



OFFICE OF
POLICE OMBUDSMAN
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March 18, 2011

Public Safety Committee Report

Reporting Period: February 18, 2011 through March 17, 2011

CONTACTS

Between February 18, 2011 and March 17, 2011, the Office was contacted 37 times.

Since January 1, 2011, there have been 111 contacts received by the Office of Police Ombudsman.

COMPLAINTS

Between February 18, 2011 and March 17, 2011, 2 complaints were received.

1. Thursday, March 10, 2011: A **Theft and Harassment** complaint was received by the Police Ombudsman at the Office of Police Ombudsman. The Complainant alleges that a pack of cigarettes was taken from the complainant's vehicle during a search of the vehicle and that an officer is harassing the complainant by trying to get the complainant evicted from their residence. (OPO # 11-16)
2. Wednesday, March 16, 2011: A **Harassment** complaint was received by the Assistant to the Police Ombudsman by mail. The Complainant advised that an officer made false statements about the complainant to the complainant's neighbor and directed the neighbor to get a restraining order against the complainant. (OPO # 11-17)

Between February 18, 2011 and March 17, 2011 5 complaints were referred.

1. Friday, March 11, 2011: An **Assault and Personal Injury** complaint was received by the Ombudsman by telephone. The Complainant resides out of State. The Complainant advised that while in custody they were assaulted and injured by jail staff. The Complainant information was forwarded to the Spokane County Sheriff's Office.
2. Friday, March 11, 2011: The Complainant wanted to file a complaint against an Okanogan County Deputy. The Complainant advised they were referred by Congresswoman Cathy McMorris Rodgers. The Complainant was referred to the Okanogan County Sheriff's Office.
3. Saturday, March 12, 2011: A **Process Service** complaint was received by the Ombudsman by telephone. The Complainant was not satisfied with service he received

by the Sheriff's Office regarding civil papers being served. The Complainant information was forwarded to the Spokane County Sheriff's Office.

4. Monday, March 14, 2011: An **Assault** complaint was received by the Ombudsman by telephone. The Complainant resides outside the area. The Complainant advised that while in custody their sibling was assaulted by jail staff. The Complainant information was forwarded to the Spokane County Sheriff's Office
5. Thursday, March 17, 2011: An **Inadequate Response** complaint was received by the Ombudsman by telephone. The Complainant resides outside the area. The complainant advised their sibling has been refused medical treatment for an infection. The information was forwarded to the Spokane County Sheriff's Office.

INVESTIGATIONS CERTIFIED

Between February 18, 2011 and March 17, 2011, 2 investigations were certified as timely, thorough and objective:

1. Thursday, February 24, 2011: An **Inadequate Response and Demeanor** complaint was received by the Office of Police Ombudsman on November 18, 2010. The Complainant alleged that officers failed to provide the complainant with a copy of a search warrant being served at the complainant's residence, damaged property, took property and made derogatory comments to the complainant. The Ombudsman confirms that the investigation of the complaint was completed through a timely, thorough and objective process.
2. Saturday, March 12, 2011: An **Inadequate Response and Demeanor** complaint was received by the Office of Police Ombudsman on January 8, 2011. The Complainant alleged that an officer forced them to stop playing a musical instrument in a public place they had a legal right to be playing and the officer was impolite. The Ombudsman confirms the investigation of the complaint was completed through a timely, thorough and objective process (**OPO # 11-05**).

DECLINED CERTIFICATIONS

There were no declined certifications during the reporting period.

INTERVIEWS

- **Internal Affairs, Officer Interviews: 4**
- **Internal Affairs Complainant Interviews: 0**
- **Internal Affairs, Witness Interviews: 5**
- **Office of Police Ombudsman Complainant Interviews: 2**
- **Office of Police Ombudsman Witness Interviews: 1**
- **Closing (Complaint Closure) Interviews: 0**

OTHER DUTIES

Critical Incident Responses: There were no critical incidents during the reporting period.

Cases Resolved Through Mediation: 1

- Thursday, March 17, 2011: A **False Testimony** complaint (**OPO #11-10**) was resolved through the mediation process. The Complainant who received a traffic citation alleged that the officer who issued the citation gave false testimony during the Court trial.

Recommendations: 1

- The Police Department has been requested to develop a policy and procedure manual for the Internal Affairs Unit of the police department.

NEXT STEPS

- Recruitment of a student intern
- Completion of 12 investigative closing reports from 2010
- Completion of 8 inquiry closing reports from 2011
- Completion of 1 investigative closing report from 2011

COMMUNITY OUTREACH

- Thursday, March 17, 2011: Police Advisory Committee Meeting (530p-630p)
- Wednesday, March 16, 2011: Hillyard Neighborhood Council Meeting (630p-8p)
- Wednesday, March 16, 2011: Whitman Neighborhood Council Meeting (6p-630p)
- Tuesday, March 15, 2011: Logan Neighborhood Council Meeting (630p-8p)
- Friday, March 11, 2011: STA Terminal (10a-1p)
- Friday, March 11, 2011: Greater Spokane State of the County (7a-9a)
- Thursday, March 10, 2011: Minnehaha Neighborhood Council Meeting (7p-830p)
- Wednesday, March 09, 2011: Nevada Lidgerwood Neighborhood Council Meeting (630p-8p)
- Tuesday, March 08, 2011: North Indian Trail Neighborhood Council Meeting (645p-730p)
- Monday, March 07, 2011: Spokane City Council Meeting, 2010 Annual Report Presentation (6p-930p)
- Wednesday, February 23, 2011: KHQ Public Forum on "Violence in Spokane" (6p-8p)
- Wednesday, February 23, 2011: Riverside Neighborhood Council Meeting (5p-6p)
- Tuesday, February 22, 2011: Human Right Commission Meeting (530p-7p)
- Monday, February 21, 2011: NAACP Meeting, "Just Talk About It" (730p-9p)
- Monday, February 21, 2011: Spokane City Council Meeting, Public Safety Committee Report for February 2011 (6p-7p)

OTHER

- Monday, March 14, 2011: The Ombudsman attended the Spokane County Sheriff's Office, Citizens Advisory Board's review of the Deadly Force Review Board's finding involving the Creach homicide (630p-1030p)
- Sunday, March 13, 2011: SPD Ride Along (4p-12p)
- The SPD Critical Incident Protocol is on the Office of Police Ombudsman web site
- The Office of Police Ombudsman 2010 Annual Report is on the Office of Police Ombudsman web site
- 2 Complainants declined to participate in proposed complaint mediations

2011 OVERVIEW

Complaints Received: Since January 1, 2011, 17 complaints have been received by the Office of Police Ombudsman and forwarded to Internal Affairs. The complaints were for:

- 1 Demeanor
- 1 Discrimination
- 2 Excessive Force
- 5 Harassment
- 6 Inadequate Response
- 1 Perjury
- 1 Records Request/Driving

Complaints Referred: Since January 1, 2011, 7 complaints have been referred to the following agencies:

- 6 complaints have been referred to the Spokane County Sheriff's Office.
- 1 complainant was referred to the Okanogan County Sheriff's Office

ATTACHMENTS

- Memorandum of Non-Certification Template
- Closing Report Template



CITY OF SPOKANE
OFFICE OF POLICE OMBUDSMAN

MEMORANDUM FOR NON-CERTIFICATION

FROM: City of Spokane
Office of Police Ombudsman
221 N Wall Street, Suite 238
Spokane, WA 99201

SUBJECT: IA- Report Non-Certification

COMPLAINT:

DATE:

1. Reasons for Non-Certification of the IA Report.

FACTORS BEARING ON THE NON CERTIFICATION REPORT:

2. Facts. *Limited to facts directly related to the problem.*
3. Assumptions. *Reasonable assumptions made in support of analysis.*
4. Criteria. *Standards, requirements, or limitations used to test possible solutions.*
5. Definitions. *Description and definition of terms that may confuse reader.*

DISCUSSION

6. *Shows the logic used in solving the problem. Introduces the problem and provides background if necessary. Followed by explanation of a possible solution.*

CONCLUSION

7. *States conclusion as a workable, complete solution to the problem described previously in "Discussion."*

ACTION RECOMMENDED

8. *Action necessary to implement the solution.*

Timothy Burns
City of Spokane Police Ombudsman



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OFFICE OF POLICE OMBUDSMAN CLOSING REPORT (SMC 04.32.030(L))

OPO # 11-01 | IA # Inquiry I11-003

The Situation

Information relating to the date, method, and source (IA or OPO) of the received complaint, allegations made, or citations relating to the incident or stop.

The Complaint

Description of the received complaint.

The Complaint Investigation

A review of the complaint investigation including forwarding and classification dates, interviews conducted, obstacles and questions arising during the investigation as well as ombudsman and chief findings.

Office of Police Ombudsman Analysis/Conclusion

Summary of the Ombudsman's conclusions and any recommendations regarding revision of any applicable law enforcement policy, training protocol, and/or law enforcement procedure materially associated with the basis for the complaint. May also include changes to Office of Police Ombudsman policies and procedures.

Timothy O. Burns
Police Ombudsman

Date

- This letter constitutes the final action that will occur regarding the complaint received by the City of Spokane, Office of Police Ombudsman. Further, the Police Ombudsman does not have any authority for discipline or exoneration based on the investigation conducted in this matter. None of the contents contained in the final report should be viewed as to any recommendation involving possible discipline or exoneration in the matter.