



OFFICE OF
POLICE OMBUDSMAN
221 N. WALL SUITE 238 (OLD CITY HALL)
SPOKANE, WASHINGTON 99201
509.625.6742
FAX 509.625.6748
SPDombudsman.org

July 16, 2012

Public Safety Committee Report

Reporting Period: June 01, 2012 through June 30, 2012

CONTACTS

Between June 01, 2012 and June 30, 2012 the Office of Police Ombudsman was contacted 86 times.

Since January 1, 2012 there have been 459 contacts received by the Office of Police Ombudsman.

COMPLAINTS

To assist in identifying where complaints are occurring, the Office of Police Ombudsman has divided the City into four quadrants. The north-south borderline is Sprague Avenue and the east-west borderline is Division Street.

Complaint outcomes are updated regularly and can be viewed at the Office of Police Ombudsman website at www.spdombudsman.org under the headings "Documents and Reports" and "2012 Received Complaints."

Between June 01, 2012 and June 30, 2012, 18 complaints were received.

1. Friday, June 29, 2012: An **Inadequate Response** complaint was received by the Office of Police Ombudsman through a referral from a City Councilmember. The Complainant advised that they were a victim of an attempted strong armed robbery purse snatch. The Complainant alleges that the SPD did not adequately investigate the incident and failed to alert the community through the media even though a video of the incident exists. (N/W), (OPO #12-73)
2. Thursday, June 28, 2012: An **Inadequate Response** complaint was received by the Office of Police Ombudsman. According to the Complainant, a person who appeared intoxicated was shooting a cross bow in a Spokane park. The Complainant alleges that they called 9-1-1 and twenty minutes later five Officers arrived but by that time the weapon had been put away and the Officers were unable to do anything. (N/W), (OPO #12-72)
3. Wednesday, June 27, 2012: An **Inadequate Response** complaint was received by the Office of Police Ombudsman through the website. The Complainant alleges that three years ago they were a victim of forgery and told by an Officer that the SPD would not investigate the crime. The Complainant says they called again

recently and was told it was likely not a priority at the time of the first call but that the crime cannot be investigated now because the statute of limitations is close to running out. (OPO #12-71)

4. Monday, June 25, 2012: A **Demeanor** complaint was received by the Office of the Police Ombudsman through the website. The Complainant advised that SPD Officers came to their home and pounded on their door so hard that it caused damage. Additionally, the Complainant alleges that they received a phone call from an Officer who refused to give their name and badge number upon request. (N/E), (OPO #12-70)
5. Friday, June 22, 2012: An **Inadequate Response** complaint was received by the Office of Police Ombudsman through the website. The Complainant alleges that they felt threatened by a neighbor and called 9-1-1. According to the Complainant, the Police did not respond in a timely manner. The Complainant also advised that they did receive a phone call from an Officer but the Officer failed to give their name or badge number upon request. (N/E), (OPO #12-69)
6. Tuesday, June 19, 2012: A **Demeanor** complaint was received by the Office of Police Ombudsman through the website. The Complainant alleges they called the SPD front desk for information and the person they spoke with was rude and hung up the phone on the Complainant. (OPO #12-68)
7. Monday, June 18, 2012: A **Harassment** complaint was received by the Office of Police Ombudsman through the mail. The Complainant alleges that Officers are parking in front of their residence to harass them for contacting the newspaper to report that the SPD falsified information in a police report. (N/W), (OPO #12-67)
8. Thursday, June 14, 2012: A **Procedural** complaint was received by the Office of Police Ombudsman through the website. The Complainant was concerned that an Officer who was giving their spouse a warning for a traffic offense required their spouse to get out of the vehicle to talk with the Officer. (S/E), (OPO #12-66)
9. Wednesday, June 13, 2012: An **Inadequate Response** complaint was received by the Office of Police Ombudsman. The Complainant advised that Officers removed them from their residence at gun point after Officers responded to their residence on a man carrying a gun in public call. According to the Complainant, they were legally permitted to carry the holstered firearm on their person through the "Open Carry" law. The Complainant alleges that when they attempted to get a copy of the police report associated with this incident, they were informed that a report was not done on the incident. (S/E), (OPO #12-65)
10. Wednesday, June 13, 2012: A **Procedural** complaint was received by the Office of Police Ombudsman through a phone call. The Complainant advised that they

gave an Officer a memory stick with photos of a crime being committed but the memory stick has not been returned to the Complainant after 10 months. (N/E), (OPO #12-64)

11. Wednesday, June 13, 2012: An **Inadequate Response** complaint was received by the Office of Police Ombudsman. The Complainant advised that an Officer refused to remove a squatter from a residence or document the incident through a police report. (N/W), (OPO #12-63)
12. Monday, June 11, 2012: An **Inadequate Response** complaint was received by the Police Ombudsman. The Complainant advised that Officers refused to take a report and press charges against someone that had taken property that belonged to them. (N/W), (OPO #12-62)
13. Friday, June 08, 2012: An **Inadequate Response** complaint was received by the Office of Police Ombudsman. The Complainant advised that Officers illegally searched their residence and intentionally damaged their property. The Complainant also alleged that members of the Police Department have made disparaging comments to others about their family for several years. (N/W), (OPO #12-61)
14. Wednesday, June 06, 2012: A **Driving** complaint was received by the Office of Police Ombudsman through a phone call. The Complainant advised that they observed a police car drive through a red traffic light and the same police car speeding later in the day. (N/E), (OPO #12-60)
15. Wednesday, June 06, 2012: A **Procedural** complaint was received through the Office of Police Ombudsman website. The Complainant wanted to appeal an Objection letter sent by the Police Department to the Liquor Control Board regarding the appeal of a liquor license. (OPO #12-59)
16. Wednesday, June 06, 2012: A **Demeanor** complaint was received by the Office of Police Ombudsman through a phone call. The Complainant advised that a neighbor told them that plain clothes officers and one Officer in a SWAT style uniform surrounded their residence. The Complainant was not home at the time and advised that they are the sole resident. The Complaint alleges that when they contacted the Police Department to get information about the incident, they were told that the information was confidential and could only be provided on a need to know basis. (N/E), (OPO #12-58)
17. Tuesday, June 05, 2012: An **Inadequate Response** complaint was received by the Office of Police Ombudsman after the Complainant gave testimony during the public comment portion of the Spokane City Council meeting on Monday, June 04, 2012. The Complainant alleged that too many Officers were involved in the arrest of an individual and that Officers did not apply the training they had received to the arrest. (N/W), (OPO #12-57)

18. Friday, June 01, 2012: An **Inadequate Response** complaint was received by the Office of Police Ombudsman by fax. The Complainant alleges that they called the Police Department four times since February 2012 and the Police did not respond. The Complainant believes they are being ignored by the Police because they have called numerous times in the past. (N/W), (OPO #12-56)

Between June 01, 2012 and June 30, 2012 1 complaint was referred:

1. Thursday, June 21, 2012: An anonymous letter was received by the Office of the Police Ombudsman. The letter was forwarded to the City of Spokane Human Resources Department as well as the Internal Affairs Unit of the SPD. As a result, an internally generated personnel complaint is now being investigated.

INVESTIGATIONS CERTIFIED

Between June 01, 2012 and June 30, 2012 8 completed investigations were certified as timely, thorough and objective:

1. Wednesday, June 27, 2012: An **Inadequate Response** complaint was received by a Patrol Sergeant on April 23, 2012. The Complainant alleged that an Officer did not thoroughly investigate a missing child call for service. The Ombudsman confirms that the complaint was investigated through a timely, thorough and objective process. (SPD IA #12-027)
2. Wednesday, June 27, 2012: A **Failure to Secure Department Firearm** internal complaint was initialized by the Internal Affairs Unit on April 09, 2012. The Complaint alleges that an Officer failed to properly secure their firearm while off duty which led to an accidental discharge of the firearm injuring an individual. The Ombudsman confirms that the complaint was investigated through a timely, thorough and objective process. (SPD IA #12-022)
3. Wednesday, June 27, 2012: A **Demeanor** complaint was received by the Internal Affairs Unit on March 28, 2012. The Complainant alleged that an Officer acted inappropriately after the Officer's vehicle was towed from an apartment complex. The Officer was off duty at the time the incident occurred. The Ombudsman confirms that the complaint was investigated through a timely, thorough and objective process. (SPD IA #12-021)
4. Thursday, June 21, 2012: **Administrative Review Panel Deadly Force Review Board of an Officer involved fatality that occurred on September 26, 2011.** The Ombudsman confirms that the review of this incident was completed through a timely, thorough and objective process. (SPD IA #11-050)
5. Sunday, June 17, 2012: An **Inadequate Response** complaint was received by the Spokane Police Department Internal Affairs Unit on March 30, 2012. The Complainant was arrested during the execution of a search warrant. The

Complainant advised that they requested they be allowed to take a day planner with them that contained their personal information but was told no. The Complainant advised that the day planner was left at the residence and their information was stolen and used to access bank accounts to withdraw money without permission. The Ombudsman confirms that the complaint was investigated through a timely, thorough and objective process. (SPD IA #12-015)

6. Sunday, June 17, 2012: A **Demeanor and Bias Policing** complaint was received by the Office of Police Ombudsman on April 02, 2012. The Complainant advised that they were contacted by an Officer after their toddler stepped into the street without them. The Complainant advised that the Officer who contacted the Complainant yelled at them and was rude. The Complainant thought that the Officer was biased because they are a racial minority. The Ombudsman confirms that the complaint was investigated through a timely, thorough and objective process. (SPD IA #12-025) (OPO #12-36)
7. Monday, June 11, 2012: A **Failure to Identify** complaint was received by the Internal Affairs Unit on April 03, 2012. The Complainant advised that after they were arrested they asked for the transporting Officer's name and the Officer refused to provide it to the Complainant. The Ombudsman confirms that the complaint was investigated through a timely, thorough and objective process. (SPD IA #12-024)
8. Monday, June 11, 2012: An **Inadequate Response** complaint was received by the Internal Affairs Unit on April 10, 2012. The Complainant alleged that an Officer stopped them while they were driving and gave the car they were driving to the registered owner without their consent. The Complainant was involved in a civil dispute with the registered owner of the vehicle about the lack of car payments being made. The Ombudsman confirms that the complaint was investigated through a timely, thorough and objective process. (SPD IA #12-026)

DECLINED CERTIFICATIONS and APPEALS

There were no declined or appealed certifications during the reporting period.

INTERVIEWS

- Internal Affairs, Officer Interviews: 17
- Internal Affairs, Complainant Interviews: 2
- Internal Affairs, Witness Interviews: 8
- Office of Police Ombudsman Complainant Interviews: 10
- Office of Police Ombudsman Witness Interviews: 0
- Closing (Complaint Closure) Interviews: 2

OTHER DUTIES

Critical Incident Response:

- Sunday, June 17, 2012: At 4:34am the Ombudsman was advised by Spokane Police Department Internal Affairs Sergeant McCabe of an Officer involved shooting on Mission Street in Spokane. The shooting occurred after Officers responded to a man with a gun call at 4:08am and arrived on scene at 4:09am. The Ombudsman responded to the location for a briefing of the incident and viewing of the scene.

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

Recommendations:

- There were no recommendations made during the reporting period.

NEXT STEPS

- Completion of Student Handbook
- Complete report on Medical Examiner Inquests
- Distribution of Citizen Complaint forms to all COP Shops

COMMUNITY OUTREACH

- Friday, June 29, 2012: River Park Square Mall Informational Table (Intern, 11a-2p)
- Tuesday, June 26, 2012: Human Rights Commission* (OPO Assistant, 530p-720p)
- Wednesday, June 22, 2012: Spokane Neighborhood Action Partners' (SNAP) Long Term Care Ombudsman Program Advisory Council meeting* (OPO Assistant, 130p-215p)
- Thursday, June 21, 2012: Chief Garry Park Neighborhood Council meeting* (OPO Assistant, 630p-8p)
- Monday, June 18, 2012: Spokane City Council meeting, OPO Presentation (6p-730p)
- Friday, June 15, 2012: The NATIVE Project (2p-430p)
- Friday, June 15, 2012: House of Charity (9a-11a)
- Thursday, June 14, 2012: Center for Justice meeting (7p-9p)
- Wednesday, June 13, 2012: Emerson/Garfield Neighborhood Council meeting (OPO Assistant, 7p-830p)
- Wednesday, June 13, 2012: West Central Neighborhood Council meeting (630p-815p)
- Tuesday, June 12, 2012: North Indian Trail Neighborhood Council meeting (7p-830p)
- Monday, June 11, 2012: Spokane City Council Town Hall meeting, West Central Community Center (6p-730p)

- Saturday, June 09, 2012: Pride Parade (12n-130p)
- Friday, June 08, 2012: STA Main Terminal (Intern, 10a-1p)
- Thursday, June 07, 2012: Five Mile Neighborhood Council meeting* (Intern, 630p-8p)
- Wednesday, June 06, 2012: Browne's Addition Neighborhood Council meeting (630p-8p)
- Monday, June 04, 2012: Spokane City Council meeting (6p-715p)
- Sunday, June 03, 2012: Chief Garry Park 100 year celebration (1130a-4p)
- Friday, June 01, 2012: The Community Assembly meeting (4p-630p)
- Friday, June 01, 2012: STA Main Terminal (Intern, 1p-4p)

* denotes that the Office of Police Ombudsman presented the highlights from the 2011 Annual Report to the meeting attendees. 25 of the 27 Neighborhood Councils have received the presentation.

OTHER

- Thursday, June 28, 2012: Spokane Police ride along (OPO Assistant, 8p/Thursday-2a/Friday)
- Thursday, June 28, 2012: Use of Force Commission meeting (OPO Assistant, 1p-4p)
- Tuesday, June 26, 2012: Spokane County Supervisor Training (OPO Assistant, 1p-4p)
- Monday, June 25, 2012: Received formal certification from the National Association for Civilian Oversight of Law Enforcement (NACOLE) identifying Ombudsman Tim Burns as a 2011 NACOLE Trained Practitioner
- Tuesday, June 19, 2012: Spokane County Supervisor Training (OPO Assistant, 9a-12n)
- Monday, June 18, 2012: Spokane Public Safety Committee meeting (130p-230p)
- Saturday, June 16, 2012: Eastern Washington University Graduation ceremony (8a-11a)
- Thursday, June 14, 2012: Meeting with Lieutenants and Captains Association representative and the Police Guild President (10a-11a)
- Tuesday, June 12, 2012: West Central Community Center Board of Directors meeting (4p-530p)
- Tuesday, June 12, 2012: Spokane County Supervisor Training (OPO Assistant, 9a-12n)
- Saturday, June 08, 2012 Spokane Police Department ride along (8p/Friday- 5a/Saturday)
- Thursday, June 07, 2012: Dinner meeting with Pierce Murphy, Community Ombudsman, Boise Idaho (6p-8p)
- Thursday, June 07, 2012: Use of Force Commission meeting, OPO Presentation (3p-6p)
- Monday, June 04, 2012: Spokane Public Safety Committee meeting (130p-3p)

2012 OVERVIEW

Complaints Received: Since January 1, 2012, 73 complaints have been received by the Office of Police Ombudsman and forwarded to Internal Affairs. The complaints were for:

- 12 Demeanor
- 13 Harassment
- 34 Inadequate Response
- 1 Unlawful Detention/Search
- 1 Due Process
- 5 Excessive Force
- 1 Racial Bias
- 1 False Arrest
- 1 Parking
- 3 Procedural
- 1 Driving

Complaints Referred: Since January 1, 2012, 14 complaints have been referred to the following agencies:

- 3 complaints have been referred to the Spokane County Sheriff's Office.
- 6 complaints involving the Spokane Valley Police were referred to the Spokane County Sheriff's Office.
- 1 complaint involving the Spokane County Jail was referred to the Spokane County Sheriff's Office.
- 1 complaint involving the U.S. Border Patrol was referred to the local U.S. Border Patrol Office.
- 1 complaint involving Crime Check.
- 1 complaint involving the Colville Police Department was referred to the Colville Police Department for follow up.
- 1 anonymous complaint was forwarded to Internal Affairs.

ATTACHMENTS

- Chief Garry Park historical information pamphlet
- National Association for Civilian Oversight of Law Enforcement (NACOLE) 2011 NACOLE Trained Practitioner certificate awarded to Ombudsman Tim Burns.



Spokane Garry

Spokane Garry, pronounced "Jerry" by fellow Indians, was born about 1811 near the Spokane House located beyond Nine Mile Falls, northwest of Spokane on the banks of the Spokane River.

He died near Greenwood and Riverside cemeteries on the flat of land south of Greenwood Road near Indian Canyon Falls January 12, 1892. A wooden marker shows the place where he last made his home in a lepee. He was interred first in an uncared for section and later in the lawn area at a prominent place close to the entrance gates in Greenwood Cemetery. A tall granite monument was placed at the head of his grave by the Daughters of the American Revolution in 1925. Nina, pronounced "Na-Nee" by the Indians, his second wife, rests beside him.

* * * * *

Garry was the youngest child of Ilmin-ekum-Spokanee, who was the head chief of the powerful Middle Spokans. Garry did not become chief, but a relative, Skul-Haul, became chief upon Ilmin-ekum-Spokanee's death.

Garry was about ten to twelve years old and his father and mother were both dead, when Sir George Simpson, of Hudson Bay Company chose him and eight other Indian boys in the Northwest to go to an Anglican Church at Fort Garry, a Red River settlement at the southern end of Lake Winnipeg in Canada. He was re-named after Fort Garry and was taught English, some writing, some agricultural methods and the tenets of the Anglican Church. Teaching these young Indian boys the ways of the white man helped with the

the fur trading. They could interpret the business dealings of trading bright colored cloth and beads for the valuable furs of the Indians and aid in the development of the land.

When Garry was about 18 years old in 1829 or 1830, he returned from Winnepig to the Spokans wearing white man's clothes and speaking English, carrying his Bibles, both New and Old Testaments and a prayer book. He started the first school, some historians believe, across the river from the Spokane House, and others say near Euclid and Maple in Spokane, now marked by a granite monument.

His fellow Indians were not receptive to the new religion Garry was teaching, nor did they like the idea of exchanging their customs for new ways. Most Spokans had more than one wife, possibly on the average three or four, which custom originated because of the shortage of males. Also they did not want to change from the more natural life of the bow and arrow for farming by the plow and hoe. Garry could not surmount these established customs and ideas, and he soon gave up teaching and reverted to Indian dress. However, it can be said that Garry was the first missionary and teacher in the area, and most of his adult life was spent as an intermediary between the land development of the white man to open up the area and the retreat of the Spokans from their natural lands.

Shortly after 1830, a band of Umatilla Indians was visiting the Spokans (the "e" was added to Spokane sometime after 1881), and Garry was interpreting for a minister at a church meeting when he noticed a young, beautiful Umatilla maiden, daughter of a Umatilla Chief, and became enamored. Although he was already married to Lucy, he fell in love with this younger girl and obtained her uncle's permission to marry her. He received a dowry of horses which helped start his herd and made him fairly wealthy by Indian standards. This period of time up to 1855 was good for him and for the Upper, Middle and Lower Spokans numbering about 900 Indians.

Lucy, to whom he was married by a family arrangement, lived near the now deserted Spokane House, while Nina and Garry lived on a farm on Pleasant Prairie. Lucy and Garry had one daughter also named "Lucy".

Spokane Garry traveled widely during his lifetime. He rode to Fort Vancouver with General Isaac I. Stevens who made perilous treaty-making trips among inland Empire Indians and who later became the first Governor of the Territory of Washington. He traveled many times to hunt buffalo east of the Rocky Mountains with his warriors and other tribes for protection against the Blackfoot Indians. He traveled to Fort Sutter in California to trade animal skins for Appaloosa horse, and he carried the mail to Fort Benton, Montana in the winter of 1859-60.

The white man could not understand the Indian and the reverse was true, so warfare ensued. The Palouse Indians defeated Colonel Stepike and 156 soldiers near Rosalia, Washington. It is believed the colorful Chief Kamiakin of the Yakimas started the Palouse on the war path.

It was then Colonel Wright, with 700 soldiers, marched forward from Walla Walla through the Palouse country and subdued the Spokans at the battle of

Four Lakes. Garry met with Colonel Wright endeavoring to avoid further fighting. However, the fighting continued spasmodically eastward through the Spokane Valley. On the south side of the Spokane River close to Liberty Lake, Colonel Wright captured and subsequently killed about 800 Indian horses and thus the Spokans were deprived of their material wealth and means to continue fighting.

Colonel Wright suffered no casualties. After continuing around Lake Coeur d'Alene he met with the Indians at a place on Latah ("Latoo") Creek some seven miles east of Spangle. About 100 Indians, including Spokane Garry, signed a peace treaty for the Spokans, Colvilles, Pend Oreilles and other tribes. It was the next day that six Palouse Indians and Chief Quatchan were hanged for so-called atrocities. Latah Creek then became known as Hangman Creek. The following year in 1859 Garry was shown the commerce and industry in and around Portland, Oregon to impress him with the economic might and growth of the Northwest region by the white man.

Time was running out for the Indians. Spokane Garry was growing older and becoming even more dismayed at how they were slowly being pushed from their lands. Gold was discovered in the Coeur d'Alenes in 1883 and mining and lumber started to flourish. The Northern Pacific Railroad arrived in July, 1881. In the face of this progress, Garry wanted to keep his people together on their own lands and always wished to have the land north of the Spokane River to the Little Spokane for his people.

To describe Spokane Garry is to say he was intelligent and practical in order to handle the language barrier and liaison between the white man and the Indian. He had to be a bright individual to learn the English language and some French. He was religious and read from the Bibles to his family almost daily. In the twilight years at a conference of Indians and Whites at Spokane Falls, he rode up late to the meeting on a white horse. His hair was cut short by Indian standards, although long to the neck. He was in full Indian regalia, possibly including war bonnet and quiver of arrows. He was big and heavy from the waist up with short legs. Being the only one who could speak English, he took charge and spoke as a chief. He proclaimed he was a man of peace, that the Spokane River and the lands were rightfully the Indians', that the salmon and wild animals, berries and the camas roots were theirs, that the white man should let the Indians have and choose their own lands and in return the white man could have some land of their fathers.

Negotiations were never to any avail. In 1887 Garry and 92 Indians ceded all lands to the United States outside of the Colville, Coeur d'Alene and Jocko reservations and agreed to move there. The City of Spokane had now grown from 1000 Whites in 1883 to over 25,000 in 1888.

Spokane Garry tried to become a citizen of the United States. He wanted to so he could legally have title to his farm on Pleasant Prairie. One day while helping his fellow Indians with salmon fishing, he was burned out of his tepee by white men and forced off his farm.

He and his faithful wife, Nina, now blind, and their daughter Nellie, and a few relatives moved near the river in Peacelut Valley in back of what is now the Chamber of Commerce Building. Young white boys bothered them; one method was to roll stones down the bank, so they moved to Indian Canyon about one mile further west, to the south of Greenwood Road.

In the fall of 1891, Garry was unable to rise from his bed and on January 12, 1892 he died. The funeral service was held at his tepee and he was buried in an uncared for section. On June 8, 1925 his body was moved to his present site in Greenwood Cemetery near the entrance.

Blind Nina and her daughter Nellie were moved to the Coeur d'Alene reservation and when Nina died in 1899 she was interred in Fairfield Cemetery. In 1962, her body was moved and placed beside her beloved Chief Garry in Greenwood Cemetery.

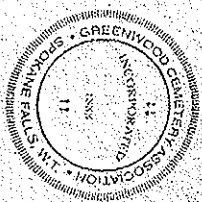
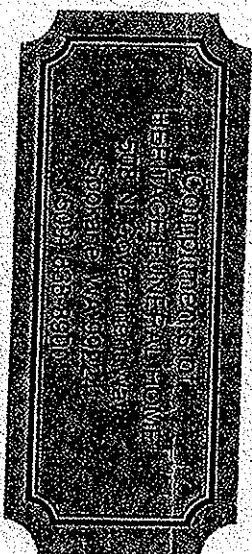
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Garry and Nina had a child, Nellie, who married Joseph Wilson and had a daughter Ann, who married Ed Hayden and had a child, Ignace Garry. Ann also married a second time to Joseph Nozer and had two children, Josie Parr and Christine Ellenwood. Now there are great, great, great grandchildren living throughout the West. Ignace's son, Joe Garry, became a member of the Idaho State legislature. Spokane Garry's Bibles are in possession of Josie Parr's family.

Even though Garry was educated to the white man's ways and was always their friend and opposed to war, he finally was deprived of his earthly goods and dignity by the white man. He became a lonely, unwanted person in the land of his birth and the land he loved.

Printed in 1967.

Reprinted in 1999.



Reference Materials:

History, Government and Resources of the Spokane Area, by Edmund T. Becher; Chief Spokane Garry's Bibles and Descendants, by Edmund T. Becher; Spokane Chronicle and Review Library; Chief Spokane Garry, by Thomas E. Jessett; Spokane Story, by Lucile F. Fargo; and Spokane Garry Story, by William S. Lewis.

NATIONAL ASSOCIATION FOR CIVILIAN OVERSIGHT OF LAW ENFORCEMENT

*Being a member in good standing and having achieved a high level of professional training
in the field of civilian oversight,*

TIM BURNS

has been certified as a



NACOLE TRAINED PRACTITIONER
2011

Kathryn Olson

Kathryn Olson, President
NACOLE Board of Directors

Iilana Rosenzweig

Iilana Rosenzweig, Co-Chair
Professional Standards Committee