

**The Office of Police Ombudsman
Monthly Report
to
The Public Safety Committee
November 15, 2010**

REPORTING PERIOD

October 18, 2010 through November 14, 2010

CONTACTS

Between October 18 and November 14, 2010 **28** contacts were received.

Since January 1, 2010 there have been **408** total contacts.

COMPLAINTS

Complaints Received: 2 complaints were received between October 18 and November 14, 2010.

1. October 23, 2010: An **Inadequate Response** complaint was received by the Office of Police Ombudsman. The Complainant indicated that they were the victim of a violent assault. They advised that the police failed to respond after they called 9-1-1. The Complainant advised that police later contacted them at a local hospital and treated them like a suspect rather than as the victim. The Complainant was also concerned that the prosecution had stalled. Upon receipt of the complaint, the police department classified the complaint as an Inquiry based on additional information made available. The Office of Police Ombudsman agrees with the classification.
2. On November, 12, 2010: A **Demeanor** complaint was received by the Office of Police Ombudsman while at the STA Main Terminal downtown. The Complainant advised that an officer direct profane comments at them while they were detained.

Complaints Referred: 3

1. October 25, 2010: A complaint regarding the Fire Department was received by the Office of Police Ombudsman. The complaint was referred to Fire Chief Williams.
2. October 29, 2010: The complainant advised that they had been contacted at their residence, detained and accused of appearing naked in public view. The complaint was taken and forwarded to Internal Affairs where it was determined that it was a Spokane County Sheriff's Office incident. The matter was referred to Spokane County Sheriff's Office Internal Affairs.

3. November 11, 2010: The complainant advised that a US Marshall and several other members of the Eastern Washington Task Force appeared at their residence to arrest them for failing to pay financial obligations to the Court. The complainant advised that their spouse was pressured into allowing the officers consent to search their residence. During the search the officers found and confiscated medicinal marijuana, grow equipment and mushrooms. The complaint was referred to the Spokane County Sheriff's Office Internal Affairs Unit.

Commendations: 1

INVESTIGATIONS CERTIFIED

The following 7 investigations were certified as timely, thorough and objective:

1. Saturday, October 23, 2010: A complaint for **Inadequate Response and Demeanor** was received by the Office of Police Ombudsman on July 22, 2010. The complainant was assault while patronizing a local bar. The complainant's jaw was broken in the assault. Within a short period of time after the fight the victim and suspect encountered each other at a local hospital where a second disturbance occurred and police were contacted. The complainant was dissatisfied with the police response, investigation, demeanor, charging and follow up in both instances. As part of the Internal Affairs investigation 7 officers were interviewed, the complainant and 3 associates were interviewed, the bar owner and 2 bar employees were interviewed and 2 hospital security officers were interviewed. Video was not available from the hospital or bar. Since the incident the bar's entertainment permit has been revoked. The Office of Police Ombudsman supports the findings and conclusion in this investigation.
2. Saturday, October 23, 2010: An internal complaint regarding **Professional Standards** was received by the Internal Affairs Unit on June 5, 2010. The complainant was concerned that an officer took evidentiary photographs of a sensitive nature of an opposite sex sexual assault victim. The investigation revealed that the action was within policy. Once aware of the complaint and prior to the completion of the investigation the ombudsman made a recommendation to the Office of the Chief requesting an immediate change in policy and procedure. The request was forwarded to Captain Winkey and the policy has since been changed. The Office of Police Ombudsman supports the findings and conclusion in this investigation.
3. Saturday, October 23, 2010: A complaint regarding **Demeanor and Harassment** was received by the Office of Police Ombudsman on June 22, 2010. The complainant advised that an officer in plain clothes and an unmarked police car contacted them for delaying traffic while assisting several young children in crossing a busy street in the cross walk. The complainant worked for a preschool in the downtown area. The complainant advised that because of the officer's actions they were fired from their job. The Office of Police Ombudsman supports the findings and conclusion in this investigation.

4. Saturday, October 23, 2010: A complaint regarding a **Minor Traffic Violation** by an officer was received by the Internal Affairs Unit on September 9, 2010. The complainant advised that a police car made an illegal U turn. The Office of Police Ombudsman supports the findings and conclusion in this investigation.
5. Friday, October 29, 2010: A complaint regarding **Demeanor** was received by Internal Affairs Unit on August 2, 2010, 7 months after the incident was reported to have occurred. The complainant advised that prior to being arrested an officer used profanity while speaking to the complainant. There were no independent witnesses to the incident. The Office of Police Ombudsman supports the findings and conclusion in this investigation.
6. Friday, October 29, 2010: A complaint regarding **Unlawful Detention and Excessive Force** was received by the Internal Affairs Unit on September 9, 2010. The Complainant advised that they were contacted by an officer when their car became disabled after striking a curb and receiving a flat tire. The officer thought they may have been under the influence. The officer warned them not to drive and after replacing the flat tire and continuing to drive they were stopped by the officer again. This time the officer insisted that they not drive and called a friend who responded and picked up the Complainant. The Office of Police Ombudsman supports the findings and conclusion in this investigation.
7. Tuesday, November 9, 2010: A violation of **Code of Ethics** complaint was generated internally by the Internal Affairs Unit on October 3, 2010. The complaint was generated when an off-duty officer was arrested for DUI by another agency. The Office of Police Ombudsman supports the findings and conclusions in this investigation.

INTERVIEWS

- **Internal Affairs, Officer Interviews: 4**
- **Internal Affairs Complainant Interviews: 1**
- **Internal Affairs, Witness Interviews: 2**
- **Closing (Complaint Closure) Interviews: 2**

OTHER DUTIES

- **Critical Incident Responses: 1**
1. Friday, November 12, 2010: At 331pm I received notification from Lieutenant Meidl of an Officer involved shooting in the area of N Madison and W Indiana. I responded to the scene with Lieutenant Meidl and Sergeant Yamada from the Internal Affairs Unit. Upon arrival we were advised that the individual who was shot was deceased. We were then given a preliminary briefing by Spokane Police Major Johnson.

Saturday, November 13, 2010: At 9 am Lieutenant Meidl and I returned to the crime scene and were given a supervised tour of the crime scene and a more

detailed account of the incident. Lieutenant Meidl and I then drove by the location where the drive by shooting occurred that prompted the 9-1-1 call to police and we when drove by the decedent's residence.

- **Cases Resolved Through Mediation: 1**

1. Monday, November 8, 2010: Complainant was upset that the police department refused to respond to a service animal complaint. A Sergeant representing the Police Department met with the complainant and provided the complainant with specific information which clarified the violation as a civil violation.

- **Recommendations: 2**

1. The Police Ombudsman made a recommendation to the Office of the Chiefs that the department develop a policy regarding citizen's observations of officers and bystanders filming of officer-suspect contacts. A copy of the Seattle Police Department policy was provided as a reference material. The recommendation was received, discussed and a policy has since been adopted and implemented. This recommendation was a direct result of the Office of Police Ombudsman attending the 2010 NACOLE Conference.
2. The Police Ombudsman made a recommendation to the Office of the Chiefs to develop a policy to provide for a procedure to address discipline issues with COPS Volunteers after a complaint was received in September 2010 from a Volunteer after they were disciplined by a Police Officer. The COPS organization is a non profit organization which is overseen by a Board of Directors and managed by an Operational Director. There is not a formal process in place to address discipline matters with COPS Volunteers.

ACCOMPLISHMENTS

- November 13-14, 2010: Attended and completed a 20 hour training course on Child Custody/ Family Law mediation presented by the Fulcrum Institute Dispute Resolution Clinic, Spokane Washington
- October 26, 2010: SPD training "Intimate Partner Violence and Stalking. How to respond to it." (1015a-1145a)
- October 18-22, 2010: Attended and completed a 40 hour training course on Interest Based mediation presented by the Fulcrum Institute Dispute Resolution Clinic, Spokane Washington

NEXT STEPS

- Audit of SPD Taser Use in 2009

COMMUNITY OUTREACH

- Friday, November 12, 2010: STA Satellite Office Main Terminal Downtown (10a-1p)

- Thursday, November 11, 2010: Guest Speaker EWU Master's in PA for Roger Crum, former City Manager, City of Spokane
- Wednesday, November 10, 2010: West Central Neighborhood Council Meeting (630p-830p)
- Monday, November 8, 2010:Spokane City Council Meeting (6p-8p)
- Thursday, October 28, 2010: Manito Cannon Hill Neighborhood Council Meeting (7p-830p)
- Thursday, October 28, 2010: East Central Community Center, Coats 4 Kids (9a-12n)
- Wednesday, October 27, 2010:Riverside Neighborhood Council Meeting (5p-6p)
- Tuesday October 26, 2010: OPO AD HOC Committee Meeting (6p-8p)
- Monday, October 25, 2010: Spokane City Council Meeting (6p-730p)
- Monday, October 25, 2010: West Central Community Center Coats 4 Kids (245p-6p)
- Thursday, October 21, 2010: COPS Volunteer Appreciation Dinner (530p-8p)
- Wednesday, October 20, 2010: Hillyard Neighborhood Council Meeting (630p-8p)
- Tuesday, October 19, 2010: Logan Neighborhood Council Meeting (630p-8p)
- Monday, October 18, 2010: Spokane City Council PSC Presentation (6p-8p)

OTHER

- PJALS declined a request to allow the Office of Police Ombudsman to establish once a month satellite office hours at the Community Building.
- Ad Hoc Committee membership and attendance has continued to decline. As a result future meetings of the committee have been postponed pending an assessment of options and alternatives available for studying the “Best Practices” regarding the use of taser by police.
- On November 10, 2010: the Office of Police Ombudsman received a phone call from an employee of the Guatemalan Consulate in San Francisco who was assisting a Guatemalan woman in search for her 21-year old brother who had left home at age 7 to receive medical treatment in the United States; the family had been out of contact with the brother for the past ten years and had only a partial last known address in the Spokane area. The call was referred to our contact in the Internal Affairs department for an appropriate referral. Within the hour, the Office of Police Ombudsman received an update that the IA Sergeant had located the brother's adoptive parents, one of whom was a former SPD officer, and put them in touch with the consulate. The family plans to reunite in the near future.

2010 OVERVIEW

Complaints Received: Since January 18, 2010, **62** complaints have been received by the Office of Police Ombudsman and forwarded to Internal Affairs. The complaints involve:

- 27 Inadequate Response

- 9 Harassment
- 14 Demeanor
- 1 Policy/Procedure
- 6 Excessive Force
- 1 Ethics
- 1 Ethics, Unlawful Arrest and Improper Search
- 2 Racial/Bias Policing
- 1 Driving

Referrals Made: 3

During the reporting period, **2** complaints were referred to the Spokane County Sheriff's Office and **1** complaint was referred to the Spokane Fire Department.

Since January 18, 2010, **25** complaints have been referred to the following agencies:

- 14 Complaints were referred to the Spokane County Sheriff's Office
- 3 Complaints involving the Spokane Valley Police Department were referred to the Spokane County Sheriff's Office
- 2 Complaint was referred to the Spokane Fire Department
- 2 Complaints were referred to the Liberty Lake Police Department
- 1 complaint was referred to the Airway Heights Police Department
- 1 complaint was referred to the Spokane Airport Police Department
- 1 Complaint was referred to The Department of Corrections
- 1 Complaint was referred to the Spokane Transit Authority