



OFFICE OF
POLICE OMBUDSMAN
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November 18, 2011

Public Safety Committee Report

Reporting Period: October 14, 2011 through November 17, 2011

CONTACTS

Between October 14, 2011 and November 17, 2011 the Office was contacted **90** times.

Since January 1, 2011, there have been **473** contacts received by the Office of Police Ombudsman.

COMPLAINTS

Between October 14, 2011 and November 17, 2011 **18** complaints were received.

1. Wednesday, November 16, 2011: An **Excessive Force** complaint was received by the Office of Police Ombudsman. The Complainant alleged that their teenage child was beaten by two officers while being arrested (**OPO 11-81**).
2. Wednesday, November 9, 2011: A **Demeanor** complaint was referred by the Office of the Mayor to the Office of Police Ombudsman. The Complainant alleged that an officer was rude and told the Complainant to stop wasting the Officer's time (**OPO 11-80**).
3. Wednesday, November 9, 2011: An **Inappropriate Comment** complaint was received through the Office of Police Ombudsman website. The Complainant was concerned about comments made on a Karl Thompson Facebook support page (**OPO 11-79**).
4. Tuesday, November 8, 2011: A **Demeanor** complaint was received through the Office of Police Ombudsman website. The Complainant was concerned about the conduct of several officers at the Federal Court Building (**OPO 11-78**).
5. Tuesday, November 8, 2011: A **Demeanor** complaint was received through the Office of Police Ombudsman website. The Complainant was concerned about the conduct of several officers at the Federal Court Building (**OPO 11-77**).
6. Tuesday, November 8, 2011: A **Demeanor** complaint was received through the Office of Police Ombudsman website. The Complainant was concerned about the conduct of several officers at the Federal Court Building (**OPO 11-76**).

7. Tuesday, November 8, 2011: A **Demeanor** complaint was received through the Office of Police Ombudsman website. The Complainant was concerned about the conduct of several officers at the Federal Court Building (**OPO 11-75**).
8. Monday, November 7, 2011: A **Demeanor** complaint was received by the Office of Police Ombudsman via fax. The Complainant was concerned about the conduct of several officers at the Federal Court Building (**OPO 11-74**).
9. Monday, November 7, 2011: A **Demeanor** complaint was received by the Office of Police Ombudsman via fax. The Complainant was concerned about the conduct of several officers at the Federal Court Building (**OPO 11-73**).
10. Friday, November 4, 2011: An **Inadequate Response** complaint was received by the Office of Police Ombudsman. The Complainant alleged that officers failed to properly investigate an assault the Complainant was a victim of. (**OPO 11-72**).
11. Thursday, November 3, 2011: A complaint was referred to the Office of Police Ombudsman from the Office of the Mayor. The Complainant made several complaints against the Police Department ranging from **Inadequate Response** to **Excessive Force** (**OPO 11-71**).
12. Monday, October 31, 2011: An **Inadequate Response** complaint was received through the Office of Police Ombudsman website. The Complainant alleged that officers failed to adequately investigate a complaint made against the Complainant by another individual (**OPO 11-70**).
13. Saturday, October 22, 2011: A **Driving** complaint was received through the Office of Police Ombudsman website. The Complainant advised that an Officer sped through two school zones and failed to yield the right-of-way to a pedestrian attempting to cross the street at an intersection (**OPO 11-69**).
14. Thursday, October 20, 2011: An **Inadequate Response** complaint was received through the Office of Police Ombudsman website. The Complainant advised they were the victim of a residential burglary and that they attempted to contact the Detective assigned to investigate their burglary without success. The Complainant advised they were told that the Detective was too busy to return their call so they would have to continue calling to try to speak with the Detective (**OPO 11-68**).
15. Thursday, October 20, 2011: A **False Arrest and Excessive Force** complaint was received by the Office of Police Ombudsman. The Complainant advised that officers kicked in their front door, tackled them and arrested them for an inactive Court Order (**OPO 11-67**).
16. Wednesday, October 19, 2011: A **Driving** complaint was received through the Office of Police Ombudsman website. The Complainant advised that they

observed two police cars traveling at extreme speeds without lights on during the early morning hours (**OPO 11-66**).

17. Tuesday, October 18, 2011: An **Inadequate Response** complaint was received by the Office of Police Ombudsman. The Complainant advised that officers refused to return their calls and that officers failed to adequately investigate a hate crime. This complainant is a frequent reporter (**OPO 11-65**).
18. Monday, October 17, 2011: A **False Report** complaint was received by the Office of Police Ombudsman. The Complainant advised that an officer fabricated information in an Affidavit that lead to a 'Stay Away Order' being issued by the Courts (**OPO 11-64**).

Between October 14, 2011 and November 17, 2011 **3** complaints were referred.

1. Tuesday, November 15, 2011: A complaint involving the Spokane Valley Police department was received by the Office of Police Ombudsman. The complaint was referred to the Spokane County Sheriff's Office for investigation.
2. Friday, November 11, 2011: A complaint involving the Spokane County Jail was received by the Office of Police Ombudsman website. The complaint was referred to the Spokane County Sheriff's Office for investigation
3. Wednesday, November 2, 2011: An **Inadequate Response** complainant was referred to the Spokane County Sheriff's Office regarding lack of follow-up and investigation on multiple reports of burglary at the complainant's county residence.

INVESTIGATIONS CERTIFIED

Between October 14, 2011 and November 17, 2011 **5** investigations were certified as timely, thorough and objective:

1. Tuesday, November 15, 2011: On Wednesday, October 12, 2011 an **Inadequate Response** complaint was received by the Office of Police Ombudsman. The Complainant alleged that officers did not make proper arrangements for the Complainant's house cat after transporting the Complainant to a local hospital for mental health treatment. The Ombudsman confirms that the investigation was completed through a timely, thorough and objective process (**OPO 11-62**).
2. Thursday, November 10, 2011: On September 1, 2011 an **Illegal Search** complaint was received by a Spokane Police Lieutenant. The Complainant alleged that officers searched their property without permission. Officers were looking for an individual that ran from them during a traffic stop. The Ombudsman confirms that the investigation was completed through a timely, thorough and objective process.

3. Monday, November 7, 2011: On July 21, 2011 the Office of Police Ombudsman received an **Inadequate Response and Giving False Testimony** complaint. The Complainant alleged that an officer did not adequately investigate an auto-pedestrian accident they were involved in and provided false testimony during the Court hearing. The Ombudsman confirms that the investigation was completed through a timely, thorough and objective process (**OPO 11-35**).
4. Saturday, October 22, 2011: On August 20, 2011 the Office of Police Ombudsman received an **Inadequate Response** complaint. The Complainant alleged that they were assaulted and officers failed to adequately investigate their complaint. The Ombudsman confirms that the investigation was completed through a timely, thorough and objective process (**OPO 11-43**).
5. Saturday, October 15, 2011: On June 21, 2011 the Police Department received a **False Arrest, Unlawful Search and Failure to Mirandise** complaint. The Complainant advised that they were the victim of a pretextual traffic stop. The Complainant advised that they were subsequently arrested for impersonating a police officer when in fact they are a police officer. The Ombudsman confirms that the investigation was completed through a timely, thorough and objective process.

DECLINED CERTIFICATIONS and APPEALS

There were no declined certifications during the reporting period.

INTERVIEWS

- Internal Affairs, Officer Interviews: **22**
- Internal Affairs, Complainant Interviews: **0**
- Internal Affairs, Witness Interviews: **5**

- Office of Police Ombudsman, Complainant Interviews: **8**
- Office of Police Ombudsman, Witness Interviews: **2**

- Closing (Complaint Closure) Interviews: **4**

OTHER DUTIES

Critical Incident Response: No critical incidents occurred during the reporting period.

Cases Resolved Through Mediation:

- On Monday, October 17, 2011 a complaint was resolved through mediation. The Complainant advised that they were told by an Officer that they could not bring their service dog into the Pig Out at the Park event. Sergeant McCabe, representing the Police Department acknowledged that the Officer was mistaken and it was agreed that the Police department would issue a training bulletin to all personnel addressing service animals.

Recommendations: No recommendations were made during the reporting period

NEXT STEPS

- Completion of Student Guide to Police Practices

COMMUNITY OUTREACH

- Monday, November 14, 2011: Spokane City Council Meeting (6p-730p)
- Saturday, November 12, 2011: Kootenai County Task Force on Human Relations and the Spokane Human Rights Commission, Mirabeau Park. (12n-3p)
- Friday, November 11, 2011: STA Main Terminal (10a-1p, Intern)
- Thursday, November 10, 2011: Minnehaha Neighborhood Council Meeting(7p-830p)
- Wednesday, November 9, 2011: West Central Neighborhood Council Meeting (730p-830p)
- Tuesday, November 8, 2011: North Indian Trail Neighborhood Council Meeting (7p-800p)
- Monday, November 7, 2011: Spokane City Council Meeting (6p-730p)
- Saturday, November 5, 2011: Humanist Focus Group of Spokane, Guest Speaker (8a-1030a)
- Friday, November 4, 2011: Community Assembly Meeting (4p-6p)
- Friday, November 4, 2011: STA Main Terminal (1p-4p, Intern)
- Wednesday, November 2, 2011: Hate Crimes in the LGBT Community Public Forum (630p-8p)
- Wednesday, November 2, 2011: Coats 4 Kids, West Central Community Center (3p-6p)
- Tuesday, November 1, 2011: Rockwood Neighborhood Council Meeting (7p-830p)
- Monday October 31, 2011: Spokane City Council Meeting (630p-9p)
- Monday, October 31, 2011: Coats 4 Kids, West Central Community Center (3p-6p)
- Monday, October 24, 2011: Spokane City Council Meeting (6p-8p)
- Friday, October 21, 2011: The NATIVE Project (115p-330p)
- Friday, October 21, 2011: The House of Charity (9a-11a)
- Thursday, October 20, 2011: Chief Garry Park Neighborhood Council Meeting (645p-730p)
- Wednesday, October 19, 2011: Hillyard Neighborhood Council Meeting (7p-8p)
- Wednesday, October 19, 2011: Community Café Meeting, East Central Community Center (6p-7p)

- Monday, October 17, 2011: Spokane City Council Meeting
- Friday, October 14, 2011: Community Assembly Meeting (4p-6p)
- Friday, October 14, 2011: STA Main Terminal (10a-1p, Intern)

OTHER

- Monday, November 14, 2011: The Office of Police Ombudsman received an Officer Commendation through the Office of Police Ombudsman website. The person who submitted the commendation wanted to recognize several Officers performance during the investigation of a major injury traffic accident. The commendation was referred to the Office of the Chief.
- Saturday, November 12, 2011: SPD Ride Along (8p-5a)
- Tuesday, November 08, 2011: The Office of Police Ombudsman received an Officer commendation through the Office of Police Ombudsman website. The commendation described recently convicted Officer Thompson as a kind and gentle man. The commendation was referred to the Office of the Chief.
- Tuesday, October 25-28, 2011: The Ombudsman attended the United States Ombudsman Association National Conference in Jacksonville, Florida
- Friday, October 21, 2011: The Ombudsman met with EWU Administration to formalize an agreement for an Internship partnership between the University and the Office of Police Ombudsman
- Sunday, October 16, 2011: SPD Ride Along (10a-6p)

2011 OVERVIEW

Complaints Received: Since January 1, 2011, **80** complaints have been received by the Office of Police Ombudsman and forwarded to Internal Affairs. The complaints were for:

- 16 Demeanor
- 1 Discrimination
- 6 Excessive Force
- 7 Harassment
- 41 Inadequate Response
- 2 Perjury
- 1 Records Request/Driving
- 1 Records Request
- 1 Racial Bias
- 2 Driving
- 1 Inappropriate Comments on Personal Facebook Page
- 1 False Arrest

Complaints Referred: Since January 1, 2011, 25 complaints have been referred to the following agencies:

- **18** complaints have been referred to the Spokane County Sheriff's Office.
- **2** complaints were referred to Internal Affairs due to OPO-implemented one-year statute of limitations or conflict-of-interest
- **1** complaint was referred to the Okanogan County Sheriff's Office
- **1** complaint was referred to the Pend Oreille County Sheriff's Office
- **1** complaint was referred to the Airway Heights Police Department
- **1** complaint was referred to Crime Complaint Check
- **1** complaint was referred to the Spokane C.O.P.S.

ATTACHMENTS

- OPO Webpage Update
- Biography: Marnie Rorholm, Assistant to the Police Ombudsman
- SPD Service Animal Training Memorandum
- Inland Northwest LGBT Center Training Manual for Public Officials

Office of Police Ombudsman Webpage Update

Per a recommendation from Council Member Jon Snyder, the Office of Police Ombudsman 'Complaints Received' web chart was updated to include discipline imposed by the Chief of Police in response to citizen complaint investigations.

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2011 Ombudsman-Received Complaints

The following are complaints received by the ombudsman and forwarded to the Internal Affairs Division of the Spokane Police Department for investigation in 2011. Upon receipt by Internal Affairs, complaints are reviewed for potential violations of the Spokane Police Department [Code of Ethics](#) and are classified as an investigative inquiry or for formal investigation. In general, inquiries are questions about employee conduct which, even if true, would not qualify as a personnel complaint. Investigative inquiries are not subject to certification however pursuant to Spokane Municipal Code Section 04.32.030 (I), the Ombudsman may appeal the classification to the Chief of Police and, if necessary, to the Mayor.

After investigation by the police department the investigative file will be returned to the ombudsman to certify whether the report is thorough and objective. Ombudsman findings may include:

- **Certified** The Ombudsman has certified the Internal Affairs investigation as timely, thorough, and objective.
- **Concur** (Investigative Inquiries only) After reviewing the complaint and associated records, the Ombudsman agrees with reclassification of the complaint as an inquiry.
- **Declined Certification** The Ombudsman has declined to certify the Internal Affairs investigation as timely, thorough, and objective.

Once certified, the report is sent to the Chief of Police for disposition ([Chief's Findings](#)). *Newly received complaints are published monthly following presentation to the Public Safety Committee.*

OPO #	Complaint Description	Disposition
OPO 11-01	Inadequate Response complaint; the Complainant advised that the police refused to accept a "Citizens" arrest of a CPS employee	Received: January 6, 2011 Status: Classified as Investigative Inquiry Ombudsman Findings: Concur Chief's Findings: Inquiry Officer Discipline: None
OPO 11-02	Demeanor complaint; the Complainant advised that an officer spoke to them in a disparaging manner	Received: January 6, 2011 Status: Classified as Investigative Inquiry Ombudsman Findings: Concur Chief's Findings: Inquiry Officer Discipline: None
OPO 11-03	Records Request complaint; the Complainant advised that the vehicle they were driving was driving was struck by a police car. After the collision occurred, the Complainant had difficulty obtaining the accident report.	Received: January 6, 2011 Status: Classified as Investigative Inquiry Ombudsman Findings: Concur Chief's Findings: Inquiry Officer Discipline: None
OPO 11-04	Inadequate Response complaint; the Complainant advised that they were having difficulty getting police officers and sheriff's deputies to enforce a restraining order against a former significant other.	Received: January 7, 2011 Status: Classified as Investigative Inquiry Ombudsman Findings: Concur Chief's Findings: Inquiry Officer Discipline: None
OPO 11-05	Harassment complaint; the Complainant advised that they were contacted by a police officer and directed to stop playing their musical instrument in public.	Received: January 7, 2011 Status: Formal Investigation Complete Ombudsman Findings: Certified Chief's Findings: Not Sustained Officer Discipline: None
OPO 11-06	Inadequate Response complaint; the Complainant advised that the police made him leave the building housing CPS without the legal authority to require him to leave.	Received: January 11, 2011 Status: Classified as Investigative Inquiry Ombudsman Findings: Concur Chief's Findings: Inquiry Officer Discipline: None
OPO 11-07	Harassment complaint; the Complainant advised that an Officer entered their residence without permission and then falsely accused them of assaulting another person	Received: January 25, 2011 Status: Closed through Mediation Ombudsman Findings: NA Chief's Findings: NA

BIOGRAPHY:

Marnie Rorholm **Assistant to the Police Ombudsman**

Marnie Rorholm is a lifetime Spokane resident, except for the four years she spent attending Santa Clara University in California. She has an MBA from Gonzaga University, and also spent 14 years working there as an administrator and Office Manager in Campus Security. In 2008, she left Gonzaga for a City of Spokane position in Police Records, serving both SPD and SCSO.

After two years, she moved to the Water Department, where she headed up the Water Stewardship Program for the City of Spokane, including the city-wide “Slow the Flow” marketing campaign. This program was responsible for assisting over 800 homes in installing conservation devices, and awarding rebates totaling more than \$150,000 for local citizens.

Marnie will begin her work in the Ombudsman’s and Mayor’s offices just after Thanksgiving 2011. In addition to acting as the main point-of-contact for citizens calling and visiting the office, Marnie’s regular duties will include scheduling appointments and community outreach events, preparation of informational materials, maintenance of the Office of Police Ombudsman website, research of law enforcement best practices, and statistical analysis of police department and complainant data.

Marnie is married to a US Naval Reserve Lieutenant and has two sons, ages 13 and 9. Outside of work, Marnie enjoys all manner of local sports (EWU football, Zags basketball, Indians baseball), and public speaking and acting in local theater, TV, film and radio.



SPOKANE POLICE DEPARTMENT

ANNE E. KIRKPATRICK
CHIEF OF POLICE



October 31, 2011

TRAINING BULLETIN #6

SERVICE ANIMALS

WHAT IS A "SERVICE ANIMAL?"

"Service animals" are animals that are individually trained to perform tasks for people with disabilities such as guiding people who are blind, alerting people who are deaf, pulling wheelchairs, alerting and protecting a person who is having a seizure, or performing other special tasks. **The most common service animals are dogs but sometimes other species are used** (for example, a cat or a bird). Some, but not all, service animals wear special collars and harnesses. **There is no legal requirement for service animals to be visibly identified, licensed, certified, and/or have documentation papers.** Service animals are working animals, not pets. See RCW 9.91.170(9)(b) and 70.84.021; and SMC 10.03.075.

WHO NEEDS SERVICE ANIMALS?

Some disabled people require the assistance of an animal because of their disabling conditions. Under federal and state laws, a person is considered to be disabled if he/she has a sensory, mental or physical condition that substantially limits one or more major life activities (such as walking, seeing, working, etc.).

WHAT DO SERVICE ANIMALS DO?

Service animals perform many types of services for those with disabilities. Here are some examples:

- A guide animal serves as a travel tool by a person who is legally blind.
- A hearing animal alerts a person with significant hearing loss.

- A service animal helps a person who has a mobility or health disability. Duties may include carrying, fetching, opening doors, ringing doorbells, activating elevator buttons, steadying a person while walking, helping a person up after a fall, etc.
- A seizure response animal assists a person with a seizure disorder. The animal may go for help, or stand guard over the person during the seizure. Some animals have learned to predict a seizure and warn the person.
- A companion animal or emotional support animal assists people with psychological disabilities.

Because service animals provide different types of assistance, a person with a disability may require more than one service animal.

HOW DO WE RESPOND?

Under the Americans with Disabilities Act (ADA) and Washington law (RCW 70.84.010), businesses and organizations that serve the public must allow people with disabilities to bring their service animals into all areas of the facility where customers are normally allowed to go. The federal and state laws apply to all businesses open to the public, including restaurants, hotels, taxis and shuttles, grocery and department stores, hospitals and medical offices, health clubs, parks and zoos. This would also apply to the downtown area during special events. Some examples:

- Businesses may ask if an animal is a service animal or ask what tasks the animal has been trained to perform, but cannot require special ID cards for the animal, and cannot ask about the person's disability.
- People with disabilities who use service animals cannot be charged extra fees, isolated from other patrons, or treated less favorably than other patrons.
- A person with a disability cannot be asked to remove his service animal from the premises unless: (1) the animal is out of control and the animal's owner does not take effective action to control it (for example, a dog that barks repeatedly during a movie) or (2) the animal poses a direct threat to the health or safety of others.
- The care and supervision of a service animal is solely the responsibility of the person with the disability.
- Businesses that sell or prepare food must allow service animals in public areas even if state or local health codes prohibit animals on the premises.
- A business is not required to provide care or food for a service animal.
- Allergies and fear of animals are generally not valid reasons for denying access or refusing service to people with service animals.
- Violators of the ADA and Washington law can be required to pay damages and penalties (through civil action) as well as be subject to criminal enforcement (a misdemeanor).

POSSIBLE CRIMINAL CHARGES

- SMC 10.03.075(1)(a). Interference with use of a guide dog or service animal. (Requires prior notice of behavior and continued reckless disregard.) (Misdemeanor.) (See also RCW 9.91.170(1)(a).)
- SMC 10.03.075(1)(b). Interference, by another's dog, with the use of a guide dog or service animal. (Requires reckless disregard.) (Misdemeanor.) (See also RCW 9.91.170(2)(a).)
- SMC 10.03.075(2)(a). Causing injury, disability, or death to service animal. (Requires reckless disregard.) (Gross misdemeanor.) (See also RCW 9.91.170(3).)
- SMC 10.03.075(2)(b). Allowing one's dog to cause injury, disability or death to a service animal. (Requires reckless disregard.) (Gross misdemeanor.) (See also RCW 9.91.170(4).)
- RCW 9.91.170(1)(5). Intentional causation of injury, disability, or death of service animal. (Class C felony.)