



Office of Police Ombudsman
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SPDOmbudsman.org
www.facebook.com/SPDOmbudsman

April 15, 2013

March Public Safety Committee Report

Reporting Period: March 01, 2013 through March 31, 2013

2013 OVERVIEW

Complaints Received: Since January 1, 2013: 24 complaints have been received by the Office of Police Ombudsman and forwarded to Internal Affairs. The complaints were for:

- 1 Demeanor
- 1 Excessive Force
- 1 Gratuity
- 1 Unlawful Entry
- 1 Procedural
- 19 Inadequate Response

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

Complaints Referred: Since January 1, 2013, 8 complaints have been referred to the following agencies:

- 6 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

CONTACTS

Between March 1, 2013 and March 31, 2013 the Office of Police Ombudsman was contacted 94 times.

Since January 1, 2013 there have been 283 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 March 1, 2013 and March 31, 2013, 6 complaints were received.

1. Friday, March 29, 2013: An **Inadequate Response** complaint was received by the Office of Police Ombudsman. The Complainant advised that the Police Department refused to respond to the Complainant's residence after the Complainant's sibling threatened to kill them. The Complainant advised that in a second incident an Officer did not arrest their sibling after the sibling falsely used the Complainant's identity. (N/W), (OPO # 13-24)
2. Tuesday, March 26, 2013: An **Inadequate Response** complaint was received by the Office of Police Ombudsman by phone. The Complainant advised that they had been assaulted and the Police Department was refusing to follow up on their complaint. (N/E), (OPO # 13-23)
3. Wednesday, March 20, 2013: A **Procedural** complaint was received by the Office of Police Ombudsman. The Complainant advised they received a bill for a false alarm at their residence. The Complainant advised that they called to appeal the bill but no one could explain or provide them information regarding the appeal process. (N/W), (OPO # 13-22)
4. Tuesday, March 19, 2013: An **Unlawful Entry** complaint was received by the Office of Police Ombudsman. The Complainant for OPO 13-20 and 13-21 is the same individual. The Complainant advised that on two instances, Officers searched the Complainant's residence without consent or a warrant after contacting the Complainant regarding a complaint that gunshots were heard coming from the Complainant's residence. (N/W), (OPO # 13-21)
5. Tuesday, March 19, 2013: An **Inadequate Response** complaint was received by the Office of Police Ombudsman. The Complainant was involved in a collision that was investigated by the Police Department. The Complainant advised that the investigation was inaccurate and because the investigation was inaccurate, it compromised their insurance settlement. (N/E), (OPO # 13-20)
6. Thursday, March 14, 2013: An **Inadequate Response** complaint was received by the Office of Police Ombudsman. The Complainant has a no contact order against a former acquaintance. The Complainant advised that the acquaintance violated the order and an Officer incorrectly charged the acquaintance with a misdemeanor when they should have been charged with a felony for violating the Court Order. (N/W), (OPO # 13-19)

Between March 1, 2013 and March 31, 2013 5 complaints were referred.

1. Friday, March 29, 2013: Two complaints involving the Spokane County Sheriff's Office were referred to the Spokane County Sheriff's office for follow up.
2. Thursday, March 21, 2013: A complaint involving the Washington State Patrol was referred to the Washington State Patrol for follow up.

3. Thursday, March 21, 2013: A complaint involving the Spokane County jail was referred to the Spokane County Sheriff's Office for follow up.
4. Monday, March 11, 2013: A complaint involving the Spokane Valley Police Department was referred to the Spokane County Sheriff's Office for follow up.

INVESTIGATIONS CERTIFIED

Between March 1, 2013 and March 31, 2013 4 completed investigations were certified as timely, thorough and objective:

1. Thursday, March 28, 2013: A **Planting Evidence** complaint was received by the Office of Police Ombudsman on January 3, 2013: The Complainant alleged that an Officer planted drugs on them while they were being arrested for an outstanding felony warrant. The Ombudsman confirms that the complaint was investigated through a timely, thorough and objective process. (SPD IA # 13-011), (OPO # 13-01)
2. Monday, March 25, 2013: An internally generated **Inadequate Response** complaint was initiated by a Lieutenant on October 4, 2012. The complaint was regarding an inadequate review of a report documenting the use of force in a previous arrest. The Ombudsman confirms that the complaint was investigated through a timely, thorough and objective process. (SPD IA # 12-072)
3. Tuesday, March 19, 2013: A **Demeanor and Inadequate Response** complaint was received by the Internal Affairs Unit on January 22, 2013. The Complainant advised that an Officer was rude and refused to collect a used hypodermic needle from a public parking lot. The Ombudsman confirms that the complaint was investigated through a timely, thorough and objective process. (SPD IA # 13-004)
4. Monday, March 18, 2013: An internally generated **Use of Deadly Force** review was initiated by the Internal Affairs Unit after an Officer involved shooting occurred on June 17, 2012. The Ombudsman confirms that the complaint was investigated through a timely, thorough and objective process. (SPD IA # 12-041)

DECLINED CERTIFICATIONS and APPEALS

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

INTERVIEWS

- Internal Affairs, Officer Interviews: 6
- Internal Affairs, Complainant Interviews: 3
- Internal Affairs, Witness Interviews: 2
- Office of Police Ombudsman Complainant Interviews: 4
- 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: No complaints were resolved through mediation during the reporting period.

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

NEXT STEPS

- Recruitment of Student Interns
- Report regarding School Resource Officers Programs

COMMUNITY OUTREACH

- Thursday, March 28, 2013: East Central COPS Shop Outreach (OPO Intern, noon-230p)
- Tuesday, March 26, 2013: Manito Cannon Neighborhood Council meeting (7p-8p)
- Monday, March 25, 2013: Spokane City Council Town Hall meeting (6p-730p)
- Friday, March 22, 2013: The NATIVE Project (2p-5p)
- Friday, March 22, 2013: House of Charity (9a-1030a)
- Thursday, March 21, 2013: Northwest Neighborhood Council meeting, OPO Presentation 2012 Annual Report (7p-845p)
- Thursday, March 21, 2013: NevaWood COPS Shop Outreach (OPO Intern, noon-230p)
- Wednesday, March 20, 2013: Riverside Neighborhood Council meeting, OPO Presentation 2012 Annual Report (5p-645p)
- Tuesday, March 19, 2013: East Central Neighborhood Council meeting, OPO Presentation 2012 Annual Report (740p-830p)
- Tuesday, March 19, 2013: Logan Neighborhood Council meeting, OPO Presentation 2012 Annual Report (OPO Assistant, 630p-7p)
- Tuesday, March 19, 2013: OutSpokane Board meeting (630p-730p)
- Monday, March 18, 2013: NAACP monthly meeting (7p-915p)
- Monday, March 18, 2013: Spokane City Council meeting, OPO Presentation February Public Safety Committee Report Highlights (6p-645p)
- Thursday, March 14, 2013: Minnehaha Neighborhood Council meeting (7p-830p)
- Thursday, March 14, 2013: East Central COPS Shop Outreach (OPO Intern, noon-230p)
- Wednesday, March 13, 2013: West Central Neighborhood Council meeting (645p-8p)
- Wednesday, March 13, 2013: SPARC meeting (530p-630p)
- Tuesday, March 12, 2013: North Indian Trail Neighborhood Council meeting (7p-830p)
- Tuesday, March 12, 2013: Bemiss Neighborhood Council meeting, OPO Presentation 2012 Annual Report (6p-645p)
- Monday, March 11, 2013: Spokane City Council meeting (6p-7p)

- Friday, March 8, 2013: STA Outreach (OPO Intern, 10a-1p)
- Thursday, March 7, 2013: NevaWood COPS Shop Outreach (OPO Intern, noon-230p)
- Monday, March 4, 2013: Spokane City Council meeting (OPO Assistant, 6p-620p)
- Friday, March 1, 2013: Community Assembly, OPO Presentation 2012 Annual Report (OPO Assistant, 4p-615p)
- Friday, March 1, 2013: STA Outreach (OPO Intern, 1p-4p)

5 of 27 Neighborhood Councils have received a presentation of the 2012 Office of Police Ombudsman Annual Report

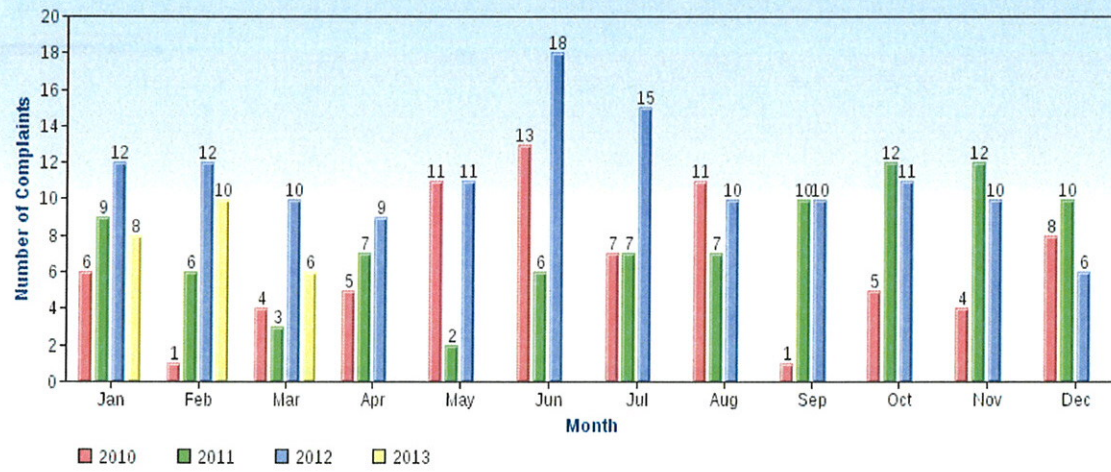
OTHER

- Thursday, March 28, 2013: Northeast Community Center Annual Celebration (6p-8p)
- Wednesday, March 27, 2013: League of Women's Voters Judicial Forum, Gonzaga School of Law (530p-730p)
- Wednesday, March 27, 2013: Spokane Regional Health training by United Way on the "Culture of Poverty" (9-5p)
- Tuesday, March 26, 2013: City of Spokane Human Rights Commission meeting (OPO Assistant, 530p-7p)
- Monday, March 25, 2013: Spokane Police Department IA Pro training (OPO Assistant, 8a-2p)
- Saturday, March 23, 2013: SPD Ride Along (Sat 6a- 3p)
- Thursday, March 21, 2013: KTW Radio interview with George McGrath and Council Member Fagan, "The Right Spokane Perspective" (945a-11a)
- Wednesday, March 20, 2013: Hired Eastern University student, Patrick Smith, as OPO intern.
- Saturday, March 16, 2013: PJALS Peace and Economic Justice Action Conference (Staff, 9a-5p)
- Friday, March 15, 2013: Priority Spokane Public Safety meeting (OPO Assistant, 130p-330p)
- Monday March 11-15, 2013: Crisis Intervention Training (CIT) Spokane Police Academy (8a-5p)
- Tuesday, March 5, 2013: Spokane County Sherriff's Office Public Records Disclosure training (OPO Assistant 9a-4p)

ATTACHMENTS

- 4 year snapshot graph of OPO complaints received by month
- Preliminary Taser Usage Analysis Report for 2010 - 2012
- Right Response Workbook provided by John Lemus and Leon Sayers III from SKILS'KIN
- OPO Commission template recommendations (continued from Feb PSC Report)
- Letter from the Center for Justice re: OPO Commission template recommendations

Office of Police Ombudsman Complaints
by month



Spokane Police Department Taser Use Statistics: 2010 - 2012

2010

Total: 26
January: 00
February: 02
March: 01
April: 03
May: 02
June: 02
July: 01
August: 06
September: 01
October: 03
November: 00
December: 05

Gender

Female: 01
Male: 25

Race

White: 20
Black: 02
American Indian: 02
Hispanic: 01
Asian/Pacific Islander: 01

Age Range

Teens: 03
20s: 12
30s: 08
40s: 03
50s: 00

Additional Factors

Intoxicated: 13
Influence of Drugs: 04
Armed: 04
Suicidal: 04
Grabbed Officer's Gun: 01
Excited Delirium: 01

Location

Northeast: 10
Northwest: 08
Southeast: 03
Southwest: 05

2011

Total: 21
January: 01
February: 01
March: 03
April: 03
May: 01
June: 01
July: 03
August: 01
September: 00
October: 04
November: 00
December: 03

Gender

Female: 01
Male: 20

Race

White: 13
Black: 04
American Indian: 04
Hispanic: 00
Asian/Pacific Islander: 00

Age Range

Teens: 01
20s: 09
30s: 05
40s: 03
50s: 03

Additional Factors

Intoxicated: 11
Influence of Drugs: 01
Armed: 05
Suicidal: 03
Grabbed Officer's Gun: 00
Excited Delirium: 01

Location

Northeast: 10
Northwest: 07
Southeast: 03
Southwest: 01

2012

Total: 32
January: 04
February: 03
March: 02
April: 03
May: 02
June: 02
July: 05
August: 01
September: 00
October: 03
November: 04
December: 03

Gender

Female: 06
Male: 26

Race

White: 26
Black: 04
American Indian: 01
Hispanic: 00
Asian/Pacific Islander: 01

Age Range

Teens: 02
20s: 08
30s: 17
40s: 05
50s: 00

Additional Factors

Intoxicated: 10
Influence of Drugs: 08
Armed: 09
Suicidal: 09
Grabbed Officer's Gun: 01
Excited Delirium: 00

Location

Northeast: 08
Northwest: 13
Southeast: 05
Southwest: 06



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Proposed Draft OPO Commission Ordinance Measures

Article I: Function

Section 1: An Office of Police Ombudsman commission (hereafter "commission") will be created, the functions of which shall be to:

- A. Determine whether the Office of Police Ombudsman (hereafter "OPO") has performed its duties consistent with Article XVI of the Spokane City Charter, Spokane Municipal Code 4.32 and applicable collective bargaining agreements.
- B. Review completed complaint investigations involving sworn police employees to provide comment, from a civilian perspective about whether the complaint was handled fairly and with due diligence.
- C. Promote a spirit of accountability and communication between the citizens and the Spokane Police Department while improving community relations and enhancing public confidence.
- D. Address any other issues of concern to the community.

Article II: Commission Members

Section 1: Number of Members and Appointment Process

- A. The commission is initially composed of five (5) members.
- B. Two (2) members nominated by the Mayor and appointed by City Council and one (1) member from each of the three (3) City Council districts nominated and appointed by City Council.
- C. The commission may, at any time, determine that more members are necessary to carry out the duties of the commission. Upon a unanimous vote of all commission members, additional members may be added to the commission two (2) members at a time. One (1) additional member nominated by the Mayor and appointed by City Council and one (1) additional member nominated by the City Council president and appointed by City Council.

Section 2: Term of Office and Vacancies

- A. Members shall serve for a three (3) year term and may be appointed for additional three (3) year terms. Except for initial members who shall be: two (2) years for three (3) initial members and three (3) years for two (2) initial members.
- B. No member shall serve more than three (3) consecutive terms. A vacancy that occurs during the term of a member shall be filled in the same manner as the original appointment, and the appointee shall serve for the remainder of the unexpired term.
- C. Each member shall continue to serve in such capacity until the member's successor has been duly appointed and is acting, provided, however, that the period shall not exceed 90 days past the expiration of the member's term.

Section 3: Qualifications

- A. Members of the commission shall be volunteers appointed by the City Council, who immediately prior to appointment shall be:
 - 1. A resident of the City of Spokane,
 - 2. Of the age of 18 years or older; and
 - 3. Able to pass a background investigation consistent with investigations conducted for other city volunteers who have similar access to police records and/or facilities.
- B. The following characteristics shall be considered by the City Council when appointing members to the commission:
 - 1. A demonstrated ability to be fair, impartial and unbiased;
 - 2. An absence of any real or perceived bias, prejudice or conflict of interest;
 - 3. A record of community involvement;
 - 4. An ability to build working relationships and communicate effectively with diverse groups; and
 - 5. A demonstrated commitment to the function of the commission as laid out in Article I above.
- C. Members of the commission shall neither be a current employee of the city nor an immediate family member of a current city employee.
- D. Commission members shall participate in an appropriate training program to be established by the commission and/or the OPO so that they shall possess the knowledge to perform their duties.

- E. Members of the commission shall agree in writing to a Statement of Principles and Code of Conduct and an appropriate confidentiality agreement to be developed by the OPO and reviewed and maintained in collaboration with the commission.
- F. It is the intent that commission members be free from personal liability for acts taken within the course and scope of carrying out their official duties and functions. The city will therefore defend and indemnify members to the maximum extent permitted under applicable law.

Section 4: Removal

- A. A member of the commission may be removed from office by the City Council prior to the normal expiration of his/her term for consistent failure to perform commission member duties, or violation of the Statement of Principles/Code of Conduct or confidentiality agreement.
- B. Membership on the commission shall terminate automatically if a member ceases to meet the qualification requirements as described in Article II, Section 3 above subsequent to his/her appointment.

Article III: Officers, Meetings and Procedures

Section 1: Officers

- A. The commission shall annually elect from among its membership a chairperson and a vice-chairperson who shall serve in that position for no more than three (3) consecutive one (1) year terms.
- B. The OPO shall be liaison to, and provide staff support for, the commission.
- C. The commission may appoint from its membership committees as necessary to perform its duties.
- D. The commission shall hold regular meetings with an opportunity for public comment at least quarterly, and the commission and its committees may hold additional meetings as necessary. No business of the commission shall be conducted at a meeting without at least a quorum of three (3) members. All actions of the commission shall be made upon a simple majority vote of the members present.

Section 2: Meetings

- A. Meetings of the commission shall be open to the public except when the commission has determined a closed executive session, in accordance with RCW 42.30.110, is necessary in order to carry out its business.

- B. To facilitate the transparency of the commission's activities, the OPO will develop and present case summaries and status reports in a manner that allows review and discussion in open session, to the maximum extent practicable.

Section 3: Procedures

- A. The commission shall prepare and present an annual report to the City Council that:
 - 1. Summarizes the commission's activities, findings and recommendations during the preceding year;
 - 2. Gives recommendations for changes to the Police Department's processes and policies;
 - 3. Assesses the performance of the OPO consistent with Section 129 of the Spokane City Charter, Spokane Municipal Code 04.32 and applicable collective bargaining agreements; and
 - 4. Evaluates the work of the OPO, including whether the OPO is functioning as intended.
- B. The commission may develop additional reports deemed necessary by it, or as requested by the City Council. All reports generated by the commission shall strive to protect the privacy of all individuals and shall not contain the names of parties to a complaint (employees, complainants and/or witnesses) not previously disclosed. The City Council shall review and take appropriate action on reports submitted by the commission.
- C. In collaboration with the OPO, the commission may conduct education and outreach activities to inform the community about the process for filing complaints and commendations about police employees. The commission and OPO shall work together to develop and disseminate information and forms regarding the police complaint handling and review system.
- D. The commission or its individual members may not:
 - 1. Investigate complaints or incidents involving police employees;
 - 2. Issue subpoenas or call witnesses;
 - 3. Review employee discipline decisions except in the context of reviewing trend reports from the OPO;
 - 4. Incur city expenses or obligate the city in any way without the prior authorization of the OPO or City Council; nor
 - 5. Discuss the status of any open investigations or release any information regarding those investigations to any outside person or group.

Article IV: Powers and Duties

Section 1: Powers and Duties

- A. In collaboration with the OPO, the commission shall establish policies, procedures and operating principles for the commission.
- B. The commission shall fix the time and place of its meetings and meet at least once every two months with the OPO. The commission will provide notice to the community of all meetings and maintain records of its meetings to be made available to the public.
- C. The commission may review the completed investigation and adjudication of complaints filed against commissioned police employees at the request of a complainant, upon the recommendation of the OPO, or at its own discretion upon a majority vote of its members.
 - 1. The commission shall develop criteria to decide whether to accept a complaint for review. However, the commission may not accept a completed complaint that was reviewed as a "community impact case" as described in subsection E below.
 - 2. All material concerning completed complaint investigations the commission has selected to review shall be made available to members for their confidential review.
 - 3. The commission shall, at one of its regularly scheduled meetings, report on such complaint(s), which may include comments on the handling of the complaint, the fairness and thoroughness of the investigation and the reasonableness of the adjudication.
 - 4. The comments and any related policy or procedural issues identified by the commission in the course of its complaint review shall be provided to the OPO for further consideration.
- D. The commission may review a random selection of closed cases.
- E. Before certifying a complaint, the OPO may identify a complaint as a "community impact case" and request review by the commission. Members of the commission shall be provided all materials concerning the case for their confidential review. Within 14 days of receiving the case, the commission shall meet to discuss and present its determinations on the case. Within 30 days of receiving the case, the commission shall do one or more of the following:
 - 1. Concur with the case findings determined by the Internal Affairs Unit of the Police Department.
 - 2. Develop recommendations regarding the handling of the complaint and the investigation process, and/or identify other relevant policy or procedural issues for further consideration.

3. Require the OPO to request that the Police Department continue the investigation in accordance with the procedure set forth in Spokane Municipal Code 4.32.030(I) if it finds either;
 - a. The investigation was incomplete or inadequate and the commission has reason to believe that additional investigation is likely to reveal facts that could change the case adjudication; or
 - b. The adjudication reached by the Police Department was not supported by substantial evidence.
 4. When the commission has voted to review a community impact case, the OPO shall inform the commission of the subsequent investigation conducted and the final adjudication decision.
- F. The commission shall notify complainant(s) and involved employee(s) of its decisions on whether to accept a case for review and shall inform the complainant of its conclusions on the case.
- G. The commission shall review trends and statistics of complaints against sworn police officers and civilian police employees and may develop recommendations to improve the complaint intake and handling process.
- H. The commission shall evaluate the work of the OPO. In that regard, the commission:
1. Shall establish criteria by which to evaluate the work of the OPO;
 2. Shall review, comment on and assist in maintaining policies, procedures and operating principles for the OPO and the commission;
 3. Shall monitor status reports from the OPO; and
 4. May conduct periodic evaluations of the complaint intake and handling system to identify process improvements and/or ensure complaints are being treated fairly and with due diligence.
- I. The commission may provide a forum to gather community concerns about incident-specific police actions and may receive and forward complaint information to the OPO for processing.

Section 2: Selection of the Police Ombudsman

- A. When the Police Ombudsman position becomes vacant or will become vacant in the near future, the commission will undertake a candidate search. A screening committee will be established to screen, interview, and select three candidates to be considered by the Mayor. The interviews and selection of the three candidates will occur during regularly scheduled meetings and be open to the public.

- B. The screening committee shall consist of the following five persons: the chairperson of the commission (who shall be the chairperson of the screening committee); a member of City Council (selected by the City Council President), a current or retired judge (selected by the Mayor), the Director of Human Resources, and a person with extensive knowledge of internal police investigations or the monitoring of the internal police investigations but who has never been employed by the Spokane Police Department (selected by the Mayor).
- C. The HR staff will assist the commission in the placement of the advertisements and work with the OPO staff as required.
- D. The qualifications for the Police Ombudsman position will minimally include the requirement of a Bachelors Degree and five years experience in criminal investigations. The position of Police Ombudsman will be a full-time contractual city employee.
- E. The Mayor will select one of the three candidates and forward the nomination to the City Council.
- F. In the event the City Council rejects the nominee, the Mayor shall submit his/her second recommendation from the remaining two names submitted by the commission.
- G. If the City Council rejects the second nominee, the process shall begin with a second candidate search by the commission.



Changing things for good

March 29, 2013

Spokane City Council
808 W. Spokane Falls Blvd.
Spokane, Washington 99201

SENT VIA EMAIL

RE: Proposed OPO Commission Ordinance Measures

Dear Council President Stuckart and Members of the City Council:

I am writing to express serious reservations both about the procedural and substantive issues associated with the Proposed OPO Commission Ordinance Measures document that was presented to the Public Safety Committee at its March 18th meeting.

The apparent intent of this measure is to have the council move forward on the less controversial piece of the new City Charter Amendment adopted as Proposition 1 by voters last month. But for reasons described below, moving forward will have serious unintended consequences and risk a public backlash that will likely damage the efforts to strengthen the Office of Police Ombudsman.

The main problem procedurally is that this proposed ordinance would undermine the main intent of Proposition 1, which was to secure, once and for all, the investigative and functional independence of the Office of Police Ombudsman. While it is true that the responsibilities of the Commission need to be better defined in an implementing ordinance, this cannot be done in isolation. The implementing legislation for the Commission simply has to account for the changes needed to the Spokane Municipal Code to fulfill the overwhelming intent of the voters when they passed Proposition 1. And the heart of Proposition 1 is the functional change to the OPO—empowering the office with independent investigative responsibilities.

Waiting to do the heavier lifting mandated by Proposition 1 simply does not work. It does not work because the implementing legislation for the Commission would be tethered to the existing (and now obsolete) language of SMC 4.32.030, the “Function and Duties” provisions, that restrict the role of the OPO. This spills over into the proposed Commission ordinance because: (1) nowhere in the proposal is the Commission’s responsibility to review the work of independent OPO investigations described, and (2) to the extent the Commission’s role in reviewing investigations is referenced, it is only referenced in terms of reviewing SPD internal affairs investigations. Thus, provisions like paragraph E, under Article IV, Section 1, would clearly have to be rewritten to address the role of the OPO in investigating “community impact cases” and the Commission’s duty

to review such an OPO investigation. It is fine to have “community impact cases,” but to create implementing legislation for the Commission without filling in the role the OPO would play in such cases is simply premature. It does not make any sense and it creates the impression that the City is reluctant, or worse, unwilling to implement the independent investigation provisions of Proposition 1.

Simply, the answer here is to keep the cart behind the horse—either deal with the “Function and Duties” piece of a new SMC 4.32.030 first, or do so simultaneous with the implementing ordinance for the Commission.

Moreover, we have several substantive concerns about the proposed ordinance. For example, the process of “certifying a complaint” that is referenced in Article IV, Section 1, paragraph E arrives out of nowhere, without any explanation of how and why the OPO would certify a complaint or not certify a complaint, and what the consequences of those decisions would be, both for the OPO and SPD Internal Affairs.

There is also a troubling contradiction between the tight restrictions imposed on the Commission and its members in Article II, Section 3, paragraph D—“The Commission or its individual members may not: Investigate complaints or incidents involving police employees”—and the high-profile, high-stakes role the Commission would play in “community impact cases” as described in Article IV, Section 1, paragraph E - how can the Commission play such a role with its hands tied behind its back, relying only upon material provided by SPD Internal Affairs with no help at all from the OPO?

Again, we have many other substantive concerns about this proposed ordinance. But our main objection is to the process, and the very notion that the City should move forward with this piece of Proposition 1, without either first moving forward to define and codify the expanded duties of the OPO as expressed in Proposition 1, or advancing both pieces together so that they can be cross-referenced and consistent with one another.

We appreciate your consideration of this letter and continued dialogue on these important issues.

Sincerely,

CENTER FOR JUSTICE

A handwritten signature in black ink, appearing to be 'RE' followed by a stylized flourish.

Rick Eichstaedt
Executive Director