



January 20, 2014

December Public Safety Committee Report

Reporting Period: December 1, 2013 through December 31, 2013

2013 OVERVIEW

Complaints Received: Since January 1, 2013: 107 complaints have been received by the Office of Police Ombudsman and forwarded to Internal Affairs. The complaints were for:

- 1 Selective Enforcement
- 1 Unlawful Entry
- 1 Gratuity
- 1 Unlawful Search
- 1 Unlawful Detention
- 1 Bias Policing
- 4 Harassment
- 1 Driving
- 1 False Arrest
- 1 Conspiracy
- 1 Perjury
- 10 Procedural
- 17 Demeanor
- 11 Excessive Force
- 55 Inadequate Response

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

Complaints Referred: Since January 1, 2013, 25 complaints have been referred to the following agencies:

- 19 complaints have been referred to the Spokane County Sheriff's Office
- 1 complaint has been referred to the Stevens County Prosecutor's Office
- 1 complaint has been referred to the Washington State patrol for follow up
- 1 complaint has been referred to the Spokane Transit Authority
- 3 complaint has been referred to the Spokane Streets Department

CONTACTS

Between December 1, 2013 and December 31, 2013 the Office of Police Ombudsman was contacted 59 times.

Since January 1, 2013 there have been 1,252 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 “2013 Received Complaints.”

Between December 1, 2013 and December 31, 2013, 7 complaints were received.

1. Monday, December 30, 2013: A **Harassment** complaint was received by the Office of Police Ombudsman. The complainant advised that they were the subject of a Spokane Police Department investigation that was closed but will be reopened. The complainant believes there are other suspects that are not being investigated. (OPO #13-107) (N/A)
2. Monday, December 23, 2013: An **Inadequate Response** complaint was received by the Office of Police Ombudsman by phone. The complainant alleges that officers inappropriately refused to open an investigation for fraud. Also, the complainant alleges they were denied access to the Ombudsman Office. (OPO #13-106) (N/W)
3. Friday, December 20, 2013: An **Inadequate Response** complaint was received through the Office of Police Ombudsman website. The complainant advised that they called Crime Check and 9-1-1 to request assistance however no officer responded. (OPO #13-105) (S/W)
4. Monday, December 16, 2013: A **Demeanor** complaint was received by the Office of Police Ombudsman. The complainant advised that an officer was rude and disrespectful while investigating a possible collision between the officer and complainant. (OPO # 13-104) (N/E)
5. Thursday, December 12, 2013: An **Inadequate Response** complaint was received by the Office of Police Ombudsman. The complainant was the victim of a personal physical assault. The complainant advised that officers responded by failed to take a report or follow up on the incident and have not return his phone call during the past month. (OPO # 13-103) (N/E)
6. Tuesday, December 10, 2013: An **Inadequate Response** complaint was received by the Office of Police Ombudsman. The complainant was unsatisfied with the police department’s response regarding a recent major grocery store fraud case that the complainant was a victim of. (OPO # 13-102) (N/A)
7. Wednesday, December 4, 2013: A **Demeanor** complaint was received by the Office of Police Ombudsman. The complaint was in regards to an Officer’s conduct during a traffic accident investigation. (OPO # 13-101) (N/W)

Between December 1, 2013 and December 31, 2013 3 complaints were referred.

1. Friday, December 20, 2013: A complaint involving the Spokane Valley Police Department was referred to the Sheriff's office for follow up.
2. Tuesday, December 10, 2013: A complaint involving the Spokane Streets Department was referred to the Spokane Streets Department for follow up.
3. Wednesday, December 4, 2013: A complaint involving the Spokane County Sheriff's Office was referred to the Sheriff's office for follow up.

INVESTIGATIONS CERTIFIED

Between December 1, 2013 and December 31, 2013 3 completed investigations were certified as timely, thorough and objective:

1. Tuesday, December 10, 2013: An **Inadequate Response** complaint was received by the Office of Police Ombudsman on September 25, 2013. The complainant alleged that an officer did not take any action regarding a drug house in the complainant's neighborhood and did not pick up a syringe laying in an alleyway. The Ombudsman confirms that that the complaint was investigated through a timely, thorough and objective process. (SPD IA # 13-096), (OPO # 13-89)
2. Friday, December 06, 2013: An **Excessive Force** complaint was received by the Internal Affairs Unit on September 6, 2013. The complainant alleged that an officer slammed the complainant's head into the trunk of the patrol car while arresting the complainant. The complainant further complained that they should have been searched by a same sex officer. The Ombudsman confirms that the complaint was investigated through a timely, thorough and objective process. (SPD IA # 13-089), (OPO # N/A)
3. Friday, December 06, 2013: A **Failure to Document Use of Force** Incident was received by the Office of Police Ombudsman on August 26, 2013. The complainant alleged that officers pointed their weapons at the complainant during a traffic stop for no apparent reason. The Ombudsman confirms that the complaint was investigated through a timely, thorough and objective process. (SPD IA # 13-092), (OPO # 13-87)

DECLINED CERTIFICATIONS and APPEALS

There were no declined or appealed certifications during the reporting period

INTERVIEWS

- Internal Affairs, Officer Interviews: 12
- Internal Affairs, Complainant Interviews: 2
- Internal Affairs, Witness Interviews: 1
- Office of Police Ombudsman Complainant Interviews 5
- Office of Police Ombudsman Witness Interviews: 0
- Closing (Complaint Closure) Interviews: 0

OTHER DUTIES

Critical Incident Response: There were no Critical Incidents during the reporting period.

Cases Resolved Through Mediation: There were no cases resolved through mediation during the reporting period.

Recommendations:

- Wednesday, December 4, 2013: **Roll Call Briefing Training:** During the past 4 years the Ombudsman has been on 38 ride alongs with the Spokane Police Department. During that time the Ombudsman has noticed that the time allocated for briefings was not always well spent. Thirty minutes appears to be the allocated time for briefing at the beginning of the officer's work shift. Frequently the patrol sergeants provide specific information to the officers assigned to the sergeant's team and lieutenants often provide additional information and comment. Officers then share information and visit.

There often appears to be time available at the end of the briefing period that could be used for training. An example where training could occur would be with the review of department policies. Sergeants could either provide the training or direct the officers to provide the review.

Recently it came to the Ombudsman's attention that per policy, officers are required to document in the CAD system whenever they detain and handcuff an individual. In conversation it appears that many officers are not aware or have forgotten this requirement. This could easily be reviewed, discussed and documented through the roll call briefing training process.

More complicated reviews of policies such as Use of Force or Pursuit Guidelines could require more than one briefing period but in all likelihood, review and discussion could be accomplished during a team's work week.

- Wednesday, December 4, 2013: **Handcuffing of Detainees:** The policy is reviewed and discussed and officers comply with the policy by documenting such occurrences in CAD. Additionally some tool such as a code should be developed to document the events and information such as the detainee's age, race, and sex to be documented for future data collection by the Police Department and or the OPO.
- Wednesday, December 4, 2013: **Parking Stalls be Marked:** The Ombudsman has observed officers have difficulty locating the cars they were assigned. Their time is valuable and for the majority of the year this could be remedied by painting the car number in front of the parking stalls on the pavement in the parking lot or on the cement bumper.

- Wednesday, December 4, 2013: **Display of a Weapon at an Individual:** In the City of Spokane’s Use of Force Commission Report dated December 20, 2012 on page 20 contained in recommendation 14 located in the second sentence of the last paragraph on the page, the language states: “Additionally, the Commission recommends adding **the drawing and directing of a firearm at a subject as a triggering event for a use of force report.** Such an action is a significant use of force by an officer to gain compliance over a subject and can be expected to generate great fear on the part of the subject. Accordingly, this use of force should be reported as such with a clear articulation as to why the firearm was pointed at the citizen.”

It is the Ombudsman’s understanding that this is not occurring in all instances such as SWAT actions.

The language of the Use of Force Commission recommendation is clear and there should not be any deviation from the reporting requirement regardless of the assignment.

Additionally, although there is no requirement currently to document instances when officers have their firearm at the low ready position as opposed to directly pointed at an individual, the Ombudsman recommends that this also be documented through some formal process that can be tracked and later coded for future data collection by the Police Department and or OPO. The information recorded should include the individual’s age, race and sex.

In these instances, the firearm is not pointed directly at the individual; however the individual may still interpret the officer’s action as having done so. While the difference is clearly tactical, the difference may be unperceivable when you are the individual the firearm has been pointed at. The time required going from low ready to directly at and the potential use of deadly force is only momentary.

Although the difference between at the low ready to directly at is significant, failure to document such instances may be interpreted as an attempt to circumvent the recommendation through a technicality and it would be helpful to document incidents through a formalized process.

NEXT STEPS

- Recruitment of Student Interns
- Report on School Resource Officers Program

COMMUNITY OUTREACH

- Tuesday, December 17, 2013: East Central Neighborhood Council meeting (630p-8p)
- Monday, December 16, 2013: NAACP meeting (OPO Assistant 7p-9p)
- Monday, December 16, 2013: Spokane City Council meeting, OPO Presentation (6p-11p)
- Friday, December 13, 2013: The NATIVE Project (2p-5p)
- Friday, December 13, 2013: STA Main Terminal (OPO Assistant 11a-1p)

- Thursday, December 12, 2013: West Central Community Center, Mayor's proposed OPO ordinance (6p-930p)
- Wednesday, December 11, 2013: West Central Neighborhood Council meeting (630p-645p)
- Wednesday, December 11, 2013: Emerson Garfield Neighborhood Council meeting (OPO Assistant 7p-8p)
- Wednesday, December 11, 2013: SPARC meeting (530p-630p)
- Wednesday, December 11, 2013: Crosswalk Teen Shelter Outreach (OPO Assistant 12n-1245p)
- Tuesday, December 10, 2013: Don't Shoot meeting, Spokane Main Library (545p-7p)
- Monday, December 9, 2013: Spokane City Council meeting (6p-7p)
- Friday, December 6, 2013: Community Assembly meeting, Mayor's proposed OPO ordinance (4p-645p)
- Wednesday, December 4, 2013: Community Café meeting, East Central Community Center (615p-815p)
- Wednesday, December 4, 2013: 2013: Crosswalk Teen Shelter Outreach (OPO Assistant 12n-1245p)
- Tuesday, December 3, 2013: OutSpokane Board meeting (OPO Assistant 630p-745p)
- Monday, December 2, 2013: Spokane City Council meeting (OPO Assistant 6p-630p)

OTHER

- Monday, December 16, 2013: Public Safety Committee meeting (130p-3p)
- Saturday, December 14, 2013: East Central Community Center Holiday Dinner (11a-4p)
- Thursday, December 12, 2013: Spokane Police Academy CIT role playing scenarios, observation (1p-5p)
- Thursday, December 12, 2013: Spokane Human rights Commission Awards Breakfast, Chase Gallery (8a-9a)
- Wednesday, December 11, 2013: Spokane Police Academy: CIT role playing scenarios, observation (1p-4p)
- Sunday, December 8, 2013: SPD Ride Along (6a-3p)
- Saturday, December 7, 2013: East Central Community Center community meeting (9a-12n)
- Thursday, December 5, 2013: Mayor Condon's Electronic Town Hall meeting to discuss proposed OPO ordinance (545p-730p)
- Thursday, December 5, 2013: Priority Spokane Public Safety Committee meeting, Spokane Regional Health District Auditorium (3p-5p)
- Tuesdays, December 3, 10 & 17: City of Spokane Supervisor Training Series (OPO Assistant 8a-12n)

ATTACHMENTS

- Four-year snapshot graph of OPO complaints received by month

Office of Police Ombudsman Complaints
by month

