



SPOKANE POLICE DIVISION

CHIEF OF POLICE

CRAIG N. MEIDL

October 30, 2018

OPO Bart Logue
Office of Police Ombudsman
808 W. Spokane Falls Blvd
Spokane, WA 99201

RE: R18-5 Requiring sworn statements from complainants

Dear Mr. Logue

Thank you for forwarding your recommendation regarding the complaint procedure SPD uses during the complaint intake process surrounding Making a False or Misleading Statement to a Public Servant. As you noted, this statute is listed at the bottom of the complaint form currently used by SPD.

It is important for me to clarify that the form utilized for complaint intake does not require a sworn statement from the person alleging misconduct. The statutory language of Making a False or Misleading Statement to a Public Servant is located at the bottom of the document, which is different than requiring a sworn statement made under oath. In my review of this matter, I've confirmed that no person is required to complete a sworn statement as a predicate to bringing forth a complaint to Internal Affairs, nor does the complaint form used by IA have the requisite perjury language to constitute a sworn statement. This is an important distinction to make because there is legal significance to the requirement that a person sign a document under oath. SPD does not require a signature under oath. SPD's process, when compared to Chicago PD's process, is not comparable when relying on a "sworn statement" prong.

I do not agree with the assertion that the IA complaint form's recitation of the statutory language concerning a False Statement requires the complainant to "agree" with the language cited. The signature of the complainant or witness (not required) merely attaches to the substance of the complaint without any notation or requirement that the person completing the form agree with the municipal code. I believe this is important as the listing of this ordinance makes it clear that the allegation is more than a conversation and will become part of an official process that investigators will rely on to guide their investigation. The language is not phrased in the form of an admonition, nor does it explicitly threaten the complainant with any consequences. It is language from the Spokane Municipal Code and is ostensibly placed on the form as a reminder of how important it is that accusations made against a member of the department be true.





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I believe perhaps the substance of your concern is the objection to the placement of the False Statement language at the bottom of the form along with any mention of this ordinance to the complainant by IA investigators during their interviews. Your concern, if I am understanding correctly, is the potential of a chilling effect on the complaint process. I believe it is prudent that a complainant be reminded that a false statement to investigators could have legal implications. The filing of a false complaint can have serious consequences to an officer's career and, in fact, can have consequences involving criminal charges against the officer.

There are certainly arguments both for and against this language being on the form. My sense is your concern is that the statutory language may cause some to be intimidated and therefore less likely to come forward with a complaint. The opposing viewpoint is that the community is well served by the admonition, and individuals are less likely to make untrue complaints without concern for the consequences if they are reminded of these consequences in advance.

As the investigative arm of a law enforcement agency handling internal complaints, IA must adhere to law enforcement standards that, in this rare instance per the SMC, are also applicable to the OPO. Making a false statement to the police or the OPO is by statute a crime. Per SMC 04.32.140(B), "The employees of the OPO are considered public servants for purposes of SMC 10.07.020. Any person who knowingly makes a false or misleading material statement to the OPO is subject to criminal sanctions in SMC 10.07.020. The OPO shall notify complainants that they can be charged with a criminal gross misdemeanor for making a false or misleading material statement pursuant to SMC 10.07.020." (emphasis added) Though this requirement statutorily applies to the OPO office, SPD believes this is an appropriate practice for our agency as well. Reasonable minds can differ concerning the necessity of this approach, however past experience would indicate that false statements have been made against police officers as a means of avoiding criminal prosecution and supporting civil litigation.

An "accessible, fair, and transparent complaint process is the hallmark of police responsiveness to the community", as noted in your recommendation. Between on-line, telephonic, postal mail and in-person complaint intake processes by SPD, as well as on-line, telephonic, postal mail and in-person complaint intake processes offered by the OPO, and the acceptance of 3rd party and anonymous complaints, SPD is second to none in accessibility for initiating a complaint of misconduct against an officer. Additionally SPD is the largest agency in the state of Washington that equips all patrol officers with body worn cameras and requires their activation during the course of police interaction; this tool provides a level of review and accountability unobtainable by most agencies in Washington, and certainly not available on a scale implemented by the City of Spokane. Complaints to SPD require certification as complete, fair and unbiased by the OPO to ensure SPD is properly investigating misconduct allegations or where implications of misconduct exist. All these factors add up to an agency that is open to receiving complaints from any source utilizing a number of different avenues to file a complaint, further allowing review of body camera





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footage to ascertain details previously unobtainable except to those at the scene, all the while requiring certification from the OPO office.

Beginning in 2013, SPD participated in the DOJ COPS Collaborative Reform program. After intense review of our internal affairs processes over the course of many months by outside experts under contract, DOJ did not object to the statutory language for Making a False or Misleading Statement to a Public Servant in the manner it is posted.

Additionally, the number of complaints received by Internal Affairs and the OPO are up sharply this year. These numbers do not indicate a community that is concerned about the implications of filing a complaint against a Spokane police officer. Indeed, the numbers would indicate the exact opposite. The community, as well as our own employees, hold officers to a high standard and are comfortable coming forward when they become aware of behavior that is not in line with what we all expect of our law enforcement agency.

However, I do agree with your assessment that more than one advisement (either written on the complaint form submitted by the complainant or witness, or verbally acknowledged prior to the interview) is unnecessary. One advisement per person per complaint is sufficient and I will advise Internal Affairs investigators to proceed accordingly. This portion of your recommendation will be implemented.

I have a dual responsibility of ensuring our agency serves the community with the highest ethical standards and holding those (including myself) accountable when that standard is not met, as well as protecting City of Spokane employees from complaints that are false or malicious in nature. I strive to maintain a collaborative environment with all stakeholders in our community and I am appreciative, as always, of recommendations you bring forward.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig Meidl".

Craig Meidl



Craig Meidl | Spokane Police Department | Chief of Police

