

December 17, 2012



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

November Public Safety Committee Report

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

2012 OVERVIEW

Complaints Received: Since January 1, 2012, 129 complaints have been received by the Office of Police Ombudsman and forwarded to Internal Affairs. The complaints were for:

- 18 Demeanor
- 18 Harassment
- 71 Inadequate Response
- 1 Unlawful Detention/Search
- 1 Due Process
- 6 Excessive Force
- 2 Racial Bias
- 1 False Arrest
- 1 Parking
- 6 Procedural
- 1 Driving
- 1 Bias Policing
- 2 Unlawful Entry

To view a three-year snapshot graph of OPO complaints received by month, see Attachment 1.

Complaints Referred: Since January 1, 2012, 18 complaints have been referred to the following agencies:

- 4 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.
- 3 complaints involving the Spokane County Jail were 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. was referred to the Chief of Police
- 1 complaint involving the Colville Police Department was referred to the Colville Police Department
- 1 anonymous complaint was forwarded to Internal Affairs.
- 1 complaint involving STA security officers was referred to the STA Ombudsman

CONTACTS

Between November 01, 2012 and November 30, 2012 the Office of Police Ombudsman was contacted **93** times.

Since January 1, 2012 there have been **627** 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 November 01, 2012 and November 30, 2012, **10** complaints were received.

1. Friday, November 30, 2012: A **Harassment** complaint was received by the Office of Police Ombudsman. The Complainant advised that they have recently been harassed by Officers on four separate occasions because of their past criminal history. (S/E), (OPO # 12-129)
2. Wednesday, November 28, 2012: An **Inadequate Response** complaint was received by the Office of Police Ombudsman. The Complainant advised that they were assaulted by a relative. They advised that an Officer responded and took a report but refused to take enforcement action against the assaultive relative. (N/W), (OPO # 12-128)
3. Wednesday, November 28, 2012: A **Demeanor** complaint was received by the Office of Police Ombudsman. The Complainant complained about the way they were treated by an Officer and later how they were treated by the Internal Affairs staff when they called to complain about the Officer. (OPO # 12-127)
4. Tuesday, November 27, 2012: An **Inadequate Response** complaint was received by the Office of Police Ombudsman by fax. The Complainant alleges that their sibling lives with a physically abusive child. When the child is abusive, they try to call 9-1-1 but have been told repeatedly that no Officer will be respond due to the age of the child. (S/E), (OPO # 12-126)
5. Tuesday, November 13, 2012: An **Inadequate Response** complaint was received by the Office of Police Ombudsman through a referral by the Office of the Mayor. The Complainant owns a residence that has become a City code enforcement project. According to the complainant, they are unable to bring the property into compliance with the code due to a criminal element that frequents the property. The Complainant advised

that although they have reported several occurrences of criminal activity at the property, the Police Department has not adequately investigated the incidents.
(N/E), (OPO # 12-125)

6. Tuesday, November 13, 2012: An **Inadequate Response** complaint was received by the Office of Police Ombudsman. The Complainant advised that they were required to submit to a mental health evaluation in a public place. The Complainant advised that they then had to leave the public area. (N/E), (OPO # 12-124)
7. Monday, November 12, 2012: An **Inadequate Response** complaint was received through the Office of Police Ombudsman website. The Complainant advised that the Police Department has been unresponsive to their complaints regarding an abandoned nuisance residence in their neighborhood. (N/E), (OPO # 12-123)
8. Monday, November 12, 2012: An **Inadequate Response** complaint was received by the Office of Police Ombudsman through a referral by the Office of the Mayor. The Complainant resides in Spokane Valley. The Complainant advised that their vehicle was impounded after being involved in a hit and run collision. The Complainant advised that they became aware of the incident after they called Police to report that their vehicle had been stolen. The Complainant advised that because they were not contacted when their vehicle was impounded, they had to pay \$367 in fees that could have been prevented had they been notified. (OPO # 12-122)
9. Wednesday, November 07, 2012: An **Inadequate Response** complaint was received by the Office of Police Ombudsman. The Complainant resides next to a nuisance residence. The Complainant advised that Officers failed to respond on several occasions regarding threats the nuisance neighbor has made against the Complainant. The Complainant advised that the Police Department has also not responded to drug activity complaints involving the nuisance residence. (S/E),(OPO # 12-121)
10. Friday, November 02, 2012: An **Excessive Force** complaint was received by the Office of Police Ombudsman. The Complainant alleged that they called 9-1-1 and reported that their spouse may have overdosed with prescriptive medications. The Complainant advised that several Officers responded and unnecessarily tased their spouse. The Complainant advised that their spouse's hand was also broken during the encounter.
(N/W), (OPO # 12-120)

Between November 01, 2012 and November 30, 2012 1 complaint was referred.

1. Tuesday, November 20, 2012: The Office of Police Ombudsman received a complaint involving the Spokane County Jail. The complaint was referred to the Spokane County Sheriff's Office for follow up.

INVESTIGATIONS CERTIFIED

Between November 01, 2012 and November 30, 2012 4 completed investigations were certified as timely, thorough and objective:

1. Saturday, November 17, 2012: An **Inadequate Response** complaint was received by the Office of Police Ombudsman and by the Internal Affairs Unit on September 24, 2012. The Complainant advised that Officers failed to properly investigate a hit and run collision that they were involved in and threatened to charge the Complainant with hit and run. The Ombudsman confirms that the complaint was investigated through a timely, thorough and objective process. (SPD IA # 12-065), (OPO # 12-106)
2. Friday, November 16, 2012: An internally generated **Inadequate Response** complaint was initiated by a Patrol Lieutenant on August 29, 2012. The complaint indicated that a Patrol Sergeant failed to complete the administrative review of a vehicle pursuit as required by Department policy. The Ombudsman confirms that the complaint was investigated through a timely, thorough and objective process. (SPD IA # 12-060)
3. Friday, November 16, 2012: An internally generated **Inadequate Response** complaint was initiated by a Patrol Lieutenant on July 11, 2012. The complaint indicated that a Patrol Sergeant failed to respond to a non emergency request for assistance from another Officer while conducting unsanctioned personal business on duty. The Ombudsman confirms that the complaint was investigated through a timely, thorough and objective process. (SPD IA # 12-054)
4. Wednesday, November 07, 2012: A **Harassment** complaint was received by the Office of Police Ombudsman on July 29, 2012. The Complainant is a "street performer". The Complainant advised that they received a citation for performing in the downtown area. The Complainant was actually issued a citation for trespassing on private property. The Ombudsman confirms that the complaint was investigated through a timely, thorough and objective process. (SPD # 12-055), (OPO # 12-85)

DECLINED CERTIFICATIONS and APPEALS

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

INTERVIEWS

- Internal Affairs, Officer Interviews: 7
- Internal Affairs, Complainant Interviews: 0
- Internal Affairs, Witness Interviews: 0
- Office of Police Ombudsman Complainant Interviews: 8
- Office of Police Ombudsman Witness Interviews: 2
- Closing (Complaint Closure) Interviews: 2

OTHER DUTIES

Critical Incident Response: No Critical Incidents were responded to during the reporting period.

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

Recommendations: On Thursday, November 08, 2012 an internally generated complaint regarding an Officer being under the influence of alcohol while on duty was closed as an Investigative Inquiry. The OPO agreed with the classification and closing of the complaint.

When the Officer was confronted with the accusation the Officer agreed to take a portable breathalyzer test. The result of the test was a Blood Alcohol level of .003. The Guild contract allows for a member to be in compliance with the contract if the employee's Blood Alcohol level is less than .04. Since the Officer's Blood Alcohol level was within the permitted limit, the Officer agreed to go home with no disciplinary action taken.

Although the Officer was in compliance with the labor contract, to allow for any employee to be at work with any Blood Alcohol level is unacceptable and indefensible in the opinion of the Ombudsman. As a result, the Ombudsman met with the Guild President to discuss this situation.

The Guild President explained that the Blood Alcohol text was placed in the contract to allow for Officers to consume alcohol if necessary while on duty and working in an undercover assignment. The Guild President advised that this is an outdated practice and agreed the language allowing for this practice should be removed from the contract.

The City and Guild are currently in contract negotiations. The deadline to bring new items forward for discussion has passed. Once contract negotiations are completed and a contract is ratified by the Police Guild, the Ombudsman recommends that the City and Guild reopen negotiations to discuss the removal of the language that allows for Officers to be in compliance of the labor agreement with a .04 Blood Alcohol level or less. (SPD IA # 12-075)

NEXT STEPS

- Completion of Student Handbook
- Complete report on Medical Examiner Inquests
- Relocation of the Office of Police Ombudsman Office to Spokane City Hall

COMMUNITY OUTREACH

- Wednesday, November 28, 2012: Hillyard Neighborhood Council meeting (630p-830p)
- Tuesday, November 27, 2012: Human Rights Commission meeting (OPO Assistant 530p-715p)
- Monday, November 26, 2012: Spokane City Council meeting (OPO Assistant 6p-630p)

- Monday, November 19, 2012: Spokane City Council meeting (OPO Assistant 6p-630p)
- Friday, November 16, 2012: Spokane Republicans Weekly Breakfast guest speaker (7a-9a)
- Thursday, November 15, 2012: North Hill Neighborhood Council meeting (7p-8p)
- Wednesday, November 14, 2012: SPARC meeting at East Central Community Center (630-830p)
- Wednesday, November 14, 2012: West Central Neighborhood Council meeting (OPO Assistant, 630p-830p)
- Tuesday, November 13, 2012: N. Indian Trail Neighborhood Council meeting (7p-830p)
- Tuesday, November 13, 2012: Bemiss Neighborhood Council meeting (6p-645p)
- Monday, November 12, 2012: Spokane City Council meeting (6p-630p)
- Friday, November 09, 2012: STA Main Terminal (Intern 10a-1p)
- Thursday, November 08, 2012: Minnehaha Neighborhood Council meeting (7p-8p)
- Wednesday, November 07, 2012: Balboa S. Indian Trail Neighborhood Council meeting (7p-8p)
- Tuesday, November 06, 2012: Rockwood Neighborhood Council meeting (7p-8p)
- Monday, November 05, 2012: Spokane City Council meeting (6p-7p)
- Friday, November 02, 2012: STA Main Terminal (Intern 1p-4p)

OTHER

- Thursday, November 29, 2012: SPD Ride-along (Ombudsman 6a-3p)
- Wednesday, November 28, 2012: Meeting with Guild President (930a-10a)
- Wednesday, November 28, 2012: Hiring of new OPO intern, Aleysa Honabue, an Undergraduate student at Eastern Washington University
- Monday, November 26, 2012: SPD Ride-along (OPO Assistant 6a-1115a)
- Thursday, November 15, 2012: SPD Press Conference regarding Thompson sentencing (6p-630p)
- Friday, November 09, 2012: Smart Justice Symposium (Ombudsman and OPO Assistant 830a-530p)
- Monday, November 05, 2012: Public Safety Committee Special meeting (2p-3p)
- Friday, November 02, 2012: The Community Assembly meeting (4p-6p)
- Thursday, November 01, 2012: Center for Justice press conference (115p-2p)

ATTACHMENTS

- 3 year snapshot graph of OPO complaints received by month

Office of Police Ombudsman Complaints
by month

