

November 19, 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

October Public Safety Committee Report

Reporting Period: October 01, 2012 through October 31, 2012

2012 OVERVIEW

Complaints Received: Since January 1, 2012, **119** complaints have been received by the Office of Police Ombudsman and forwarded to Internal Affairs. The complaints were for:

- 17 Demeanor
- 17 Harassment
- 64 Inadequate Response
- 1 Unlawful Detention/Search
- 1 Due Process
- 5 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, **17** complaints have been referred to the following agencies:

- 4 complaints were referred to the Spokane County Sheriff's Office.
- 6 complaints involving the Spokane Valley Police were referred to the Spokane County Sheriff's Office.
- 2 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 October 01, 2012 and October 31, 2012 the Office of Police Ombudsman was contacted 61 times.

Since January 1, 2012 there have been 595 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 October 01, 2012 and October 31, 2012, 11 complaints were received.

1. Wednesday, October 31, 2012: A **Procedural** complaint was received by the Office of Police Ombudsman. The Complainant advised that they were stopped by an Officer for speeding and driving with a suspended driver's license. The Complainant advised that the Officer offered to not issue the citations if the Complainant agreed to provide the Officer with information regarding criminal activity in Spokane. The Complainant has a criminal history. The Complainant advised that when they later called the Officer back and told the Officer they did not have any information to provide, the Officer indicated that the citations would not be issued. The Complainant did not appear for a court hearing and a warrant was issued. The Complainant was concerned about the process and lack of communication that led to a warrant being issued for the Complainant's arrest. (N/E), (OPO # 12-119)
2. Monday, October 29, 2012: An **Inadequate Response** complaint was received through the Office of Police Ombudsman website. The Complainant alleged that Officers failed to properly investigate a traffic collision they were involved in and failed to identify themselves to the Complainant upon request. (S/E), (OPO # 12-118)
3. Friday, October 26, 2012: An **Inadequate Response** complaint was received by the Office of Police Ombudsman through an e-mail. The Complainant advised that they called 9-1-1 and reported a prowler in the fenced in area of their back yard. The Complainant advised that the Police Department did not respond and the next day their residence was burglarized. (S/E), (OPO # 12-117)
4. Friday, October 26, 2012: An **Unlawful Entry** complaint was received by the Office of Police Ombudsman. The Complainant alleged that several Officers entered their residence while the Complainant was not at home. The Complainant advised that the Officers entered their residence without a warrant or consent. (N/W), (OPO # 12-116)

5. Thursday, October 26, 2012: An **Inadequate Response** complaint was received by the Office of Police Ombudsman. The Complainant advised that they called the Police Department to report a burglary which had occurred at their residence. The Complainant advised that an Officer responded but would not take the report until the Complainant's significant other returned. The Officer advised the Complainant to call back when their significant other returned and the Officer would then return. When the Complainant's significant other returned, they called but the Officer did not return. (N/E), (OPO # 12-115)
6. Monday, October 15, 2012: An **Inadequate Response** complaint was received by the Office of Police Ombudsman. The Complainant advised that Officers did not adequately investigate a hate crime that occurred at a local gay bar. (S/W), (OPO # 12-114)
7. Monday, October 15, 2012: A **Harassment** complaint was received by the Office of Police Ombudsman by phone. The Complainant advised that an Officer listened to a private conversation between them and another individual without the Complainant's knowledge or consent and then threatened the Complainant with arrest for harassment. The Complainant for OPO complainants 12-112 and 12-113 are the same individual. (N/E), (OPO # 12-113)
8. Monday, October 15, 2012: An **Inadequate Response** complaint was received by the Office of Police Ombudsman. The Complainant advised that Officers refused to enforce a Parenting Plan agreement. The Complainant advised that Officers also failed to properly investigate their being injured by a sling shot prior to the Officer's arrival. (N/E), (OPO # 12-112)
9. Wednesday, October 03, 2012: An **Inadequate Response** complaint was received through the Office of Police Ombudsman website. The Complainant called 9-1-1 and reported a prowler next to their residence. There were apparently two Officers in close proximity who were investigating a traffic collision. When the Officers completed their investigation they drove off. The Complainant advised no one responded to their prowler call and the building next door was burglarized. (N/E), (OPO # 12-111)
10. Tuesday, October 02, 2012: An **Unlawful Entry and Harassment** complaint was received by the Office of Police Ombudsman through the website. The Complainant advised that they had been involved in a disturbance with another individual. When Officers responded several hours after the incident, Officers walked into their residence without a search warrant. The Complainant advised that Officers made disparaging comments about them to their children. As the Officers were leaving, they illuminated the residence with their patrol car spotlight for several minutes for no apparent reason. (N/W), (OPO # 12-110)

11. Monday, October 01, 2012: An **Inadequate Response** complaint was received by the Office of Police Ombudsman by phone. The Complainant was arrested for domestic violence. They advised that Officers did not adequately investigate the allegation before arresting them and they were discriminated against because they have a mental illness. (S/E), (OPO # 12-109)

Between October 01, 2012 and October 31, 2012 no complaints were referred to other jurisdictions.

INVESTIGATIONS CERTIFIED

Between October 01, 2012 and October 31, 2012 4 completed investigations were certified as timely, thorough and objective:

1. Tuesday, October 30, 2012: An internally generated **Inadequate Response and Absent Without Leave** complaint was initiated by a Patrol Sergeant on August 14, 2012. The complaint alleges that a Patrol Officer stopped performing patrolling duties to work out without supervisory approval. The Ombudsman confirms that the complaint was investigated through a timely, thorough and objective process. (SPD # 12-058)
2. Friday, October 26, 2012: An **Excessive Force** complaint was received by a Patrol Sergeant on June 28, 2012. The Complainant was arrested by Officers for trespassing at a local hotel. The complainant was also wanted for a previous burglary. The Complainant alleged that when Officers entered the room they were asleep on the bed and they were awakened by an Officer jumping on their back and striking them in the back with a blunt object. The Ombudsman confirms that the complaint was investigated through a timely, thorough and objective process. (SPD # 12-047)
3. Monday, October 15, 2012: A **Demeanor** complaint was received by the Internal Affairs Unit on August 28, 2012. The Complainant advised that an Officer yelled at them after intervening in an argument between the Complainant and their neighbor. The Complainant also advised that the Officer's appearance was disheveled. The Ombudsman confirms that the complaint was investigated through a timely, thorough and objective process. (SPD # 12-059)
4. Monday, October 01, 2012: A **Demeanor** complaint was received by a Patrol Sergeant on June 26, 2012. The complainant called the Police Department to report that drug activity was occurring in front of their residence. The Complainant advised the responding Officer seemed disinterested and was mean. The Ombudsman confirms that the complaint was investigated through a timely, thorough and objective process. (SPD # 12-046)

DECLINED CERTIFICATIONS and APPEALS

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

INTERVIEWS

- Internal Affairs, Officer Interviews: 20
- Internal Affairs, Complainant Interviews: 1
- Internal Affairs, Witness Interviews: 4
- Office of Police Ombudsman Complainant Interviews: 10
- Office of Police Ombudsman Witness Interviews: 1
- Closing (Complaint Closure) Interviews: 0

OTHER DUTIES

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

Cases Resolved Through Mediation:

- Friday, October 05, 2012: A **Demeanor** complaint was resolved through the mediation process.

Recommendations: There were no recommendations made during the reporting period.

NEXT STEPS

- Completion of Student Handbook
- Complete report on Medical Examiner Inquests
- Office of Police Ombudsman move to first floor of City Hall

COMMUNITY OUTREACH

- Tuesday, October 30, 2012: Coats4kids at West Central Community Center (3p-6p)
- Monday, October 29, 2012: Spokane City Council meeting (6p-7p)
- Tuesday, October 23, 2012: Coats4kids at West Central Community Center (OPO Assistant 3p-6p)
- Monday, October 22, 2012: Spokane City Council meeting (OPO Assistant 6p-7p)
- Tuesday, October 16, 2012: Gonzaga University's Institute for Hate Studies "Take Action Against Hate Banquet" (OPO Assistant 630p-845p)
- Monday, October 15, 2012: Spokane City Council meeting (6p-730p)
- Saturday, October 13, 2012: The Community Assembly Retreat at the East Central Community Center (9a-1230p)
- Wednesday, October 10, 2012: Health Equity in Spokane at the East Central Community Center (6p-7p)
- Wednesday, October 10, 2012: East Central Community Center Update (5p-6p)
- Monday, October 08, 2012: Spokane City Council meeting (6p-9p)

- Friday, October 05, 2012: The Community Assembly meeting (4p-530p)
- Monday, October 01, 2012: Spokane City Council meeting (6p-8p)

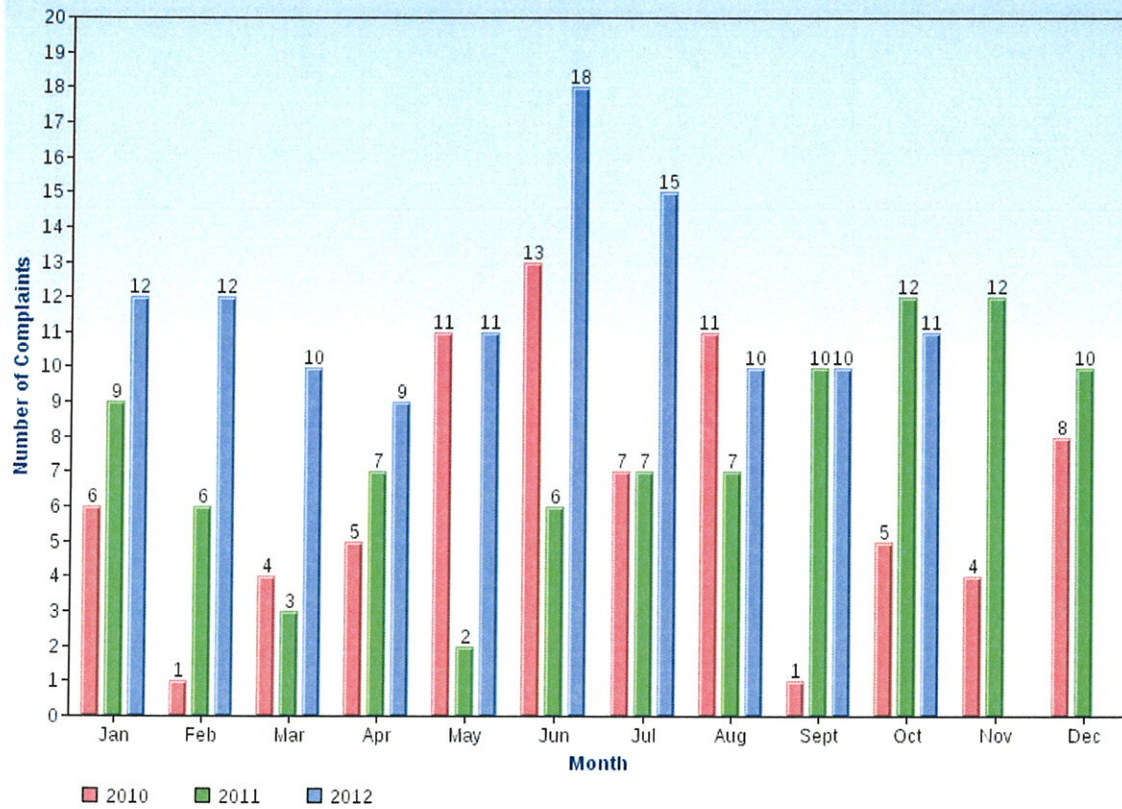
OTHER

- Wednesday, October 31, 2012 (Halloween): Spokane Police Ride Along (4p-930p)
- Monday, October 29, 2012: Public Safety Committee meeting (2p-215p)
- Wednesday, October 17, 2012 through Wednesday, October 24, 2012: the Ombudsman was on vacation
- Monday, October 15, 2012: Public Safety Committee meeting (130p-3p)
- Saturday October 13, 2012 through Wednesday, October 17, 2012: the Office of Police Ombudsman hosted the Women's and Children's Ombudsman from Pakistan
- Sunday, October 07, 2012 through Friday, October 12, 2012: The Office of Police Ombudsman hosted the 2012 United States Ombudsman Annual Conference
- Friday, October 05, 2012: The OPO Mid-Year Report was distributed to Community Assembly members

ATTACHMENTS

- 3 year snapshot graph of OPO complaints received by month
- 2010 OPO Annual Report recommendation regarding the Spokane Police Department's take home vehicle policy and 2010 fleet study
- Community Indicators Initiative of Spokane Data – Expenditures for Law Enforcement per Capita and Number of Police Officers per 1,000 Residents

Office of Police Ombudsman Complaints
by month





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

To whom it may concern,

Below you will find a recommendation regarding the Spokane Police Department's take home vehicle policy I made to the Mayor and City Council in the 2010 Office of Police Ombudsman Annual Report. In addition, attached is a fleet survey completed in 2010 by Chatham Consulting referenced in the recommendation.

After observing the recent City Council discussion regarding the Police Department's budget and replacement vehicles, I thought that it would be appropriate to inform you of this past recommendation in the event you were unaware. I am not aware of any progress that has been made in relation to the recommendation and recognize that it may be a change in working conditions that requires negotiations with the bargaining units which is also currently in progress.

Respectfully,

Tim Burns
Police Ombudsman
City of Spokane

TAKE HOME VEHICLES

During a Public Safety Committee meeting in 2010 a discussion took place regarding the cost associated with police take home vehicles. Several members of the police department who are on-call and subject to callback have been authorized to take their assigned vehicles home. The costs for vehicle maintenance, fuel and insurance is paid for through the police department budget.

In 2010 Chatham Consulting completed a fleet survey regarding police vehicle cost, Refer to Attachment D for specifics. The study established that in 2009 the police department had 234 assigned vehicles. There were 109 employees authorized in 2010 to take their assigned vehicles home (46%). Personnel authorized to take their vehicles home are:

1. All personnel above the rank of Sergeant
2. All investigative personnel
3. 16/34 Police Sergeants who may be called out
4. All K-9 officers
5. Neighborhood Resource Officers
6. Traffic officers who ride motorcycles during the riding season
7. Civilians who have call out duties

In 2009, 53 employees who were assigned take home vehicles were called out. This is about half of the personnel who were assigned take home vehicles in 2009.

The cost of maintaining and fueling the 109 take home vehicles in 2009 was approximately \$ 348,000.00 (\$ 240,000.00 for maintenance and \$ 108,000.00 for fuel).

Take home vehicles for most police personnel are a luxury the community can no longer afford. While on call employees clearly benefit from having access to a vehicle to commute in at no expense to themselves, the fleet study suggests that there is a significant cost to the community to provide this benefit to police personnel and little benefit to the community.

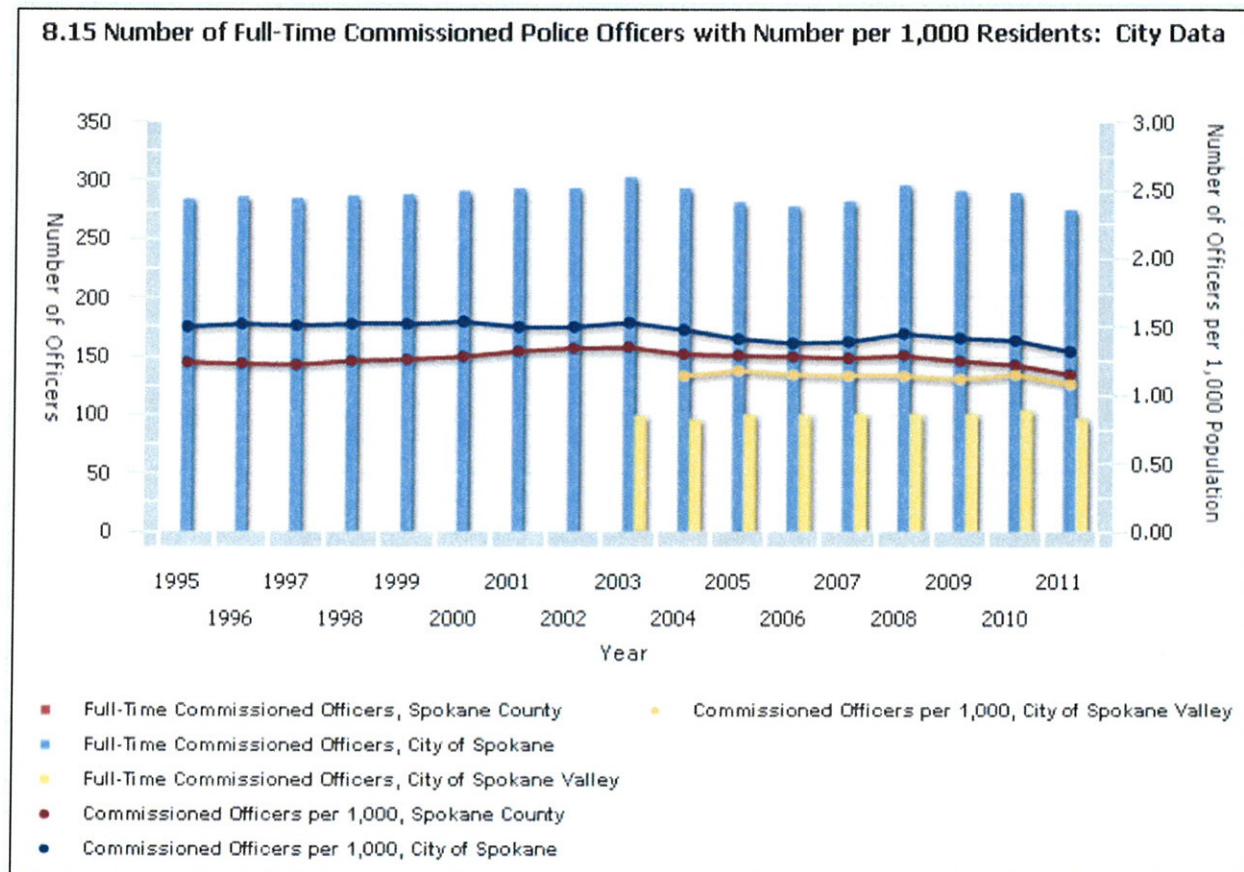
The current policy and practice in place which permits specific personnel to take their assigned vehicle home has been in place for a number of years. It is clearly a "past practice" and may be a "property right" issue requiring contract negotiations to change.

The Ombudsman makes the following recommendations to address the concerns regarding take home vehicles:

1. Police Administration conduct an internal study to identify which employees currently assigned take home vehicles have a direct response obligation to a call out.
2. Once identified, a call out policy be developed that meets the needs of the community and department while reducing the cost to the community.
3. A discussion be held between the respective bargaining units during 2011 contract negotiations to begin the conversation on resolving this concern.

To review the Spokane Police Department Take Home Vehicle Study in its entirety, please refer to the Attachment provided by the Spokane Police Department.

Community Indicators Initiative of Spokane



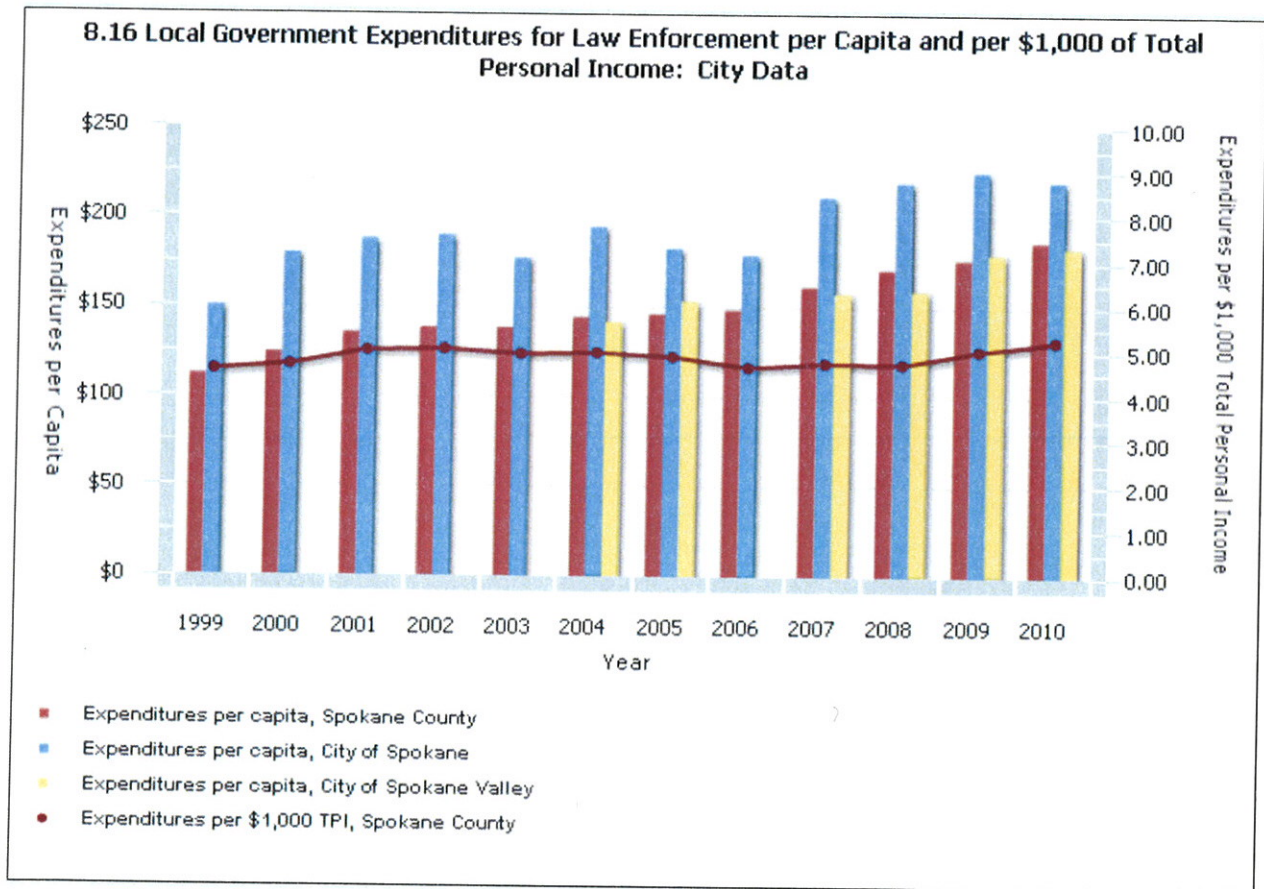
The number of commissioned police officers per 1,000 residents in the City of Spokane has gradually declined since 1995 from 1.50 to 1.32 in 2011. Other than a dip in 2003 when the rate dropped temporarily and then rebounded in 2004, the decline has been steady. In absolute terms, there were 275 full-time officers in the City of Spokane, a 3% decrease since 1995.

Data for the City of Spokane Valley are only available for the past eight years. In 2011, there were 1.08 police officers per 1,000 population, a 5% decrease since 2004. In 2011, there were 97 full-time officers in the City of Spokane Valley.

In Spokane County, the number of police officers per capita has stayed fairly constant since 1995 but has continued to be lower than in the City of Spokane and higher than Spokane Valley. In 2008, the number per 1,000 residents in Spokane County was 1.15. This has risen only slightly overall from 1.24 in 1995. The high point was in 2003 when it rose, gradually, to 1.35 before falling back down to its current level.

This data is provided by the Community Indicators Initiative of Spokane and can be accessed at www.communityindicators.ewu.edu. Thanks to Scott Richter, research analyst for the project and former OPO Intern for the information.

Community Indicators Initiative of Spokane



Spokane County's annual, per capita law enforcement expenditures have grown from \$112 in 1999 to \$186 in 2010. This represents a 66% increase. Annual county expenditures on law enforcement per \$1,000 of total personal income were \$5.24 in 2010, an increase of 14% since 1999.

By comparison, the City of Spokane spent \$220 for law enforcement on a per capita basis in 2010. This represents a 47% increase since 1999. The City of Spokane Valley spent \$183 for law enforcement on a per capita basis in 2010, a 29% increase since 2004.

Statewide, local government per capita expenditures on law enforcement have been much higher than the county's, standing at \$235 in 2010. The rate of increase over the same period, however, has been slightly less: 46%. Expenditures per \$1,000 of total personal income were \$5.51 in 2010, an increase of 5% since 1999.

This data is provided by the Community Indicators Initiative of Spokane and can be accessed at www.communityindicators.ewu.edu. Thanks to Scott Richter, research analyst for the project and former OPO Intern for the information.