTAL REFERRALS WERE SIMILAR TO 2019 AFTER EXCLUDING REPEAT COMPLAINANTS.

The OPO made **110 referrals** in 2020. 39 referrals were external and 71 were internal. Excluding the repeat complainants, the OPO still made 93 referrals total in 2020, equal to the referrals made in 2019. Internal referrals refer to inquiries or concerns to other areas in the Police Department outside of Internal Affairs, while External Referrals refer to all other referrals made. Repeat complaints from the same individual on similar incidents were also forwarded as referrals for review instead of artificially inflating the number of complaints against SPD.

### Referrals Made Outside of SPD

911 Dispatch	Human Resources
Cheney Police Department	Jail
City Council	Long Term Care Ombudsman
Code Enforcement	Mayor's Office
Colfax Sheriff Department	Park Rangers
County Assessor	Spokane County Sheriff
Crime Check	Streets Department
Dispatch	Washington State Department of Health

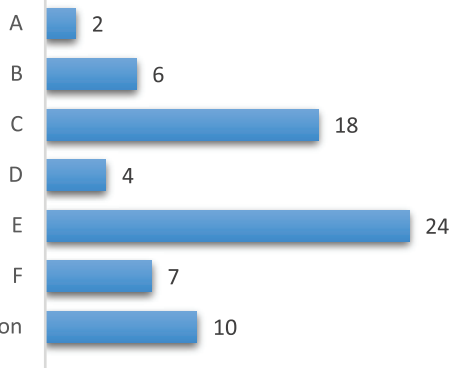


# COMMENDATIONS & COMPLAINTS

## COMPARING COMPLAINTS OVER A 3-YEAR PERIOD

3 Year Comparison of Community Complaints	2018	2019	2020
Inquiry / Suspended / Closed	38%	68%	63%
Unfounded / Exonerated / Not Sustained	42%	20%	17%
Sustained	10%	4%	5%

### ADMINISTRATIVELY SUSPENDED BY SUBCATEGORY



### IA HAS BEGUN THE PRACTICE OF LISTING SUBCATEGORIES TO PROVIDE MORE INFORMATION ON WHY A CASE WAS SUSPENDED.

Most complaints the OPO and IA receive are minor in nature that do not warrant an IA investigation. In 2020, 63% of allegations raised in community based complaints did not rise to the level of an IA investigation. This is comparable to 2019 but slightly down 5%.

75 allegations were subsequently Administratively Suspended, with 71 allegations suspended cited to a specific subcategory. This is a new practice IA has begun to provide more information on why cases are suspended. The subcategories are defined in the table below.

Subsection E made up 33% of allegations. These were suspended due to being minor in nature and sent to the employee's supervisor for informal follow-up. Subsection C made up 25% of allegations. These were suspended due to a pending criminal prosecution that could impact the outcome of the administrative investigation.

#### Administratively Suspended Subcategories

**A** – complainant refuses to cooperate

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

**C** – complaint involves pending criminal prosecution

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

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

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

In 2020, the OPO observed IA's continued practice of sending cases to an officer's supervisor to recommend training and/or mentoring even though the case has been closed as an Inquiry<sup>1</sup> or Administratively Suspended. When a case is classified as an Inquiry or Closed,<sup>2</sup> the issue being complained upon does not rise to the level of a policy violation and the Department does not require further action after the initial review. The OPO commends SPD for recognizing opportunities to use an incident for a supervisor to informally but directly mentor an officer.

3 Year Comparison of Internal Complaints	2018	2019	2020 <sup>3</sup>
Inquiry / Suspended / Closed	11%	28%	14%
Unfounded / Exonerated / Not Sustained	21%	16%	23%
Sustained	68%	56%	36%

Of the internal complaints received, sustained complaints were down 20% while complaints that were found in favor of the officer are up 7%. The number of internal complaints that did not warrant an IA investigation decreased by 14% compared to 2019.

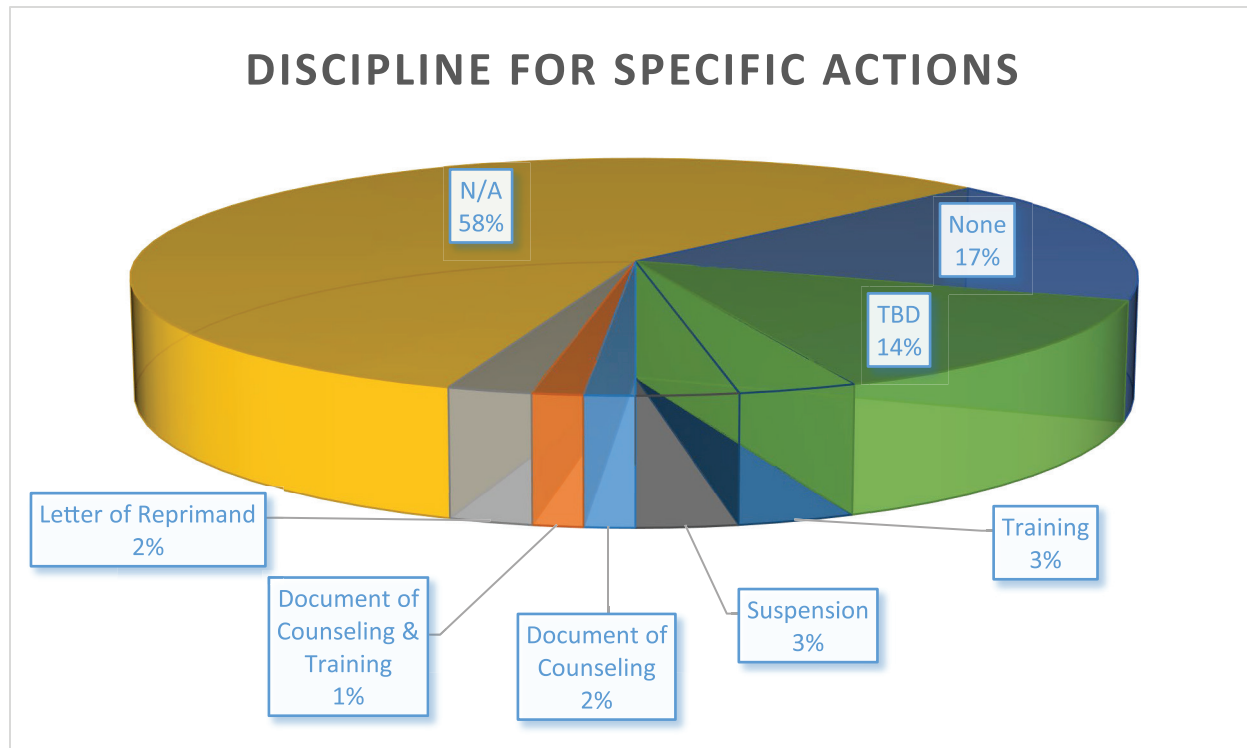
<sup>1</sup> Spokane Police Department Policy Manual 1020.1. - The "inquiry" classification is defined as questions about an employee conduct, which, even if true, would not qualify as a personnel complaint may be handled informally by a department supervisor and shall not be considered complaints.

<sup>2</sup> SPD Policy Manual 1020.1. - The "closed" classification is defined as either an allegation of misconduct that is disproved upon initial review (i.e. BWC footage or other evidence clearly disprov[ing] an allegation) or the accused officer leaves employment.

<sup>3</sup> This accounts for 68% of all internal findings. The remaining findings rounded to the nearest whole number is still under review and TBD 27%.

# COMMENDATIONS & COMPLAINTS

## CLASSIFICATION AND DISPOSITION OF ALLEGATIONS



Of all complaints received in 2020, 28% received a Chain of Command review. This is almost equal to last year, down 1%. This does not include 14% of total allegations that are still TBD. Of the complaints the Chain of Command reviewed, they found 42% of allegations to be Unfounded, Exonerated, or Not Sustained, with 5% as a Training/Policy failure.

The Chain of Command sustained 20% of all allegations. Of the sustained allegations, 11% received some form of discipline. This includes: 3% training, 3% of some type of suspension, 2% Document of Counseling, 1% Document of Counseling and Training, and 2% Letter of Reprimand. Suspensions issued varied from 1-day to 120 hours suspension.

**36% OF ALLEGATIONS REVIEWED BY THE CHAIN OF COMMAND RECEIVED SOME TYPE OF DISCIPLINE. WHILE 48% OF ALLEGATIONS REVIEWED WERE FOUND TO BE UNFOUNDED OR EXONERATED.**



# STATISTICS OF INTEREST

	2019	2020	Change
Non-Deadly Use of Force	117	71	↓39%
Critical Incidents	5	3	↓40%
Pursuits	30	14	↓53%
Preventable Collisions	23	17 <sup>4</sup>	↓26%

The statistics of interest reflect a sharp decline across almost all categories. This may likely be due to the impact of the pandemic, which restricted calls for service and contact, but can also be attributed to positive efforts within the department. Calls for service decreased by 14% from 2019 (116,168) to 2020 (100,468). As an example, preventable collisions decreased greatly in 2020 proportionate to changes SPD made to its Pursuit policy, Policy 315. The updated policy strictly limits when an officer may engage in pursuit to dangerous felonies specifically listed. 2 of 14 pursuits were found out of policy, while 4 are still under review and TBD.

SPD officers got into 45 total collisions in 2020. 2 cases do not have a final disposition, 1 was a legal intervention found in compliance with policy, 1 collision was not in compliance, and 17 collisions were found preventable.

The reduction in uses of non-deadly force, while not directly measureable, may be attributed in part to SPD's greater emphasis on reducing use of force incidents; update of its Use of Force policy, Policy 301; and implementation of a De-Escalation policy, Policy 300.

Typically the data points are finalized by the Office of Professional Accountability before providing them to the OPO. However, SPD is still in the process of reviewing cases from 2020 as of the date this report was written. The data points were obtained from IAPro and an unofficial count kept by IA and may differ from statistics the department may publish.

<sup>4</sup> This information was current as of the date this report was written on February 16, 2021.

# CRITICAL INCIDENTS

SPD officers were involved in a total of 5 critical incidents. Four of the incidents were officer involved shootings. One incident resulted in the subject's death after contact with officers. A critical incident occurs when a SPD employee is involved as a principal, victim, witness, or custodial officer, where death or serious bodily injury results or where deadly force was used regardless of whether any injury or death resulted. SPD shall notify the Ombudsman to observe any administrative or civil investigation conducted by or on behalf of the Department. See SMC 04.32.040.

Date	Location	Race	Status	Incident Type	Summary
8/7/20	Crestline Street and Courtland Avenue	Native American	Survived	Officer involved shooting	Officers from the Patrol Anti-Crime Team (PACT), Special Investigative Unit (SIU), and SWAT team responded to a string of armed robberies at cell phone stores in the area. The suspect was located in a vehicle at an intersection when officers moved in to detain the suspect. As officers moved in, the suspect displayed a handgun. Officers attempted to de-escalate the situation prior to firing their service weapons.
9/11/20	6309 E. Broadway Ave, Spokane Valley	White	Deceased	Officer involved shooting	Officers from the PACT Team were investigating a report of a robbery/ carjacking that occurred in Airway Heights the previous day after a terminated pursuit. On the day of the incident, PACT officers located the suspect's vehicle, pursued it, and located it at the incident location. As the officers moved in to contact the suspect, the suspect exited the vehicle, and exchanged gunfire with one officer. Both the officer and the suspect were both struck. Despite attempting life-saving measures, the suspect was pronounced deceased on scene.
9/24/20	9030 W. Sunset Hwy	White	Deceased	Officer involved shooting	Officers from the PACT and SIU team were following up on information from the SPD Domestic Violence (DV) Team. A wanted DV suspect was believed to be in the motel at the incident location. As officer waited for additional resources, the suspect was spotted walking through the parking lot with a firearm. The suspect and officers exchanged words before two officers fired their service weapons. Officers on scene attempted to apply life-saving measures before the suspect was transported by medics. Efforts to save the suspect were unsuccessful.

# RECOMMENDATIONS

## UPDATES ON 2019 RECOMMENDATIONS

### Recommendation #1: Juvenile Miranda Advisements

**Summary:** The Ombudsman recommended that SPD create a policy for juvenile Miranda advisements, or at a minimum, ensure officers take extra steps to ensure that minors comprehend the advisement. Additionally, this will help preserve any information officers obtain from the minor in a court setting.

**Status:** Completed.

## 2020 RECOMMENDATIONS

The Ombudsman provided **23 recommendations** to SPD related to policy and/or training. The recommendations and Chief's response are:

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

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

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

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

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

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

**RECOMMENDATION #3:** I recommend that SPD ensure officer safety is at the forefront of every tactical review and ensure that every officer follows established training and procedures, particularly in high risk events. Officers who take unnecessary risks or put other officers or the public in unnecessary danger should be immediately referred for additional training.

**Chief's response: Completed.** This incident was forwarded to the Training staff at the Academy with direction to incorporate high risk vehicle stop training into future in-services. Additionally the deployment of the K9 was analyzed by Sgt. Spiering, who updated the K9 policy to provide clearer guidance for K9 deployments. Since that direction was forwarded to the Academy, this training has occurred.

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

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

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

**Chief's response: Completed / Ongoing.** SPD believes strongly in the expectation of its officers to de-escalate when reasonable. Because of our conviction, we created a separate de-escalation policy to ensure the importance of this policy is stressed. Additionally we continue to train at in-services on this topic and will do so into perpetuity.

# RECOMMENDATIONS

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

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

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

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

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

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

**RECOMMENDATION #8:** SPD should consider reducing or removing exceptional techniques from its policies, manuals, guidelines, and any other guiding documents and training to reduce department liability. SPD should also consider listing every device that an officer can use in utilizing force. By limiting the force options an officer has, the department is likely to reduce liability. (See Appendix B for Seattle PD's Use of Force Tools Policy that lists every force option allowed by the department)

**Chief's response: Partially implemented and partially not implemented.** The WA State Criminal Justice Training Commission (CJTC) offers a limited number of techniques, and limited number of hours to train on those techniques, under the defensive tactics umbrella. Many officers have taken advanced training outside their employment and obtained, and maintained, a level of proficiency in control tactics otherwise not obtainable with staffing, budget and training hours offered by SPD. The "exceptional technique" category allows tactics used by an officer, those tactics not being a part of the CJTC training curriculum, to be examined for reasonableness. The same standard of reasonableness in utilizing a tactic is followed whether the tactic used is officially trained by the CJTC or a tactic not trained on by the CJTC. SPD continues to utilize as its foundation the Graham standard, "Because the test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application," the test's "proper application requires careful attention to the facts and circumstances of each particular case." (Graham v. Connor).

The below quote was taken from Lexipol and has implications for uses of force:

(Strickland v. Washington, 466 U.S. 668 (1984) at 687).

**"Specific Rules.** One proposal that sometimes comes up in the police use of force debate is to judge officer actions using very specific rules (emphasis added). Here is what the Strickland court said about using specific guidelines to judge the decisions of a criminal defense attorney:

More specific guidelines are not appropriate. No particular set of detailed rules ... can satisfactorily take account of the variety of circumstances faced by defense counsel or the range of legitimate decisions regarding how best to represent a criminal defendant. Any such set of rules would ... restrict the wide latitude counsel must have in making tactical decisions." (Id. at 688-689)

Though this case specifically relates to adequate representation by defense counsel, the concepts are similar to the variety and unpredictability of use of force encounters, and the dangers in having "very specific rules" that cannot "take account of the variety of circumstances" or the "range of legitimate decisions."

Related to the second prong in recommendation #8, "SPD should also consider listing every device that an officer can use in utilizing force," SPD does list out the various tools they are specifically trained on in the Defensive Tactics manual (184 pages).

**Ombudsman's response:** I disagree that principles of legal representation transfers to our recommendation on the department limiting the use of exceptional techniques to limit liability because the mission of legal counsel in a criminal trial is different from that of a police department evaluating an officer's conduct administratively. In the Strickland v. Washington case, the defendant alleged a Sixth Amendment violation due to ineffective counsel. Legal counsel did not seek out character witnesses or request a psychiatric evaluation at sentencing. This prevented mitigating evidence from entering the record and therefore the trial court sentenced the defendant to death. The Court addressed whether the defendant received effective counsel. The



# RECOMMENDATIONS

Court found that in evaluating claims of ineffective counsel, judges should be deferential to counsel because they must have “wide latitude” to make “reasonable tactical decisions,” and detailed guidelines for representation could distract from counsel’s overriding mission is the vigorous advocacy of the defendant’s cause. Here, the police department’s role in evaluating uses of force is vastly different. The department is not an advocate, but the arbiter of whether an officer’s conduct fell in or out of policy to protect the safety of officers and members of the public they interact with.

While I agree that in a deadly force encounter, an officer should utilize any tool available to prevent lethal harm, in the cases where less than lethal force is used, officers should be provided clear guidance on what standards the department will use to evaluate their conduct. A manual is not binding like a policy. Listing the tools an officer is allowed to use in the Defensive Tactics manual has no effect if the Department’s policy does not hold the officer to a standard on what tools the Department allows an officer to use.

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

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

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

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

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

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

**RECOMMENDATION #11:** I recommend SPD safeguard the due process rights for its officers by forbidding all informal and formal interactions by the chain of command with an officer that is currently undergoing an IA investigation and/or a chain of command review regarding the matter with the exception of formally recorded interviews.

**Chief’s response: Implemented.** At the time of this incident, uses of force, pursuit and collision reviews were finalized at the Major level. Since this report, all findings related to Blue Team reports and investigations are now determined by the Assistant Chief or Chief. Those resulting in discipline beyond a letter of reprimand are decided by the Chief.

**RECOMMENDATION #12:** I recommend SPD clearly designate who maintains disciplinary authority to ensure an officer is not disciplined more than once for the same offense. Further, all discipline issued should be immediately documented for the record and any subsequent discipline issued should explain whether it is in addition to the previous discipline or if the previous discipline issued has been rescinded or modified.

**Chief’s response: Implemented.** Related to recommendation #11.

**RECOMMENDATION #13:** I recommend SPD promptly initiate an IA investigation under the requirements of SPD Policy 301.14.3 in all cases. This will ensure an officer’s right to due process, proper notification of the Police Ombudsman, and an impartially conducted investigation by IA.

**Chief’s response: Completed.** SPD’s policy manual was updated shortly after this incident to address this issue (see policy 301.14.3).

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**RECOMMENDATION #14:** I recommend the Chief insist upon policy compliance by senior members of his staff. Impartial IA investigations should be initiated for any misconduct that would not be considered minor. SPD already had a policy that required initiating an IA investigation, but it was not enforced. Strong policies set the standards of acceptable conduct, but those policies are only effective if they are clearly defined and enforced.

**Chief's response: Completed.** SPD updated its policy and disseminated its updated policy related to Blue Team reviews and identification of potential misconduct to the entire agency (see Recommendation #13). Based on conversations with the OPO, "serious violations" discovered during the review (specifically related to uses of force, demeanor, etc.) will have an Internal Affairs investigation initiated. De minimis violations (e.g., not activating BWC immediately upon exiting the vehicle) will be handled through Documentations of Counseling (or Letters of Reprimands if appropriate under the progressive discipline umbrella).

**RECOMMENDATION #15:** I recommend SPD explicitly require an IA investigator to initiate a complaint investigation when he or she is made aware of potential allegations of misconduct.

**Chief's response: Not implemented per se, however the expectation is that the IA supervisor ensure the appropriate Bureau supervisor initiate the IA investigation or bring to the attention of a higher rank.** This recommendation, as it relates to C19-040, revolves around a scenario that had not been experienced prior by staff at SPD (different findings at different levels of the review process, related to a use of force, with the final decision at the time being determined by a Major, who had the final say in determining the appropriateness of the use of force and disagreed with his subordinates). This has been rectified with the elevation of final findings to the Assistant Chief or Chief of Police. If either the Assistant Chief or Chief of Police determines that misconduct arises to the level that a misconduct investigation should be initiated, their decision will be final. Additionally the chain of command will be reprimanded with the appropriate training or discipline for "fail to supervise".

The supervisors within the Bureau are expected to initiate an Internal Affairs investigation if they become aware of misconduct. This duty is an expectation of their leadership position. In this scenario, due to the dynamics not experienced prior, a different finding was determined at multiple levels during the review process. An Internal Affairs Lieutenant cannot be expected to have a clear understanding of potential misconduct under the facts of this specific incident when the chain of command itself was not in agreement of the misconduct.

Having said that, any supervisor within SPD has an obligation to ensure a misconduct investigation is initiated upon learning of serious policy violations (as an example, if the chain of command at the Captain level determines misconduct occurred that rises to the level of an IA investigation, that Captain will traditionally direct the lower rank to initiate the investigation. This occurs for multiple reasons, one being to develop the supervisor and reinforce expectations –especially with newly promoted supervisors).

**RECOMMENDATION #16:** I recommend documenting all investigatory steps taken in a review or investigation for consistency across the board in investigations and reviews conducted.

**Chief's response: Implemented**

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

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

**RECOMMENDATION #18:** I recommend SPD require its IA investigator sign a recusal form as part of their investigation.

**Chief's response: Implemented.** SPD Internal Affairs has developed a form that encompasses concerns brought forward in this recommendation.

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

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

## **RECOMMENDATION #20: If SPD uses a subject's history as part of its determination, it should limit the information to what involved officers knew at the time of the incident, and also include the officers' applicable history in its consideration.**

**Chief's response: Implemented.** SPD agrees with this recommendation, and case law requires that only those factors known to the officer using force at the time force was used, may be considered in determining the reasonableness of the application of force. As it relates to this incident, the officers were working with the US Marshall's Office violent offender task force. The subject in this incident told the officer two times that he had a gun, the officers had information about his prior arrest for being a felon in possession of a gun, and that he had been seen purchasing ammunition several months prior by a DOC officer. Additionally at least one officer had information that the subject told a cooperative individual prior to this incident that he would not go back to jail. This was documented in the officers' reports.

In terms of considering the officer's applicable history in each incident where force was utilized, SPD follows a progressive discipline matrix. Where no misconduct has occurred in the officer's past, those incidents do not bear on whether the current incident's use of force is justified or not justified. Each incident stands on its own merits. Where misconduct has occurred, the sanctions will always take into account the IA history of the employee.

Additionally SPD utilizes an EIS (Early Intervention System) that "flags" employees who have met a pre-determined threshold for uses of force, pursuits, collisions and complaints. This flag occurs even when the incidents were determined to be in policy. Internal Affairs coordinates a review of these officers with the officer's chain of command in an effort to be proactive in determining, as an example, officers who may use force within policy, but means other than force may have been a viable option.

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

**Chief's response: In progress.** SPD agrees with this recommendation, specifically having a separate category where disputed facts are noted, as well as individually listing out each officer involved and what the allegations / findings are for each officer. This recommendation will be part of the updated template used by IA.

## **RECOMMENDATION #22: I recommend SPD consider shortening the timeframe for release of BWC and records related to both critical incidents and community impact cases to be in line with industry standards of 45 days or less, subject to applicable exemptions.**

**Chief's response: Not implemented.** SPD has spoken extensively with City Legal regarding the release of BWC footage more quickly. At times the release may be delayed due to investigative processes that must be followed to protect the integrity of the investigation or at the request of the Prosecutor's office. Additionally each minute of BWC footage takes approximately 10 minutes to review for redaction to avoid the release of prohibited information per RCW. Records staffing has not grown in proportion to the utilization of BWCs and one person has been assigned to this task full time, while the demands placed on Records staff have also grown (records requests, CPLs, gun transfers, etc.). In conversations with the OPO, there has also been a lack of alignment with the OPO's research versus direction provided by City Legal. SPD is in agreement that the sooner the video can be released, the more productive and healthy it is for the community and SPD.

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

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



# 2020 COMPLAINTS RECEIVED

OPO	IA	City Council District	Allegation(s)	Days Investigated	Receipt Date	Ombudsman Review Completed	Status	Chief's Findings	Officer Discipline
20-01	C20-001	2	Policy Violation	N/A	1/2/2020	N/A	Administratively Suspended - Sent to HR	N/A	TBD
20-02	C20-002	1	Abuse of Authority / BWC Violation	32	1/7/2020	2/19/2020	Mediation	N/A	N/A
20-03	C20-004	1	Inadequate Response / Demeanor	18	1/14/2020	2/6/2020	Administratively Suspended	2/6/2020	N/A
20-04	C20-007	1	False Statement	10	2/6/2020	2/19/2020	Closed	2/19/2020	N/A
20-05	C20-009	1	Demeanor	7	2/12/2020	2/20/2020	Inquiry	2/21/2020	N/A
20-06	C20-018	1	Demeanor	35	2/25/2020	4/13/2020	Administratively Suspended	4/14/2020	Counseled prior to complaint received
20-07	C20-019	1	Demeanor	10	3/5/2020	3/18/2020	Inquiry	3/20/2020	N/A
20-08	C20-020	2	Demeanor / Inadequate Response	68	3/16/2020	6/17/2020	Unfounded	8/27/2020	None
20-09	C20-027	1	Demeanor / Inadequate Response	17	4/7/2020	4/29/2020	Closed	4/28/2020	N/A
20-10	C20-029	3	Inadequate Response	13	4/14/2020	4/30/2020	Inquiry	4/30/2020	N/A
20-11	C20-031	1	Inadequate Response / Demeanor	62	4/16/2020	7/10/2020	Unfounded / Exonerated	9/10/2020	None
20-12	C20-032	1	Inadequate Response / Demeanor	4	4/25/2020	4/30/2020	Closed	5/1/2020	N/A
20-13	C20-033	3	Inadequate Response / Demeanor	11	4/29/2020	5/13/2020	Closed	5/14/2020	N/A
20-14	N/A	N/A	Commendation	N/A	N/A	N/A	N/A	N/A	N/A
20-15	C20-030	3	Improper Search and Seizure / Excessive Force / False Arrest / Criminal	20	4/9/2020	5/6/2020	Unfounded / Sustained - Unlawful / Improper Search and Seizure	8/14/2020	Document of Counseling and Training
20-16	C20-037	2	Inadequate Response	28	5/26/2020	7/2/2020	Inquiry	7/22/2020	N/A
20-17	N/A	N/A	Commendation	N/A	N/A	N/A	N/A	N/A	N/A
20-18	N/A	N/A	Commendation	N/A	N/A	N/A	N/A	N/A	N/A
20-19	C20-038	2	Excessive Force	19	6/2/2020	6/26/2020	Exonerated	9/17/2020	None
20-20	C20-040	2	Excessive Force	21	6/2/2020	6/30/2020	Administratively Suspended	7/1/2020	N/A
20-21	C20-039	2	Demeanor / Harassment	96	6/2/2020	10/13/2020	Unfounded	11/13/2020	None
20-22	C20-041	2	Excessive Force	101	6/3/2020	10/21/2020	Administratively Suspended	10/22/2020	N/A
20-23	C20-042	2	Excessive Force	100	6/3/2020	10/20/2020	Administratively Suspended	10/22/2020	N/A
20-24	C20-043	2	Criminal	22	6/3/2020	7/2/2020	Administratively Suspended	7/2/2020	N/A
20-25	C20-044	2	Excessive Force / Demeanor	104	6/2/2020	10/23/2020	Administratively Suspended	10/30/2020	N/A
20-26	C20-046	2	Demeanor / Improper Tactics	96	6/9/2020	10/20/2020	Administratively Suspended	10/23/2020	N/A
20-27	C20-045	3	Inadequate Response	37	6/9/2020	7/29/2020	Closed	7/31/2020	N/A
20-28	C20-047	2	Excessive Force	100	6/10/2020	10/27/2020	Administratively Suspended	11/6/2020	N/A
20-29	N/A	N/A	Commendation	N/A	N/A	N/A	N/A	N/A	N/A

OPO	IA	City Council District	Allegation(s)	Days Investigated	Receipt Date	Ombudsman Review Completed	Status	Chief's Findings	Officer Discipline
20-30	C20-048	1	Demeanor / Inadequate Response	54	6/16/2020	8/28/2020	Administratively Suspended	8/28/2020	N/A
20-31	C20-049	1	Demeanor / Inadequate Response	34	6/16/2020	7/31/2020	Administratively Suspended	8/30/2020	N/A
20-32	C20-050	2	Criminal / Property Loss / Inadequate Response	12	6/16/2020	7/1/2020	Closed	7/2/2020	N/A
20-33	N/A	N/A	Commendation	N/A	N/A	N/A	N/A	N/A	N/A
20-34	C20-051	1	Traffic	10	6/17/2020	6/30/2020	Inquiry	7/1/2020	N/A
20-35	C20-053	2	Policy Violation	43	6/23/2020	8/20/2020	Closed	8/20/2020	N/A
20-36	C20-054	1	Inadequate Response	49	6/23/2020	8/28/2020	Inquiry	9/3/2020	N/A
20-37	C20-052	3	Inadequate Response	21	6/24/2020	7/22/2020	Closed	7/23/2020	N/A
20-38	N/A	N/A	Commendation	N/A	N/A	N/A	N/A	N/A	N/A
20-39	C20-057	2	Inadequate Response	75	7/1/2020	10/13/2020	Exonerated - Officers 1 & 2 / Not Sustained - Officer 3	12/17/2020	None
20-40	C20-060	1	Inadequate Response	12	7/2/2020	7/17/2020	Administratively Suspended	7/17/2020	Referred to supervisor
20-41	C20-064	1	Policy/Standard Violation	83	7/13/2020	11/4/2020	Not Sustained	11/12/2020	None
20-42	C20-061	2	Demeanor	78	7/16/2020	11/2/2020	Closed	11/3/2020	N/A
20-43	C20-066	3	Inadequate Response	63	7/27/2020	10/21/2020	Administratively Suspended	10/22/2020	N/A
20-44	C20-069	3	Policy/Standard Violation / Demeanor	73	7/27/2020	11/4/2020	Officer 1 Sustained, Officer 2 Exonerated	12/15/2020	Letter of Reprimand
20-45	C20-068	2	Inadequate Response	26	7/27/2020	8/31/2020	Inquiry	9/1/2020	N/A
20-46	C20-070	2	Inadequate Response / Demeanor	15	10/8/2020	10/28/2020	Inquiry	11/3/2020	N/A
20-47	C20-073	1	Inadequate Response	45	9/1/2020	11/2/2020	Closed	11/3/2020	N/A
20-48	N/A	N/A	Not Assigned <sup>6</sup>	N/A	N/A	N/A	N/A	N/A	N/A
20-49	C20-075	1	Demeanor	32	9/10/2020	10/23/2020	Closed	10/27/2020	N/A
20-50	C20-076	2	False Arrest	33	9/15/2020	10/29/2020	Administratively Suspended	10/30/2020	N/A
20-51	C20-078	1	Bias Policing / Demeanor	38	10/20/2020	12/10/2020	Unfounded	2/2/2021	None
20-52	C20-079	2	False Arrest/False Statements	23	10/25/2020	11/25/2020	Administratively Suspended	11/25/2020	N/A
20-53	N/A	N/A	Not Assigned	N/A	N/A	N/A	N/A	N/A	N/A
20-54	C20-083	3	Demeanor / Inadequate Response	18	11/20/2020	12/15/2020	Administratively Suspended	12/17/2020	N/A
20-55	N/A	N/A	Commendation	N/A	N/A	N/A	N/A	N/A	N/A
20-56	C20-087	2	Inadequate Response	TBD <sup>7</sup>	12/10/2020	TBD	TBD	TBD	TBD
20-57	C20-088	3	Excessive Force / Demeanor	26	12/22/2020	1/26/2021	Closed	1/26/2021	N/A
20-58	C20-089	2	Inadequate Response	TBD	12/29/2020	TBD	TBD	TBD	TBD
20-59	C20-090	3	Excessive Force / Demeanor	TBD	12/30/2020	TBD	TBD	TBD	TBD

6 Due to administrative error, OPO 20-48 and 20-52 were omitted from being assigned a number.

7 As of the date this report was written, OPO 20-56/C20-087, OPO 20-58/C20-089, and OPO 20-59/C20-090 were still pending review or investigation.

# 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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