

**The Office of Police Ombudsman
Monthly Report
to
The Public Safety Committee
October 18, 2010**

REPORTING PERIOD

September 19, 2010 through October 17, 2010

CONTACTS

Between September 19 and October 17, 2010 **30** contacts were received.

Since January 1, 2010 there have been **380** total contacts

COMPLAINTS

Complaints Received: 5 complaints were received between September 19 and October 17, 2010.

1. September 28, 2010: The Complaint received through the Office of Police Ombudsman web site. Complainant advised that they were raped by their significant other 2 years ago. The Complainant advised that since the incident occurred the Suspect has not been prosecuted for the crime and wants to know why.
2. October 1, 2010: The Complainant advised that they received a citation for reckless driving. They advised that prior to being issued the citation they were handcuffed, dragged by their hands in the yard and pushed into the side wall of their neighbor's house. The complainant advised that as a result of the officer's excessive force their shoulder was injured.
3. October 11, 2010: Complainant advised that they were stopped for driving a car with a headlight out while it was dark outside. It was determined that the complainant was driving on a suspended drivers' license. The complainant was advised to get out of their car at which point they were arrested, searched, handcuffed, detained, issued a citation and released. Complainant is upset that during their physical search they were not searched by an officer of the same sex although both male and female officers were present at the scene. The officers involved in this situation were a training car however after the complainant was advised they were still of the opinion that the training exercise was inappropriate. The Complainant is receptive to mediating the complaint. The Complainant parent was also upset that they called the Chief's Office 3 times requesting an appointment but did not get the courtesy of a return call.
4. October 11, 2010: Complainant advised that they went to the Public Safety building to report a crime. They advised while waiting in line they observed an Officer refuse to take an estranged parental child abduction report from the other distraught parent. The

Complainant advised that the officer was dismissive of the parents concern for the safety of their children. The Complainant was also concerned that an Amber Alert was not issued. The Complainant was advised that 3 supervisors were consulted and the situation did not meet the State's requirement for issuing of an Amber Alert. The Complainant was also upset that they had traveled to the Public Safety building to make a police report on a different matter and they Officer refused to take a report and referred them to Crime Check.

5. October 14, 2010: Complainant was involved in a domestic violence incident with their significant other in March 2010. During the incident the complainant advised that their significant other placed a loaded firearm to the complainant's head and threatened to kill them. Complainant advised that the significant other then fled the residence after a brief confrontation with a handyman who interrupted the argument after hearing it. Complainant advised that after the incident occurred they called 9-1-1 to report the incident and requested that police respond however an officer never responded. Complainant had contact with an officer the next day after they called when the significant other returned to the residence and broke in.

Inquiries: 0

Complaints Referred: 1

1. October 7, 2010: A Harassment complaint received through the Office of Police Ombudsman web site was referred to the Spokane County Sheriff's Office.

Commendations: 0

INVESTIGATIONS CERTIFIED

The following 5 investigations were certified as timely, thorough and objective:

1. September 24, 2010: An Excessive Force complaint was received by Internal Affairs. Complainant advised that they were attending a late evening, early morning party. Police responded to the area of the party on a shots fired complaint. An officer located the complainant in the area of the party. When the Officer contacted the Complainant the Officer determined through a search of the Complainant that the Complainant was in possession of a concealed loaded firearm. It was determined that the Complainant was in possession of a valid Concealed Pistol License. Complainant was arrested on an unrelated charge but did not feel that the Officers' treatment of the Complainant was warranted. The investigation was returned prior to certification with a request to contact some potential witnesses to the incident. The request was honored and the additional work was completed. The Office of Police Ombudsman supports the findings and conclusion in this investigation.
2. September 25, 2010: A Demeanor complaint was received by the Office of Police Ombudsman. The Complainant was a COP Shop volunteer. The Complainant has since decided to resign. The Complainant advised that an Officer chastised them for bothering Officers who were using (working) at the COP Shop during the time the volunteer was

also working at same location. Several individuals were interviewed regarding this incident. The Office of Police Ombudsman supports the findings and conclusion in this investigation. During this investigation it became clear that there is a need for a formal policy and/or procedure to address complaints involving COPS volunteers and the discipline process.

3. September 28, 2010: A Demeanor Complaint was received by the Office of Police Ombudsman. The complaint involved the conduct of an off duty officer that occurred 2 years ago. The Complainant advised that the Officers involvement in the Complainant's personal business indirectly contributed to the Complainants divorce and directly contributed to the Complainant losing their job and being arrested. This complaint was initially classified as an Inquiry. The classification was appealed by the Office of Police Ombudsman to the Mayor. Upon review, the Mayor directed the Police Department to conduct additional investigation. That work has been completed and the investigation has been completed. The Office of Police Ombudsman supports the findings and conclusion in this investigation.
4. September 28, 2010: An Untruthfulness complaint was received by Internal Affairs. The Complainant alleged that the Officer who arrested the Complainant for disorderly conduct falsified the arrest report. The Office of Police Ombudsman supports the findings and conclusion in this investigation.
5. October 2, 2010: A Violation of Constitutional Rights complaint was received by the Office of Police Ombudsman. The Complainant advised that they were detained by an officer in a local park for carrying a loaded holstered firearm in plain view. The Complainant advised that they were compliant with the "Open Carry" requirements. The Complainant advised that they also possess a valid Concealed Pistol License. The Complainant advised that they were released by the Officer only after they agreed to conceal the weapon. Spokane Municipal Code prohibits individuals from carrying a firearm in a park. The ordinance conflicts with State Law. The State Law supersedes the ordinance. The matter has been referred to The City Attorney for correction. The Police Department has issued a procedural order to address the situation. The Complainant declined an offer to mediate their complaint. The Complaint was reclassified as an Inquiry at the request of the Police Department and with the consent of the Office of Police Ombudsman. The Office of Police Ombudsman supports the findings and conclusion in this investigation.

INTERVIEWS

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

OTHER DUTIES

- **Critical Incident Responses: 1**

1. Friday, September 24, 2010: The call out involved the shooting of an individual during the serving of a search warrant. It was determined that the Officer was employed by the Washington State Patrol and therefore outside the jurisdiction of the Office of Police Ombudsman.
- **Cases Resolved Through Mediation: 3**
1. Saturday, October 2, 2010: Complaint received by the Office of Police Ombudsman. Complainant manages a convenience store in Spokane. Complainant was upset with a delayed response to the store when they called regarding a customer creating a disturbance. Complainant was also upset that the officer advised them not to use their alarm if a hold up was not occurring. The complainant agreed to mediate the complaint but failed to attend at the scheduled time and location. Attempts to re contact the complainant were unsuccessful. Pursuant to the ordinance regulating mediation the complaint was closed through default when the complaint failed to appear as agreed.
 2. Wednesday, October 13, 2010: Complaint received by the Police Department. Complainant was upset regarding they way they were treated by an officer when they complained about traffic violations as the result of an auto auction in their neighborhood. Complainant did not realize that the officer was working a private duty pay job for the auto auction and was there to keep the peace.
 3. Friday, October 15, 2010: Complaint received by the Police Department. A local hotel complained that an officer dropped off a mentally ill person at their hotel rather than finding a more appropriate disposition for the individual. It was determined that this was one of several incidents that had previously occurred at the hotel that ownership and management had concerns regarding how those issues had been dealt with by the police department. In addition to the officer attending the mediation the officer's Sergeant and a Captain attended the session to address the immediate issue as well as the greater issue.
- **Recommendations(s): 1**
1. During the past 14 months the ombudsman has had an opportunity to participate in the Police Department Ride Along Program. While riding with 7 different officers the ombudsman observed that when individuals were arrested and transported in police vehicles they were not being seat belted when placed in the back seat. Pursuant to the Washington Administrative Code Section 204-41.030 Police Departments are exempt when the vehicle(s) do not have seat belts installed. Although an exemption exists, in the interest of the personal safety for those individuals being transported in police vehicles, the ombudsman has recommended to Office of the Chief of Police that when vehicles are purchased to replace patrol vehicles they be equipped with seat belts in the back seats. This recommendation has been assigned to Captain Scalise.

ACCOMPLISHMENTS

- October 4-8, 2010: I attended the United States Ombudsman Association National Conference in Dayton Ohio
- September 20-23, 2010: I attended the NACOLE National Conference in Seattle Washington

NEXT STEPS

- Audit of SPD Taser Use in 2009
- Establish Satellite office hours at the Community Room, PJALS

COMMUNITY OUTREACH

- Friday, October 15, 2010: The NATIVE Project, satellite office hours (1p-3p)
- Friday, October 15, 2010: House of Charity, satellite office hours (9a-11a)
- Thursday, October 14, 2010: North Hill Neighborhood Council meeting (7p-830p)
- Thursday, October 14, 2010: VOICES Representative Terri Anderson (330p-5p)
- Wednesday, October 13, 2010: Nevada Lidgerwood Neighborhood Council meeting, Guest Speaker (7p-9p)
- Wednesday, October 13, 2010: Police Advisory Committee meeting (7a-830a)
- Tuesday, October 12, 2010: West Hill Neighborhood Council meeting (630p-8p)
- Tuesday, October 12, 2010: STA, Downtown Terminal, satellite office (10a-1230p)
- Monday, October 11, 2010: Spokane City Council meeting (6p8p)
- Friday, October 1, 2010: Community Assembly meeting (4p-530p)
- Thursday, September 30, 2010: Heritage Congregational Church Guest Speaker (645p-830p)
- Wednesday, September 29, 2010: Riverside Neighborhood Council meeting (5p-6p)
- Tuesday, September 28, 2010: Human Rights Commission meeting (530p-7p)
- Monday, September 27, 2010: Spokane City Council meeting (6p-730p)
- Saturday, September 25, 2010: Community Assembly Retreat (830a-12n)

2010 OVERVIEW

Complaints Received: Since January 18, 2010, **60** complaints have been received by the Office of Police Ombudsman and forwarded to Internal Affairs. The complaints involve:

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

Referrals Made: 1

One complaint was referred to the Spokane County Sheriff's Office during the reporting period.

Since January 18, 2010, **22** complaints have been referred to the following agencies:

- 12 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 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 Fire Department
- 1 Complaint was referred to the Spokane Transit Authority