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January 17, 2012

## Public Safety Committee Report

Reporting Period: through December 16, 2011 through January 12, 2012

### CONTACTS

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Between December 16, 2011 and January 12, 2012 the Office of Police Ombudsman was contacted **60** times.

Since January 1, 2012, there have been **30** contacts received by the Office of Police Ombudsman.

### COMPLAINTS

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Between December 16, 2011 and January 12, 2012 **15** complaints were received.

1. Thursday, January 12, 2012: A **Harassment** complaint was received by the Office of Police Ombudsman. The Complainant advised that an Officer followed them for no apparent reason. The Complainant was also concerned that an Officer's girlfriend was sharing inappropriate information regarding an Officer's work experiences at the Complainant's place of employment. (OPO 12-10)
2. Thursday, January 12, 2012: An **Inadequate Response** complaint was received by the Office of Police Ombudsman. The Complainant advised that 7 Officers responded to their residence and arrested him for an outstanding Legal Financial Obligation warrant. The Complainant felt this was an excessive and unnecessary response based on the type of warrant they were arrested for. (OPO 12-09)
3. Wednesday, January 11, 2012: An **Inadequate Response** complaint was received by the Office of Police Ombudsman. The Complainant alleged that the police department failed to follow up on numerous complaints the complainant has made. (OPO # 12-08)
4. Wednesday, January 11, 2012: A **Due Process** complaint was received by the Office of Police Ombudsman. The Complainant advised that their business has been removed from the police department rotation tow list without cause and there is no appeal process for the action taken. (OPO # 12-07)
5. Monday, January 09, 2012: A **Demeanor** complaint was received by the Office of Police Ombudsman. The Complainant alleged that an Officer was rude during a phone conversation with the Complainant and hung up on the Complainant after threatening to sue the Complainant for comments the Complainant made to the media regarding a police investigation. (OPO # 12-06)

6. Monday, January 09, 2012: An **Inadequate Response and Demeanor** complaint was received by the Office of Police Ombudsman. The Complainant alleged that an Officer became involved in a dispute involving a civil matter regarding a vehicle and did not remain neutral in the investigation. (OPO # 12-05)
7. Monday, January 9, 2012: An **Inadequate Response** complaint was received by the Office of Police Ombudsman. A group of business representatives complained about the police department's regulation of their industry and lack of communication and responsiveness to their concerns. (OPO # 12-04)
8. Friday, January 06, 2012: A **Demeanor** complaint was received by the Office of Police Ombudsman by phone for the Complainant's convenience. The Complainant resides 3 hours away from Spokane. The Complainant alleged that when they called the Police Department requesting information an Officer hung up on them twice without provocation. (OPO # 12-03)
9. Thursday, January 05, 2012: An **Inadequate Response** complaint was received by the Office of Police Ombudsman by phone for the Complainant's convenience. The Complainant did not believe an Officer did a thorough job of investigating a property crime. (OPO # 12-02)
10. Sunday, January 01, 2012: An **Unlawful Detention and Demeanor** complaint was received through the Office of Police Ombudsman website. The Complainant advised that they were detained by Officers for no reason and verbally threatened. (OPO # 12-01)
11. Friday, December 30, 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 # 11-92)
12. Wednesday, December 28, 2011: A **Harassment** complaint was received through the Office of Police Ombudsman website. The Complainant alleged that an Officer stopped them for no specific reason and made false accusations against the Complainant regarding a child that was in the vehicle with the Complainant. (OPO # 11-91)
13. Tuesday, December 20, 2011: A **Demeanor** complaint was received through the Office of Police Ombudsman website. The Complainant alleged that an Officer threatened the Complainant on numerous occasions and called the SWAT team to their residence for no reason. (OPO # 11-90)
14. Monday, December 19, 2011: A **Hiring Practices** complaint was received through the Office of Police Ombudsman website. The Complainant advised that false accusations were made that the Complainant cheated during a test. (OPO # 11-89)

15. Monday, December 19, 2011: The Office of Police Ombudsman received a **Procedural** complaint regarding special events hosted by the Police Department where a prayer is given. (**OPO #11-88**)

Between December 16, 2011 and January 12, 2012, 2 complaints were referred.

1. On Monday, January 9, 2012: the Office of Police Ombudsman received a complaint involving the Spokane Valley Police Department. The complaint was referred to the Spokane County Sheriff's Office for follow up.
2. On Wednesday, January 04, 2012: the Office of Police Ombudsman received a written complaint involving the Spokane Valley Police Department. The complaint was forwarded to the Spokane County Sheriff's Office for follow up.

#### **INVESTIGATIONS CERTIFIED**

Between December 16, 2011 and January 12, 2012 3 investigations were certified as timely, thorough and objective:

1. 1. Thursday, January 12, 2012: On September 27, 2011 the Office of Police Ombudsman received a complaint regarding an **Inadequate Response** and **Theft** involving a nuisance residence. The Complainant who is the owner of the nuisance property alleged that they were not provided "due process in the abatement of the property and an Officer took their "For Sale" sign. The Ombudsman confirms that the investigation was completed through a timely, thorough and objective process.
2. Wednesday, January 11, 2012: On October 05, 2011 the Spokane Police Department Internal Affairs Unit received Racial Profiling complaint. The Complainant advised that an Officer stopped them because they are African American. The Ombudsman confirms that the investigation was completed through a timely, thorough and objective process.
3. Wednesday, December 28, 2011: On November 15, 2011 An **Unlawful Detention** complaint was received by a Spokane Patrol Sergeant. The Complainant alleged that an Officer stopped them for not having their license plate illuminated as required by law. The Officer warned the Complainant about the violation. Shortly thereafter the Complainant checked their vehicle and the light illuminating the license plate was working properly. The Ombudsman confirms that the investigation was completed through a timely, thorough and objective process.

## **DECLINED CERTIFICATIONS and APPEALS**

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There were no declined certifications during the reporting period.

## **INTERVIEWS**

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- Internal Affairs, Officer Interviews: 5
- Internal Affairs Complainant Interviews: 0
- Internal Affairs, Witness Interviews: 2
  
- Office of Police Ombudsman Complainant Interviews: 15
- Office of Police Ombudsman Witness Interviews: 9
  
- Closing (Complaint Closure) Interviews: 4

## **OTHER DUTIES**

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

**Cases Resolved Through Mediation:** An attempt was made to resolve 2 complaints through the mediation process during the reporting period however in on instance the Complainant failed to respond to a request for consideration and in one instance the Complainant felt their complaint had been resolved to their satisfaction and did not feel their was a need for any additional action to be taken.

### **Recommendations:**

- Work has begun on the 2011 Office of Police Ombudsman Annual Report. Several recommendations will be contained in the report. The recommendations are attached for review. The recommendations have been shared with the Mayor, the Council President, all Council Members, the City Administrator, the Interim Chief of Police, the Captains and Lieutenants Association and the Police Guild.
- Police Department Records accelerate the redaction of closed Internal Affairs investigations for release and placement on the Office of Police Ombudsman website.
- Police Department work with the tow industry, their association, City Legal and City Council to create an ordinance to regulate the tow truck rotation tow list process.

## **NEXT STEPS**

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- Completion of Student Handbook
- Completion of the 2011 Annual Report
- Placement of closed Internal Affairs investigations on the Office of Police Ombudsman website or the Spokane Police Department website.

## **COMMUNITY OUTREACH**

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- Thursday, January 12, 2012: North Hill Neighborhood Council Meeting (7p-830p)
- Thursday, January 12, 2012: Minnehaha Neighborhood Council Meeting ( Intern 7p-8p)
- Wednesday, January 11, 2012: Nevada Lidgerwood Neighborhood Council Meeting ( 7p-8p)
- Wednesday, January 11, 2011: Community Café Meeting at East Central Community Center (6p-645p)
- Tuesday, January 10, 2012: Bemiss Neighborhood Council Meeting (6p-645p)
- Monday, January 09, 2012: Spokane City Council Meeting (6p-730p)
- Friday, January 05, 2012: Community Assembly Meeting (5p-6p)
- Wednesday, January 04, 2012: Browne's Addition Neighborhood Council Meeting (630p-8p)
- Tuesday, January 03, 2012: Rockwood Neighborhood Council Meeting (7p-9p)
- Tuesday, December 20, 2011: East Central Neighborhood Council Meeting (Intern, 645p-9p)
- Monday, December 19, 2011: Spokane City Council Meeting (6p-730p)
- Friday, December 16, 2011: The NATIVE Project (130p-4p)
- Friday, December 16, 2011: House of Charity (9a-1130a)

## **OTHER**

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- Monday, January 09, 2012: The Office of Police Ombudsman received a commendation involving a Spokane County Sheriff's Deputy that was referred to the Spokane County Sheriff's Office.
- Saturday, January 07, 2012: Spokane Police Department Ride-Along Midnight shift (8p Saturday- 430a Sunday January 08, 2012.
- Saturday, December 17, 2011: Spokane Police Department Ride Along, Power shift (4:30 p – 12:30a)

## **2012 OVERVIEW**

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**Complaints Received:** Since January 1, 2012, **10** complaints have been received by the Office of Police Ombudsman and forwarded to Internal Affairs. The complaints were for:

- 3 Demeanor
- 1 Harassment
- 4 Inadequate Response
- 1 Unlawful Detention/Search
- 1 Due Process

**Complaints Referred:** Since January 1, 2012, **2** complaints have been referred to the following agencies:

- 2 complaints have been referred to the Spokane County Sheriff's Office.

## **ATTACHMENTS**

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- 2011 Annual Report recommendations

## **2011 Year in Review**

### **Annual Report Recommendations for 2012 and beyond** **(In No Particular Order of Importance)**

- **DOJ- US Attorney Audit Review of SPD:** Based on the information reported during the federal prosecution of Officer Karl Thompson and the questions raised the Ombudsman requested that Mayor Verner request the audit. (Thursday, November 10, 2011)
- **SPD Adopt the COPS Standards and Guidelines Manual for Internal Affairs Units:** While SPD has many department policies, procedures and guidelines there are no specific policies regulating the Internal Affairs Unit. While attending the 2011 NACOLE National Conference the Ombudsman became aware that a “best practices” manual existed. After reviewing the manual the Ombudsman has recommended to the Chief that the department adopt the manual.
- **Adopt a Discipline Matrix (Tucson PD):** While attending the NACOLE National Conference the Ombudsman attended a presentation regarding Tucson Arizona Police Department’s creation and use of a discipline matrix to address discipline issues with department members. Believing that everyone benefits from knowing the consequences for unacceptable actions before the act occurs and believing strongly in the consistency of consequences in most instances the Ombudsman recommended to the Chief that work begin to create a discipline matrix using Tucson’s experience and matrix as a template where possible.
- **Recruit and hire a *civilian* Public Information Officer:** In 2011 certain instances occurred where the need for a civilian Public Information Officer became apparent to the Ombudsman. The lack of a well delivered message regarding the elimination of the Property Crimes Unit created and continues to create a misunderstanding throughout the community. Comments like “it sucks for the community” while true (which may have been taken out of context), could certainly have been stated in a more professional way. The LGBT community has also raised concerns regarding the way incidents involving members of their community have been report to the media by the police department. The members of the police department are well trained police officers however they are clearly not professional media liaison persons.

- **Create a “Display of Force” policy to document weapons displayed by officers:** Spokane Police Officers encounter a number of challenging, difficult and sometimes dangerous situations that may require the officer to point a firearm at an individual. While the intent of this recommendation is not to create a “chilling effect” on officers, the intent is to require officers to document the encounter after the fact. This is not the current practice. In addition, when the situation has been resolved officers should take the time to explain to individuals why they pointed their firearm at the individual. Officers have been given significant latitude in this area where members of the community might find themselves in violation of the law if they were engaged in a similar incident with another member of the community.
- **Create an “Un-Arrest” policy:** In 2011 Officers arrested an individual for impersonating a police officer. When probable cause for the arrest diminished, the officers un-arrested the individual and the individual was released. There is no policy requiring or regulating the documentation of an un-arrest. Although this recommendation was based on the specific incident mentioned anytime an individual is arrested and un-arrested documentation should be required regardless of the nature or cause for the arrest action.
- **Re-establish a Property Crimes Unit:** In 2011 a theme for public safety was “See Something, Say Something”. In January of 2011 as a community we saw the direct benefit when an abandoned backpack containing a bomb was located on the Martin Luther King Parade route and disarmed. Members of the community have been told that it is important to report crime regardless of whether the crime will be followed up on or not. While this is true for resource allocation, at some point members of the community will become apathetic and stop reporting. In 2011 the Ombudsman received a complaint where a visitor had their credit card used by an establishment without authorization. Several hundred dollars were charged on the card. When the Complainant reported the crime it was documented but the complainant was told no further action would be taken even though the perpetrator was known. There are additional similar types of complaints. This lack of follow up by the police department on property crimes has much larger potential ramifications.
- **Provide a more thorough investigation process for victims of minor assaults:** This recommendation is based on a specific incident where a Complainant was involved in an altercation and was the possible victim of an assault. The Complainant provided the police with the names of 2 suspects and 2 potential witnesses. Because the seriousness of the



incident did not meet a minimum threshold established by the police department the suspects and 1 of the witnesses were not contacted and there was no internal requirement or expectation that either would be contacted, although the Complainant certainly expected that the case would be followed up on.

- **Revise use of Sick Leave policy to address abuse of leave:** In 2011 the Ombudsman participated in an internally generated complaint where an Officer was accused of inappropriately using sick leave. Although the investigation determined that the Officer's use of sick leave was within policy the Ombudsman is recommending that the policy be revised to address similar situations eliminating any confusion regarding what would be the appropriate versus an inappropriate use of sick leave.
- **Further restrict use of in-car computer while driving:** In January of 2011 a Spokane Police Officer was involved in a fatal auto-pedestrian traffic accident while responding to a call for service. During the investigation the Officer advised that he had used his car computer moments before striking the pedestrian. Although use of the computer was within department policy the distracted driving played a role in the incident. The Ombudsman is recommending that the use of the in car computer be further restricted. The Office of the Police Ombudsman has attached a report where research was conducted involving the use of cell phones and texting in support of the recommendation.
- **Provide Officers with body video cameras:** In the 2010 Annual Report the Ombudsman recommended the acquisition of dash cameras for police vehicles. No significant progress was made with regard to the recommendation during the past year. As a result of the recent federal prosecution of Officer Thompson it was clear that store video of the incident played a significant factor in the jury reaching a verdict. Comments were also made that the store video did not depict the entire incident as parts of the incident were obstructed by store shelving and merchandise. Had the Officer(s) been equipped with body cameras a more complete version of the incident would have been recorded. Body cameras are in essence an "independent witness". Video may also improve officer's safety, have potential evidentiary value, and assist officers' in report writing and address complaints received involving officers.
- **Medical Inquest recommendation to County Commissioners:** As a result of the number of officer involved fatalities throughout the geographical region during the past 2 years the Office of Police Ombudsman is researching the inquest process to determine whether it would be appropriate to recommend to the elected and appointed officials

the implementation of an inquest process in Spokane County. It is anticipated that the report will be released mid year 2012.

- **Spokane Media Ombudsman:** The media plays a critical role in the dissemination of information throughout the region. The media has a moral and ethical duty to insure that the information provided is factually accurate. When information is inaccurate the media has a responsibility to acknowledge and correct the error. During the past 2 years the Ombudsman has heard complaints from law enforcement and the community that the media is inaccurate in their reporting and unfair in the portrayal of situations. The Ombudsman has also read bloggers complaints regarding unfair censorship by the media. While attending the United States Ombudsman Association National Conference the Ombudsman became aware that NPR (National Public Radio) has an Ombudsman to address a variety of complaints an insure fairness. The Spokane Police Ombudsman believes that not only is this necessary for local media but long overdue.
- **Commission on Accreditation for Law Enforcement (CALEA) re-certification:** The CALEA website promotes standards that give the Chief Executive Officer a proven management system of written directives, sound training, clearly defined lines of authority, and routine reports that support decision-making and resource allocation. Many agencies report a reduction in its liability insurance costs and/or reimbursement of accreditation fees. Accredited agencies are better able to defend themselves against civil lawsuits. Also, many agencies report a decline in legal actions against them, once they become accredited. Accreditation provides objective evidence of an agency's commitment to excellence in leadership, resource management, and service-delivery. Thus, government officials are more confident in the agency's ability to operate efficiently and meet community needs. Accreditation embodies the precepts of community-oriented policing. It creates a forum in which law enforcement agencies and citizens work together to prevent and control challenges confronting law enforcement and provides clear direction about community expectations.

Spokane Police Department was previously certified but allowed the certification to lapse.