



OFFICE OF POLICE OMBUDSMAN
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December 15, 2014

November Public Safety Committee Report

Reporting Period: November 1, 2014 through November 30, 2014

OPO COMMISSION ACTIONS

November 4, 2014: OPO Commission Public Meeting (5:00pm-9:30pm)

- The Commission voted to approve a 3-year work contract for the current Ombudsman, Tim Burns.
- Three action items from the Ombudsman were deferred to the November 19, 2014 after discussion.

November 19, 2014: OPO Commission Public Meeting (5:00pm-9:00pm)

- This meeting was designated as a work session meeting. There were no action items and no public comment was received during the meeting.

2014 OVERVIEW

Complaints Received: Since January 1, 2014, 93 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: 10
- Excessive Force: 6
- Harassment: 8
- Inadequate Response: 54
- Inadequate Response & Demeanor: 1
- Inadequate Response & Untruthfulness: 2
- Negligent Driving: 4
- Procedural: 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, 43 complaints have been referred to the following agencies:

- 24 complaints were referred to the Spokane County Sheriff's Office.
- 2 complaints were referred to the Office of the Mayor.
- 2 complaints were referred to the STA Ombudsman.
- 2 complaints were referred to the Spokane Police Department for routing to appropriate agency (Crime Check and/or Spokane County 911).
- 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.

- 1 complaint was referred to Crime Check.
- 1 complaint was referred to the Spokane Police Department regarding a civilian police dispatcher.
- 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 Valley Police Department.
- 1 complaint was referred to the Spokane Fire Department.
- 1 complaint was referred to the Spokane County Crime Victim/Witness Unit.
- 1 complaint was referred to the Spokane County Prosecuting Attorney’s Office.
- 1 complaint was referred to the Spokane Parking Enforcement Department.
- 1 complaint was referred to the Washington State Department of Fish and Wildlife.
- 1 complaint was referred to a private security company.
- 1 complaint was referred to Spokane Regional Animal Protection Services (S.C.R.A.P.S.)

CONTACTS

Since January 1, 2014, the Office of Police Ombudsman has been contacted **1,407** times. To view a five-year snapshot of OPO citizen contacts by month, see “*Attachment #2*” at end of this report.

Between November 1, 2014 and November 30, 2014, the Office of Police Ombudsman was contacted **83** 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 November 2014, the **83** contacts by citizens were received by the following methods:

- Walk-in: **15**
- Phone: **19**
- Voicemail: **21**
- Email: **19**
- Mail: **0**
- Social Media: **0**
- Outreach: **9**

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; 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 November 1, 2014 and November 30, 2014, **4** complaints were received by the Office of Police Ombudsman:

1. Thursday, November 6, 2014: An **Inadequate Response** complaint was received by the Office of Police Ombudsman. The complaint advised that an officer’s incomplete investigation led to their arrest for the assault of a former employee. The complainant advised that the case was eventually dismissed by the Court however the process cost the complainant thousands of dollars in attorney and bail bonds fees. **(OPO # 14-90), (N/W).**

2. Thursday, November 6, 2014: An **Inadequate Response** complaint was received by the Office of Police Ombudsman. The complainant advised that officers were unwilling to meet with the complainant regarding death threats and a hate crime the complainant was attempting to report where the suspect's identity is known. **(OPO # 14-91), (N/W)**. ****NOTE: The complainant in item #1 and #2 are the same.*
3. Monday, November 17, 2014: An **Inadequate Response** complaint was received through the Office of Police Ombudsman website. The complainant was involved and arrested in a public demonstration a year ago. The complainant indicated that their arrest was treated as a training exercise. The complainant also felt that comments made by the processing officers were inappropriate. **(OPO # 14-92), (S/W)**
4. Wednesday, November 19, 2014: A **Procedural** complaint was received through the Office of Police Ombudsman website. The complainant advised that their handgun was taken by the police for safekeeping and they are having difficulty getting their gun back from the police department. **(OPO # 14-93), (N/A)**

Between November 1, 2014 and November 30, 2014, **4** complaints were **referred** to the following agencies:

1. Thursday, November 6, 2014: A complaint involving the Spokane County Jail was referred to the **Spokane County Sheriff's Office** for follow up.
2. Tuesday, November 11, 2014: A complaint involving the Spokane County Sheriff's office was referred to the **Spokane County Sheriff's Office** for follow up.
3. Monday, November 17, 2014: A complaint involving the Spokane County Sheriff's office was referred to the **Spokane County Sheriff's Office** for follow up.
4. Monday, November 24, 2014: A complaint involving a S.C.R.A.P.S. employee was referred to the director of **Spokane Regional Animal Protection Services** for follow up.

INDEPENDENT INVESTIGATIONS REQUESTED

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

Between November 1, 2014 and November 30, 2014, the Office of Police Ombudsman did not receive any new requests to conduct an independent investigation.

INVESTIGATIONS CERTIFIED

Since January 1, 2014, the Office of Police Ombudsman has certified **33** completed investigations as timely, thorough, and objective.

Between November 1, 2014 and November 30, 2014, the Office of Police Ombudsman certified the following **5** completed investigations as timely, thorough, and objective:

1. Tuesday, November 4, 2014: A **Conduct Unbecoming of an Officer** off duty complaint was received by the Internal Affairs Unit on August 15, 2014. The complaint involves an off duty officer getting into an argument with an individual after showing the individual their police badge. The Ombudsman confirms that the investigation was completed through a timely, thorough and objective process. **(SPD IA # 14-047), (OPO # N/A)**

2. Wednesday, November 5, 2014: An **Inadequate Response** complaint was received by the Office of Police Ombudsman on August 29, 2014. The complainant advised that an officer failed to adequately investigate a Hit and Run collision they were the victim of. The Ombudsman confirms that the investigation was completed through a timely, thorough and objective process. (SPD IA # 14-052), (OPO # 14-75)
3. Friday, November 7, 2014: A **Demeanor** complaint was received by the Internal Affairs Unit on September 24, 2014. The complainant indicated that an officer had made an inappropriate posting on Facebook. The Ombudsman confirms that the investigation was completed through a timely, thorough and objective process. (SPD IA # 14-055), (OPO # N/A)
4. Friday, November 7, 2014: An **Inadequate Response** complaint was received by the Internal Affairs Unit on July 7, 2014. The complainant advised that officers failed to thoroughly investigate a hit and run traffic accident they were the victim of. The Ombudsman confirms the Internal Affairs investigation of the complaint was completed through a timely, thorough and objective process. (SPD IA # 14-043), (OPO # N/A)
5. Tuesday, November 18, 2014: An **Incompetency** complaint was internally generated by the Internal Affairs Unit on August 15, 2014. The complaint involves the allegation that a detective failed to adequately investigate and completed reports associated with a sex crime with a juvenile victim. The Ombudsman confirms that that the investigation was completed through a timely, thorough and objective process. (SPD IA # 14-046), (OPO # N/A)

DECLINED CERTIFICATIONS

Since January 1, 2014, the Office of Police Ombudsman has **declined** to certify **12** completed investigations as timely, thorough, and/or objective.

Between November 1, 2014 and November 30, 2014, there were no declined certifications on internal affairs completed investigations by the Office of Police Ombudsman.

REQUEST FOR APPEAL

Since January 1, 2014, the Office of Police Ombudsman has received **2** requests to appeal completed investigations pursuant to Spokane Municipal Code Section 4.32.030(K).

Between November 1, 2014 and November 30, 2014, the Office of Police Ombudsman did not receive any new requests to appeal an independent investigation.

INTERVIEWS

Since January 1, 2014, the Office of Police Ombudsman has participated in **171** interviews in the course of their duties.

Between November 1, 2014 and November 30, 2014, the Office of Police Ombudsman participated in **10** interviews in the course of their duties:

- Internal Affairs, Complainant Interviews: **1**
- Internal Affairs, Witness Interviews: **2**
- Internal Affairs, Officer Interviews: **4**
- Office of Police Ombudsman, Complainant Interviews: **3**
- Office of Police Ombudsman, Witness Interviews: **0**
- Closing (Complaint Closure) Interviews: **0**

OTHER DUTIES

Critical Incident Response:

- Saturday, November 8, 2014: At 8:44pm notification was received that an Officer Involved Shooting (OIS) had occurred near the intersection of Montgomery and N. Post Street. The Ombudsman responded and met with Internal Affairs Sergeant Braun and received a preliminary briefing. The incident involved a collision between a police vehicle and a stolen vehicle being driven by a Domestic Violence suspect.

As a result of the intervention the driver is alleged to have attempted to run over a police officer which led to the officer shooting the suspect. The incident is being investigated by Washington State Patrol through the Spokane Investigative Regional Response Team (SIRR). At 1:30am the Ombudsman received a second briefing on the incident from the Washington State Patrol

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

Recommendations:

1. At the Spokane Police Department Fall In-Service training, water rescue training was provided to the attendees. The training involved the use of a rope-in-a-bag device to assist in water rescue. It is the Ombudsman's understanding that the Police Department intends to purchase 20 of these devices and place them in supervisor vehicles. The Ombudsman and the Office of Police Ombudsman Commission recommend that the department purchase enough devices to put one in each patrol vehicle. The Ombudsman and Office of Police Ombudsman Commission also recommend that the department purchase life vests for the officers to wear during water rescue efforts. Although there is a cost associated with the recommendation, the possibility of saving a life is priceless and well worth the investment. See "**Attachment #4**" at end of this report.
2. The Office of Police Ombudsman Commission unanimously approved the Ombudsman's recommendation to the Mayor and City Council that an independent comprehensive, financial, performance and compliance audit be conducted for the Spokane Police range based on the results of a completed and certified internal affairs investigation involving the bartering of ammunition at the range. See "**Attachment #5**" at end of this report.

Commendations: No commendations were received during the reporting period.

NEXT STEPS

1. Continue recruitment of Student Interns

COMMUNITY OUTREACH

Between November 1, 2014 and November 30, 2014, Office of Police Ombudsman staff members participated in the following community meetings, events, and/or outreach efforts:

1. Monday, November 3, 2014: Spokane City Council meeting (6:00pm-6:30pm)
2. Tuesday, November 4, 2014: Crosswalks Outreach (OPO Assistant 12:00pm-1:00pm)
3. Wednesday, November 5, 2014: Balboa S. Indian Trail Neighborhood Council meeting (7:00pm)
4. Thursday, October 6, 2014: Homeless Connects Monthly Meeting (OPO Assistant 9:45-10:45am)
5. Friday, October 7, 2014: STA Plaza (OPO Assistant 10:00am-11:00am)
6. Friday, October 7, 2014: Rotary South (OPO Assistant 12:00-1:00pm)
7. Friday, November 7, 2014: Community Assembly meeting (4:00pm-6:00pm)
8. Saturday, November 8, 2014: NAACP Freedom Fund Banquet (6:30pm-8:45pm)
9. Monday, November 10, 2014: Spokane City Council meeting (6:00pm-7:00pm)
10. Tuesday, November 11, 2014: N. Indian Trail Neighborhood Council meeting (7:00pm-8:00pm)

11. Saturday, November 15, 2014: Smart Justice Spokane Community Symposium, Gonzaga Law School (9:00 am-2:00pm)
12. Monday, November 17, 2014: Public Safety Committee meeting (1:30pm-3:30pm)
13. Monday, November 17, 2014: Spokane City Council meeting, OPO Presentation (6:00pm-6:30pm)
14. Monday, November 17, 2014: NAACP Chapter meeting (7:00pm-8:45pm)
15. Tuesday, November 18, 2014: Logan Neighborhood Council meeting (6:45pm-7:15pm)
16. Tuesday, November 18, 2014: East Central Neighborhood Council meeting (7:30pm-8:15pm)
17. Wednesday, November 19, 2014: Center for Justice lunchbox conversation with Council President Stuckart (12:00pm-1:00pm)
18. Thursday, November 20, 2014: Police Advisory Committee meeting (5:30pm-6:45pm)
19. Thursday, November 20, 2014: Northwest Neighborhood Council meeting (7:00pm)
20. Friday, November 21, 2014: The NATIVE Project (2:00pm-4:00pm)
21. Tuesday, November 25, 2014: Human Rights Commission meeting (OPO Assistant 5:30pm-7:30pm)

TRAINING

Between November 1, 2014 and November 30, 2014, Office of Police Ombudsman staff members participated attended the following training:

1. Monday, November 10, 2014: Spokane County Sheriff's Office Quarterly Leadership Training (1:00pm-5:00pm)
2. Monday, November 10, 2014 through Friday, November 14, 2014: CIT training (OPO Assistant)
3. Wednesday, November 12, 2014 through Friday, November 14, 2014: NACOLE Audit Training in Austin, Texas

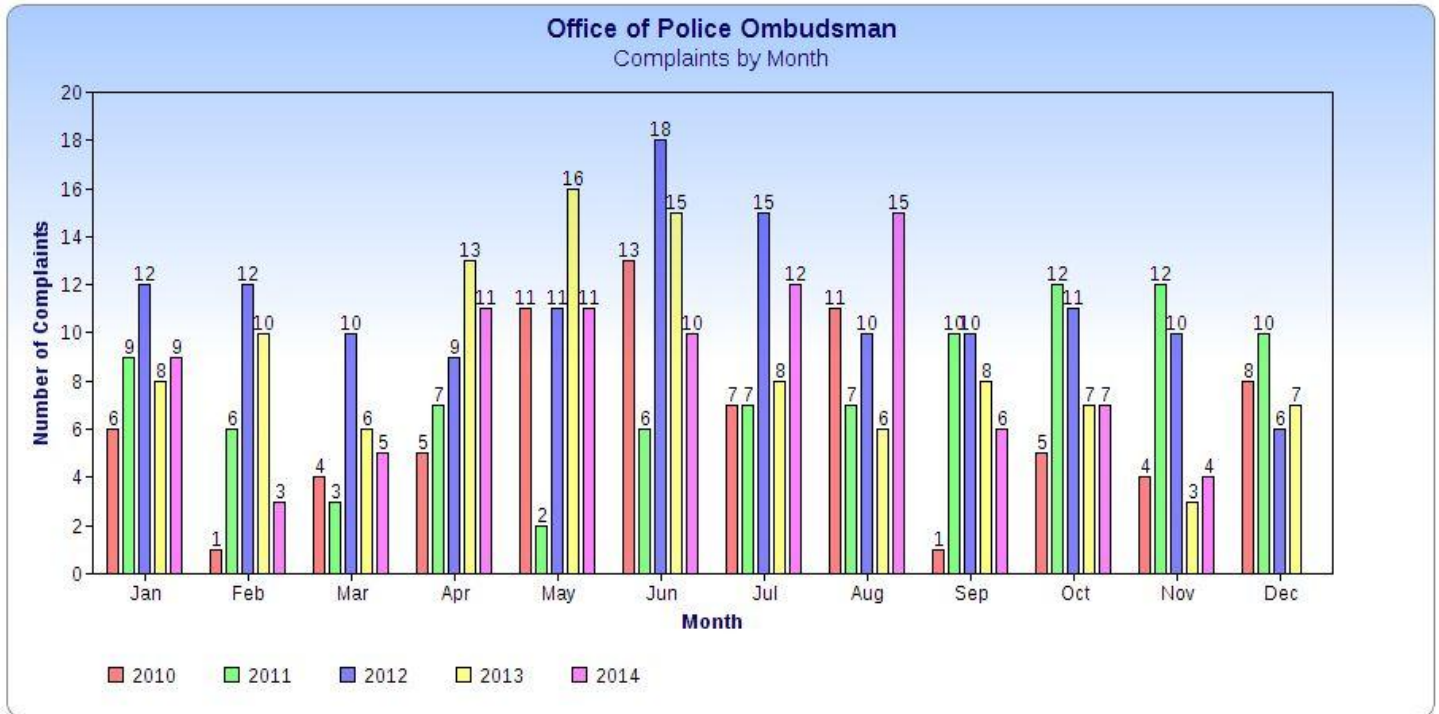
OTHER ACTIVITIES

Between November 1, 2014 and November 30, 2014, Office of Police Ombudsman staff members participated in the following other activities:

1. Tuesday, November 4, 2014: Meeting with OPO Commissioner Richter (8:00am-9:30am)
2. Wednesday, November 5, 2014: OPO Assistant interviewed a perspective intern and Adult Volunteer
3. Thursday, November 6, 2014: Meeting with OPO Commissioner Berkompas (2:00pm-2:45pm)
4. Thursday, November 6, 2014: Spokane Department/Division Head meeting (9:00am-10:30am)
5. Tuesday, November 18, 2014: Meeting with OPO Commissioner Richter (9:00am-10:00am)
6. Saturday, November 20, 2014: Spokane Police Ride Along (6:00am-2:00pm)

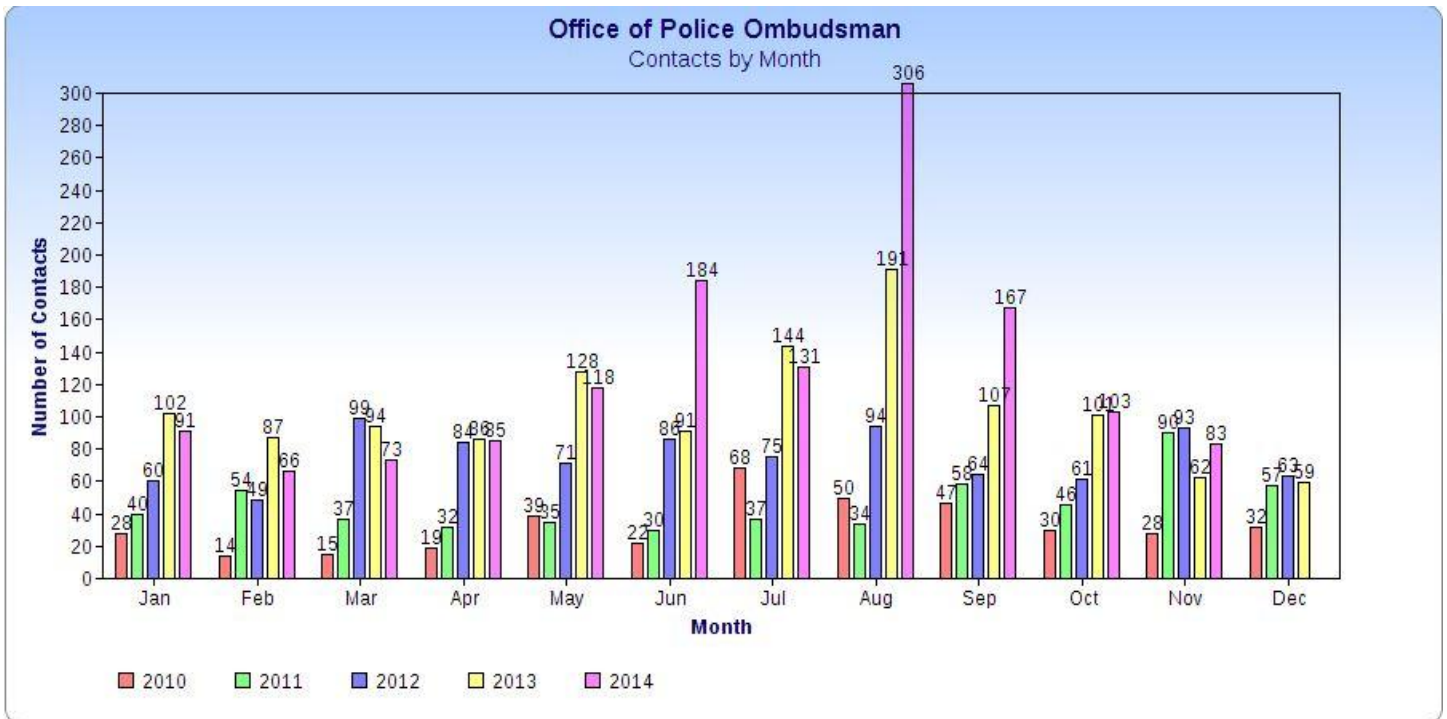
ATTACHMENT #1

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



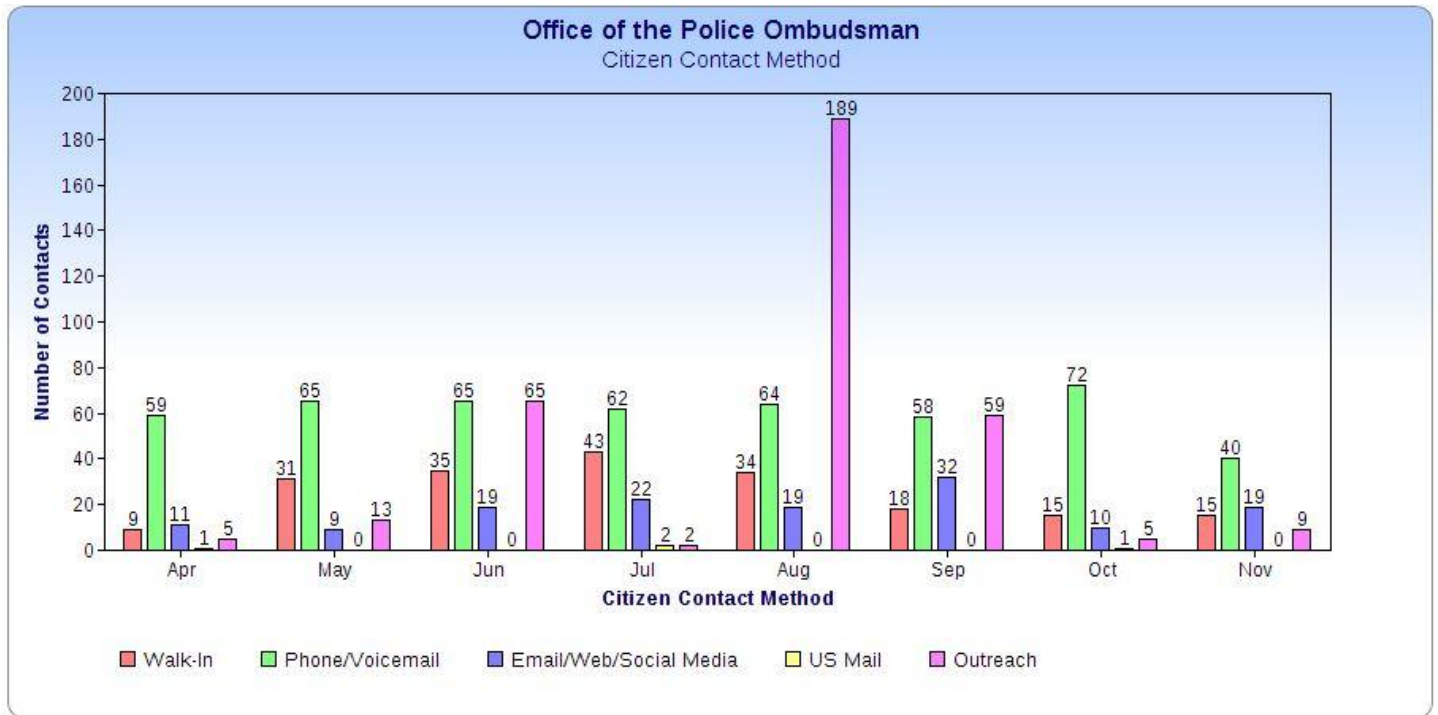
ATTACHMENT #2

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.



ATTACHMENTS #4 and #5 (following page)

- Attachment #4: Letter dated November 26, 2014 from Tim Burns to Chief Frank Straub recommending that the Police Department consider procuring water rescue aids and deploying them to all patrol vehicles.
- Attachment #5: Letter dated November 26, 2014 from Tim Burns to Mayor David Condon requesting that an independent comprehensive, financial, performance and compliance audit be conducted for the Spokane Police range based on the results of a completed Internal Affairs investigation. (#IA14-045)



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Wednesday, November 26, 2014

Frank Straub, Chief of Police
Spokane Police Department
1100 W. Mallon Avenue
Spokane, Washington 99260

RE: OPOC Recommendation to Procure Water Rescue Aids

Dear Chief Straub,

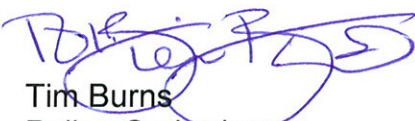
The Office of Police Ombudsman Commission and the Police Ombudsman would like to formally acknowledge that Officer Palmer's quick thinking this past June resulted in a safe rescue of a man who was discovered in the Spokane River. Fortunately, Officer Palmer was near a hotel where he was able to quickly obtain a life preserver ring. We hope you will express our appreciation to Officer Palmer for quick thinking and excellent work.

We hope that officers will always want to try to rescue people in danger, including in the River. We want our Officers to be as safe as possible. Rather than have officers put in unnecessary danger, we would like to see them equipped for such incidents. Throwing a life saving device to someone in the river is significantly safer than trying to enter the river, and, according to Red Cross Life Guard training, is the preferred method to conduct such a rescue.

In the Office of Police Ombudsman Commission's role of making recommendations to the Police Department, the Ombudsman and Commission would like to recommend that your department look into ensuring that each officer is equipped with, and trained to use, a rescue rope bag and PFD (Personal Flotation Device) or similar equipment. The rescue rope bag would enable them to pull people from the river with minimal risk to the officer. A PFD would provide an additional safety measure in the event that the Officer accidentally ends up in the river. This may involve having this equipment in each vehicle, or having officers pick them up to begin each shift. We trust that you will know the best way to implement this practice.

We look forward to working with the Department to make Spokane as safe as possible for Officers as well as other community members.

Sincerely,


Tim Burns
Police Ombudsman



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Wednesday, November 26, 2014

David Condon, Mayor
City of Spokane
808 W. Spokane Falls Blvd
Spokane, Washington 99201

RE: Recommendation for Completed Internal Affairs Investigation #IA14-045

Honorable Mayor Condon:

Having reviewed the completed Internal Affairs investigation, the Police Ombudsman and the Office of Police Ombudsman Commission respectfully recommends that the City of Spokane have an independent comprehensive performance, compliance and financial audit conducted on the Spokane Police Department Academy Range.

The recent incident where the bartering of ammunition occurred is concerning. The recognition that bartering of ammunition has been occurring for a number of year's raises accountability and best practice concerns.

While the possibility exists that this was an isolated incident, the Office of Police Ombudsman believes that the best way to resolve this matter will be through a comprehensive audit.

The complete and redacted closed internal investigation has been attached for your review in consideration of the audit request. If you have any questions, please contact Police Ombudsman Tim Burns.

Thanks for your consideration of this request.

Sincerely,

Tim Burns
Police Ombudsman
Office of Police Ombudsman Commission

Enclosure – IA Pro Blue Team Report, #IA14-045

Cc: Theresa Sanders, City Administrator
Nancy Isserlis, City Attorney

Frank Straub, Chief of Police
Spokane Public Safety Committee