

**The Office of Police Ombudsman  
Monthly Report  
to  
The Public Safety Committee  
September 20, 2010**

**REPORTING PERIOD**

August 16, 2010 through September 19, 2010.

**Due to** a schedule conflict for the ombudsman this report was presented to the Public Safety Committee on Monday, October 18, 2010 at the regularly scheduled Public Safety Committee meeting with the Committee's consent.

**CONTACTS**

Between July 19 and August 15, 2010 **47** contacts were received.

Since January 1, 2010 there have been **350** total contacts

**COMPLAINTS**

**Complaints Received: 4** complaints were received between August 16, 2010 and September 19, 2010.

1. August 18, 2010: Complaint that the Police used excessive force by shooting their child more times than was necessary to stop the child's' assaultive behavior and that the Police department failed to conduct a thorough investigation of the incident. This situation occurred on July 10, 2009.
2. August 26, 2010: Complainants own 2 bars in Spokane. Complainants believe that they are being selectively targeted for enforcement that will result in the denial of an Entertainment Facility License which will ultimately force their businesses to close.
3. August 26, 2010: Complainants requested that the Office of Police Ombudsman monitor and review the Police Departments investigation of their family members' homicide. They also complained about the officers' demeanor and lack of compassion and sensitivity when dealing with their family.
4. August 30, 2010: Complainant advised that when they called to provide additional information regarding a fraud case the employee who received the call was extremely rude and summarily dismissed them advising them that there was no way their complaint was going to be investigated.

## **Inquiries: 1**

August 26, 2010 an out of town property owner/landlord called complaining that the Police Department telephoned them and advised them to stop calling 9-1-1 and/or the Communications Center to confirm that Officers had responded to their request for service and to obtain a progress report. **Due to a reduction in resources courtesy calls will no longer be made/returned to complainants.**

## **Complaints Referred: 0**

No complaints were referred during this reporting period.

## **Commendations: 1**

September 16, 2010: A resident of Spokane advised the OPO that although they received a traffic citation, the issuing officer was kind and professional in the process and they truly appreciated the officer's demeanor.

## **INVESTIGATIONS CERTIFIED**

The following **6** investigations were certified as timely, thorough and objective:

- August 26, 2010: Complaint received by the Office of Police Ombudsman for Unlawful Arrest and Excessive Force. Complainant advised that they were arrested after they "flipped off" an officer at a local hospital emergency room. They advised that they were injured during the handcuffing process. There were no visible injuries to the complainant, no medical records to support the claim of physical injury and hospital staff refuted the complainant's account of the incident. Video was requested but was unavailable due to the delay in filing of the complaint by the complainant (6 months) The Office of Police Ombudsman supports the findings and conclusion in this investigation.
- September 13, 2010: Complaint received by Internal Affairs for Harassment and False Arrest. The Complainant alleged that a specific officer had targeted them for arrested on 3 separate occasions for no reason. The Officer actually arrested the complainant on 1 occasion and was the back up officer on 2 other non related incidents. The Complainant was angry that they had been kept in jail for 3 additional days after they should have been released. The Office of Police Ombudsman supports the findings and conclusion in this investigation. The complainant regarding the additional 3 days of detention without cause appears to be a Court/ Correctional facility matter and has been referred to the Sheriff's office.
- September 13, 2010: Complaint received by Internal Affairs for Excessive Force and Demeanor. The Complainant alleged that the Detectives injured them during the handcuffing procedure, failed to advise them of their rights and were not responsive to their needs. There was no visible evidence of injury to the Complainant and no medical records to support the allegation. The audio and video recorded during the detectives' interview of the Complainant did not

support the allegation. The Office of Police Ombudsman supports the findings and conclusions in this investigation.

- September 18, 2010: Complaint received by OPO for Inadequate Response. The Complainant's vehicle was stolen and recovered by SPD. The Department attempted to contact the vehicle's owner however when no one answered the phone call a message was not left advising of the vehicle's recovery. The owner became aware of the recovery when they received written notice from the tow company. As a result of the delay the vehicles owner had to pay approximately \$110.00 in additional vehicle storage fees to the tow company. The Complainant was referred to risk management to file a claim for unnecessary costs. The break down in communications was determined to be a training issue which will be addressed by the Department. The Office of Police Ombudsman supports the findings and conclusion in this investigation.
- September 18, 2010: Complaint received by Internal Affairs for Excessive Force and Violation of Miranda Warning Rights. The Complainant alleged that the Officer injured them while applying the handcuffs during their arrest and continued to question them after they exercised their right to remain silent. Video obtained from the business showed that the arrest was uneventful and this was also confirmed by 2 employees who were present at the time of the Complainant's arrest. There were no visible injuries and no medical records to support the Complainant's allegation. With regards to whether the Officer continued to question the Complainant after they exercised their right to remain silent there is no way to prove or disprove this allegation. The Office of Police Ombudsman supports the findings and conclusion in this investigation.

## **INTERVIEWS**

- **Internal Affairs, Officer Interviews: 23**
- **Internal Affairs Complainant Interviews: 3**
- **Internal Affairs, Witness Interviews: 9**
- **Closing (Complaint Closure) Interviews: 0**

## **OTHER DUTIES**

- **Critical Incident Responses: 0**
- **Cases Resolved Through Mediation: 1**

Tuesday, September 14 2010: Two Detectives met with the Complainant at the Office of Police Ombudsman to discuss the lack of communication between the 2 Detectives and the Complainant regarding the sexual assault of the Complainant's juvenile child. The Detectives assured the Complainant that the prosecution is moving forward and they will keep the Complainant apprised as the case proceeds.

## **ACCOMPLISHMENTS**

- Friday, August 27, 2010: SPD Ride Along (430p-330a Sat)
- Sunday, August 22, 2010: SPD Ride Along (6a-3p)

## **NEXT STEPS**

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

## **COMMUNITY OUTREACH**

- Friday, September 17, 2010: The NATIVE Project (1p-330p)
- Friday, September 17, 2010: The House of Charity (9a-1130a)
- Thursday, September 16, 2010: Public Safety Committee meeting (530p-630p)
- Wednesday, September 15, 2010: Hillyard, Bemiss, Whitman Neighborhood Council meeting (630p-9p)
- Tuesday, September 14, 2010: North Indian Trail Neighborhood Council meeting (7p-830p)
- Tuesday, September 14, 2010: STA Downtown Terminal (10a-1230p)
- Monday, September 13, 2010: Spokane City Council meeting (6p-730p)
- Tuesday, August 31, 2010: Office of Police Ombudsman Ad Hoc Committee meeting (6p-8p)
- Monday, August 30, 2010: Spokane City Council meeting (6p-730p)
- Saturday, August 28, 2010: Hispanic Festival (11a-1230p)
- Friday, August 27, 2010: Women's Hearth Guest Speaker (115p-230p)
- Tuesday, August 24, 2010: Human Rights Commission meeting (530p-7p)
- Monday, August 23, 2010: Spokane City Council meeting (6p-7p)
- Friday, August 20, 2010: The NATIVE Project, Staff Retreat (1p-4p)
- Friday, August 20, 2010: The House of Charity (9a-11a)
- Wednesday, August 18, 2010: Hillyard Neighborhood Council meeting (630p-645p)
- Wednesday, August 18, 2010: Whitman Neighborhood Council meeting (6p-630p)
- Tuesday, August 17, 2010: Downtown Spokane Kiwanis Club Guest Speaker (12n-130p)
- Monday, August 16, 2010: Spokane City Council meeting (6p-730p)

## **2010 OVERVIEW**

**Complaints Received:** Since January 18, 2010, **55** complaints have been received by the Office of Police Ombudsman and forwarded to Internal Affairs. The complaints involve:

- 22 Inadequate Response
- 9 Harassment
- 13 Demeanor
- 1 Policy/Procedure
- 5 Excessive Force

- 1 Ethics
- 1 Ethics, Unlawful Arrest and Improper Search
- 2 Racial/Bias Policing
- 1 Driving

### **Referrals Made: 0**

No referrals were made during this reporting period.

Since January 18, 2010, **21** complaints have been referred to the following agencies:

- 11 Complaints were referred to the Spokane County Sheriff's Office
- 3 Complaints involved the Spokane Valley Police Department and 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