



OFFICE OF
POLICE OMBUDSMAN
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September 19, 2011

Public Safety Committee Report

Reporting Period: August 11, 2011 through September 15, 2011

CONTACTS

Between August 11, 2011 and September 15, 2011 the Office was contacted **58** times.

Since January 1, 2011, there have been **337** contacts received by the Office of Police Ombudsman.

COMPLAINTS

Between August 11, 2011 and September 15, 2011 **8** complaints were received.

1. Friday, August 19, 2011: An **Inadequate Response** complaint was received by the Police Ombudsman while at the House of Charity. The Complainant advised that officers refused to view a video of the Complainant being assaulted and refused to take action against the assailant (**OPO 11-43**).
2. Monday, August 22, 2011: An **Inadequate Response** complaint was received by the Office of Police Ombudsman. The Complainant alleged that Officers refused to take an extortion report involving a local attorney and follow-up on the complaint (**OPO 11-44**).
3. Thursday, August 25, 2011: An **Inadequate Response** complaint was received by the Office of Police Ombudsman. The Complainant alleged that Officers did an inadequate investigation of an assault the Complainant was a victim of and that Officers' supervisor threatened the Complainant with arrest when the Complainant tried to file a complaint against the Officers for Inadequate Response (**OPO 11-45**).
4. Friday, August 26, 2011: An **Inadequate Response** complaint was received by the Office of Police Ombudsman. The Complainant is the property manager for a local hotel. The Complainant advised that when an employee reported a guest using drugs in the hotel the responding Officer refused to contact the guest. The Complainant advised that they wrote a letter complaining to the Chief and has not received any response after a month (**OPO 11-46**).
5. Friday, August 26, 2011: An **Inadequate Response** complaint was received by the Office of Police Ombudsman through the OPO email box. The complainant alleged that photographs and video provided with a Photo Red citation did not show a violation and that the issuing Officer failed to properly review the provided evidence (**OPO 11-47**).

6. Saturday, August 27, 2011: An **Inadequate Response** complaint was received by the Office of Police Ombudsman. The Complainant advised that they were the victim of a disorderly conduct incident. The Complainant requested that the investigating Officer check a local business to ascertain whether the incident was recorded on the business' video. The Complainant advised the Officer refused to check to see if a video existed (**OPO 11-48**).
7. Friday, September 9, 2011: An **Inadequate Response** complaint was received by the Office of Police Ombudsman. The Complainant advised that the police department failed to respond to a suspicious person complaint at a business preparing to open for business at 5 am (**OPO 11-49**).
8. Monday, September 12, 2011: An **Inadequate Response** complaint was received by the Office of Police Ombudsman via telephone. The complainant lives in Oregon. The complainant advised that while visiting Spokane they were wrongfully trespassed from the Amtrak/Greyhound station and called 9-1-1. When the complaint exited the building they advised that several police cars and SWAT were present pointed guns at the complainant (**OPO 11-50**).

Between August 11, 2011 and September 15, 2011 **4** complaints were referred.

1. Friday, August 12, 2011: A complaint involving a **COPS Volunteer** was received by the Office of Police Ombudsman. The Complainant alleged that a volunteer misused their authority in making false accusations and filing false reports against the Complainant. The Complainant advised that they complained to the COPS Director but the complaint was summarily dismissed.
2. Tuesday, August 23, 2011: A **Demeanor** complaint was received by the Office of Police Ombudsman. Because the incident occurred in May 2010, beyond the 1 year statute of limitations imposed by the Office of Police Ombudsman, the complainant was referred to the Internal Affairs Unit.
3. Tuesday, August 23, 2011: An **Inadequate Response** complaint was received by the Office of Police Ombudsman regarding response to a domestic violence incident. The Complainant was referred to the Airway Heights Police Department.
4. Thursday, August 25, 2011: An **Inadequate Response** complaint was received by the Office of Police Ombudsman. The Complainant was referred to the Internal Affairs Unit due to a potential conflict of interest with the Office of Police Ombudsman. Through a ride along with the police department the Ombudsman was a witness to the interaction between the Complainant and the Officers which has since led to the Complainant wanting to file a complaint against the Officers for an inadequate response.

INVESTIGATIONS CERTIFIED

Between August 11, 2011 and September 15, 2011 **3** investigations were certified as timely, thorough and objective:

1. Saturday, August 27, 2011: On June 03, 2011 an **Excessive Force** complaint was received by Spokane Police Department. The Complainant alleged that as they were being arrested they were

kicked in the groin area by the arresting Officer. The Ombudsman confirms that the investigation was completed through a timely, thorough and objective process.

2. Sunday, September 11, 2011: An **Excessive Force** complaint was received by Spokane Police department on June 22, 2011 by a Patrol Sergeant. The Complainant alleged that an Officer “man handled” the Complainant during arrest. The Complainant advised that they were choked and grabbed and as a result they received visible injuries. The Ombudsman confirms that the investigation of the complaint was completed through a timely, thorough and objective process.
3. Sunday, September 11, 2011: A **Demeanor** Complaint was received by the Ombudsman on June 9, 2011. The Complainant advised that an Officer was difficult to work with in attempting to bring a rental property they own into compliance after the residence was declared a nuisance by the Officer. The Ombudsman confirms that the investigation of the complaint was completed through a timely, thorough and objective process (**OPO 11-32**).

DECLINED CERTIFICATIONS and APPEALS

There were no declined certifications during the reporting period.

One complaint classification was appealed during the reporting period.

- Monday, August 15, 2011: A Demeanor complaint received by the Office of Police Ombudsman was classified as an Inquiry. The Ombudsman appealed the classification to the Chief and the complaint was re-classified and assigned for investigation.

INTERVIEWS

- Internal Affairs, Officer Interviews: **14**
- Internal Affairs Complainant Interviews: **1**
- Internal Affairs, Witness Interviews: **0**
- Office of Police Ombudsman Complainant Interviews: **8**
- Office of Police Ombudsman Witness Interviews: **1**
- Closing (Complaint Closure) Interviews: **0**

OTHER DUTIES

Critical Incident Response: **1** critical incident call out occurred during the reporting period.

- On Saturday, August 13, 2011, at approximately 00:57 a.m., the Ombudsman received notice of a fatal incident that included a response by the Spokane Police Department. The Ombudsman responded to the location with Internal Affairs personnel.

At approximately 9:30 p.m., an SPD officer contacted an individual who was reported to be suicidal and under the influence of drugs. The individual voluntarily agreed to be transported to a

local hospital by the officer for treatment. The individual walked away from the hospital approximately 2 hours later, and police were called while hospital security attempted to follow the individual.

The responding SPD officer located hospital security with the individual approximately two blocks from the hospital. Security personnel had detained and handcuffed the individual. The responding officer noticed that the individual did not appear to be breathing and directed security to remove the handcuffs. The Officer initiated CPR, and paramedics were summoned. The individual was transported to the hospital where he died.

The Spokane Investigative Regional Response (SIRR) team is conducting an investigation into the circumstances of the individual's death.

Cases Resolved Through Mediation: No complaints were resolved through the mediation process during the reporting period.

Recommendations: No recommendations were made during the reporting period

NEXT STEPS

- Completion of a Student Handbook for interacting with Law Enforcement
- Launch of OPO Facebook page featuring updates on website features, reports, and events

COMMUNITY OUTREACH

- Friday, September 9, 2011: STA Main Terminal (10a-12n, OPO Intern)
- Friday, September 2, 2011: STA Main Terminal (1p-4p, OPO Intern)
- Friday, August 26, 2011: STA Main Terminal (930a-12n)
- Friday, August 26, 2011: Meeting with INWLGBT Center Director (9a-10a)
- Tuesday, August 23, 2011: Spokane Human Rights Commission Meeting (530p-7p)
- Monday, August 22, 2011: Spokane City Council Meeting (6p-9p)
- Saturday, August 20, 2011: Unity in the Community, Information Booth (10a-4p)
- Friday, August 19, 2011: OPO NATIVE Project Satellite Hours (130p-5p)
- Friday, August 19, 2011: OPO House of Charity Satellite Hours (9a-11a)
- Wednesday, August 17, 2011: Hillyard Neighborhood Council Meeting (630p-8p)
- Wednesday, August 17, 2011: Whitman Neighborhood Council Meeting (6p-630p)
- Tuesday, August 16, 2011: Logan Neighborhood Council Meeting (630p-8p)
- Monday, August 15, 2011: Spokane City Council Meeting, OPO Presentation (6p-730p)
- Saturday, August 13, 2011: Hispanic Heritage Festival, Information Booth (9a-6p)
- Friday, August 12, 2011: KTRW Radio Interview with Sheriff Knezovich (1130a-1p)
- Friday, August 12, 2011: STA Main Terminal (930a-1130a)

OTHER

- September 10-15, 2011: NACOLE National Conference, New Orleans
- Friday, September 9, 2011: ITT College Graduation Commencement Speaker (630p-830p)
- Thursday, September 8, 2011: Contact through the OPO email box requesting a review of service animal training for officers; complaint has previously been filed with SPD
- Sunday, August 14, 2011: SPD Ride Along (8p 9/13-5am 9/14)

2011 OVERVIEW

Complaints Received: Since January 1, 2011, **49** complaints have been received by the Office of Police Ombudsman and forwarded to Internal Affairs. The complaints were for:

- 9 Demeanor
- 1 Discrimination
- 3 Excessive Force
- 6 Harassment
- 26 Inadequate Response
- 1 Perjury
- 1 Records Request/Driving
- 1 Records Request
- 1 Racial Bias

Complaints Referred: Since January 1, 2011, **19** complaints have been referred to the following agencies:

- **12** 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

- Office of Police Ombudsman 2011 Mid-Year Report



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Office of Police Ombudsman Mid-Year Report

Reporting Period: January 1 – June 30, 2011

The Office of Police Ombudsman mid-year report provides information about police misconduct complaints. The report presents data on the number and classification of OPO complaints filed, with a comparison to the previous year. There are charts showing the percentage of cases closed with different type of findings and information about use of force complaints and applications. This report includes information for the first six months of 2011 (January 1 – June 30).

PERSPECTIVE

In the first sixth months of 2011, Officers from the Spokane Police Department made a minimum of **63,318 contacts** with individuals in the community. These contacts resulted in:

- 2,053 Arrests;
- 1,246 Warrants Being Served;
- 8,451 Citations Being Issued.

These numbers are intended to provide a perspective on the number of public contacts made by members of the Spokane Police Department during the reporting period. These numbers **are not intended** to minimize the significance of complaints made against officers and received by the Office of Police Ombudsman or the Spokane Police Department's Internal Affairs Unit.

OMBUDSMAN FINDINGS

In the first six months of 2011, pursuant to Spokane Municipal Code Section 04.32.030, the Office of Police Ombudsman certified 23 Internal Affairs Unit investigations as timely, thorough and objective.

This total includes five investigations (four citizen-generated, one internally-generated) that were initiated in 2010 and closed in 2011.

There were no declined certifications issued in the first six months of 2011.

There were no appeals for additional investigation or reclassification in the first six months of 2011.

INTERNAL AFFAIRS INVESTIGATIONS

In the first six months of 2011 the Spokane Police Department Internal Affairs Unit received 62 complaints. Pursuant to Spokane Municipal Code Section 4.32.030 (E), 27 of those complaints were classified by Assistant Chief Nicks as Investigative Inquiries. The remaining 35 were classified as formal complaints and were investigated, mediated, or are in the process of being investigated

INTERNAL COMPLAINTS

In the first six months of 2011, 6 of the 35 complaints assigned for formal investigation were internally generated (typically by police supervisors). These complaints involved one civilian employee, two Senior Police Officers, two Detectives and one Corporal.

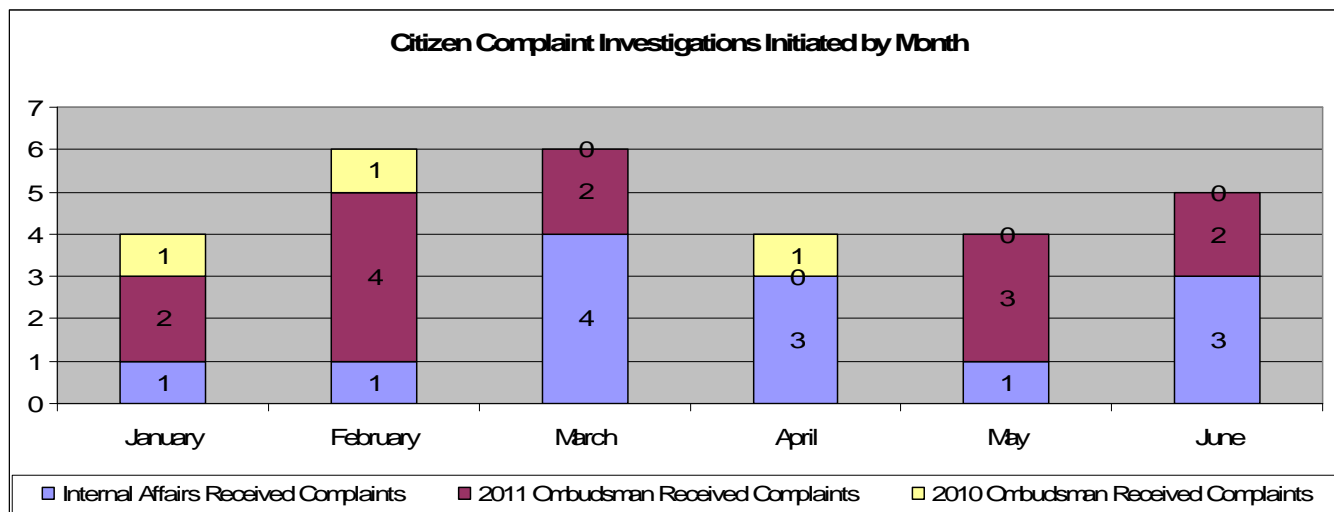
Internal complaints included allegations of Inadequate Response, Mobile Digital Device (Use While Driving), Insubordination, Obstruction, and Unlawful Search/Use of Informant.

One internally generated complaint was Sustained, one complaint was Exonerated, one complaint was Not Sustained, and an additional complaint was Sustained but attributed to a training failure.

Two internally generated complaint investigations remained open as of June 30, 2011.

CITIZEN COMPLAINTS (including OMBUDSMAN RECEIVED COMPLAINTS)

Twenty-nine of the 35 complaints assigned for formal investigation in the first six months of 2011 were generated by citizens. Fifty-five percent of those complaints originated through the Office of Police Ombudsman (sixteen total; 3 from 2010 and 13 from 2011).



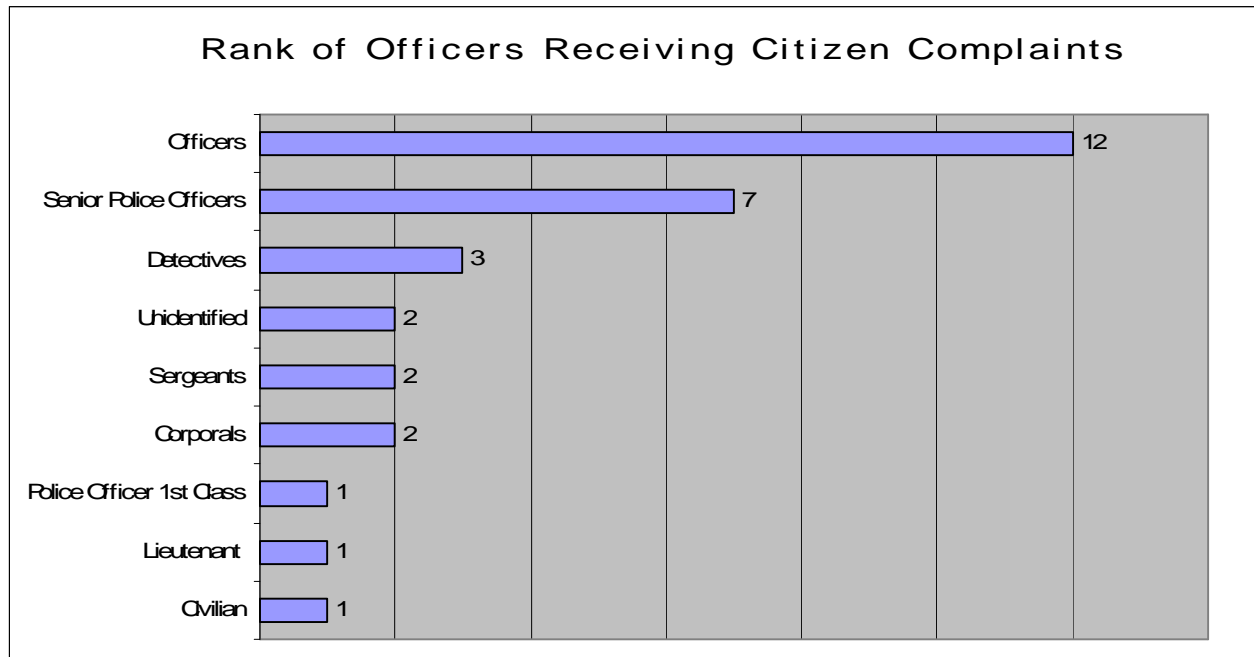
***PRIOR YEAR COMPARISON:** During the same period last year (January 1, 2010 to June 30, 2010), 49 investigations were initiated in response to citizen complaints. Twenty-eight of those complaints, approximately 65%, originated through the Office of Police Ombudsman.*

The 29 formal citizen complaint investigations initiated during the 2011 mid-year reporting period involved 31 employees of various rank (see next page).

Five officers were the subject of more than one citizen complaint investigation during the first six months of 2011. Of these, three officers received three complaints from separate citizens and two officers received two complaints from separate citizens. One additional officer (a sixth) was the subject of one internally generated complaint investigation and one citizen complaint investigation. Demeanor was the most common allegation against officers with more than one citizen complaint.

No officer received more than one Sustained finding as a result of these investigations.

No officer received more than one allegation for use of Excessive Force.



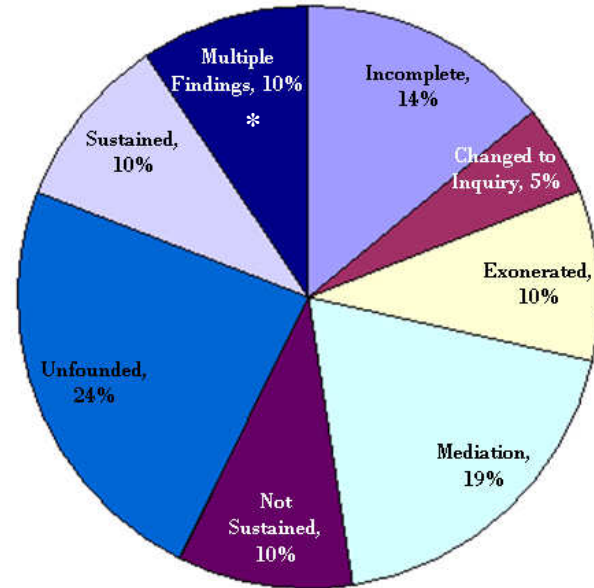
PRIOR YEAR COMPARISON: From January 1, 2010 to December 31, 2010 the rank of Senior Police Officer received the highest number of citizen complaints and Officers received the second highest number of citizen complaints when compared to other ranks within the department for the entire year (data is not available for the mid-year point of 2010). Current 2011 statistics show Officers receiving the highest number of complaints and Senior Police Officers receiving the second highest number of citizen complaints.

A reporting change by the OPO may contribute to this reversal as the 2010 Office of Police Ombudsman Annual Report considered each complaint separately when determining the number of complaints received by each rank within the Department. As a result, employees involved in more than one citizen complaint investigation were counted multiple times towards complaints received by their rank. Within this report and future reports, employees will be considered once when analyzing complaints by rank with a separate analysis section concerning members involved in multiple complaint investigations.

Citizen Complaint Resolution

In the first six months of 2011, formal citizen complaint investigations resulted in the following findings:

- Three complaints were Incomplete (previously Administratively Suspended)
- One complaint was Changed to Investigative Inquiry
- Two complaints were Exonerated (previously Proper Conduct)
- Four complaints were resolved through Mediation
- Two complaints were Not Sustained
- Five complaints were Unfounded
- Two complaints were Sustained (previously Improper Conduct)



*Two complaints (containing multiple allegations) had more than one finding. Those complaints each included one allegation that was determined to be Unfounded and one allegation in which the involved officer was Exonerated.

Eight citizen complaint investigations remained open as of June 30, 2011.

Ombudsman-Received Complaints

During the first six months of 2011, the Office of Police Ombudsman was contacted 226 times for a variety of reasons. Of the 226 contacts, 34 were forwarded to the Internal Affairs Unit for classification and assignment; 16 of those were classified as Investigative Inquiries, 13 were sent forward for formal investigation, 2 were referred to outside jurisdictions, and 3 were pending classification as of July 1, 2011.

The 13 Ombudsman-received complaints assigned for formal investigation resulted in the following 24 misconduct allegations:

- | | |
|---------------------------|---|
| • Theft (1) | • Inadequate Response (4) |
| • Demeanor (8) | • Release of Confidential Information (1) |
| • Negligent Driving (1) | • Truthfulness (1) |
| • Excessive Force (5) | • Unlawful Entry (1) |
| • Failure to Identify (2) | |

Three additional Ombudsman-received complaints received in 2010 and assigned for formal investigation in 2011 resulted in the following misconduct allegations:

- | | |
|-----------------------------------|----------------|
| • Unlawful Detention/Demeanor (1) | • Demeanor (1) |
| • Harassment (3) | |

CRITICAL INCIDENTS

In the first six months of 2011 Spokane Police Officers were involved in one critical incident requiring the use of Deadly Force. No complaints were received as a result of this incident.

- On Sunday, January 16, 2011 at approximately 5:38 am the Ombudsman was contacted by Lieutenant Meidl of the Internal Affairs Unit and advised that an individual had been shot and killed by an officer who had responded to a domestic violence call for service at 5726 N. Elgin. At the time of this incident the Ombudsman was out of town on vacation. The Ombudsman made arrangements to be briefed and provided with a drive by of the location of occurrence upon his return to Spokane.

During the reporting period Spokane Police Officers were involved in one critical incident resulting from a fatal vehicle collision. No complaints were received as a result of this incident.

- On Sunday, January 30, 2011 at approximately 10:40 pm the Ombudsman was contacted by Sergeant McCabe of the Internal Affairs Unit and advised that a pedestrian had been struck by a patrol car at the intersection of Monroe and Montgomery while the officer was responding to a call for service. The Ombudsman met with Sergeant McCabe and responded to the scene where the Ombudsman was briefed on the incident and provided with a view of the scene.

OTHER STATISTICS OF INTEREST

EXCESSIVE FORCE COMPLAINTS

In the first six months 2011, 7 complaints involving allegations of excessive force were received involving 11 different officers.

Two Excessive Force investigations remained open as of June 30, 2011.

None of the Excessive Force investigations completed in the first six months of 2011 were Sustained.

DISCIPLINE

The 25 current year internal and citizen formal complaint investigations closed between January 1, 2011 and June 30, 2011 resulted in four members of the Spokane Police Department receiving some level of discipline. The sanctions imposed by the Chief of Police included:

- 1 Letter of Reprimand;
- 3 Employees Receiving Counseling (verbal, shift level, and other);

The four sustained findings (two internal and two citizen) were delivered in response to allegations of Inadequate Response and Demeanor.

TASER USE

In the first six months of 2011 Spokane Police Officers used the taser 13 times in 10 incidents in the performance of their duties. In each instance the use of the taser was determined to be necessary, appropriate and used within the scope of department policies, procedures and training.

The Office of Police Ombudsman and the Spokane Police Department's Internal Affairs Unit did not receive any complaints regarding the use of the taser in the first six months of 2011.

SPECIAL WEAPONS AND TACTICS (SWAT) CALL OUTS

In the first six months of 2011 there were 22 call outs of the Special Weapons and Tactics (SWAT) Team. No complaints were received by the Office of Police Ombudsman or the Spokane Police Department Internal Affairs Unit related to SWAT deployments.

No complaints were received regarding response by the Special Weapons and Tactics (SWAT) team during the first six months of 2011.

DOMESTIC VIOLENCE

In the first six months of 2011 Spokane Police Officers responded to 3,151 Domestic Violence calls.

No data is available regarding complaints received in response to Domestic Violence calls.

VEHICLE PURSUITS

In the first six months of 2011, members of Spokane Police Department were involved in 21 vehicle pursuits. The results/consequences of the pursuits were:

- 11 Suspects were arrested/apprehended
 - 3 Suspects were forcibly stopped
 - 3 Suspects were involved in collisions
 - 4 Suspects surrendered
 - 1 Suspect was apprehended through other means
- 10 Suspects escaped
 - 6 Pursuits were terminated by the pursuing officer(s)
 - 4 Pursuits were terminated by a supervisor

No data is available regarding complaints received in response to Vehicle Pursuits.

VEHICLE ACCIDENTS

In the first six months of 2011, 26 members of the Spokane Police Department were involved in 29 collisions. Investigation of the collisions revealed that:

- 7 collisions were determined to have been Preventable
- 12 collisions were Not Preventable

- 8 collisions were through Legal Intervention
- 2 collisions involved Property Damage

As a result of preventable vehicle accidents: 4 employees received an oral reprimand or counseling, 2 employees received shift level counseling, and 1 employee received a written reprimand.

One complaint was received by the Office of Police Ombudsman in response to a Non-Preventable vehicle collision.

MENTAL HEALTH RESPONSE

In the 2009 Annual Report presented to the Spokane City Council on April 12, 2010 the Office of Police Ombudsman recommended to the Office of the Chief that the Police Department document the number of police encounters with individuals who displayed symptoms of “Excited Delirium” and report the number to the Public Safety Committee on an annual basis. The purpose of this recommendation was to quantify the actual number of encounters and review how the situations were resolved to assess future training needs.

In the first six months of 2011 Spokane Police Officers responded to 289 incidents involving citizens with mental illness or disability. Of those incidents:

- 138 contacts required no enforcement action,
- 135 contacts resulted in the citizen being transported to a medical or mental health facility,
- 9 contacts resulted in the citizen being arrested and incarcerated in a Spokane County jail facility, and
- 7 individuals contacted exhibited symptoms of “Excited Delirium”.