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October 15, 2019

Chief Craig Meidl  
Spokane Police Department  
1100 W. Mallon Avenue  
Spokane, Washington 99260

**RE: R19-4 – Use of Force Policy Concern**

Dear Chief Meidl,

We want to congratulate you for your recently published update to the Use of Force Policy, §301, and creating a De-Escalation Policy, §300. We recognize that a lot of time and effort went into this policy and there are parts of it which we consider to be very progressive. We do, though, have a concern to a change to Referral[s] to Internal Affairs. Formerly §300.7.3, has been updated as §301.14.3.

The previous policy (dated 2019/01/04) stated, “When there is an allegation, complaint, or a supervisor is concerned that a violation may have occurred, the supervisor shall initiate an Internal Affairs Complaint in Blue Team.” The new policy (dated 2019/10/04) states, “The supervisor shall complete a Use of Force Report through BlueTeam. The supervisor shall forward the Use of Force Report through BlueTeam to the Internal Affairs Group and copy each member of the chain of command to include the Patrol Major. Any egregious behavior/conduct identified by a supervisor will be promptly brought to the attention of the DSO (Duty Staff Officer). If during a Chain of Command review, a supervisor identifies an egregious policy violation, prompt DSO notification will be made.”

Use of force is one of the highest privileges a community gives to its police department. Removing the requirement that a supervisor initiate an Internal Affairs Complaint when they think a violation may have occurred is ill advised. Allegations of violations should always be thoroughly documented and investigated without undue Command influence. This is one of the many reasons that Internal Affairs is a direct report to the Chief’s Office or his/her designee.

In May 2019, I became concerned that §300.7.3 had not been appropriately followed. I raised this issue for several reasons: oversight of the matter was undermined; perceptions of impropriety or special treatment; improper preservation of interviews; and a lack of a full and proper investigation. It appears, with this recent policy update, that you are specifically removing the requirement to a complete an impartial Internal Affairs investigation, exacerbating my concerns on interviews taking place off the record, improper investigations, and special treatment; as well as an absolute removal of an oversight mechanism.

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I urge you to reconsider this alarming change to policy. Any perceived violations of SPD's Use of Force Policy deserves impartial scrutiny during the investigative process, PRIOR to a Chain of Command review. Impartiality is especially important in use of force cases, in which bias and command influence can quickly try to sway outcomes. Internal Affairs investigators are generally removed from outside influence in administrative investigations. This is not the case in supervisory reviews of direct report officers, who have the additional scrutiny of their direct report supervisor.

I am not proposing that every use of force case have a full-fledged investigation; rather when a supervisor feels there may have been a policy violation, that case should be thoroughly and objectively investigated. Any violation of use of force principles have the potential for increased community concern as well as increased liability. The updated §301.14.3 policy emphasis on only egregious violations is also troubling. Egregious violations of the Use of Force policy are of significant concern and impartial investigations of those actions are critical as there are due process concerns should the case be pursued criminally.

I have no issue with the internal notification process that SPD has chosen to implement at this time. However, I strongly urge you to re-implement the duty to report to Internal Affairs for investigation provisions from 300.7.3 which were removed. Objectivity and transparency demands it. This deviation from previous practice is alarming, and is an affront to community accountability.

Sincerely,



Bart Logue  
Police Ombudsman  
Office of the Police Ombudsman, City of Spokane

**cc: Director Jacqui MacConnell**