

2023  
**ANNUAL**  
REPORT



CITY OF SPOKANE  
OFFICE OF THE  
POLICE OMBUDS

## 2023 Office of the Police Ombuds Commission

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# MEET THE OPO



**Bart Logue**

*Police Ombuds*



**Luvimae Omana**

*Deputy Ombuds*



**Christina Coty**

*Executive Assistant*



**Tim Szambelan**

*OPO Attorney*

## Our 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.*

# MESSAGE FROM THE OMBUDS

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## Bart Logue



Enclosed is the comprehensive report covering the period from January 1, 2023, to December 31, 2023. Throughout 2023, the Office of the Police Ombudsman (OPO) received 1820 contacts, marking a 6% increase from the previous year and surpassing pre-pandemic levels by over 400. We registered 36 OPO-generated complaints, representing a 13% increase from 2022, while overall complaints to the police department decreased by 13%, totaling 77. Additionally, the OPO sent 17 commendations to the police department, doubling the number from the previous year. Our team reviewed 91 cases, certifying 88 and declining to certify three, while also facilitating one case for mediation. Moreover, oversight on Internal Affairs interviews surged to 94, compared to 45 in the previous year.

I wish to underscore the fundamental principles outlined by NACOLE (National Association for Civilian Oversight of Law Enforcement) regarding effective oversight, particularly in light of the recent bargaining session for the collective bargaining agreement (CBA) between the City of Spokane and the Police Guild. These principles include independence, clearly defined and adequate jurisdiction and authority, sufficient funding and operational resources, and public reporting and authority.

- **Independence:** The cornerstone of effective oversight lies in its independence from law enforcement influence, especially during high-profile issues.
- **Jurisdiction and Authority:** A clear and robust mandate is essential for an oversight agency's efficacy in fulfilling its mission.
- **Funding and Resources:** Adequate financial support ensures thorough, timely, and competent performance of oversight duties, including training and outreach efforts.
- **Public Reporting:** Transparency through public reports enhances an agency's credibility and fosters accountability within the community.

Regrettably, despite our efforts to advocate for these principles during the bargaining sessions, the final revisions to the agreement failed to incorporate our recommendations. Instead, the agreement further constrained our office's autonomy, diminishing our ability to conduct independent investigations and limiting transparency in reporting. Notably, the removal of the Ombudsman from the selection process of the Deputy Ombudsman undermines the integrity of our office.

Budgetary constraints have posed additional challenges, with the city unilaterally reducing funding allocated to the OPO, jeopardizing our operational capacity and training initiatives. As outlined in the Spokane City Charter, the OPO's responsibilities necessitate independence and adequate resources to fulfill its mandated duties.

It is imperative that we address these issues to uphold the integrity of civilian oversight and foster community trust. The forthcoming bargaining session presents an opportunity to rectify these shortcomings and reaffirm our commitment to independence and transparency. Our presentation alongside the Police Guild at the NACOLE conference provided valuable insights, and the opportunity to conduct a peer review in New Orleans underscores the respect our office commands within the oversight community.

Looking ahead to 2024, I remain dedicated to enhancing communication, strengthening community trust, and advocating for the resources necessary to fulfill our mandate. I pledge to collaborate with the City to safeguard the independence of the OPO and advance our efforts towards accountability and transparency.



*Highlights*

# OPO ACTIVITIES

**2X***more commendations***109%***more IA interviews*

2023	2022	Change	Highlight of Activities
1820	1715	6%	Citizen contacts
76	93	-18%	Participation or attendance in community meetings and events
17	8	113%	Letters of officer appreciation / commendation
36	31	13%	OPO generated complaints
61	63	-3%	Referrals to other agencies / departments
1	1	0%	Cases offered to SPD for mediation
3	3	0%	Cases declined to certify
88	70	26%	Cases certified
93	83	12%	Interviews of citizens with ongoing or potential complaints
94	45	109%	Oversight of IA interviews
158	156	1%	Special cases reviewed
415	452	-8%	Meetings with SPD
13	20	-35%	SPD review boards

# OUTREACH

## Oversight Related

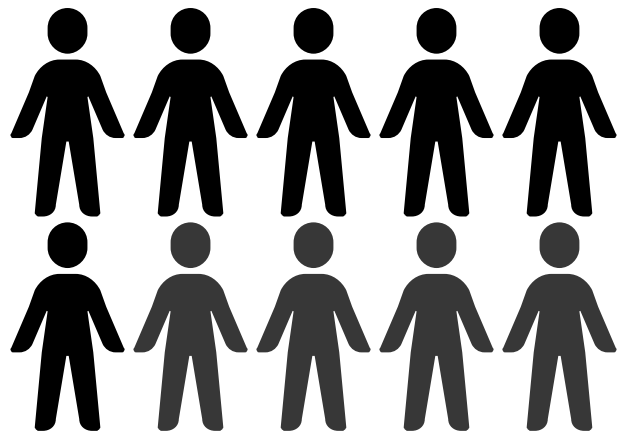
- National Association of Civilian Oversight of Law Enforcement (NACOLE) board meetings
- Washington State Criminal Justice Training Committee meetings
- Facilitated civilian oversight community meeting in Marin County, California
- Pierce County Council oversight assistance
- Peer-to-peer review of the New Orleans Office of the Independent Monitor
- Presented at the North Miami PD oversight 101 training
- Presentation to the United States Ombudsman Association Public Safety Chapter
- Panelists at the NACOLE annual conference
- City Council Annual Report presentation
- Spokane Human Rights Commission presentation

## Community Meetings and Events

- Police and community panel at the February OPOC meeting
- Panel of Community Leaders at the Community School
- Good Gab podcast by Skills'kin
- Journey Continues Graduation
- National Night Out
- Unity in the Community
- SPD Annual Awards ceremony
- Basic Law Enforcement Academy (BLEA) graduation ceremonies
- North East Youth Family and Educational Services Masquerade Ball
- Leadership Spokane
- SCAR meetings
- P4C SCAR workgroup
- Leadership Round Tables
- Met with interested political candidates

## Other

- City negotiation team
- Mayor's Quarterly Meetings
- PSCHC monthly meetings
- Internal Affairs bi-weekly meetings
- Use of Force Review Board
- Collision & Pursuit Review Board
- BLEA mock scenes actor
- Ride alongs with Spokane Police Department



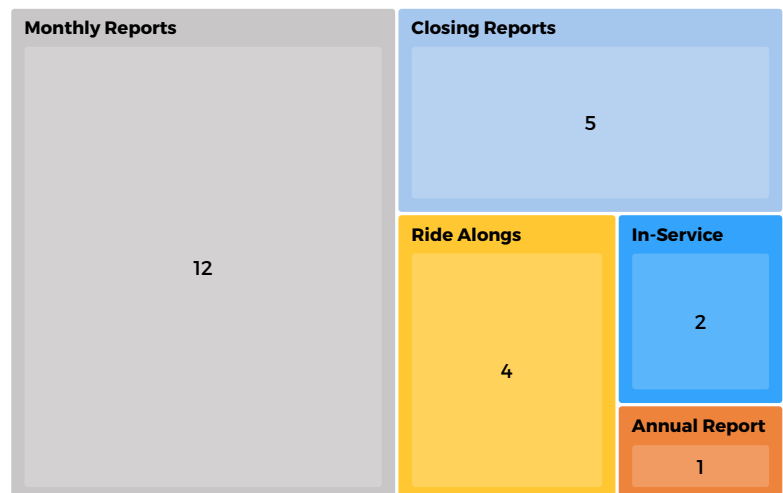


# TRAINING

- NACOLE annual conference
- NACOLE webinars
- SPD In-Service training
- Constitutional policing conference
- International Association of Chiefs of Police Annual Conference
- Benton-Franklin County Federal Civil Trial Practice seminar
- Public Records Act University training by the Attorney General's Office
- WSBA webinars

# REPORTING

The OPO issued 12 monthly reports and five closing reports in 2023 with 13 recommendations. The underlying themes through most reports were compliance with policy to refer cases of potential misconduct to Internal Affairs and providing feedback to chain of command reviewers and tracking the recommendations made during the reviews.



The reports involved issues of:

- critical evaluation of force;
- regulating the approved tactics and force officers can use;
- SPD classifying intentional pointing of a firearm as a Training Failure despite teaching “on target, on trigger” for at least 10 years;
- chain of command review procedures; and
- SPD’s creation and use of the Administrative Review category outside of policy.

For more information on reports, visit <https://my.spokanecity.org/opo/documents/>.

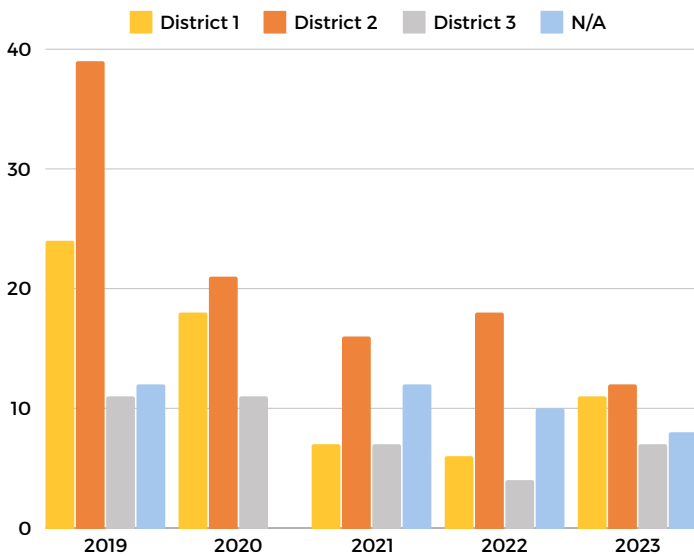
# COMMENDATIONS, COMPLAINTS, & REFERRALS

The OPO submitted 17 commendations to SPD and forwarded 36 complaints to Internal Affairs for investigation. District 2 generated the most complaints from the community. There were 175 total allegations made in 77 complaints. The community made 65 of the complaints and 12 were internally generated. The most common complaints were on Inadequate Response and Demeanor.

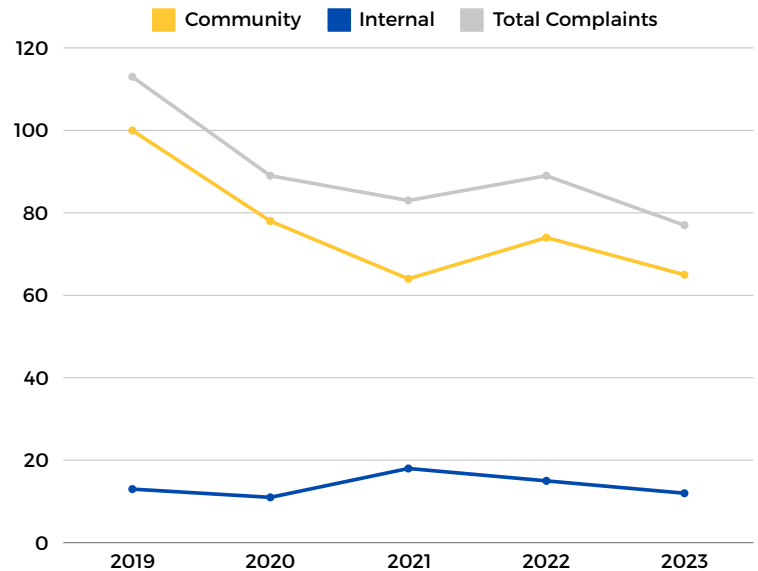
**77**  
total complaints

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**13%**  
decrease in total complaints



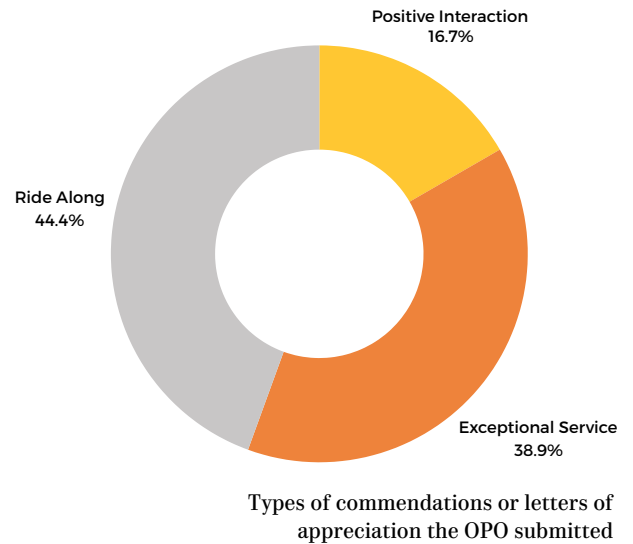
Five year complaints by City Council district



Five year complaint trends

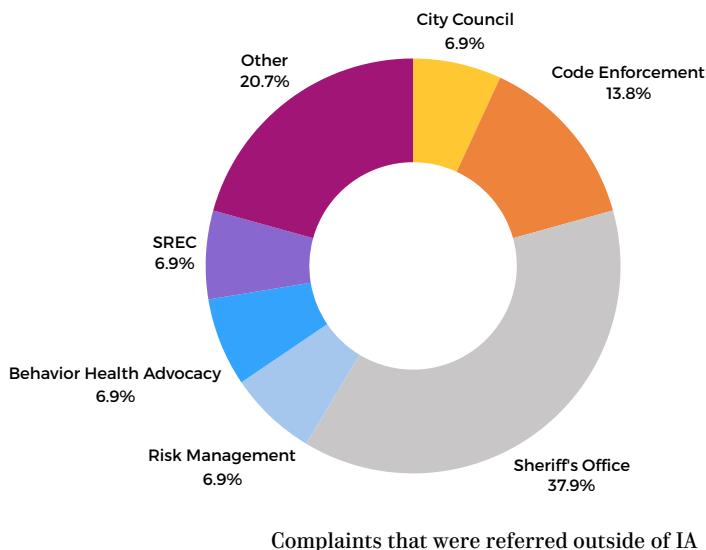
# Commendations

The OPO submitted 17 commendations or letters of appreciation. Nine were submitted by the OPO or OPOC Commission for ride alongs. An OPOC Commissioner submitted a separate commendation letter for officers as well. The community submitted eight commendations for positive interactions with officers and for receiving exceptional service.



# Referrals

The OPO submitted 61 referrals with 32 internal referrals made and 29 external referrals made. Referrals decreased by 3%. Most external referrals were made to the Spokane County Sheriff’s Office followed by various other agencies or offices including:



- Frontier Behavioral Health
- Human Resources department
- Human Rights Commission
- Detention Services
- Mayor’s Office
- Streets department

Internal referrals are all made to the police department. A majority of referrals were sent to IA, with IA forwarding some referrals to Dispatch, the False Alarm Program, and the front desk for follow up.

# Complaints Analysis

The most common types of complaints received from the community were Inadequate Response and Demeanor, followed by Excessive Force, Standard/Policy Violation, and Biased Policing. The most common internal complaint is Standard/Policy violation.

For full details on OPO complaints, visit: <https://my.spokanecity.org/opo/complaints/>.

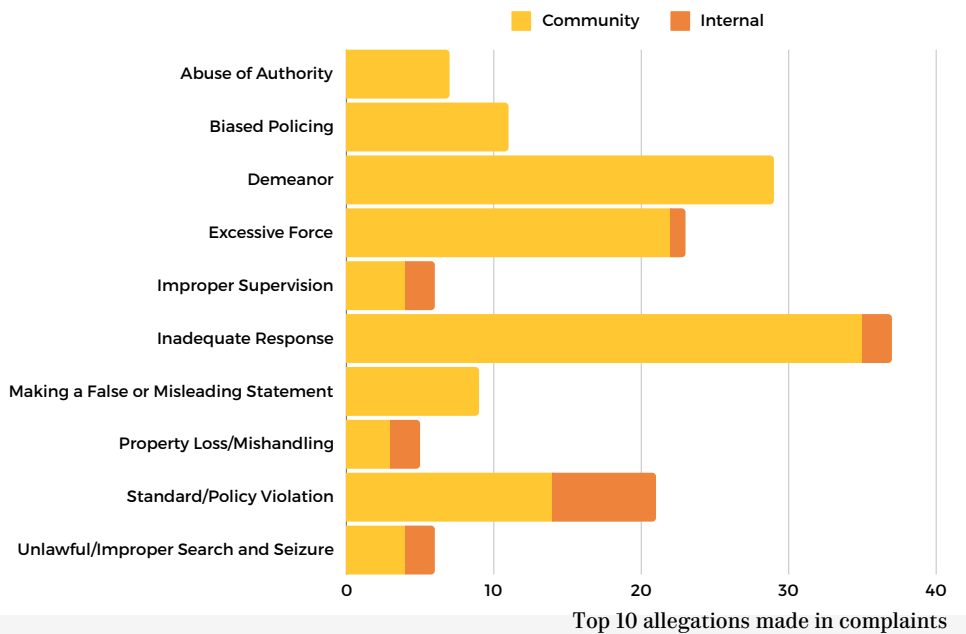
**3X**  
*more biased policing allegations*

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**2**  
*\*officers terminated*

\*2nd officer was terminated after 2023 data was analyzed

- Examples of Standard/Policy Violations**
- Engaging in on-duty sexual relations
  - Insubordination
  - Supervisor policy compliance
  - Mishandling evidence
  - Falsification of records
  - Prohibited speech
  - Off-duty actions
  - Civil Service rule/City policy



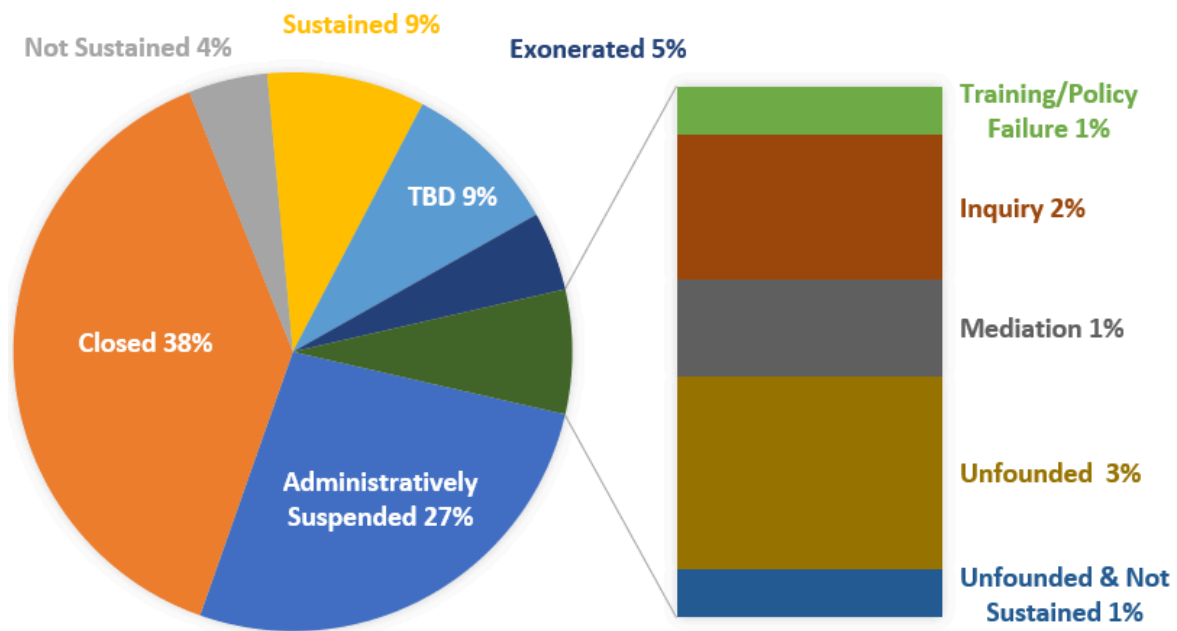
While there are numerous allegations of Excessive Force and Biased Policing, six of the 34 allegations warranted a chain of command review. 27 of the 34 allegations of Excessive Force and Biased Policing were closed or administratively suspended. One allegation was mediated.

Most internal complaints were standard/policy violations. This is the catch-all category for any policy violation outside of those frequently used. Examples of allegations made are provided above.

# Outcomes of Allegations

## Community complaints

The most common outcomes for community made complaints were Closed or Administratively Suspended for a combination of 65% of all community made allegations. 21% of allegations received a chain of command review with 9% Sustained finding and 8% either Exonerated or Unfounded.



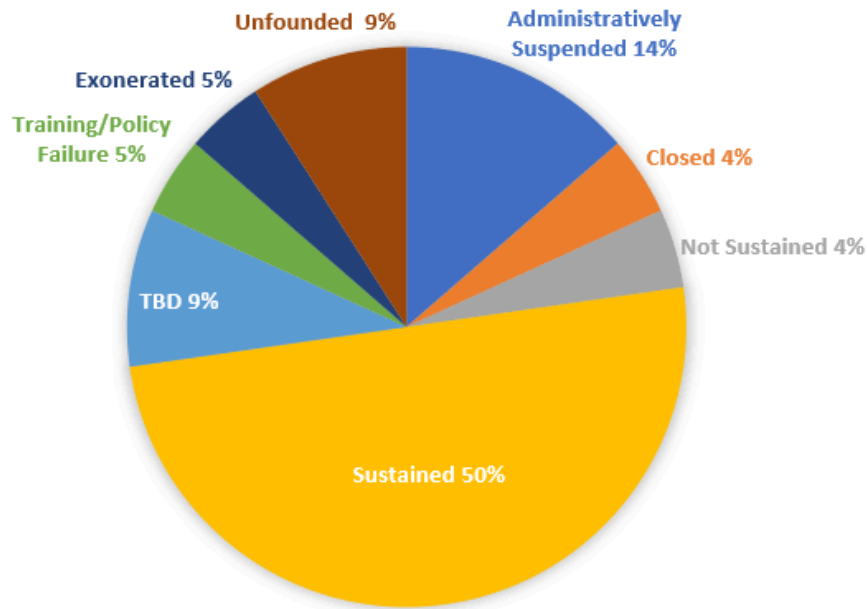
Community complaint outcomes

The OPO and IA have worked to efficiently review complaints that do not rise to the level of a chain of command review through the Closed or Administratively Suspended classification. Complaints are closed when they are disproven upon initial review of body worn camera footage or other evidence and both the IA Lieutenant and the Ombuds agree are properly classified as Unfounded,

Exonerated, Not Sustained, or Training Failure. 41% of Administratively Suspended allegations are sent to a supervisor for informal follow-up for minor allegations. This system ensures the complaints receive proper review and closure and supervisors can counsel or mentor officers on minor infractions.

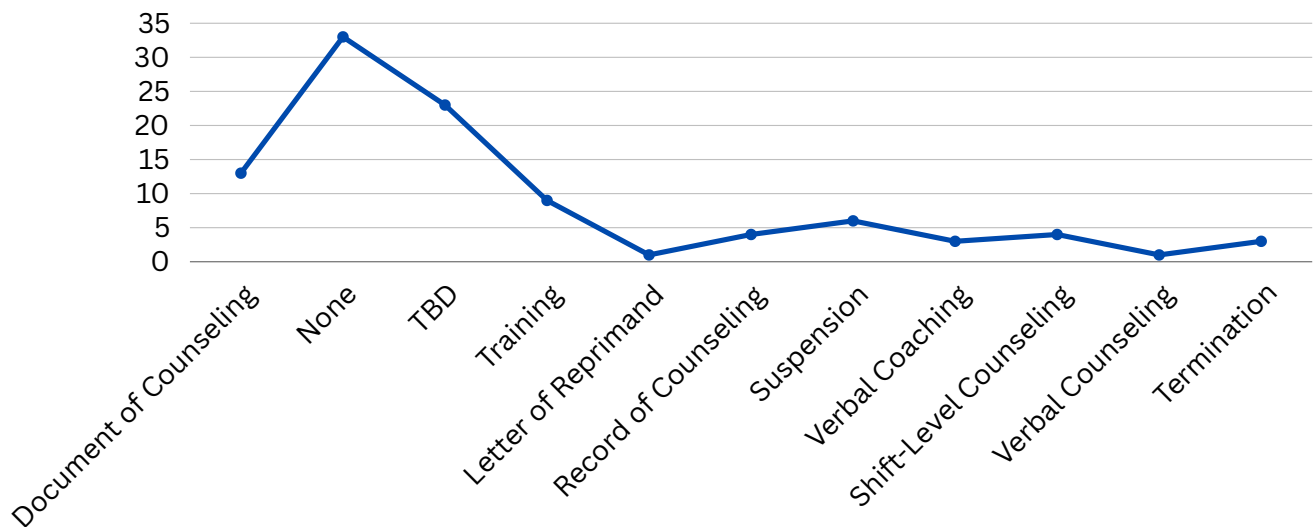
### Internal complaints

The most common outcome for internally made complaints was Sustained at 50% of all internally made allegations. The remaining allegations reviewed by the chain of command were not sustained, unfounded, exonerated, or were considered a training/policy failure at 23%. 18% of internal complaints were Closed or Administratively Suspended and did not receive a chain of command review.



Internal complaint outcomes

### Discipline



Disciplinary findings by the chain of command

# STATISTICS OF INTEREST

The data in this section is provided by SPD. The OPO has tracked this data to provide the public with general information on some statistics that may be of interest.

**20%**

*increase in UOF from 2020*

**7,000**

*increase in calls for service since 2020*

	2020	2021	2022	2023	Change From Previous Year
<b>Non-Deadly Use of Force</b>	71	66	80	85	+6%
<b>Critical Incidents</b>	3	2	5	2	Below average
<b>Pursuits</b>	14	13	11	12	+9%
<b>Preventable Collisions</b>	17	31	29	35	+21%
<b>Officer Response to Calls for Service</b>	100,468	94,300	99,751	107,567	+8%

\*Pursuits are still pending review  
Four years of statistics of interest

The statistics of interest remained mostly stable but slightly increased across all data points tracked. Use of force incidents has increased every year since 2020. This may be in part due to the changes in the Washington State Legislature that impacts police tactics and use of force.

Prior to legislative changes, SPD had 71 use of force incidents in 2020. This represents a 20% increase from 2020 to 2023. Preventable collisions have steadily increased from 2020 by 106%. Lastly calls for service bounced back from pandemic levels and increased by 7% compared to 2020.

# Critical Incidents

Critical Incident #1	
5th & Browne	
May 10, 2023	Race: White
	Status: Deceased

## Summary

Officers responded to a report of a male brandishing a firearm. They located the subject, who fled in an occupied vehicle. Despite attempts to pin the vehicle, the subject escaped on foot. One officer pursued on foot. The subject eventually stopped, faced the officer, and the officer fired one round.

Critical Incident #2	
9212 North Colton Street	
December 3, 2023	Race: White
	Status: Deceased

## Summary

Around 9:30am, an SPD officer on shoplifting prevention duty at Walmart spotted a subject attempting theft. Backup was called, and both officers approached the subject as they exited the store. A prolonged confrontation ensued, involving attempted TASER applications. At roughly 10:20am, an officer-involved shooting took place.



# RECOMMENDATIONS

The OPO wrote five closing reports and issued 13 recommendations. Closing reports are based on complaints, uses of force, collisions, and pursuits. To view full recommendations and SPD's responses, please visit <https://my.spokanecity.org/opo/recommendations/2023/>.

## Update on 2022 Recommendations

1. Prohibition on striking handcuffed subjects - **In Progress, collaboration with the OPO**
2. Request for public records - **TBD with City Administration**
3. Universal policy and disclosure agreement for all city employees - **TBD with City Administration**

## Police Chief's Responses



8 of 13 implemented

**Implemented**



4 of 13 not implemented

**Not Implemented**



1 partially/not implemented

**Partly Implemented /  
Partly Not Implemented**

# Recommendation Topics

## Implemented

SPD implemented 8 of the 13 recommendations made by the OPO.

The common themes of these recommendations were proper classification, communicating department expectations, and review procedures of cases going through the chain of command. OPO recommendations include:

- procedures when an undocumented use of force is discovered;
- strengthening the Administrative Review Panel's analysis;

- evaluating the necessity of each application of force;
- Administrative Reviews should be clearly addressed by policy;
- providing feedback to supervisors with departmental guidance;
- tracking recommendations made during chain of command reviews;
- clearly defining the limits of the Training Failure category; and
- using metrics to ensure supervisory and review board evaluations are tracked and evaluated to uphold policy and high standards.

## Partly Implemented / Partly Not Implemented

SPD partly implemented and partly did not implement an OPO recommendation on implementing a tracking system that accounts for all uses of force. SPD cited being limited by technology but would be willing to work with the OPO to come up with solutions. They hope to have the requisite technology by the fourth quarter of 2024 pending approval for funding.

The second part of this recommendation involved updating the terminology in its manual on non-reportable force. SPD implemented this portion of the recommendation.

# Recommendation Topics (cont).

## Not Implemented

SPD did not implement 4 of the 13 recommendations the OPO made. As discussed above, proper classification and review procedures of cases going through the chain of command were the focus of closing reports in 2023. SPD policy requires reviewers make “in” or “out” of policy determinations and any potential misconduct discovered should be sent to IA for investigation. However, in practice, the chain of command makes disciplinary decisions without an IA investigation which shortcuts officer due process rights.

These include recommendations on:

- forwarding new allegations of misconduct in a review to IA for investigation;
- allegations of misconduct labeled as “Administrative Review” be sent to IA for investigation;
- update use of force policy language; and
- updating policy to ensure proper determinations that limit findings to “in” or “out” of policy and forwarding allegations of misconduct to IA for investigation.

### OPO 2023 Complaints

Visit the OPO webpage to view a full summary of complaints received.





## CONTACT US:



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