



OFFICE OF POLICE OMBUDSMAN
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August 18, 2014

July Public Safety Committee Report

Reporting Period: July 1, 2014 through July 31, 2014

2014 OVERVIEW

Complaints Received: Since January 1, 2014, 61 complaints have been received by the Office of Police Ombudsman and forwarded to Internal Affairs. The complaints were for:

- Asset Seizure 1
- Conduct Unbecoming: 3
- Demeanor: 9
- Excessive Force: 4
- Harassment: 2
- Inadequate Response: 38
- Negligent Driving: 3
- Racial Profiling: 1

To view a five-year snapshot of OPO complaints received by month, see “*Attachment #1*” at end of this report.

Complaints Referred: Since January 1, 2014, 20 complaints have been referred to the following agencies:

- 11 complaints were referred to the Spokane County Sheriff’s Office.
- 2 complaints were referred to the STA Ombudsman.
- 1 complaint was referred to the C.O.P.S. Board of Directors.
- 1 complaint was referred to the Cheney Police Department.
- 1 complaint was referred to the Spokane Parking Enforcement Department.
- 1 complaint was referred to the Spokane Valley Police Department.
- 1 complaint was referred to the Spokane Fire Department.
- 1 complaint was referred to the Washington State Department of Fish and Wildlife.
- 1 complaint involving the Spokane Police Department was referred to the Spokane Police Department Internal Affairs Unit as the incident occurred more than a year ago and it exceeds the 1 year statute of limitations for the Office of Police Ombudsman.

CONTACTS

Since January 1, 2014, the Office of Police Ombudsman has been contacted 748 times. To view a five-year snapshot of OPO citizen contacts by month, see “*Attachment #2*” at end of this report.

Between July 1, 2014 and July 31, 2014, the Office of Police Ombudsman was contacted 131 times.

Beginning in April 2014, the Office of Police Ombudsman began tracking the method of contact in addition to the number of contacts. For the month of July 2014, the 131 contacts by citizens were received by the following methods:

- Walk-in: 43
- Phone: 50
- Voicemail: 12
- Email: 21
- Mail: 2
- Social Media: 1
- Outreach: 2

To view a snapshot of the methods used by citizens to contact the OPO by month, see “**Attachment #3**” at end of this report.

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 “2014 Received Complaints.”

Between July 1, 2014 and July 31, 2014, 12 complaints were received by the Office of Police Ombudsman:

1. Wednesday, July 2, 2014: An **Inadequate Response** complaint was received through the Office of Police Ombudsman web site. The complainant advised that an Officer seized their lap top in February and it has not been returned. (OPO #14-50), (S/E)
2. Wednesday, July 2, 2014: A **Conduct Unbecoming of an Officer** complaint was received through the mail by the Office of Police Ombudsman. The Complainant advised that an Officer was verbally and physically assaultive towards another officer. (OPO #14-51), (N/W)
3. Wednesday, July 2, 2014: An **Inadequate response** complaint was received through Face Book by the Office of Police Ombudsman. The complainant attempted to file a complaint through the OPO web site however the filtering system prevented them from doing so. The complainant was concerned about the police department’s lack of response to their calls reporting a drug house in their area. (OPO #14-52), (N/E)
4. Wednesday, July 2, 2014: An **Inadequate Response** complaint was received through the Office of Police Ombudsman web site. The complainant was dissatisfied with a 3 hour response time to their call regarding a neighbor’s child throwing a rock and striking and injuring the complainant’s child. (OPO # 14-53), (N/E)
5. Wednesday, July 9, 2014: A **Demeanor** complaint was received by the Office of Police Ombudsman. The complainant advised that they overheard a comment made by an Officer regarding an individual’s mental health that the complainant believed was inappropriate. (OPO #14-54), (S/W)
6. Friday, July 18, 2014: An **Inadequate Response** complaint was received by the Office of Police Ombudsman. The complainant advised that they were assaulted by an employee at an automotive repair business and the police department did not pursue prosecution of the suspect. (OPO #14-55), (N/E)

7. Tuesday, July 22, 2014: An **Inadequate Response** complaint was received by the Office of Police Ombudsman. The complainant advised they called the police for help regarding a civil matter involving a landlord-tenant situation where the tenant was removing furniture and damaging the property. **(OPO #14-56), (N/E)**
8. Tuesday, July 22, 2014: An **Inadequate Response** complaint was received through the Office of Police Ombudsman website. The complainant was involved in a situation with CPS. They advised that while talking with an officer, one of the parents of the children involved in the situation with CPS arrived at their location. The complainant advised that the driver had a suspended license. The officer acknowledged the individual was suspended, but took no enforcement action. **(OPO #14-57) (N/W)**
9. Wednesday, July 23, 2014: An **Inadequate Response** complaint was received by the Office of Police Ombudsman. The complainant advised that an officer refused to take a stolen vehicle report from the complaint. The complainant advised that the officer told the complainant that the complainant had loaned their vehicle to a friend to transport drugs in and therefore the vehicle wasn't stolen. **(OPO #14-58), (N/W)**
10. Monday, July 28, 2014: An **Inadequate Response** complaint was received through the Office of Police Ombudsman website. The complainant advised that they reported a theft and that no law enforcement action was taken, even after possible suspect information was provided to the police. **(OPO #14-59), (N/W)**
11. Tuesday, July 29, 2014: An **Inadequate Response** complaint was received by the Office of Police Ombudsman. The complainant advised they called 9-1-1 regarding a neighbor who has a mental health condition and appeared to be having an episode in their front yard. The individual typically throws rocks and the complainant was concerned that the individual would either hit the complainant's house or a passerby with a rock. **(OPO #14-60), (N/W)**
12. Thursday, July 31, 2014: An **Inadequate Response** complaint was received by the Office of Police Ombudsman through fax. The complainant called the police department regarding a problem with a neighbor and the neighbor's pets. The complainant was advised that a Neighborhood Conditions Officer (NCO) would contact the complainant. The complainant was not contacted by the NCO. **(OPO #14-61), (N/W)**

Between July 1, 2014 and July 31, 2014, **2** complaints were referred to the following agencies:

1. Tuesday, July 8, 2014: A complaint involving the Spokane Fire Department was received. The complainant was referred to the Spokane Fire Department.
2. Thursday, July 10, 2014: A complaint involving the killing of a treed cougar was referred to the Washington State Department of Fish and Wildlife.

INDEPENDENT INVESTIGATIONS REQUESTED

Since February 26, 2014, the Office of Police Ombudsman has received **3** requests to conduct an independent investigation.

Between July 1, 2014 and July 31, 2014 the Office of Police Ombudsman received **1** request to conduct an independent investigation:

1. Monday, July 12, 2014: A request was made for the Office of Police Ombudsman to conduct an independent investigation of a 2014 Officer Involved Death that occurred during a vehicle pursuit and foot chase. The requestor was advised that the matter would be referred to the OPO Attorney for review and comment and placed on hold pending completion of the Deadly Force Review Board review of the incident. **(OPO IIR #14-03)**

INVESTIGATIONS CERTIFIED

Between July 1, 2014 and July 31, 2014, the Office of Police Ombudsman certified **3** completed investigations as timely, thorough, and objective:

1. Monday, July 14, 2014: A **Demeanor** complaint was received by the Internal Affairs Unit on May 10, 2014. The complainant alleged that an officer swore at them and threatened them while investigation a complaint they were involved in. The Ombudsman confirms that the complaint was investigated through a timely, thorough and objective process. **(SPD IA #14-028), (OPO #N/A)**
2. Wednesday, July 23, 2014: An **Excessive Force** complaint was received by the Internal Affairs Unit on May 11, 2014. The complainant alleged that they were contacted by 2 officers and put on the ground and their face was smashed into the ground 6 or more times. The Ombudsman confirms that the complaint was investigated through a timely, thorough and objective process *although the Ombudsman objects that no Use of Force report was completed on this incident even though it was not required by SPD policy in situations like this.* **(SPD IA #14-029), (OPO #N/A)**
3. Wednesday, July 23, 2014: A **Conduct Unbecoming of an Officer** complaint was initiated by the Internal Affairs Unit on March 31, 2014 after an officer was arrested for driving under the influence. The officer was off duty and driving their personal vehicle. The Ombudsman confirms that the complaint was investigated through a timely, thorough and objective process. **(SPD IA #14-018), (OPO #N/A)**

DECLINED CERTIFICATIONS and APPEALS

Between July 1, 2014 and July 31, 2014, the Office of Police Ombudsman **declined** to certify **2** completed internal affairs investigations as timely, thorough, and/or objective:

1. Tuesday, July 15, 2014: The Office of Police Ombudsman declined to certify an **Excessive Force** complaint as thorough after Internal Affairs declined to have a CIT department expert review the investigation after the investigation revealed a mental health component. The complaint involved a domestic violence malicious mischief arrest after the complainant damaged a door in an apartment they share with their significant other. When the responding officer attempted to arrest the complainant, the complainant resisted and the officer took the complainant to the carpeted floor injuring the complainant's nose. A Patrol Sergeant responded and a Use of Force was report was completed.

Initially Internal Affairs declined to interview the accused officer and a civilian ride along who was with the officer during the incident indicating that the Use of Force and Arrest reports were sufficient. As a result the Ombudsman requested to review the Patrol Sergeant's notes used to assist in the completion of the Use of Force report. The interview of the complainant was not recorded. There is no requirement that the interview be recorded. Internal Affairs refused to provide the Sergeant's case notes.

Internal Affairs agreed to interview the accused officer and civilian ride along witness. The completed investigation was reviewed through the chain of command process and closed. (SPD IA #14-024), (OPO #14-21)

2. Wednesday, July 30, 2014: The Office of Police Ombudsman declined to certify an **Inadequate Response** complaint as thorough after Internal Affairs requested to reclassify the completed investigation as an Inquiry. The reclassification of the completed investigation to an Inquiry would be inconsistent with SPD Policy 1020.8(b)(2), which requires completed investigations to be assigned to either a chain-of-command or Administrative Review Panel's review. The complaint involved a civil matter where police responded to a vehicle repossession where a firearm was brandished. (SPD IA #14-026), (OPO #14-28)

INTERVIEWS

Between July 1, 2014 and July 31, 2014, the Office of Police Ombudsman participated in **19** interviews in the course of their duties:

- Internal Affairs, Complainant Interviews: 1
- Internal Affairs, Witness Interviews: 2
- Internal Affairs, Officer Interviews: 5
- Office of Police Ombudsman, Complainant Interviews: 6
- Office of Police Ombudsman, Witness Interviews: 2
- Closing (Complaint Closure) Interviews: 3

OTHER DUTIES

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

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

Recommendations: Four recommendations were made to the Chief of Police during the reporting period.

1. All Use of Force report interviews be recorded and transcribed. (SPD Policy 300.7)
2. CIT trainers are part of the Internal Affairs complaint investigation review process involving complaints where mental health is a component of the investigation.
3. In July the OPO received a Negligent Driving complaint. The Internal Affairs' investigation of the complaint revealed that the officer was responding to a mutual aid SWAT activation request (Signal 1) by the Spokane County Sheriff's Office. The officer was driving to the police department to get their equipment. The officer was cancelled before leaving the police department. The complaint was closed as an Investigative Inquiry.

The complainant indicated that when the officer approached an intersection controlled by a red traffic light the officer stopped and then preceded through the intersection with the police vehicle emergency lights activated but without the siren on. The complainant indicated that the officer did this at several controlled intersections.

In reviewing the SPD Manual and the SWAT SOP, there is nothing that would prevent or authorize this driving tactic. While a SWAT activation request may be time-sensitive, this action may put the officer and community at risk of injury unnecessarily and the City at financial risk.

I am requesting that a policy be developed to address this driving strategy to protect the officer, the community and the City.

4. With regard to current and future police facilities where the community has an expectation that officers and staff will be present, I am recommending that the facilities be equipped with an outside phone or intercom like device that would allow an individual direct communication with 9-1-1 staff in the event they have an emergency, the building is closed, and the citizen does not have access to a cellular phone.

Other: On Wednesday, July 30, 2014: The Office of Police Ombudsman requested that a Sergeant from the Internal Affairs Unit participate in a closing interview with the Ombudsman and the complainant from a closed **Excessive Force** complainant. The Sergeant was the assigned investigator for the complaint. The Sergeant refused indicating that they would have to be ordered by their Lieutenant to participate before they would participate. See "**Attachment #4**" at end of this report for related email correspondence.

NEXT STEPS

- Continue recruitment of Student Interns

COMMUNITY OUTREACH

Between July 1, 2014 and July 31, 2014, Office of Police Ombudsman staff members participated in the following community meetings, events, and/or outreach efforts:

1. Monday, July 7, 2014: Spokane City Council meeting (OPO Assistant 6:00pm-6:30pm)
2. Tuesday, July 8, 2014: The Crosswalk Teen Shelter Outreach (Intern 12:00pm-12:45pm)
3. Wednesday, July 9, 2014: SPARC meeting (5:30pm-6:45pm)
4. Wednesday, July 9, 2014: West Central Neighborhood Council meeting (7:00pm-8:15pm)
5. Friday, July 11, 2014: Community Assembly meeting (4:00pm-5:30pm)
6. Monday, July 14, 2014: Spokane City Council meeting (6:00pm-6:30pm)
7. Tuesday, July 15, 2014: East Central Neighborhood Council meeting (6:30pm-8:30pm)
8. Wednesday, July 16, 2014: Hillyard Neighborhood Council meeting (6:30pm-8:00pm)
9. Friday, July 18, 2014: The House of Charity (8:45am-10:30am)
10. Friday, July 18, 2014: STA Main Terminal (Intern 9:30am-11:00am)
11. Friday, July 18, 2014: The NATIVE Project (2:30pm-4:30pm)
12. Friday, July 18, 2014: Don't Shoot, Spokane Board and Steering Committee meeting (6:00pm-7:30pm)
13. Saturday, July 19, 2014: East Central Community Center Strategy meeting, New Hope Baptist Church (10:00am-12:30pm)
14. Saturday, July 19, 2014: Community Café Potluck, East Central Public Library (3:30pm-4:30pm)
15. Monday, July 21, 2014: Public Safety Committee meeting (1:30pm-3:00pm)
16. Monday, July 21, 2014: Spokane City Council meeting, OPO Presentation (6:00pm-7:00pm)
17. Monday, July 21, 2014: NAACP meeting (7:30pm-8:00pm)
18. Tuesday, July 22, 2014: West Central Community Center Coalition meeting (9:00am-10:00am)
19. Tuesday, July 22, 2014: House of Charity meeting with security staff (1:00pm-2:00pm)
20. Wednesday, July 23, 2014: The Crosswalk Teen Shelter Outreach (Intern 12:00pm-12:45pm)
21. Wednesday, July 23, 2014: Human Rights Commission Retreat (OPO Assistant 4:30pm-5:30pm)
22. Thursday, July 31, 2014: The Crosswalk Teen Shelter Outreach (Intern 12:00pm-12:45pm)

Since January 1, 2014, the Office of Police Ombudsman has presented the 2013 Annual Report to:

- Spokane Neighborhood Councils: 22 of the 27 neighborhood councils
- Community Assembly
- NAACP, Spokane Chapter #1137

TRAINING

Between July 1, 2014 and July 31, 2014, Office of Police Ombudsman staff members participated attended the following training:

1. Wednesday, July 23, 2014: Washington State Open Public Meetings Act (4:45-5pm) (OPO Assistant)

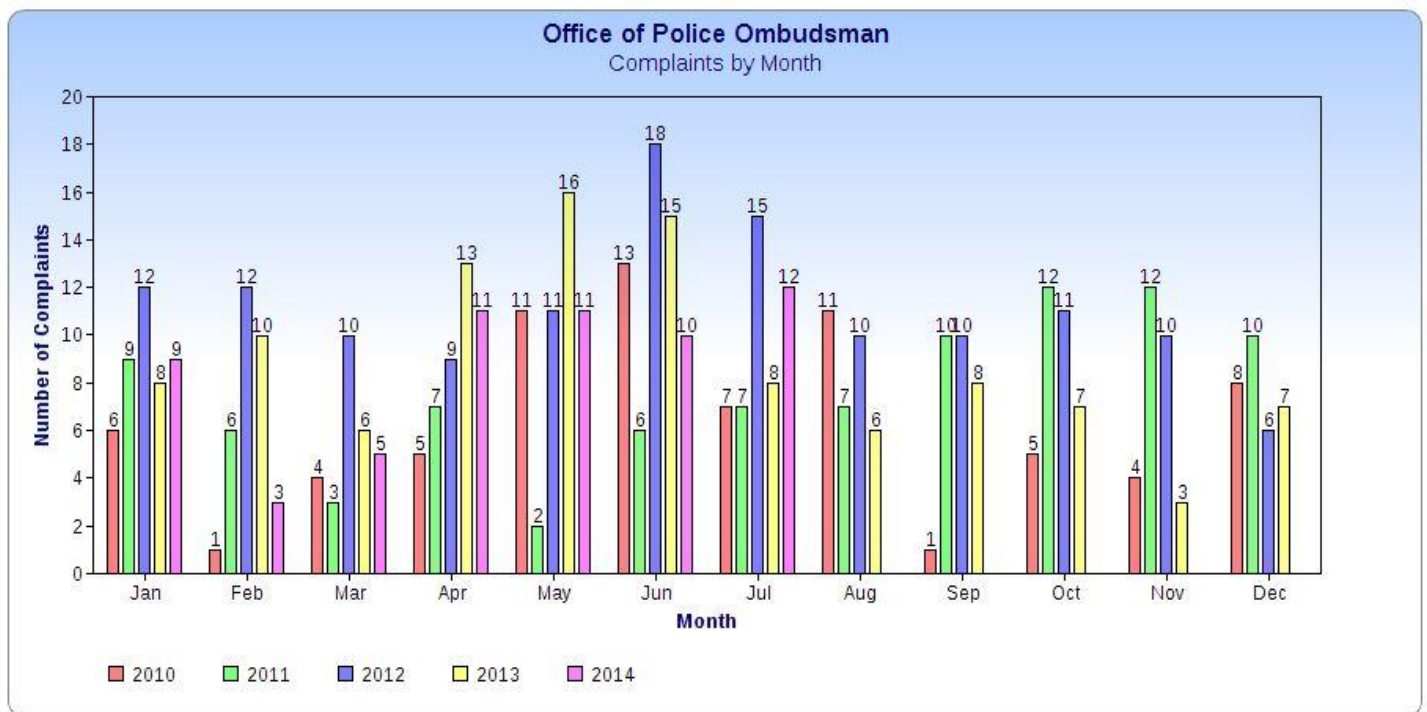
OTHER ACTIVITIES

Between July 1, 2014 and July 31, 2014, Office of Police Ombudsman staff members participated in the following other activities:

1. Saturday, July1, 2014: SPD Ride Along (6:00am-3:00 pm)

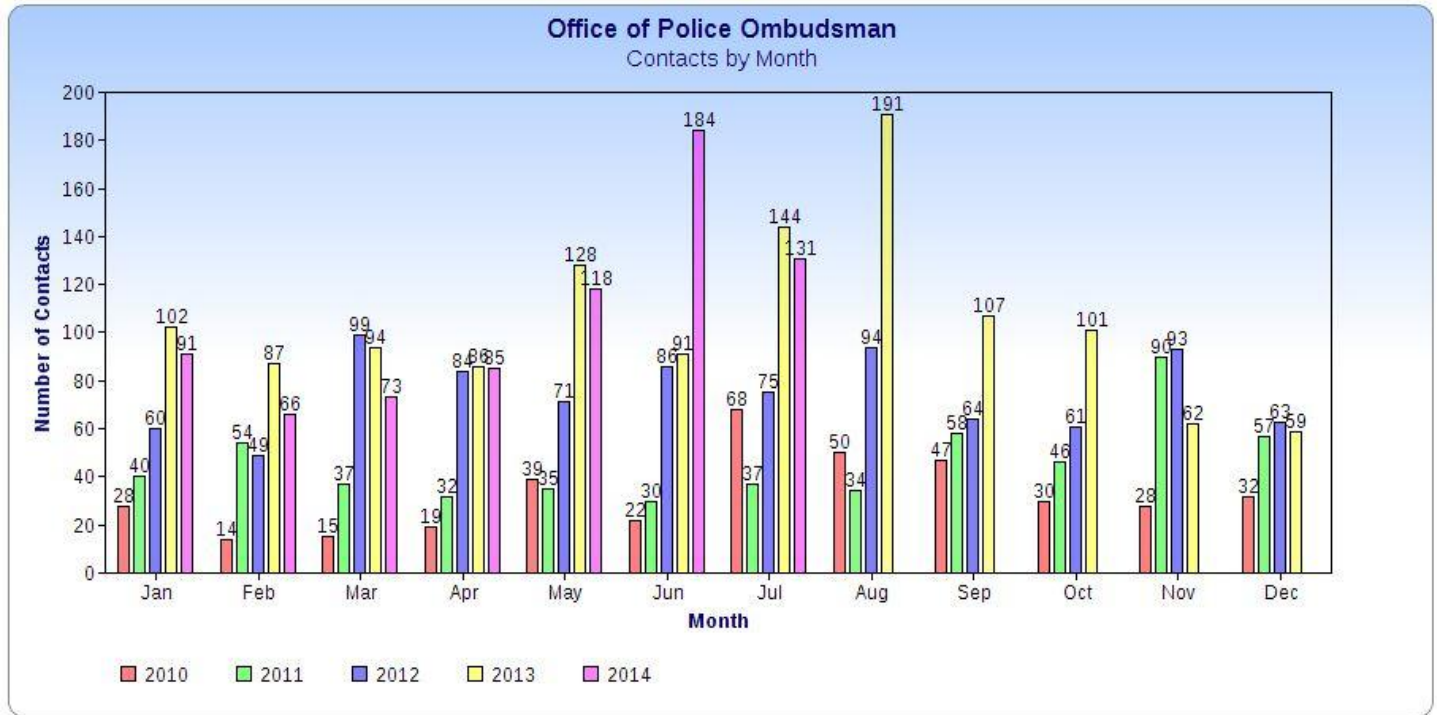
ATTACHMENT #1

Five-year snapshot graph of Office of Police Ombudsman complaints received by month.



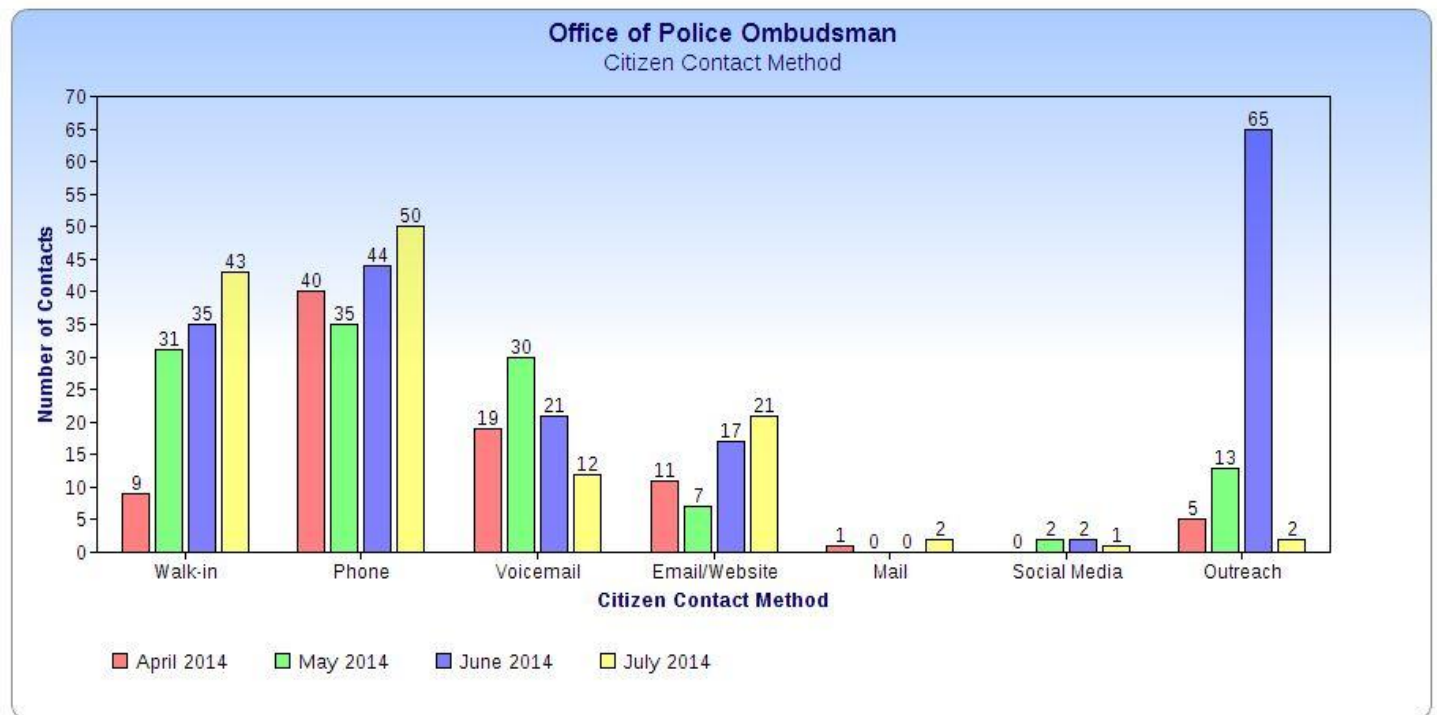
ATTACHMENT #2

Five-year snapshot graph of the number of times citizens contacted the Office of Police Ombudsman by month.



ATTACHMENT #3

Snapshot graph of the method used by citizens to contact the Office of Police Ombudsman by month.



ATTACHMENT #4 (next page)

Email correspondence regarding SPD I.A. Sergeant's response to request to participate in an OPO closing interview.

Spencer, Elysia

From: Burns, Tim O.
Sent: Thursday, July 31, 2014 11:17 AM
To: Braun, Steven S.
Cc: Lundgren, Justin; Schwering, Tim; Spencer, Elysia
Subject: RE: Closing interview

Thanks for the clarification, I appreciate it. I can tell you that IA staff has participated in the past without reservation or hesitation that I am aware of. The process is an opportunity for the complainant to discuss with an IA staff member how the investigation evolved and what led to the Chief's findings. This specific area is outside the purview of OPO's defined role. These "closing interviews" only occur upon the complainant's request. They happen infrequently. The Ombudsman establishes the ground rules at the beginning to frame and manage the complainant's expectations. If the complainant becomes argumentative the Ombudsman will end the meeting.

Respectfully,

Tim Burns
Police Ombudsman
City of Spokane
(509) 625-6742

From: Braun, Steven S.
Sent: Thursday, July 31, 2014 10:27 AM
To: Burns, Tim O.
Cc: Lundgren, Justin; Schwering, Tim
Subject: RE: Closing interview

My intent was not to come across in an insipid or acerbic manner in my email to Ms. Spencer. I have no familiarity your closing interview process and have never been invited to attend one previously. I would first like to receive direction from my immediate supervisor to get IA's official stance on participating in this process in the future. If Director Schwering or Lieutenant Lundgren's direction is to have Sgt Staben or myself participate in the process then I will gladly do so.

From: Burns, Tim O.
Sent: Thursday, July 31, 2014 9:20 AM
To: Braun, Steven S.
Cc: Spencer, Elysia; Lundgren, Justin; Schwering, Tim
Subject: RE: Closing interview

Sergeant Braun please disregard our invitation request to participate in a closing interview at the OPO on Wednesday, August 6, 2014 to discuss Mr. Lindenmann's closed internal affairs complaint. Although internal affairs unit members have participated in the closing interview process in the past, if your participation requires your lieutenant ordering you to participate then we would rather not have you participate in the process and we will not request your participation in the future.

Respectfully,

Tim Burns
Police Ombudsman
City of Spokane
(509) 625-6742

From: Spencer, Elysia
Sent: Thursday, July 31, 2014 8:29 AM

To: Burns, Tim O.
Subject: FW: Closing interview

See below.



Elysia Spencer | Assistant | Office of Police Ombudsman
City of Spokane | 808 W. Spokane Falls Blvd | Spokane, WA 99201
Phone: 509.625.6742 | Fax: 509.625.6748
Email: espencer@spokanecity.org

From: Braun, Steven S.
Sent: Thursday, July 31, 2014 7:04 AM
To: Spencer, Elysia
Subject: RE: Closing interview

I am not going to participate in a closing interview with the OPO unless ordered by Lt Lundgren.

From: Spencer, Elysia
Sent: Wednesday, July 30, 2014 6:17 PM
To: Braun, Steven S.
Subject: Closing interview

Could you please advise of a different date/time next week?



Elysia Spencer | Assistant | Office of Police Ombudsman
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Phone: 509.625.6742 | Fax: 509.625.6748
Email: espencer@spokanecity.org

Spencer, Elysia

From: Braun, Steven S.
Sent: Wednesday, July 30, 2014 6:16 PM
To: Spencer, Elysia
Subject: Declined: Closing Interview: IA 14-024