



# OFFICE OF THE POLICE OMBUDSMAN

## OFFICE OF THE POLICE OMBUDSMAN **2022 Annual Report**



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## 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

Luc Jasmin III, *Chair*  
Ladd Smith, *Vice-Chair*  
Jenny Rose  
Lili Navarrete  
James Wilburn



# STAFF



## **Bart Logue, Police Ombudsman**

Bart Logue began serving in this capacity in September 2016, after previously serving as the Interim Police Ombudsman. Bart also 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) and also serves on NACOLE's Board of Directors. 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.

# 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, 2022 to December 31, 2022. To begin, I would like to acknowledge that two Spokane Police Officers were shot and wounded during this last year. Other officers were fired upon. According to the National Law Enforcement Memorial Fund, 224 law enforcement officers died nationwide in the line of duty in 2022. While the OPO is grateful that Spokane officers did not add to those numbers, we give pause to consider the incredible dangers our officers face while policing our community. We also acknowledge that an SPD officer lost his life in an off-duty incident. Like our community members, our officers deserve our very best as we conduct our duties in civilian oversight of law enforcement.

During 2022, the Office of the Police Ombudsman (OPO) was contacted 1715 times, a 15% increase from 2021, but over 400 times more than pre-pandemic levels. Complaints fluctuated slightly from the previous year but match the number of complaints received in 2020 at 89. The OPO also received five community member commendations for officers during this last year. The OPO reviewed 74 cases, certifying 70 of them and declining to certify three. The OPO also offered one case for mediation. 14 cases were returned for further investigation. Oversight on Internal Affairs interviews dropped to 45 from 88 in the previous year.

As a result of one of the declined cases, the OPO conducted and reported our inaugural independent investigation as set forth under Article XVI, Section 129 in 2022. This marked a significant step forward in fulfilling the oversight mandates set forth in the charter. Per the section, the OPO shall have the following responsibilities, as well as other duties and functions established by ordinance:

1. The OPO shall actively monitor all police department internal investigations.
2. The OPO shall act as an observer to any administrative or civil investigation conducted by or on behalf of the police department when an employee of the police department is involved as a principle, 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.
3. The OPO shall independently investigate any matter necessary to fulfill its duties under Section 129(A), within the limits of the Revised Code of Washington, Washington State case law, Public Employment Relations Commission decisions, the Spokane Municipal Code, and any collective bargaining agreements in existence at the time this amendment takes effect, but only until such agreement is replaced by a successor agreement.
4. The OPO shall publish report of its finding and recommendations regarding any complaints it investigates.

Under Article 27 of the current Collective Bargaining Agreement with the Spokane Police Guild, the OPO requested the OPOC grant the scope of the independent investigation include:

1. The additional investigative steps that the OPO requested and were unfulfilled by IA in the investigation. The OPO requested that IA conduct additional interviews of persons who viewed the body worn camera footage prior to when the PRR was made by the Community Member.
2. Any training or policies regarding the dissemination of confidential information.
3. An email search of any email from a City employee or elected official to the Community Member.
4. Whether there were any conflicts of interest during the investigation.
5. Whether there was bias in the investigation.
6. Whether all witnesses and involved parties were identified.
7. The ability to pursue any other reasonable investigative leads that may present themselves during the investigation.

Through the investigative process, the OPO requested to interview 46 witnesses and conducting 31 witness interviews and one meeting with a Spokane County employee about the investigation process. We also requested IT search for relevant texts and emails from which we reviewed 4723 responsive documents. Upon completion of the investigation, the OPO annotated the process, obstacles to investigation, and pertinent facts in an Independent Investigation Closing Report. While the path to an independent investigation remains cumbersome, the progress in this year alone in fulfilling the mandates of the City Charter was significant.

Another significant step forward that occurred near the end of 2022 was that the Police Ombudsman was invited by the City Administration to bargaining sessions with the Police Guild in order to explain the OPO processes as well as talk about the OPO's strategy moving towards the future. This was the first time that the OPO has been given that opportunity.

As in previous years, the OPO will continue to work to align itself with the National Association for Civilian Oversight of Law Enforcement's (NACOLE) basic principles for effective oversight. Included among them are 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:

1. 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.

2. 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.
3. 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.
4. 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.

2022 proved to be significant in paving the way towards the authorities to fulfill the mandates of the City Charter. The OPO has also focused our efforts in providing recommendations that matter to both the police department and the community. Since 2020, the OPO has written 13 closing reports resulting in 53 recommendations to policy and/or training. Chief Meidl has implemented or is in the process of implementing 87% of those recommendations (46/53). In 2022, he continued to accept the majority of OPO recommendations (12/13).

In 2023, I will continue working towards ensuring the independence of the OPO as well as obtaining adequate staff and resources to meet the growing demands of police oversight. I pledge to work with the City to ensure a continued emphasis towards independence in reporting and finding ways to expand the investigation process. We will continue to work on ensuring that proper authorities are in place which enable the ability to fulfill the mandates placed upon our office. I look forward to further engagement with Chief Meidl as we work to ensure greater accountability of the complaint process and transparency of incidents which impact community trust.

Respectfully Submitted,



Bart Logue  
Police Ombudsman

# OPO ACTIVITIES

2022	2021	Change	Highlight of Activities
1715	1452	15%	Citizen contacts
93	52	44%	Participation or attendance in community meetings and events
8	6	25%	Letters of officer appreciation / commendation
31	36	-16%	OPO generated complaints
63	64	-2%	Referrals to other agencies / departments
1	2	-100%	Cases offered to SPD for mediation
3	0	100%	Cases declined to certify
70	80	-14%	Cases certified
83	73	14%	Interviews of citizens with ongoing or potential complaints
45	88	-49%	Oversight of IA interviews
156	84	86%	Special cases reviewed
452	307	47%	Meetings with SPD
20	20	0%	SPD review boards attended

***OPO CONTACTS INCREASED BY 15% IN 2022. MOST CONTACTS WERE MADE ONLINE OR OVER THE PHONE.***

The OPO had various opportunities to be involved in oversight activities at the state and national level including:

- Presented on the First Amendment and Social Media at the NACOLE Annual Conference;
- Panelist at the WASPC Conference in June 2022;
- Attended Governor Inslee’s address at the Washington State Criminal Justice Training Commission: The Future of Washington State Law Enforcement Training;
- The Police Ombudsman continued to serve on several NACOLE groups including the Strategic Planning Committee, the Membership Support and Advocacy Committee, the Use of Force Working Group, and the Internal Operations Committee;
- Met with Pierce County representatives on statewide investigation/discipline standards;
- The Police Ombudsman was elected as a NACOLE board member; and
- The Police Ombudsman is a commissioner for the Governor appointed Washington State Criminal Justice Training Commission and serves as a member on the certification hearings panel.

# OPO ACTIVITIES

## TRAINING

Per SMC §04.32.070(A)-(C), the Ombudsman must complete 2 ride-alongs with SPD per year. The Ombudsman completed **3 ride-alongs** on December 1, 7, and 30, 2022. The Deputy Ombudsman completed **2 ride-alongs** on November 1 and 2, 2022. The OPO attended **2 SPD In-Service training days** on April 6, 2022 (Spring In-Service) and November 2, 2022 (Fall In-Service). The OPO also attended and helped sponsor SPD Leadership training **featuring Jason Redman – Overcome; Crush Adversity with the Leadership Techniques of America’s Toughest Warriors**. The OPO also had the opportunity to present at the **SPD’s Sergeants Academy**.

Non-SPD training highlights include:

- NACOLE Annual Conference and Virtual Conference
- United States Ombudsman Association Annual Conference
- IACP Law Officer Section Spring Training
- IACP Annual Conference
- Public Records Act Training
- Calibre Press: 1st Amendment Training
- Force Science: Introduction to Human Dynamics and Conflict Resolution
- The OPO attended short seminars on:
  - Situating Body Worn Cameras (BWC) within Civilian Oversight
  - Understanding Brady and Giglio and the Oversight Role
  - Regulation and Oversight
  - Attorney General Office’s Public Records University

## 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 2022, the Ombudsman completed **1 annual report** for 2020 and **12 monthly reports**. Per SMC §04.32.110(C), the Ombudsman briefed City Council on March 7, 2022.





# COMMENDATIONS & COMPLAINTS

## CLOSING AND POLICY AND PROCEDURE REPORTS

In 2022, the OPO issued **2 reports** including **13 recommendations** total from **1 closing report** and **1 independent investigation closing report**. The cases below were the basis of our closing reports. The cases range from uses of force, Internal Affairs complaints, and OPO generated complaints. The OPO reports are listed below with corresponding case numbers.

1. C19-082/F19-056
2. C21-070/OPO 21-23

## COMMENDATIONS RECEIVED

Commendations Submitted by the OPO	
1. OPO 22-02	A member of the public commended an officer for being treated respectfully at the police front desk.
2. OPO 22-11	A member of the public commended an officer for SPD's hard work in locating their car.
3. OPO 22-19	A member of the public commended an officer for transporting a little girl home from Felt's Field.
4. OPO 22-20	A member of the public commended an officer for the courteous treatment they received from an officer during a traffic stop. While the individual ended up receiving a citation, they noted the officer's positive attitude and helpfulness. The officer drove the individual home and even carried their groceries inside the house.
5. OPO 22-23	The Ombudsman commended an officer for their effort during a school issue where a juvenile could have potentially been charged with a felony. The officer went above and beyond by conducting additional work to determine the juvenile would not be charged.
6. OPO 22-32	A member of the public commended an officer for the work they did on the individual's case in 2020.
7. OPO 22-35	The Deputy Police Ombudsman commended an officer for their ride-along.
8. OPO 22-36	The Deputy Police Ombudsman commended an officer for their ride-along.
9. OPO 22-39	The Police Ombudsman commended an officer for their ride-along.
10. OPO 22-40	The Police Ombudsman commended an officer for their ride-along.
11. OPO 22-41	The Police Ombudsman commended an officer for their ride-along.

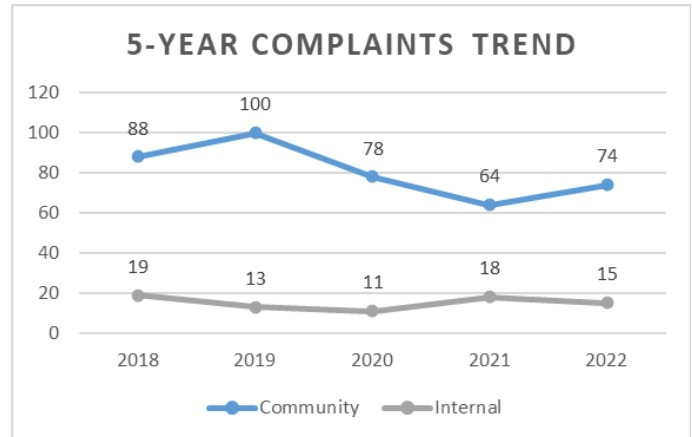
***THE OPO RECEIVED 5 COMMENDATIONS FROM THE PUBLIC IN 2022 COMPARED TO 1 IN 2021.***

# COMMENDATIONS & COMPLAINTS

## COMPLAINTS RECEIVED

The 27 excessive force allegations were comprised of 19 complaints from the community. For the allegations that were Closed, the OPO agreed IA's closed classifications were proper. Under the SPD Personnel Complaints Policy, an investigation may be closed if an allegation of misconduct is disproved upon initial review (i.e. body worn camera footage or other evidence clearly disprove an allegation) or the IA Lieutenant and Police Ombudsman, upon review of a complaint, may agree to the finding of 'Closed' for instances where both agree that an allegation is Unfounded, Exonerated, Not Sustained, or Training Failure concurrent to the Ombudsman's certification of timely, thorough, and objective.<sup>1</sup> The findings on the allegations include:

- 4 – Administratively Suspended
- 16 – Closed
- 4 – Exonerated
- 3 – TBD



**↑15% IN COMMUNITY GENERATED COMPLAINTS FROM THE PREVIOUS YEAR.**

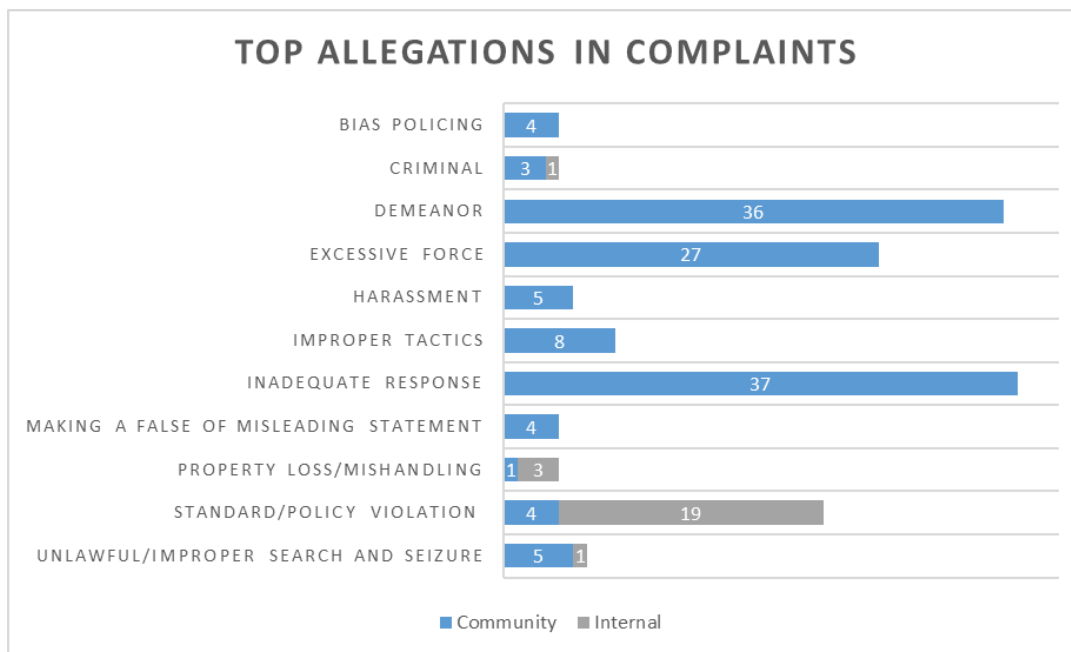


<sup>1</sup> Spokane Police Department Policy Manual Policy 1020.1.1 (Closed Category), version updated March 24, 2023.

# COMMENDATIONS & COMPLAINTS

Most of the internal complaints fell under “Standard/Policy Violation.” This includes SPD standards and policies that are not frequently alleged. In 2022, the standards and policies alleged include:

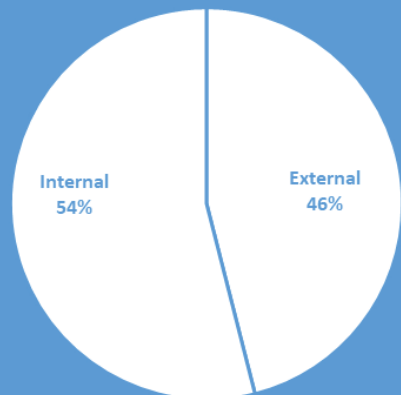
- SPD Standard 2.3 – Following standard legal practices for interrogation, arrest/detention, searches, seizures, informants, evidence preservation and collection;
- City Policy 6.10.3 – Records created related to City business;
- SPD Policy 1050.2(A) – Nepotism and conflicting relationships;
- SPD Policy 340.3.5(h) – Falsification of work related records;
- SPD Policy 340.3.5(g) – Knowingly making a malicious statement to harm/destroy the reputation/authority of the department;
- SPD Policy 340.3.5(x) – Violating any felony/misdemeanor statute where such violation affects the employee’s ability to perform duties;
- SPD Standard 4.9 – Conduct self so as not to discredit law enforcement or SPD
- SPD Policy 502.3.1 – Reporting traffic collisions involving SPD vehicles;
- City Policy ADMIN 0620-05-056 5.2.1(a)&(b) – Misuse any internet / intranet access privileges;
- SPD Policy Violation 340.3.2(m) – Engaging in on-duty sexual relations; and
- SPD Policy 703 – Body worn camera violation.



**WHILE A MAJORITY OF COMMUNITY COMPLAINTS RECEIVED ALLEGE DEMEANOR AND INADEQUATE RESPONSE, EXCESSIVE FORCE ALLEGATIONS (27) HAVE ↑286% IN 2022, FROM 2021 (7).**

# COMMENDATIONS & COMPLAINTS

## COMPLAINT REFERRALS



## REFERRALS

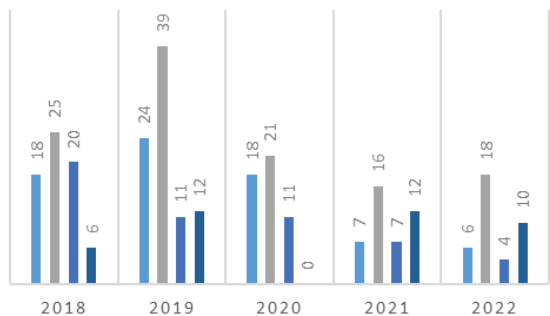
The OPO made 63 referrals in 2022. 30 referrals were external and 33 were internal. Internal referrals refer to inquiries or concerns to other areas in the Police Department outside of Internal Affairs, while External Referrals refer to all other referrals made.

External referrals were made to:

1. Spokane County Detention Services
2. 311
3. Concealed Pistol License
4. Washington State Medical Ombudsman
5. Police Records
6. Spokane County Sheriff's Office, Internal Affairs
7. Code Enforcement
8. Office of Civil Rights
9. Spokane Regional Emergency Communications

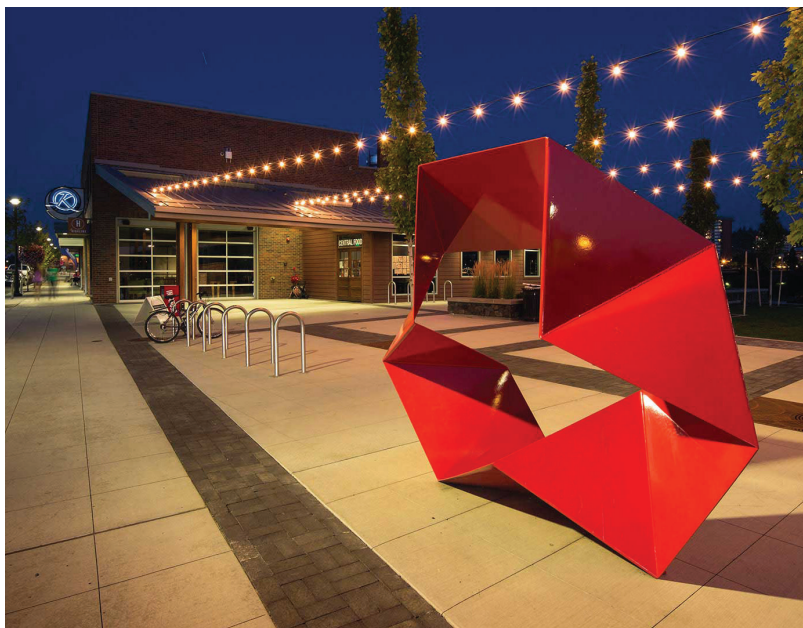
## OPO COMPLAINTS BY CITY COUNCIL DISTRICT

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



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

**REFERRALS WERE SLIGHTLY DOWN 6% IN 2022. THE REFERRALS CONTINUED TO COME FROM MORE VARIED MEMBERS OF THE PUBLIC, RATHER THAN A SMALLER NUMBER OF INDIVIDUALS WHO MADE UP A SIGNIFICANT NUMBER OF REFERRALS.**



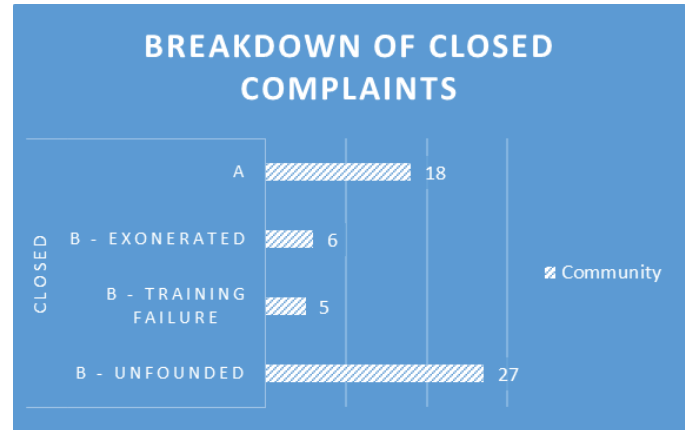
# COMMENDATIONS & COMPLAINTS

## COMPARING COMPLAINTS OVER A 3-YEAR PERIOD

3 Year Comparison of Community Complaints	2020	2021	2022 <sup>2</sup>
Inquiry / Suspended / Closed	63%	73%	78%
Unfounded / Exonerated / Not Sustained	17%	0%	8%
Sustained	5%	0%	1%

In 2022, community-based complaints increased by 16%. Of those community-based complaints, 78% of allegations raised did not rise to the level of a full IA investigation. This is a steady increase from 2020, up 5% from 2021. These categories include those classified as “Inquiry,” “Closed,” and “Administratively Suspended.”

Of all community complaints, “Inquiry” made up 15%, “Closed” made up 39% and “Administratively Suspended” made up 24% of all allegations made in complaints. The remaining allegations were mediated or classified as a “Training/Policy Failure.”



The “Closed” category was the most used classification with 56 of the total 143 community allegations. The usage of the “Closed” category increased by 87%. SPD’s Personnel Complaints Policy 1020 allows for investigations to be classified as closed if they meet one or more of the following reasons in the table below.

### Closed Subcategories

- A** – An allegation of misconduct that is disproved upon initial review (i.e. BWC footage or other evidence clearly disproves an allegation); and/or
- B** – The IA Lieutenant and Police Ombudsman, upon review of a complaint, may agree to the finding of ‘Closed’ for instances where both agree an allegation is Unfounded, Exonerated, Not Sustained, or Training Failure concurrent to the Ombudsman’s certification of timely, thorough, and objective.



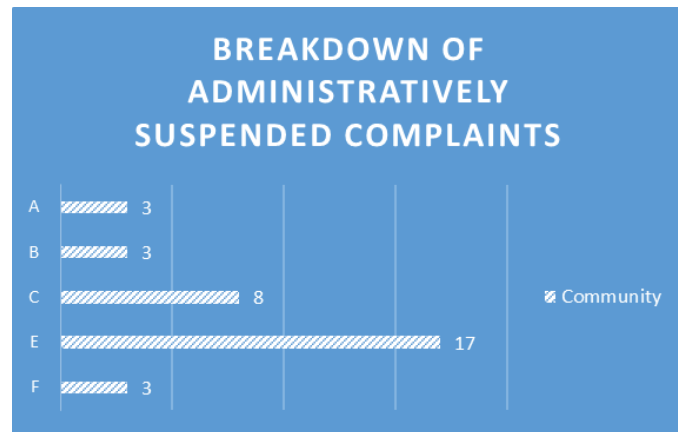
<sup>2</sup> This accounts for 87% of all community findings as of March 31, 2023. The remaining findings rounded to the nearest whole number include: Mediation 2% and TBD 10%.

# COMMENDATIONS & COMPLAINTS

87% of closed complaints were disproven upon initial review or upon further investigation, both the IA Lieutenant and the OPO agreed that the allegations were unfounded. This illustrates how despite the serious nature of some allegations made, most complaints received do not rise to the level of a policy violation.

34 of the 143 allegations were classified as “Administratively Suspended.” This is a 33% decrease from 2021. However, the decrease in the use of this category is offset by the increase in Closed cases. 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.

50% of allegations classified as Administratively Suspended were under subsection E. The number of subsection E decreased from 2021, from 21 to 17, but a higher percentage of allegations that were Administratively Suspended were sent to a supervisor for informal follow-up. These complaints were suspended due to allegations being minor in nature and sent to the employee’s supervisor for informal follow-up.



## 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	2020	2021	2022 <sup>3</sup>
Inquiry / Suspended / Closed	14%	22%	31%
Unfounded / Exonerated / Not Sustained	23%	15%	21%
Sustained	36%	37%	7%

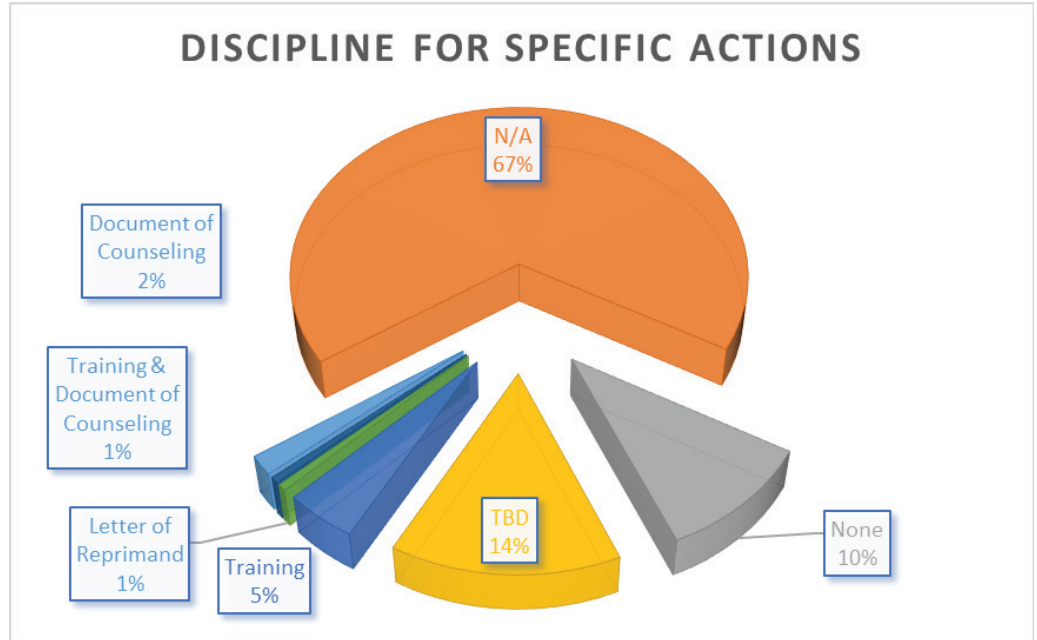
Internal complaints decreased 16% compared to 2021. It is difficult to identify significance in trends in complaint outcomes with 24% of allegations still to be determined. However, the number of complaints that were found in favor of the officer went up 6% and those against the officer fell 30%.

<sup>3</sup> This accounts for 59% of all internal findings as of March 31, 2023. The remaining findings rounded to the nearest whole number are TBD 24% and Training/Policy Failure 17%.

# COMMENDATIONS & COMPLAINTS

## CLASSIFICATION AND DISPOSITION OF ALLEGATIONS

Notwithstanding 14% of allegations are still TBD, 13% of all complaints in 2022 received a Chain of Command review. This is up 3% from 2021. 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 2% of all allegations. This is a slight decrease of 1% compared to 2021. Of the sustained allegations, discipline issued includes: 2% document of counseling, 1% training and document of counseling, 1% letter of reprimand, and 5% training.

Of the cases that are still TBD, the allegations include: Demeanor, Failure to Identify as an Officer, Computer Misuse Violation, Excessive Force, Bias Policing, Inadequate Response, Harassment, Criminal - Policy 340.3.5 (x) Violating any felony/misdemeanor statute where such violation affects the employee's ability to perform duties, and Making a False or Misleading Statement.



# STATISTICS OF INTEREST

	2020	2021	2022 <sup>4</sup>	Change from Previous Year
Non-Deadly Use of Force	71	66	80	↑ 21%
Critical Incidents	3	2	5	↑ average
Pursuits	14	13	11	↓ 15%
Preventable Collisions	17	31 <sup>5</sup>	29	↓ 6%
Calls for Service	100,468	94,300	99,751 <sup>6</sup>	↑ 6%

The statistics of interest increased in non-deadly use of force and critical incidents declined in pursuits and preventable collisions. Calls for service was added as a statistic of interest since we began tracking this information last year. This may be due to easing of the pandemic.

A possible explanation for the increase of non-deadly force is legislative changes in 2021 and 2022. The effects of the legislative changes are yet to be determined.

2022 experienced above average officer critical incidents. Critical incidents increased by 150%. However, since critical incidents are typically low numbers, slight changes are exaggerated in percentages. Measuring critical incidents as above or below average is a more accurate indicator of the trend in the number of critical incidents. Since 2011, SPD has had an average of four officer involved shootings per year. In 2022, SPD was involved in five critical incidents.

SPD is still in the process of reviewing cases from 2022 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.



<sup>4</sup> This information was current as of the date this report was written on April 5, 2023.

<sup>5</sup> The 2022 Annual Report listed 16 preventable collisions, but cases reviews were still ongoing at the time of reporting.

<sup>6</sup> There were 32,664 officer-initiated contacts of the total calls for service.



# CRITICAL INCIDENTS

SPD officers were involved in a total of **5 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	Summary
1/24/2022	2400 block of East Desmet Avenue 99202	Native Hawaiian / Pacific Islander	Deceased	The caller reported a woman was outside saying her child was dead and people were screaming. Additional 911 calls were received indicating a domestic violence incident was taking place and at least one person appeared injured. Officers responded to the location and encountered a male holding a knife to a small child. Several moments later an officer involved shooting occurred. The toddler was not physically injured.
8/3/2022	500 block of East 3rd Avenue 99202	White	Deceased	SPD located the suspects' vehicle and followed; two of the three suspects fled on foot but were apprehended by officers. The suspect vehicle crashed, the remaining suspect remained in the vehicle and exchanged gunfire with officers on scene. The suspect barricaded himself in the vehicle for several hours. When he exited the vehicle, he refused to follow commands and was still armed. Officers fired their weapons striking the suspect. Suspect was pronounced dead at the scene.
9/4/2022	2900 block of South Cedar Street 99217	White	Deceased	SPD had been notified that a person who had been served with an anti-harassment order was outside the complainant's residence an AR-15 type weapon. Officers encountered the suspect and an officer involved shooting took place. The suspect was transported to a local hospital and was later deceased.
10/16/2022	100 block of South Cedar Street 99201	Hispanic	Survived	SPD was made aware of a suspect wanted in connection with drug charges witnessed in a vehicle at 1st Ave and Cedar St. When officers approached the vehicle the suspect emerged and started shooting at officers, striking an officer in the head with gunfire. Officers returned fire striking the suspect. The suspect was transported to a local hospital where they survived.
12/4/2022	N Morton and E Illinois 99207	White	Survived	SPD responded to a suspicious vehicle call. When they arrived a male with a gun in his hand started approaching the officers. After giving numerous commands to drop the weapon an officer fired a single round at the male. The suspect fled on foot and dropped the weapon which turned out to be a replica gun. It is unknown if the suspect was injured as the officers were unable to locate him.

# RECOMMENDATIONS

## UPDATES ON 2021 RECOMMENDATIONS

The OPO has not received any updates on the recommendations listed below as “In Progress” in the 2020 Annual Report. The following are updates from the 2021 Annual Report:

**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.*

**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: Completed.*

**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: Completed.*

**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: Partially implemented.* SPD provided training in December 2022 to sergeants and are still working out scheduling a session for in-service.



# RECOMMENDATIONS

## 2022 RECOMMENDATIONS

The OPO made **13 recommendations** to SPD in 2022 through reports issued. The following is a summary of the recommendations and SPD's responses if not fully implemented. To view SPD's full responses and corresponding OPO reports, please visit [my.spokanecity.org/opo/documents/closing-reports](https://my.spokanecity.org/opo/documents/closing-reports).

### Response to Recommendations – Implemented: 8

- 1. Subject Matter Expert Documentation of Analysis/Assessment (R22-01)** – Subject Matter Experts should be required to document any assessment and analysis they provide and recommendations as a matter of policy. This will support any officer or supervisor that relies on this assessment and adds a level of accountability to the SME's evaluations.
- 2. Case Study (R22-02)** – To improve future analysis, the OPO recommends SPD use the reasoning in this case as a case study to determine the type of analysis that supervisors, administrative review panels, and review boards are expected to conduct.
- 3. ARP and IA Identify and Incorporate Disputed Facts (R22-03)** – The OPO recommends that the ARP or IA identify disputed facts and incorporate disputed facts as part of their analysis. The OPO previously recommended to SPD in C19-040, Recommendation #1 that IA Investigators should identify disputed facts and provide available evidence for both sides of the dispute, document them clearly so the designated person can make fully informed determinations on how to view the facts.
- 4. Evaluate Intent in Use of Force (R22-04)** – The OPO recommends SPD carefully consider an officer's intent when evaluating any use of force incident.
- 5. Dissenting Opinion and Further Investigation (R22-05)** – The OPO recommends any department review include a dissenting opinion if a review feels like their opinion or concerns have not been addressed by the majority. Further, if a member of the ARP or Chain of Command review feels the IA investigation did not address an issue in its investigation, the ARP or reviewer should send the issue back to IA for further investigation.
- 6. Update Review Board Function / Enhance Chain of Command Function (R22-07)** – As previously recommended in C19-040, Recommendation #2 and R21-09, the OPO recommends SPD either update the function of the review boards to critically analyze the officer's tactical conduct and make findings like LVMPD and/or enhance the Chain of Command function of the categorical uses of force like LAPD that examine an officer's tactics and uses of force that result in specific findings.
- 7. Release of Body Worn Camera Footage (R22-11)** – The OPO recommends SPD reconsider Recommendation #23 from C19-040 where the OPO recommended SPD update its Policy 703.11, Release of Body Camera Videos to maintain compliance with case law on public record requests that involve internal investigation records.
- 8. Influence of IA Investigation Process (R22-13)** – Case updates should be solely between IA and the Chief/Designee. No other party should be allowed to influence or direct IA investigations. The Chief should withhold decisions on findings until investigations are complete and should direct IA investigators to give their best efforts in investigations regardless of where the information takes them.

# RECOMMENDATIONS

## Response to Recommendations – In Progress: 3

1. **Prohibition of Striking Handcuffed Subjects (R22-06)** – The OPO recommends SPD update its policy to unambiguously prohibit allowing striking handcuffed subjects, with a few caveats. Force against handcuffed persons should be deemed significant and immediate notification of the Chief/Command duty officer should be made detailing the facts.

**Chief's Response:** The Spokane Police Department discourages the striking of handcuffed prisoners. If officers strike a handcuffed subject, immediate notification will be made to an on-duty supervisor who will review the facts of the use of force to ensure a complete and thorough investigation occurs.

Policy 308 will be updated to include this notification requirement.

2. **Requests for Public Records (R22-09)** – All requests for data and/or records that are not publicly or readily available from the public should go through the Public Records Request system. Further, it would be beneficial to sit down with the City Clerk's Office to determine up front when requests do not need to go through the PRR process as well as agreeing when a case-by-case basis advisement is appropriate.

**Chief's Response:** Overwhelmingly public records requests are referred to Police Records for processing. However, in the interests of transparency there are times when the Spokane Police Department may facilitate the sharing of information that is not law enforcement protected outside of the public records request system. For example, there are times when generalized information or information that is shared publicly in other realms, for example crime trends, may be shared outside of the public records request system. If some of this generalized information had to go through a formal Public Records Request system, it would be contrary to community engagement efforts. Those releasing this type of information are expected to follow all appropriate laws related to redaction of sensitive or confidential information.

The City Administrator has advised that he will work with Legal and the City Clerk's Office to review this recommendation and possible implementation.

3. **Universal Policy and Disclosure Agreement for All City Employees (R22-12)** – The City should consider establishing a policy and disclosure agreement for all employees, which outlines what is releasable to the public and provides guidance to employees on when it is necessary to utilize the public records request process.

**Chief's Response:** The Spokane Police Department does not have purview over other City departments and is not able to implement this proposal. The City Administrator has advised that he will work with Legal and the City Clerk's Office to review this recommendation and possible implementation.

## Response to Recommendations – Partially Implemented: 1

**When a Criminal Investigation is Releasable for Public Records Requests (R22-10)** – The OPO recommends SPD define in policy that the "bulk of the investigation is complete" is when SPD sends a case to the Prosecutor's Office for review or when an investigation reaches a logical conclusion and is not referred to the Prosecutor's Office. Further, SPD should require Records Clerks, subject matter experts, and employees who respond to PRRs are trained on Department policy and ensure that all responsive records are captured.

**Chief's Response:** The Spokane Police Department follows the Washington Supreme Court's 2013 ruling in *Sargent v. Seattle* that open and active criminal investigations are exempt from public disclosure until the case has been referred to the prosecutor for charging or are no longer being investigated.

Spokane Police Department employees will complete a Field In-Service Training (FIT) once a year regarding public records requests.

# RECOMMENDATIONS

## Response to Recommendations – Not implemented: 1

**Remove Exceptional Techniques from Policy Manual (R22-08)** – The OPO recommends SPD remove the use of exceptional techniques from its policy manual. In the alternative, the Defensive Tactics Manual and policy should list the department’s expectations of what constitutes thorough documentation.

**Chief’s Response:** Pursuant to State legislation passed in 2021, SPD’s Use of Force policy was modified, and the term “exceptional technique” was removed from our Use of Force policy (301). “Exceptional technique” is still mentioned in our Control Devices and Techniques policy (308). Approved tactics and devices are listed in the Defensive Tactics manual.

SPD relies heavily on *Graham v. Connor* where the Court recognizes 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 endorsed 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 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).

As stated in our 2021 response, we are willing to work with your office to determine a method to accurately track this “other” category when we transition to Axon Standards from our current reporting system.

## Total responses received: 13





# 2022 COMPLAINTS RECEIVED

OPO #	IA #	District	Allegation(s)	Days Investigated	Date Filed	OPO Certification	Finding(s)	Subsection	Sanction
22-01	C22-008	2	Inadequate Response	31	02/16/22	3/30/2022	Inquiry		N/A
22-01	C22-008	2	Demeanor	31	02/16/22	3/30/2022	Inquiry		N/A
22-02	N/A	N/A	Commendation						
22-03	C22-015	2	Traffic/Driving	37	3/15/22	5/4/22	Inquiry		N/A
22-04	C22-012	2	Making a False or Misleading Statement	38	3/17/22	5/9/22	Closed	A	N/A
22-05	C22-017	1	Excessive Force	58	3/13/22	6/1/22	Exonerated		N/A
22-05	C22-017	1	Unlawful/Improper Search and Seizure	58	3/13/22	6/1/22	Exonerated		N/A
22-05	C22-017	1	Excessive Force	58	3/13/22	6/1/22	Exonerated		N/A
22-05	C22-017	1	Unlawful/Improper Search and Seizure	58	3/13/22	6/1/22	Exonerated		N/A
22-05	C22-017	1	Excessive Force	58	3/13/22	6/1/22	Exonerated		N/A
22-05	C22-017	1	Unlawful/Improper Search and Seizure	58	3/13/22	6/1/22	Exonerated		N/A
22-06	C22-024	3	Demeanor	58	4/25/22	7/13/22	Administratively Suspended	E	N/A
22-07	C22-026	2	Demeanor	43	5/3/22	6/30/22	Inquiry		N/A
22-07	C22-026	2	Inadequate Response	43	5/3/22	6/30/22	Inquiry		N/A
22-08	C22-032	3	Inadequate Response	122	5/25/22	11/10/22	Inquiry		N/A
22-08	C22-032	3	Demeanor	122	5/25/22	11/10/22	Inquiry		N/A
22-08	C22-032	3	Inadequate Response	122	5/25/22	11/10/22	Inquiry		N/A
22-08	C22-032	3	Demeanor	122	5/25/22	11/10/22	Inquiry		N/A
22-09	C22-030	2	Inadequate Response	104	5/18/22	10/10/22	Closed	B - Unfounded	N/A
22-09	C22-030	2	Demeanor	104	5/18/22	10/10/22	Closed	B - Unfounded	N/A
22-10	C22-033	2	Inadequate Response	111	5/26/22	10/27/22	Inquiry		N/A
22-10	C22-033	2	Demeanor	111	5/26/22	10/27/22	Inquiry		N/A
22-10	C22-033	2	Inadequate Response	111	5/26/22	10/27/22	Inquiry		N/A
22-10	C22-033	2	Demeanor	111	5/26/22	10/27/22	Inquiry		N/A
22-11	N/A		Commendation						
22-12	C22-034	1	Demeanor	53	6/7/22	8/18/22	Inquiry		N/A
22-13	C22-038	2	Excessive Force	14	6/29/22	7/18/22	Administratively Suspended	C	N/A
22-14	C22-040	3	Demeanor	65	7/7/22	10/5/22	Inquiry		N/A
22-15	C22-044	2	Harassment	161	7/20/22	3/1/23	Closed	B - Unfounded	N/A
22-16	C22-048	2	Harassment	121	7/21/22	1/5/23	Administratively Suspended	B	N/A
22-16	C22-048	2	Harassment	121	7/21/22	1/5/23	Administratively Suspended	B	N/A
22-17	C22-053	1	Inadequate Response	130	8/10/22	2/7/23	Closed	B - Unfounded	N/A

OPO #	IA #	District	Allegation(s)	Days Investigated	Date Filed	OPO Certification	Finding(s)	Subsection	Sanction
22-18	C22-056	1	Inadequate Response	91	8/25/22	12/29/22	Administratively Suspended	E	N/A
22-18	C22-056	1	Inadequate Response	91	8/25/22	12/29/22	Administratively Suspended	E	N/A
22-19	N/A	N/A	Commendation						
22-20	N/A	N/A	Commendation						
22-21	C22-059	2	Inadequate Response	102	9/20/22	2/8/23	Closed	A	N/A
22-21	C22-059	2	Inadequate Response	102	9/20/22	2/8/23	Closed	A	N/A
22-22	C22-060	2	Demeanor	9	9/23/22	10/5/22	Administratively Suspended	B	N/A
22-22	C22-060	2	Inadequate Response	9	9/23/22	10/5/22	Administratively Suspended	F	N/A
22-23	N/A	N/A	Commendation						
22-24	C22-065	2	Inadequate Response	77	10/11/22	1/25/2023	Administratively Suspended	E	N/A
22-25	C22-066	2	Demeanor	119	10/17/22	3/30/23	TBD		N/A
22-25	C22-066	2	Failure to Identify as Officer	TBD	10/17/22	3/30/23	TBD		N/A
22-26	C22-068	2	Inadequate Response	8	10/18/22	10/27/22	Closed	B - Unfounded	N/A
22-26	C22-068	2	Making a False or Misleading Statement	8	10/18/22	10/27/22	Closed	B - Unfounded	N/A
22-27	C22-035	N/A	Unlawful/Improper Search and Seizure	104	5/28/22	10/20/22	Mediation		N/A
22-27	C22-035	N/A	Unlawful/Improper Search and Seizure	104	5/28/22	10/20/22	Mediation		N/A
22-28	C22-071	1	Demeanor	66	11/2/22	2/1/23	Inquiry		N/A
22-28	C22-071	1	Inadequate Response	66	11/2/22	2/1/23	Inquiry		N/A
22-29	C22-075	N/A	Traffic/Driving	8	11/8/22	11/17/22	Administratively Suspended	E	N/A
22-30	C22-076	3	Demeanor	TBD	11/15/22	TBD	Mediation		TBD
22-31	C22-079	2	Inadequate Response	TBD	11/23/22	TBD	TBD		TBD
22-31	C22-079	2	Bias Policing	TBD	11/23/22	TBD	TBD		TBD
22-32	N/A	N/A	Commendation	0					
22-33	C22-080	1	Inadequate Response	TBD	11/29/22	TBD	TBD		TBD
22-34	C22-083	2	Excessive Force	28	12/12/22	1/18/23	Administratively Suspended	A	N/A
22-35	N/A	N/A	Commendation						
22-36	N/A	N/A	Commendation	0					
22-37	C22-085	2	Harassment	TBD	12/11/22	TBD	TBD		TBD
22-37	C22-085	2	Demeanor	TBD	12/11/22	TBD	TBD		TBD
22-38	C22-084	2	Demeanor	2	12/14/22	12/15/22	Administratively Suspended	C	N/A
22-38	C22-084	2	Demeanor	2	12/14/22	12/15/22	Administratively Suspended	C	N/A
22-39	N/A	N/A	Commendation						
22-40	N/A	N/A	Commendation						
22-41	N/A	N/A	Commendation						



# 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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