



OFFICE OF THE POLICE OMBUDSMAN

OFFICE OF THE POLICE OMBUDSMAN **2021 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 serves as a Commissioner on the Washington State Criminal Justice Training Commission. Bart is a Certified Practitioner of Oversight through the National Association for Civilian Oversight of Law Enforcement (NACOLE). Bart has a Master of Forensic Sciences from National University and a Master of National Security Affairs from the Naval Postgraduate School. Bart is a graduate of the Federal Bureau of Investigation National Academy, Session 239, and is also a certified Advanced Force Science Specialist.

Luvimae Omana, Deputy Police Ombudsman

Luvimae Omana has dual degrees in Business Administration and Political Science from the University of California, Riverside and a Juris Doctorate from Gonzaga University School of Law. Luvimae is licensed to practice law in Washington. Luvimae is 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
Lili Navarrete
James Wilburn
Luc Jasmin



LETTER FROM THE OMBUDSMAN

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 through December 31, 2021. The year continued to present the challenges of working in a pandemic environment. Most of the work of the Office of the Police Ombudsman (OPO) was done remotely with a limited City Hall office presence beginning in the summer. Our office remained connected through regular virtual meetings internally as well as with members of the Office of the Police Ombudsman Commission (OPOC), the Spokane Police Department (SPD), and other City departments.

Despite the pandemic, the OPO saw an increase in contacts from the community by 220 compared to 2020 for a total of 1452 contacts. We conducted additional interviews to determine if an allegation rose to the level of a complaint 73 times. Overall, community member complaints submitted to Internal Affairs (IA) for investigation declined from 50 complaints in 2020 to 35 in 2021. We also saw a significant decrease in the number of referrals of 66 made. This was largely due to an absence of two individuals who regularly generated referrals in the past. Complaints spiked in June 2020 following the death of George Floyd in Minneapolis resulting in nationwide protests. In response, Washington State enacted numerous police accountability reform measures into law. Prior to the legislative change, overall complaints against the SPD were already trending downward and have continued throughout 2021.

The OPO attended a variety of virtual and in-person training opportunities in 2021. 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 that is required by the Spokane Municipal Code 04.32. This year's conference was held over a period of approximately eight weeks, in which three to four 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. As the pandemic appeared to be winding down, the Deputy Police Ombudsman attended the Use of Force Summit. The Administrative Specialist also attended the Reid Advanced Interviews and Interrogation course. Additionally, I went on four ride-alongs with SPD to fulfill the requirements of the ordinance to make up for the ride-alongs I was unable to go on in 2020 which were waived by City Council.

I included these concepts in the letter last year, but I feel it is especially pertinent to reiterate NACOLE's basic principles for effective oversight, especially in light of the upcoming bargaining session for the next Collective Bargaining Agreement (CBA) between the City of Spokane and the Police Guild. I continue to ask that you, the leaders of Spokane, strenuously consider whether the following basic principles have been adequately addressed in this upcoming agreement. **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.**

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. As an example, Chief Meidl asked the OPO to perform an independent review of the May 31st protest in Spokane which occurred in the aftermath of the death of George Floyd. The Police Guild filed a grievance against this review citing that it was akin to an independent investigation, which is authorized in the City Charter but not in the CBA. Chief Meidl denied their grievance and it moved forward in the process to City Hall where it languished due to a variety of factors, including multiple City Administrator changes in personnel.

Sometime after that, Chief Meidl sent me an email requesting that I review the protests and provide my independent opinion. However, the email restricted the OPO from watching Body Worn Camera (BWC) video or talking with officers. I contacted a member of the Police Guild leadership to ask them about those restrictions. At that point, I was told that the Police Guild would not and could not object to any officer that might voluntarily want to come and talk with me. However, due to the restrictions imposed in the Chief's protest review request,

the OPO would only be able to rely on the documentation generated by the police department to conduct the review. Without unimpeded access to all sources of information that exist in SPD, the OPO could not provide a thorough report on the incident based only on officer reports.

Further complicating the issue is that the Chief's request asked the OPO to publish a report of our opinions regarding the matter. However, the OPO is expressly forbidden by the CBA to give our opinion in any report that the OPO writes. Further, should the Police Guild take the matter to binding arbitration, a bench decision would be issued on whether the OPO was in violation of the CBA. That issue combined with other language in the contract creates an environment in which it is impossible to provide an assessment on any issue. The CBA provides in Article 27, subsection Y, "Knowingly or negligently acting outside of their legal authority will be considered a failure to perform the duties of the office and/or negligence in the performance of the duties and may result in appropriate discipline up to and including removal of the person(s) from the OPO in accordance with the SMC."

Further, Article 27 of the current CBA between the City of Spokane and the Spokane Police Guild, all OPO closing reports must disclose additional restrictions:

1. Any closing report from an IA investigation shall clearly state the information expressed within the report is the perspective of the OPO, that the OPO does not speak for the City on the matter, and the report is not an official determination of what occurred;
2. The report will include the current policy practice, policy, and/or training as applicable and shall expressly state the policy recommendations that follows reflect the OPO's opinion on modifications that may assist the department in reducing the likelihood of harm in the future; they do not reflect an opinion on individual job performance under the current policy, practice, or training;
3. A report shall not comment on discipline of an officer(s). This includes a prohibition on writing in a report whether the OPO or OPOC agrees with or differs from the Chief's findings, whether the officer acted properly, whether the officer's actions were acceptable, or whether the officer's actions were in compliance with training or policy. Additionally, no report will criticize an officer or witness or include a statement on the OPO or OPOC's opinion on the veracity or credibility of an officer or witness.
4. The OPO's closing report shall not be used by the City as a basis to open or re-open complaints against any bargaining unit employees, or to reconsider any decision(s) previously made concerning discipline.
5. The report may not be used in disciplinary proceedings or other tangible adverse employment actions against bargaining unit employees, but not limited to decisions regarding defense and indemnification of an officer; and
6. The names of officers or witnesses may not be disclosed.

The Spokane City Charter provides the OPO's responsibilities, duties, and functions and the independence required to accomplish those mandates. The OPO is charged with publishing reports which reflects its independent findings and recommendations.¹ In order to accomplish its responsibilities, the Charter provides "The [P]olice [O]mbudsman and any employee of the OPO must, at all times, be totally independent. Any findings, recommendations, reports, and requests made by the OPO must reflect the independent views of the OPO² ... The City shall not enter into any collective bargaining agreement that limits the duties or powers of the OPO as set forth in Section 129 unless such limitation is required to comply with existing federal or state law."³

To maintain legitimacy, the OPO must be able to demonstrate its independence from law enforcement, especially in the face of high-profile issues. When the OPO does not have **clearly defined and adequate jurisdiction and authority**, it can neither perform its mission nor fulfill the mandates of the Charter. The May 31st protests review request illuminates several issues regarding the independence, jurisdiction, and authority of the OPO. NACOLE maintains that stakeholders must ensure the level of authority of an oversight agency has in relation to its core oversight functions permits the agency to perform its duties to the greatest degree possible and without limitation. We request that the Administration and City Council carefully consider these matters in upcoming bargaining sessions.

¹ See Spokane City Charter §129(B)(4) (Effective date February 26, 2013).

² *Id.* at §129(C).

³ *Id.* at §129(F).

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. During 2021, the OPO began to publish Closing Reports and Policy and Procedure Reports utilizing the new process outlined in the most recent CBA. The OPO utilized these case reviews to present recommendations to SPD for improvements to existing policies and procedures with the examples presented by the police responses in each case. While each recommendation may not represent systemic issues, we believe that the implementation of these recommendations would jointly benefit SPD and the community. Several of the recommendations were a repeat of recommendations made in Closing Report C19-040 regarding case review and review board practices which we continue to believe should be improved upon.

The new CBA created additional layers in the review process of Closing Reports that infringe on the OPO's independence. Prior to publishing a report, the OPO is required to send the reports to the Police Guild for review. During the process of each review, the OPO met with members of the Police Guild's leadership to discuss their feedback on the report. While this meeting was not mandated by the CBA, it facilitated agreement and allowed both parties a glimpse behind the curtain regarding the reasoning behind each item of discussion. It is pertinent to note that at no time did the Police Guild attempt to remove, adjust, diminish, or tamper with the content messaging. However, they provided several adjustments to wording. To further facilitate the review process, the OPO also sent each report to the City Attorney's Office for a compliance review. Tim Szambelan, our assigned City Attorney, initially pushed back on the review process citing a conflict of interest. He has since reviewed the content of each report as to form prior to sending it to the Police Guild. The reports were also provided to the Police Chief and the Assistant Police Chief for their review.

It is imperative that the content of the reports be vastly improved to allow the OPO express its opinion in upcoming negotiations. To maintain legitimacy, the OPO must be able to demonstrate its independence from law enforcement. The insistence by law enforcement and the City through the CBA that the OPO provide no opinion on any matter reported upon is short-sighted and greatly infringes upon the independence of the OPO and the transparency to the public on matters of public concern upon which the office was established.

According to NACOLE, 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 to be effective.

We are appreciative of many things that occurred throughout 2021. The OPO was honored to receive a proclamation from the City Council for Ombuds Day. We also want to acknowledge the Mayor's Administration and City Council who have allocated adequate funding and operational resources to the OPO. This is a significant demonstration of support of the OPO. During 2021, the position of Deputy Police Ombudsman was fully established; the Police Ombudsman position was reclassified; and the training budget for both the OPO and the OPOC was re-established to pre-pandemic levels for 2022. Since my arrival in 2016, the Administration and City Council have continued to fund OPO initiatives, such as the Police Force Analysis System (dashboards). The OPO implemented the dashboards system several years ahead of a statewide initiative to create a use of force database in 2021. The Washington State Attorney General's Office Special Advisory Group invited the OPO to provide testimony regarding dashboards as Washington considers how best to implement the database.

In 2022, 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

2021	Highlight of Activities
1452	Citizen contacts
52	Participation or attendance in community meetings and events
6	Letters of officer appreciation / commendation
36	OPO generated complaints
64	Total referrals to SPD and other agencies / departments
2	Cases offered to SPD for mediation
0	Cases Ombudsman declined to certify
73	Interviews of community members with ongoing or potential complaints
88	Oversight of IA interviews
84	Special cases reviewed
307	Meetings with SPD
20	SPD review boards attended

THE OPO WAS CONTACTED 220 MORE TIMES IN 2021 THAN 2020 DESPITE THE ONGOING PANDEMIC.

TRAINING

Per SMC §04.32.070(A)-(C), The Ombudsman must complete 2 ride-alongs with SPD per year. The Ombudsman completed **4 ride-alongs** on June 4, 14, 18, and 19, 2021. The OPO attended **2 SPD In-Service Training days** on June 16, 2021 (Spring In-Service) and October 15, 2021 (Fall In-Service). The OPO also attended **SPD Supervisor Training on Legislative Changes** on July 7 & 14, 2021.

Non-SPD training highlights include:

- NACOLE Annual Virtual Conference
- Daigle Law Group's Use of Force Summit
- Reid Advanced Interview and Interrogation Techniques
- The Police Ombudsman continued work on several NACOLE groups including the Strategic Planning Committee, the Membership Development and Support Committee, and the Use of Force Working Group.
- The Deputy Police Ombudsman was a panelist on the US Commission on Civil Rights on Excessive Use of Force: Disparities and Definitions.
- The Deputy Police Ombudsman continued work on Task Force 2.0 convened by the Seattle University School of Law. She co-chaired the Alternatives to Policing subcommittee and was a member of the Policing subcommittee. She was also a panelist on the Task Force's presentation to the Washington State supreme court justice on how to address racial disproportionality in the criminal justice system.
- The OPO met with the Attorney General's Office to discuss police use of force policy and House Bill 1310. We also presented to the Attorney General's Office's Special Advisory Group on Use of Force Dashboards.
- The OPO met with a Pierce County attorney establishing a police oversight office to advise her on police oversight practices in Spokane.
- The OPO attended short seminars on:
 - Analyzing and Reporting Use of Force Statistics
 - Transforming Dispatch and Crisis Response Services: Meeting Challenges with Innovation
 - Investigation and Systemic Review of Police Responses to Large-Scale Protests
 - Crowd Control - Use of Munitions, Dispersal Orders
 - Crossroads of the 1st and 4th Amendment
 - Subversive Group Identification
 - How to Calm an Angry Person in 90 Seconds or Less
 - Attorney General Office's Public Records University

OPO ACTIVITIES

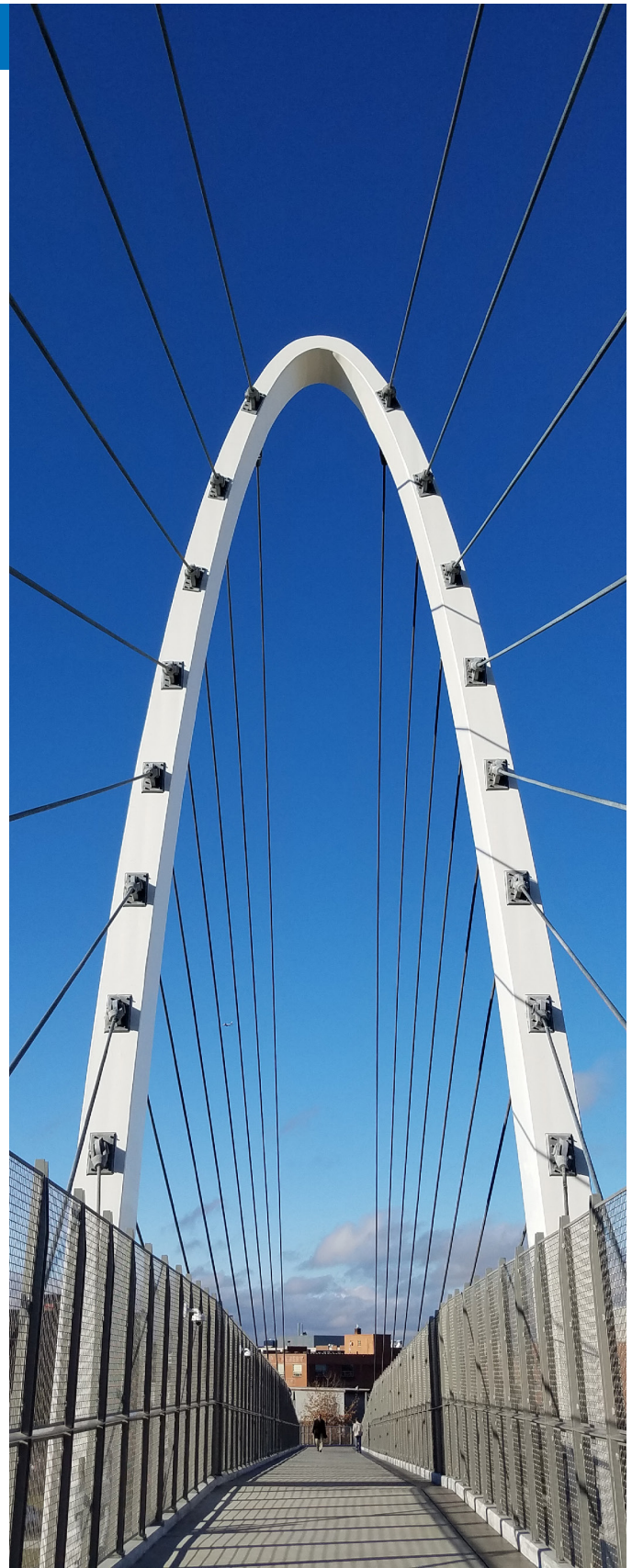
REPORTING

The OPO reports monthly to the Public Safety & Community Health Committee, the Mayor, the City Council, the City Administrator and the Chief of Police. In 2021, the Ombudsman completed 1 annual report for 2020 and 11 monthly reports. Per SMC §04.32.110(C), the Ombudsman briefed City Council on April 12, 2021.

CLOSING AND POLICY AND PROCEDURE REPORTS

In 2021, the OPO began writing closing reports after the ratification of the current CBA in March 2021. The OPO issued 9 reports from March to December 2021. The cases below were the basis of our closing reports. The cases range from uses of force, Internal Affairs complaints, OPO generated complaints, and SPD related accidents. OPO Reports 1-9 are listed below with corresponding case numbers.

1. F20-033/C20-090/OPO 20-59
2. A20-038/C20-081
3. F20-028
4. F20-049/A20-042/P20-014
5. C21-017/C21-030/OPO 21-09 – Mediation Report⁴
6. F20-052
7. F20-045
8. F21-004
9. C21-002



⁴ The OPO requested the City and the Guild agree to amend the CBA to exempt the OPO from writing mandatory mediation reports that would disclose the content of a confidential mediation. While both parties agreed, this change has not been made in the CBA.

COMMENDATIONS & COMPLAINTS

COMMENDATIONS RECEIVED

Commendations Submitted by the OPO

1)	An officer was commended by the Ombudsman on a ride-along (OPO 21-15)
2)	An officer was commended by the Ombudsman on a ride-along (OPO 21-16)
3)	An officer was commended by the Ombudsman on a ride-along (OPO 21-17)
4)	An officer was commended by the Ombudsman on a ride-along (OPO 21-18)
5)	An SPD employee was commended by a community member for helping an animal (OPO 21-31)
6)	An SPD employee was commended by the Ombudsman for providing prompt assistance regarding a public records request (OPO 21-37)

5 COMMENDATIONS SUBMITTED WERE FROM THE OPO AND 1 FROM A COMMUNITY MEMBER.

↓19% IN COMMUNITY GENERATED COMPLAINTS FROM THE PREVIOUS YEAR.

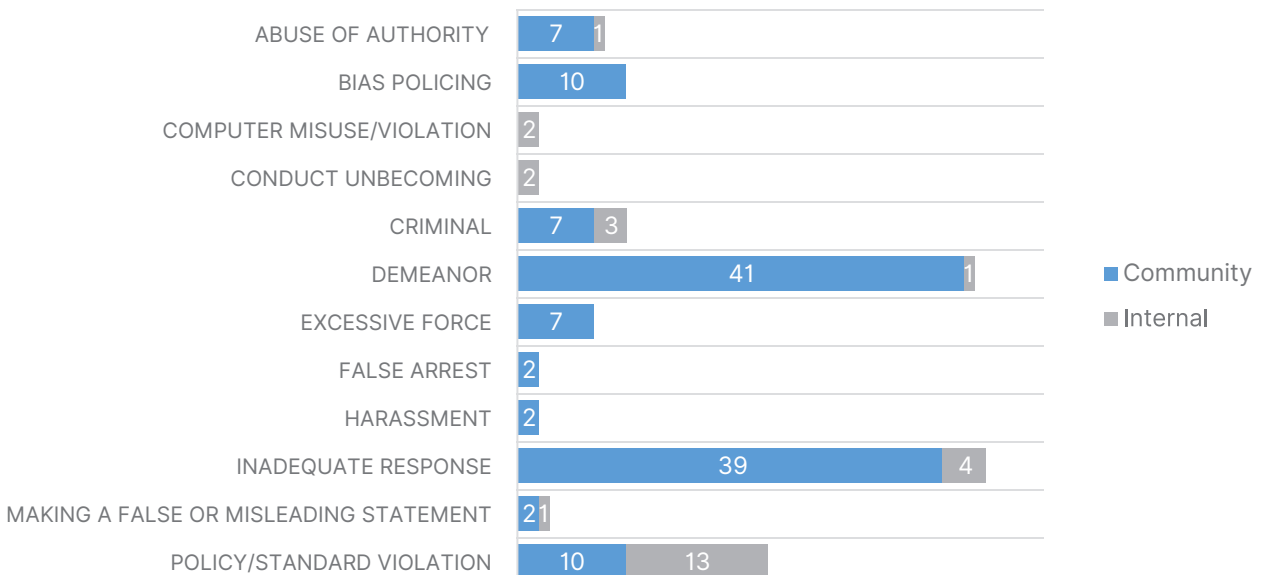
COMPLAINTS RECEIVED

In 2021, community generated complaints were down 19% from 2020 despite an increase in community contacts. Community members filed 29 complaints directly with Internal Affairs and 35 with the OPO. In 2020, community complaints were down 22% despite a surge of complaints received because of protests in the summertime.

This decrease is likely due in large part to the ongoing pandemic. The OPO staff predominantly worked remotely for most of the year.



TOP ALLEGATIONS IN COMPLAINTS

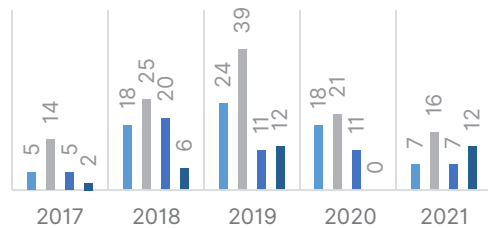


THE COMMUNITY CONTINUES TO SUBMIT THE MOST COMPLAINTS ON DEMEANOR AND INADEQUATE RESPONSE.

COMMENDATIONS & COMPLAINTS

OPO COMPLAINTS BY CITY COUNCIL DISTRICT

■ District 1 ■ District 2 ■ District 3 ■ N/A



DISTRICT 2, WHICH INCLUDES THE DOWNTOWN CORE AREA, CONTINUED TO GENERATE THE MOST COMPLAINTS.

N/A REFERS TO COMPLAINTS THAT DID NOT OCCUR WITHIN CITY LIMITS OR A DISTRICT COULD NOT BE DETERMINED.

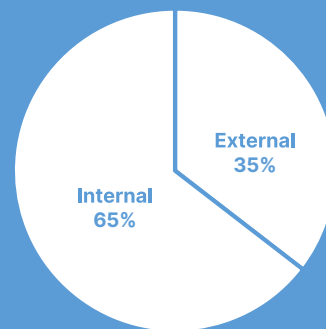
REFERRALS

The OPO made **64 referrals** in 2021. 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.

Referrals Made Outside SPD IA

Port Orchard Police Department
Spokane County Detention Services
Spokane County Sheriff's Office
Washington State Patrol
Crime Check
Clerk's Office
Code Enforcement
SPD Communications
SPD Records

COMPLAINT REFERRALS



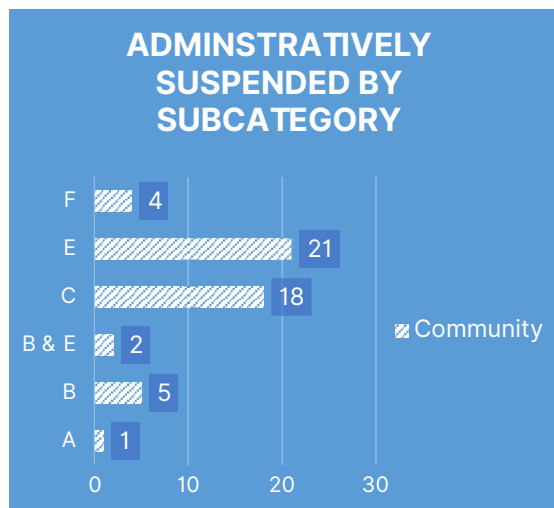
REFERRALS WERE DOWN 53% IN 2021. IN 2020, TWO INDIVIDUALS FILED 17 REFERRALS BUT ONLY 2 COMBINED IN 2021.

COMMENDATIONS & COMPLAINTS

COMPARING COMPLAINTS OVER A 3-YEAR PERIOD

3 Year Comparison of Community Complaints	2019	2020	2021 ⁵
Inquiry / Suspended / Closed	68%	63%	73%
Unfounded / Exonerated / Not Sustained	20%	17%	0%
Sustained	4%	5%	0%

In 2021, 73% of allegations raised in community-based complaints did not rise to the level of a full IA investigation. This is up 10% from 2020. These categories include those classified as “Inquiry,” “Closed,” and “Administratively Suspended.” It should be noted that with almost 25% of all allegation still TBD, a full analysis is not available. However, data available indicates similar patterns to previous years.



Of all community complaints, “Inquiry” made up 11%, “Closed” made up 23% and “Administratively Suspended” made up 39% of all allegations made in complaints. The remaining allegations were mediated or classified as a “Training/Policy Failure.”

51 allegations were subsequently Administratively Suspended. All allegations suspended cited to a specific subcategory. This is a practice the OPO began reporting on in 2020 to provide more information on why cases are suspended. The subcategories are defined in the table at right.

Subsection E made up 41% of allegations. This is up 8% from 2020.

These complaints were suspended due to allegations being minor in nature and sent to the employee’s supervisor for informal follow-up. Subsection C made up 35% of allegations. This is up 10% from 2020. These were suspended due to a pending criminal prosecution where an administrative investigation may impact the outcome of a criminal prosecution.

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

3 Year Comparison of Internal Complaints	2019	2020	2021 ⁶
Inquiry / Suspended / Closed	28%	14%	22%
Unfounded / Exonerated / Not Sustained	16%	23%	15%
Sustained	56%	36%	37%

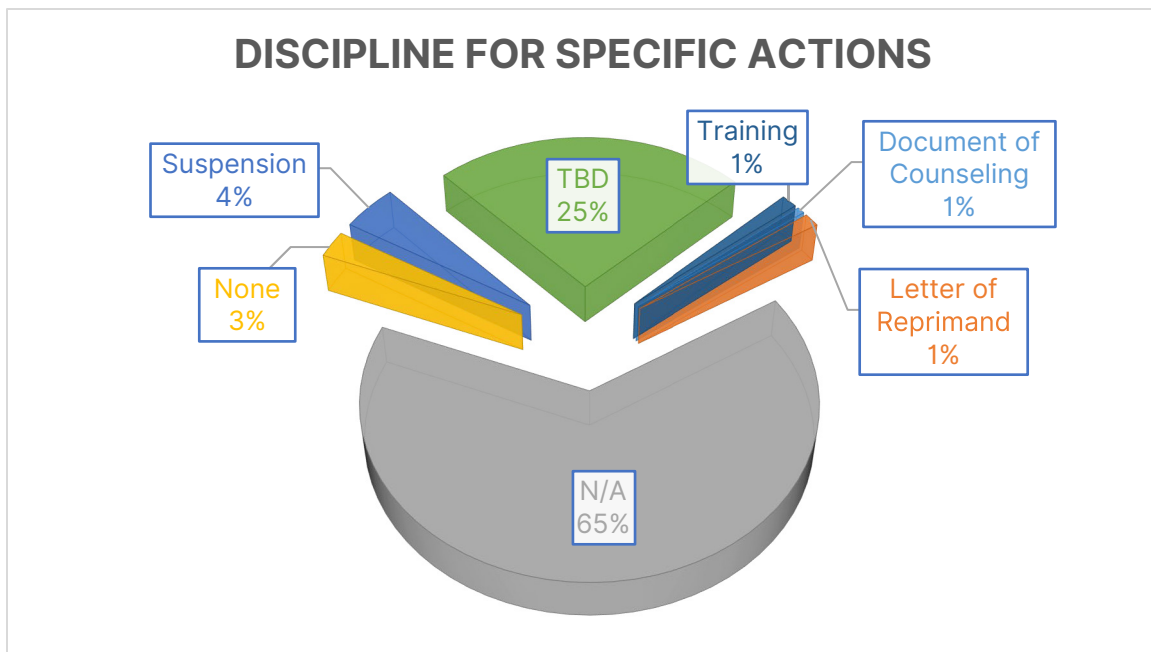
Of the internal complaints received, sustained complaints were relatively stable with a 1% increase while complaints that were found in favor of the officer were down 8%. The number of internal complaints that did not warrant a full IA investigation went up 8% compared to 2020.

⁵ This accounts for 73% of all community findings as of January 6, 2022. The remaining findings rounded to the nearest whole number include: Mediation 1%, Training/Policy Failure 2%, and TBD 25% as of January 6, 2022.

⁶ This accounts for 74% of internal findings as of January 6, 2022. The remaining findings rounded to the nearest whole number include: Mediation 4% and TBD 22%.

COMMENDATIONS & COMPLAINTS

CLASSIFICATION AND DISPOSITION OF ALLEGATIONS



Notwithstanding 24% of allegations are still TBD, 10% of all complaints in 2021 received a Chain of Command review. This is down 18% from 2020. Of the complaints the Chain of Command reviewed, they found 3% of allegations to be Unfounded, Exonerated, or Not Sustained, with 1% as a Training/Policy failure.

The Chain of Command sustained 6% of all allegations. Of the sustained allegations, 11% received some form of discipline. This includes: 3% training, 4% of some type of suspension, 1% Document of Counseling, and 1% Letter of Reprimand.

Of the cases that are still TBD, the allegations include: Abuse of Authority, Bias Policing, Computer Misuse/Violation, Conduct Unbecoming, Criminal, Demeanor, Excessive Force, Harassment, Inadequate Response, Policy/Standard Violation, and TBD.



STATISTICS OF INTEREST

	2019	2020	2021 ⁷	Change from Previous Year
Non-Deadly Use of Force	117	71	66	↓7%
Critical Incidents	5	3	2	↓40%
Pursuits	30	14	13	↓7%
Preventable Collisions	23	17	16	↓6%

The statistics of interest continue to reflect a decline across all categories. Calls for service decreased by 6% from 2020 (100,468) to 2021 (94,300). This may likely be due to the continuing impact of the pandemic which restricted calls for service and contact but can also be attributed to positive efforts within the department as well as Washington State legislative reforms.

As an example, preventable collisions decreased greatly in 2021 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 13 pursuits were found out of policy, while 12 are still under review and TBD. SPD officers were involved in 63 total collisions in 2021. 27 cases do not have a final disposition. 5 collisions were found in compliance with policy,⁸ 16 collisions were not preventable, and 17 collisions were found preventable.

The reduction in uses of non-deadly force, while not directly measurable, may be attributed in part to SPD's greater emphasis on reducing use of force incidents along with police accountability reform by the Washington State Legislature that took effect in the end of July 2021. For example, HB 1054 banned the use of neck restraints, proposed changes to police K-9s, limited the use of tear gas, banned the acquisition of military equipment, banned the use of certain firearms and ammunition, and forbade officers from engaging in a pursuit unless there is probable cause to believe a crime had been committed or a person is committing a violent offense or sex offense, or reasonable suspicion exists that someone is driving under the influence. HB 1310 requires an officer exhaust all alternatives to using force before resorting to force in any situation. SB 5066 created a duty for officers to intervene and report if they witnessed another officer attempting or engaging in use of excessive force.

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 2021 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 the final statistics the department may publish.

⁷ This information was current as of the date this report was written on January 28, 2022.

⁸ This is normally when an officer purposely uses their vehicle to disable another vehicle.

CRITICAL INCIDENTS

SPD officers were involved in a total of **2 critical incidents**. Under SMC 04.32.040, SPD shall notify the Ombudsman to observe any administrative or civil investigation conducted by or on behalf of the Department. Due to the passage of I-940 in 2018, IA is no longer allowed on-scene once the designated investigating agency under the Spokane Independent Investigative Response (SIIR) Team arrives. Previously an IA sergeant or the lieutenant would brief the Police Ombudsman on-scene. Since the passage of I-940, the Police Ombudsman's brief has been reduced to a phone call and SPD's media release. The OPO is navigating how to receive information to remain in compliance with the SMC. The summary below is generated from information obtained from SPD and the SIIR Team media releases.

Date	Location	Race	Status	Incident Type	Summary
1/5/21	5100 N. Ash	White	Deceased	Officer involved shooting	Officers and detectives from Major Crimes Unit, Special Investigations Unit, Patrol Anti-Crime Team, and Special Weapons and Tactics were attempting to locate and capture the subject on a warrant for Murder 2nd degree. Officers received information the subject might be armed and dangerous in North Spokane. Officers located the subject leaving a vehicle and applied a Pursuit Intervention Technique to stop the vehicle. As officers moved in to apprehend the subject, they engaged officers with gunfire. Several officers discharged their firearm in response.
4/17/21	500 S. Cannon	White	Deceased	Officer involved shooting	Officers responded to a vehicle prowling call. The victim said the prowler was in their vehicle and had pointed a gun at them when the victim confronted the subject. Officers arrived on scene within minutes. The subject was still inside the victim's vehicle armed with a firearm. There was an exchange of gunfire.



RECOMMENDATIONS

UPDATES ON 2020 RECOMMENDATIONS

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.

Updated response: Implemented.

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)

Updated response: Implemented. A template has been developed and instructions given to follow that template during these reviews. A copy of this template was included in the 2021 Recommendation response from SPD.

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.

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.

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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 #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.

Updated response: Implemented. This is the expected practice for all IA investigations, including documentation of the investigation.

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

Updated response: Implemented. Internal Affairs has updated the IA SOP to reflect the format and procedures to be used for chain of command reviews.

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)

Updated response: Partially implemented. Internal Affairs updated the IA SOP to reflect the recommendation of disputed facts as part of the template for summary reports. However, SPD's IA investigators do not determine credibility and are expected to maintain a neutral and unbiased investigation. The chain of command review or ARP is expected to critically evaluate the evidence, veracity of the evidence and provide credibility assessments as appropriate.

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

Updated response: Implemented. The direction has been given and officers habitually include this information in their reports.

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.

Updated response: Implemented. Direction has been given to Internal Affairs staff to follow guidance related to noting discrepancies in facts or disputed evidence related to the investigation. The chain of command or the Administrative Review Panel if reviewing, is to weigh the veracity of any disputed information and, when appropriate, note the basis for the reviewer's determination.

If ARP notes other policy violations or training guidelines for consideration or follow-up, this information is forwarded to Internal Affairs for review and appropriate follow-up, up to and including additional allegations of misconduct.

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.

Updated response: Implemented.

RECOMMENDATIONS

2021 RECOMMENDATIONS

Recommendation R21-01: The OPO recommends changing duty to intervene policy to include suggested language to be in compliance with new state laws and NACOLE best practices.

Chief's response: Implemented.

The Spokane Police Department updated many policies in July 2021 related to police reform legislation passed by the State. Based on language in Senate Bill 5066, we modified our Use of Force policy (301) as it relates to the "duty to intervene and to render aid". We did incorporate portions of your suggested language into our updated policy. Senate Bill 5066 had significant input from the community and legal departments throughout the state. For that reason, we also used language directly from the Senate Bill.

Also I am pleased to report that the Spokane Police Department has been accepted into the Active Bystandership for Law Enforcement (ABLE) Project, Georgetown University Law Center's national training and support initiative for U.S. law enforcement agencies committed to building a culture that prepares officers to successfully intervene to prevent harm and create a law enforcement culture that supports peer intervention. The department received letters of support for participation in ABLE from Kiantha Duncan (Spokane NAACP) and Freda Gandy (Martin Luther King Jr. Community Center). We will be providing this training to the entire department during our 2022 May/June in-service.

Recommendation R21-02: The OPO recommends SPD maintain and not expand its current policy of Administratively Suspending complaints in which a lawsuit or claim for damages has been filed to include not investigating matters which may lead to a lawsuit or claim for damages. IA Investigators should fully investigate complaints it receives independent of potential lawsuits or future claims for damages until the complainant indicates or IA learns a lawsuit or claim for damages has already been filed.

Chief's response: Not implemented.

The practice of taking complaints from attorneys who may be representing a client regarding a lawsuit or claim for damages was modified based on direction from our City's Legal Department. Attorneys who are attempting to contact Internal Affairs (or any other SPD unit) should, as a matter of course, be directed to contact City Legal. If City Legal feels it is appropriate for Internal Affairs (or other unit) to contact the attorney in question, they will advise. Based on guidance from City Legal, these will need to be evaluated on a case-by-case basis.

Based on conversations between our offices, we will ensure policy is updated to reflect this practice.

Recommendation R21-03: The OPO recommends IA formalize its practice of advising individuals the call is being recorded at the onset of a conversation before any substantive discussion occurs by requiring it in the IA SOP. The policy should include that if providing an advisement was overlooked, the investigator should provide the advisement immediately after they realize it had been omitted.

Chief's response: Implemented.

The Internal Affairs SOP currently states, "Interviews, telephonic or in person, will be recorded by the interviewer to capture the exact wording of questions and responses. Transcripts can later be generated from recorded statements, if necessary. If it is not possible to record the interview, the supervisor needs to indicate the reason in their IA Additional". As a result of your conversations with Lt. Cowles, he immediately modified the practice of Internal Affairs to include the advisement at the onset of conversations. We have updated the IA SOP to formalize this practice.

Recommendation R21-04: The OPO recommends SPD reinforce its policy to ensure that de-escalation, both in practice and review, includes a tactical review of the de-escalation techniques that are applied prior to a use of force. SPD should also consider implementing officer feedback from the Use of Force Review Board which includes other techniques which could have been considered, if any were identified. The OPO is willing to provide specific policy language in this regard if requested.

Response to Recommendation	Count
Implemented	10
Not implemented	2
In progress	3
Partially implemented / in progress	1
Partially implemented	1
Total responses received:	17

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Chief's response: Implemented.

Suggestions from this recommendation have been added to the template for use during SPD's monthly Use of Force Review Board (UOFRB) analyses. The areas of review are: Chain of Command issues, tactical plan (approach, cover, concealment, containment, verbal communication, etc.), tactical review of the de-escalation techniques that are applied prior to a use of force, training, warning of impending force application, demeanor, report writing (completeness, etc.), proper tool/equipment selection if applicable, Policy/SOP considerations, post-care/First Aid, PAT care (if appropriate) and Action Items. The UOFRB has and will discuss other tactics that may have been appropriate for the situation as well, even when uses of force were determined to be compliant with policy.

Prior to legislation passed in 2021, officers utilized a template for Graham statements when writing an incident report documenting a use of force. That template has been expanded to address reasonable care factors such as:

- When possible, exhaust available and appropriate de-escalation tactics prior to using force.
- When using physical force, use the least amount of force necessary to overcome resistance under the circumstances.
- Terminate the use of physical force as soon as the necessity for such force ends.
- When possible, use available and appropriate less lethal alternatives before using deadly force.
- Make less lethal alternatives issued to the officers reasonably available for their use.

When articulating the use of force in a report, officers will use a Graham/Reasonable Care statement that will involve the following:

- Crime
- Imminent Threat of Bodily Injury
- Resistance
- De-escalation Tactics
- Least Amount of Force Necessary (when applicable to the incident) Termination of Force (when applicable to the incident)

Recommendation R21-05: The OPO recommends SPD specify in its policy the restrictions or considerations an officer should consider when a TASER or 40 mm Blue Nose Launcher is deployed and if a 40 mm Blue Nose Launcher is encouraged, discouraged, or prohibited as a force option for juveniles.

Chief's response: Implemented.

Policy 308.7.3 provides deployment considerations for the 40 mm "Blue Nose" less-lethal munition. Considerations for deployment include distance and angle to target, type of munitions employed, type and thickness of subject's clothing, the subject's proximity to others, the location of the subject, the subject's physicals (age, pregnancy, weight, etc.), and whether the subject's actions dictated the need for an immediate response and the use of control devices were appropriate.

Policy 308.8.6 provides the Special Deployment Considerations for the Taser which includes individuals who are known to be pregnant; elderly individuals or obvious juveniles; individuals with obviously low body mass; individuals who are handcuffed or otherwise restrained; individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray; and individuals whose position or activity may result in collateral injury.

Recommendation R21-06: The OPO recommends SPD include as part of its evaluation of whether collisions are preventable or non-preventable, the totality of the circumstances to include tactical considerations, similar to force applications, which include the officer's actions leading up to a collision rather than just the officer's actions at the moment the collision occurs.

Chief's response: Not implemented.

The analyses conducted during Collision Pursuit Review Boards (CPRB) currently touch on topics such as training, demeanor, report writing, Policy/SOP, and post-care/First-Aid. The Department considers the officer's driving behavior immediately prior to the collision and whether the driving behavior was a direct or proximate cause of the collision itself. If there is misconduct unrelated to the proximate cause of the collision, it is addressed in a separate Internal Affairs investigation.

RECOMMENDATIONS

Recommendation R21-07: The OPO recommends the department work with risk management to evaluate liability in collisions and ensure it is clearly spelled out in policy 706.2.2(D).

Chief's response: In progress.

We are currently working with our City's Safety Coordinator and Risk Management company in order to determine if there are any policy changes that we need to address.

Recommendation R21-08: The OPO recommends the department clearly define the expectations of "Readily Available" and "Limited Personal Use" in policy to ensure officers know exactly what is allowed when taking home a city-owned vehicle. The officers assigned a take home vehicle should also acknowledge their responsibilities for this unique privilege annually.

Chief's response: Partially implemented; In progress.

Effective 2022, the Administrative Captain will send an e-mail to "all police" each year reminding those assigned a take-home vehicle to review Policy 706. Additionally, this policy will be attached to the e-mail. SPD is in the process of updating the policy to include guidance on the terms "readily available" and "limited personal use."

Recommendation R21-9: As previously recommended in Closing Report C19-040, recommendation #2, I recommend SPD either update the function of their review boards to critically analyze officer's tactical conduct and make findings or enhance the chain of command review function of categorical uses of force that examine an officer's tactics and uses of force that result in specific findings.

Chief's response: Implemented.

All uses of force are reviewed for compliance to SPD policy through the Chain of Command with a final determination of appropriateness made by the Chief's office. Each review has its own unique set of circumstances and requires a critical examination surrounding all elements of the use of force. Ideally, most items that need to be addressed are addressed through the Chain of Command. The monthly Use of Force Review Board provides an additional level of review for each incident to ensure that the Chain of Command has captured relevant information and data, and to address other areas important and relevant to SPD and the community, including Chain of Command review issues, tactical planning (approach, cover, concealment, containment, verbal communication, etc.), tactical review of the de-escalation techniques that are applied prior to a use of force, training, warning of impending force application, demeanor, report writing (completeness, etc.), proper tool/equipment selection if applicable, Policy/SOP considerations, postcare/First Aid, PAT care (if appropriate) and any other relevant action items.

Recommendation R21-10: As previously recommended in Closing Report C19-040 recommendation #10, I recommend SPD create a standard format and procedures for supervisors to utilize when conducting chain of command reviews.

Chief's response: Implemented.

PD established a standard format that includes the following:

- Incident #
- Date
- Involved Officer
- Reviewing Supervisor
- BWC Footage of Incident: Yes or No
- If yes, BWC Officer's Name
- Incident Summary
- Officer Interview not documented in police reports Subject(s) interview not documented in police reports Witness interview not documented in police reports Any relevant clarifying information and observations Sergeant Findings
- Recommended Finding

All supervisors have been instructed to use the format that has been provided.

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Recommendation R21-11: I recommend that SPD reevaluate the circumstances in which a pursuit may be authorized to eliminate ambiguity for officers and ensure strict compliance with the provisions of HB 1054. SPD should also ensure an evaluation of the factors leading up to the pursuit to determine if a pursuit may have been avoidable similar to a use of force.

Chief's response: Implemented.

The Spokane Police Department revised its policy pursuant to House Bill 1054 in July 2021. Sections that were updated pursuant to State legislation include SPD Policy 314.2.1, which explains the definition of a "vehicle pursuit" and under what circumstances officers may initiate a pursuit, and SPD Policy 314.2.2, which details when officers shall terminate a pursuit.

The Training Director who chairs the Collision and Pursuit Review Board (CPRB) has been notified to include circumstances prior to the pursuit to determine if other tactics were available that may have allowed the subject to be taken into custody prior to the pursuit, thus avoiding a pursuit altogether.

Recommendation R21-12: As previously recommended in Closing Report C19-040, recommendation #8, I recommend SPD consider reducing or removing exceptional techniques from its policies, manuals, guidelines, and other guiding documents and training to reduce department liability. SPD should also consider listing every tactic or device that an officer can use in utilizing force that the Department explicitly approves.

Chief's response: Partially Implemented.

Pursuant to State legislation passed in 2021, SPD's Use of Force policy was modified, and the term "exceptional technique" was removed. Approved tactics and devices are listed in the Defensive Tactics manual.

SPD relies heavily on the 1989 U.S. Supreme Court case *Graham versus Connor*, which reads in part:

"Determining whether the force used to effect a particular seizure is "reasonable" under the Fourth Amendment requires a careful balancing of "the nature and quality of the intrusion on the individual's Fourth Amendment interests" against the countervailing governmental interests at stake. *Id.*, at 8, quoting *United States v. Place*, 462 U.S. 696, 703 (1983). Our Fourth Amendment jurisprudence has long recognized that the right to make an arrest or investigatory stop necessarily carries with it the right to use some degree of physical coercion or threat thereof to effect it. See *Terry v. Ohio*, 392 U.S., at 22 -27. Because "[t]he test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application," (emphasis added) *Bell v. Wolfish*, 441 U.S. 520, 559 (1979), however, its proper application requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight. See *Tennessee v. Garner*, 471 U.S., at 8 -9 (the question is "whether the totality of the circumstances justifie[s] a particular sort of ... seizure").

The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. See *Terry v. Ohio*, *supra*, at 20-22. The Fourth Amendment is not violated by an arrest based on probable cause, even though the wrong person is arrested, *Hill v. California*, 401 U.S. 797 (1971), nor by the mistaken execution of a valid search warrant on the wrong premises, *Maryland v. Garrison*, 480 U.S. 79 (1987). With respect to a claim of excessive force, the same standard of reasonableness at the moment applies: "Not every push or shove, even if it may later seem unnecessary in the peace of a judge's chambers," *Johnson v. Glick*, 481 F.2d, at 1033, violates the Fourth Amendment. The calculus of reasonableness must embody [490 U.S. 386, 397] allowance for the fact that police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain, and rapidly evolving - about the amount of force that is necessary in a particular situation.

SCOTUS recognized that uses of force in "tense, dynamic and rapidly evolving" situations are not capable of "precise definition or mechanical application", though all Washington State law enforcement officers and deputies receive a handful of tactics taught by the Criminal Justice Training Commission. The ultimate assessment of the legality and policy-compliance for a use of force is the "reasonable officer" standard, for reasons highlighted by SCOTUS. The number of appropriate tactics or techniques an officer may use that would fall under the "reasonable officer" standard are limitless. The "exceptional technique" category was designed to capture techniques outside the limited tactics taught by CJTC (whether those tactics were in

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compliance with policy or not). Similar to the other categorical uses of force formally tracked by SPD (e.g., TASER, OC-10, baton, strikes, less-lethal, canine deployment, pointing a firearm, etc.), SPD developed a category to track uses of force that are “not capable of precise definition” (e.g., fit in one of the specific categories of use of force that we track, as noted above).

We are willing to work with your office to determine a method to accurately track this “other” category.

Recommendation R21-13: As previously recommended in Closing Report C19-040 recommendation #10, I recommend SPD create a standard format and procedures for supervisors to utilize when conducting chain of command reviews.

Chief’s response: Implemented.

As noted in the response to R21-10, we have developed a standard form with that includes the following:

- Incident #
- Date
- Involved Officer
- Reviewing Supervisor
- BWC Footage of Incident: Yes or No
- If yes, BWC Officer’s Name
- Incident Summary
- Officer Interview not documented in police reports Subject(s) interview not documented in police reports Witness interview not documented in police reports Any relevant clarifying information and observations Sergeant Findings
- Recommended Finding

All supervisors have been instructed to use the format that has been provided.

Recommendation R21-14: A requirement that officer’s carefully monitor the subject for abnormal breathing when a subject states they cannot breathe during a physical encounter with the police and document any actions taken by an officer to assess the subject’s medical condition in a police report.

Chief’s response: Implemented.

Recommendation R21-15: I recommend SPD require the UOFRB formalize its tactical analysis as previously recommended in the C19-040 Closing Report, Recommendation #2. The UOFRB should also respond formally to any request made to conduct a review. This memorializes the analysis the board conducts and closes the loop with the department leaders on outcomes on requests they make to evaluate critical cases.

Chief’s response: Implemented.

I am in support of this recommendation and have directed the UOFRB to respond formally to a request made to conduct a specific review.

Recommendation R21-16: I recommend SPD train its supervisors to get in the habit of initiating an IA complaint when they identify potential policy violations and then clearly define the allegations of misconduct being reviewed as previously recommended in the C19-040 Closing Report, Recommendation #9.

Chief’s response: In progress.

We will be including this training in future Sergeant Academies and will train on this during the March Sergeant monthly training, as well as the March Senior Staff meeting.

Recommendation R21-17: As officers regularly respond to traumatic events, I recommend SPD provide Trauma Informed Interview Training to all officers in an appropriate upcoming training event.

Chief’s response: In progress.

The Department typically holds three in-service sessions for the entire agency each year. The sessions for 2022 have been established. I will direct SPD’s Training Unit to add this to training topics for 2023, and additionally explore training material that can be covered at upcoming roll calls.

2021 COMPLAINTS RECEIVED

The complaints are listed below according to the OPO complaint number, corresponding IA number, and allegation.

OPO #	IA #	District	Allegation(s)	Days Investigated	Date Filed	OPO Certification	Finding(s)	Subsection	Sanction
21-01	C21-006	N/A	Inadequate Response	48	2/8/21	4/14/21	Administratively Suspended	E	N/A
21-01	C21-006	N/A	Inadequate Response	48	2/8/21	4/14/21	Administratively Suspended	E	N/A
21-01	C21-006	N/A	Bias Policing	48	2/8/21	4/14/21	Closed		N/A
21-01	C21-006	N/A	Bias Policing	48	2/8/21	4/14/21	Closed		N/A
21-02	C21-009	3	Demeanor	13	3/9/21	3/25/21	Administratively Suspended	E	N/A
21-03	C21-013	1	Abuse of Authority	29	3/22/21	4/29/21	Inquiry		N/A
21-04	C21-022	N/A	Demeanor	67	5/3/21	8/3/21	Administratively Suspended	E	N/A
21-05	C21-018	1	Demeanor	19	5/3/21	5/27/21	Closed		N/A
21-05	C21-018	1	Inadequate Response	18	5/4/21	5/27/21	Closed		N/A
21-06	C21-023	3	Demeanor	50	5/5/21	7/13/21	Closed		N/A
21-06	C21-023	3	Inadequate Response	50	5/5/21	7/13/21	Closed		N/A
21-07	C21-025	2	Demeanor	54	5/3/21	7/15/21	Closed		N/A
21-07	C21-025	2	Demeanor	54	5/3/21	7/15/21	Closed		N/A
21-07	C21-025	2	Inadequate Response	54	5/3/21	7/15/21	Closed		N/A
21-07	C21-025	2	Inadequate Response	54	5/3/21	7/15/21	Closed		N/A
21-08	C21-028	2	Abuse of Authority	42	5/16/21	7/13/21	Closed		N/A
21-08	C21-028	2	Abuse of Authority	42	5/16/21	7/13/21	Closed		N/A
21-08	C21-028	2	Inadequate Response	42	5/16/21	7/13/21	Closed		N/A
21-08	C21-028	2	Inadequate Response	42	5/16/21	7/13/21	Closed		N/A
21-09	C21-030	2	Making a False or Misleading Statement	18	5/18/21	6/10/21	Mediation		N/A
21-10	C21-029	1	Policy/Standard Violation	82	5/18/21	9/8/21	Administratively Suspended	E	N/A
21-11	C21-031	3	Demeanor	59	5/20/21	8/10/21	Closed		N/A
21-12	C21-033	3	Abuse of Authority	72	5/26/21	9/2/21	Training/Policy Failure		Training
21-12	C21-033	3	Inadequate Response	72	5/26/21	9/2/21	Training/Policy Failure		Training
21-13	C21-083	2	Inadequate Response	N/A	6/1/21	TBD	Administratively Suspended		None
21-14	C21-035	2	Inadequate Response	66	6/3/21	9/2/21	Closed		N/A

2021 COMPLAINTS RECEIVED

OPO #	IA #	District	Allegation(s)	Days Investigated	Date Filed	OPO Certification	Finding(s)	Subsection	Sanction
21-15	N/A	N/A	Commendation						
21-16	N/A	N/A	Commendation						
21-17	N/A	N/A	Commendation						
21-18	N/A	N/A	Commendation						
21-19	C21-037	2	Demeanor	32	6/15/21	7/28/21	Administratively Suspended	E	N/A
21-19	C21-037	2	Inadequate Response	32	6/15/21	7/28/21	Administratively Suspended	E	N/A
21-20	C21-040	2	Demeanor	19	6/17/21	7/13/21	Closed		N/A
21-20	C21-040	2	Failure to Identify as an Officer	19	6/17/21	7/13/21	Closed		N/A
21-20	C21-040	2	Harassment	19	6/17/21	7/13/21	Closed		N/A
21-21	C21-039	2	Demeanor	23	6/21/21	7/21/21	Administratively Suspended	C	N/A
21-21	C21-039	2	Policy/Standard Violation	23	6/21/21	7/21/21	Administratively Suspended	C	N/A
21-21	C21-039	2	Unlawful/Improper Arrest	23	6/21/21	7/21/21	Administratively Suspended	C	N/A
21-22	C21-045	1	Demeanor	12	6/30/21	7/15/21	Administratively Suspended	B	N/A
21-22	C21-045	1	Demeanor	12	6/30/21	7/15/21	Administratively Suspended	B	N/A
21-22	C21-045	1	Inadequate Response	12	6/30/21	7/15/21	Administratively Suspended	B	N/A
21-22	C21-045	1	Inadequate Response	12	6/30/21	7/15/21	Administratively Suspended	B	N/A
21-23	C21-047	3	Bias Policing	70	7/4/21	10/8/21	Closed		N/A
21-23	C21-047	3	Inadequate Response	70	7/4/21	10/8/21	Closed		N/A
21-24	C21-048	2	Demeanor	47	7/8/21	9/10/21	Closed		N/A
21-24	C21-048	2	Inadequate Response	47	7/8/21	9/10/21	Closed		N/A
21-25	C21-054	N/A	Demeanor	102	8/4/21	12/23/21	Administratively Suspended	E	N/A
21-25	C21-054	N/A	Policy/Standard Violation	102	8/4/21	12/23/21	Administratively Suspended	E	N/A
21-26	C21-056	2	Inadequate Response	68	8/16/21	11/17/21	Administratively Suspended	E	N/A
21-27	C21-069	2	Inadequate Response	TBD	10/28/21	TBD	TBD		TBD
21-28	C21-059	2	Inadequate Response	49	9/2/21	11/9/21	Administratively Suspended	E	N/A
21-28	C21-059	2	Making a False or Misleading Statement	49	9/2/21	11/9/21	Administratively Suspended	E	N/A
21-29	C21-062	1	Demeanor	TBD	9/28/21	TBD	TBD		TBD



OPO #	IA #	District	Allegation(s)	Days Investigated	Date Filed	OPO Certification	Finding(s)	Subsection	Sanction
21-29	C21-062	1	Inadequate Response	TBD	9/28/21	TBD	TBD		TBD
21-30	C21-065	1	Bias Policing	69	9/30/21	1/4/2022	Closed		N/A
21-30	C21-065	1	Bias Policing	69	9/30/21	1/4/2022	Closed		N/A
21-30	C21-065	1	Policy/Standard Violation	69	9/30/21	1/4/2022	Closed		N/A
21-30	C21-065	1	Policy/Standard Violation	69	9/30/21	1/4/2022	Closed		N/A
21-31	N/A	N/A	Commendation						
21-32	C21-067	N/A	Demeanor	45	10/20/21	12/21/21	Inquiry		N/A
21-32	C21-067	N/A	Inadequate Response	45	10/20/21	12/21/21	Inquiry		N/A
21-33	C21-070	2	Policy/Standard Violation	TBD	10/29/21	TBD	TBD		TBD
21-34	C21-061	1	Criminal	TBD	9/24/21	TBD	TBD		TBD
21-35	C21-075	3	Bias Policing	TBD	11/11/21	TBD	TBD		TBD
21-35	C21-075	3	Demeanor	TBD	11/11/21	TBD	TBD		TBD
21-35	C21-075	3	Harassment	TBD	11/11/21	TBD	TBD		TBD
21-35	C21-075	3	Inadequate Response	TBD	11/11/21	TBD	TBD		TBD
21-36	C21-076	2	Demeanor	TBD	11/18/21	TBD	TBD		TBD
21-36	C21-076	2	Demeanor	TBD	11/18/21	TBD	TBD		TBD
21-36	C21-076	2	Demeanor	TBD	11/18/21	TBD	TBD		TBD
21-36	C21-076	2	Demeanor	TBD	11/18/21	TBD	TBD		TBD
21-36	C21-076	2	Inadequate Response	TBD	11/18/21	TBD	TBD		TBD
21-36	C21-076	2	Inadequate Response	TBD	11/18/21	TBD	TBD		TBD
21-36	C21-076	2	Inadequate Response	TBD	11/18/21	TBD	TBD		TBD
21-36	C21-076	2	Inadequate Response	TBD	11/18/21	TBD	TBD		TBD
21-37	N/A	N/A	Commendation						
21-38	C21-077	N/A	Policy/Standard Violation	TBD	11/18/21	TBD	TBD		TBD
21-38	C21-077	N/A	Demeanor	TBD	11/19/21	TBD	TBD		TBD
21-39	C21-078	3	Inadequate Response	TBD	11/23/21	TBD	TBD		TBD
21-40	C21-082	N/A	Policy/Standard Violation	TBD	12/31/21	TBD	TBD		TBD
21-41	C21-081	2	Inadequate Response	TBD	12/29/21	TBD	TBD		TBD
21-42	C21-058	2	Inadequate Response	TBD	10/19/21	TBD	TBD		TBD

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.



Office of Police Ombudsman

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