COLLABORATIVE REFORM MODEL

A Review of Use of Force Policies, Processes, and Practices in the Spokane Police Department

Denise Rodriguez King ■ Charles Saloom ■ Blake McClelland

COPS
Community Oriented Policing Services
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CNA
ANALYSIS & SOLUTIONS

COLLABORATIVE REFORM MODEL

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Contents

Letter from the Director vii

Acknowledgments viii

Executive Summary 1

Chapter 1. Introduction 5

- Chronology of events 5
- COPS Office collaborative reform 6
- Issue areas 7
- Organization of this report 8

Chapter 2. Methodology 9

- Data collection 9
- Analysis 12
- Technical assistance 13

Chapter 3. SPD Reforms 14

- Collaboration with other law enforcement agencies 14
- Community outreach 15
- Organizational culture reforms 15
- Oversight 16
- Policy and procedural reforms 16
- Training 17
- Transparency 17
- Summary 17

Chapter 4. Five-Year Analysis of Use of Force Incidents within SPD, 2009–2013 18

- Use of force incidents in relation to citizen contacts 18
- Environmental/Situational contexts 19
- Officer characteristics 23

Subject characteristics 26
Tools and tactics 28
Administrative review and tactical errors 30
Timeliness of the investigations 31
Use of force investigations: common themes and areas for improvement 33
Findings and recommendations 33
Officer surveys 40
Officer interviews 47
Findings and recommendations 48
Chapter 6. Use of Force Policies and Procedures 51
Federal and national guidance 51
SPD use of force policy 52
Findings and recommendations 52
Chapter 7. Use of Force Training and Tactics 57
SPD use of force training 57
Findings and recommendations 62
Chapter 8. Use of Force Investigations and Documentation 70
SPD UOF investigations 70
Findings and recommendations 77
Chapter 9. Civilian Oversight 84
Types of civilian oversight 84
The city of Spokane Office of the Police Ombudsman 85
Findings and recommendations 86
Chapter 10. Community Perspectives and Outreach 90
SPD-community relationship 90
Findings and recommendations 93

Chapter 11. Conclusion and Next Steps 101

Next steps 101

Appendix A. Findings and Recommendations Matrix 102

Appendix B. Areas of a Cultural Analysis 110

Appendix C. Officer Survey 113

Glossary 115

About the COPS Office 117

About CNA 118

Letter from the Director

Dear colleagues,

As director of the COPS Office, I recognize that we have the unique opportunity to influence the law enforcement field. One of the numerous ways the COPS Office achieves this objective is through the Collaborative Reform Initiative for Technical Assistance.

In collaboration with a designated technical assistance provider, the COPS Office works with law enforcement agencies to assess issues that affect police and community relationships. Using the Collaborative Reform Initiative, law enforcement agencies receive technical assistance through an analysis of policies, practices, training, and tactics around specific issues. This form of technical assistance is not a short-term solution for a serious deficiency but a long-term strategy that identifies the issues within an agency affecting public trust and offers ways to improve the relationship between police and citizens.

The issue facing the Spokane Police Department (SPD) was an increase in use of force and a fractured relationship with community stakeholders. The primary goals of the SPD Collaborative Reform were (1) to examine the department's use of force policies and procedures, (2) to improve use of force investigations, (3) to examine the role of the ombudsman in use of force investigations as an option for civilian oversight, and (4) to improve the SPD organization's culture as it relates to use of force. All of the efforts of this reform are also meant to help build trust with the community.

This report provides SPD with findings, recommendations, and an implementation plan to help improve the department around use of force.

Building trust in communities is a COPS Office priority, so we are committed to assisting law enforcement agencies with enhancing relationships in the communities they serve. By deploying the basic elements of community policing—partnership development, problem-solving strategies, and organizational transformation—agencies are provided a roadmap to reform.

Sincerely,

Ronald L. Davis, Director

Office of Community Oriented Policing Services

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Executive Summary

The proper investigation and review of use of force (UOF) incidents, especially those involving deadly force, can have a significant impact on a police department's legitimacy and relationship with the community. The negative effects and impact of an improper investigation and limited transparency are most apparent in the Spokane Police Department's (SPD) investigation of the 2006 Otto Zehm deadly force incident. This incident created an uproar and conflict within the community, and it led to a federal investigation and a civil lawsuit. Six years after the incident, the civil lawsuit was settled, and the officer involved was sentenced to 51 months in federal prison. In spite of the settlement and sentencing of the officer, there is still an opinion within the community that the department has done little to change the internal culture that led to the officer's use of deadly force and the improper investigation of that force. Eight years after the Otto Zehm incident, the police-community relationship continues to be frayed. New leadership within the police department and an organizational restructuring are signs of positive progress; however, both the department and the community agree that continued change and improvement are needed to repair the scars left by events such as the 2006 deadly force incident.

In fall 2012, Chief Frank Straub, only months after being sworn in as the new police chief, requested that the U.S. Department of Justice's Office of Community Oriented Policing Services (COPS Office) assess the SPD's use of force policies, processes, and practices. The COPS Office responded and tasked the CNA Corporation to conduct this assessment under the COPS Office's Collaborative Reform Initiative for Technical Assistance (CRI-TA) program.[1] The goal of this review was to improve the use of force processes in the SPD, taking into account national standards, best practices, existing research, and community expectations. The objectives of the review were as follows:

- Examine the SPD's use of force policies and procedures compared with national best practices and existing research, identify areas for improvement, and provide recommendations.
- Analyze a sample of use of force investigation files from 2009 through 2013 and identify trends, strengths, and weaknesses.
- Examine the role of the ombudsman in use of force investigations compared with national best practices and existing research.
- Improve the SPD organization's culture as it relates to use of force, in order to build trust with the community.

1. The COPS Office established the Collaborative Reform Initiative for Technical Assistance (CRI-TA) program in 2011 as a means to assess issues that affect police and community relationships. The CNA review of deadly force processes in the Las Vegas Metropolitan Police Department (LVMPD) was the program's inaugural assessment. The format and approach used in the assessment of the SPD is similar to the approach employed in the review of the LVMPD.

The focus of the COPS Office and CNA review centered on the following aspects of the SPD's use of force: (1) policy and procedures; (2) training and tactics; (3) investigation and documentation; (4) civilian oversight; and (5) community outreach.

CNA implemented a multifaceted approach to the review of SPD's policies and practices. This approach, similar to the approach employed in our review of the Las Vegas Metropolitan Police Department (LVMPD)[2], included

- interviews with more than 85 officers and members of the SPD;
- interviews with more than 55 citizens and community stakeholders;
- direct observation of SPD training sessions and two deadly force review board (DFRB) meetings;
- ride-alongs with SPD police officers;
- analysis of 243 use of force incident files (deadly and non-deadly) from 2009 through 2013;
- review of SPD policies, training requirements, training manuals, and other related materials;
- review of national standards and practices;
- delivery of direct technical assistance and establishment of a collaborative partnership with SPD throughout this engagement.

After 11 months of conducting its assessment, CNA did not find that police officers in the SPD routinely and deliberately engage in excessive use of force or deadly force, nor did CNA, based on its assessment, find evidence of biased application of force. While SPD falls within the spectrum of good policing practices, we did find that there are a number of aspects of use of force training, documentation, officer remediation, accountability, and other administrative and management practices that have historically been ignored or poorly managed. In order for the SPD to resolve these matters and align its culture and practices with the best evidence-based practices in modern policing, there are a number of corrections and improvements that must be made. CNA identified 42 findings and recommendations that SPD should implement in an effort to improve its use of force policies, procedures, training, investigations, administrative review of incidents, and community relations. A complete list of the findings and recommendations can be found in appendix A on page 102. Major findings and recommendations include the following.

Finding: Inherent problems with the forms previously used to report use of force incidents facilitated the inconsistent documentation of use of force tools and tactics used by SPD officers.

Recommendation: *While the recent implementation of BlueTeam software to document UOF incidents will potentially solve most issues with inaccurate reporting, SPD should still train its officers on the proper reporting of use of force tools and tactics used in an incident.*

2. Stewart, James K., George Fachner, Denise Rodriguez King, and Steve Rickman. 2013. *Collaborative Reform Model: A Review of Officer-Involved Shootings in the Las Vegas Metropolitan Police Department*. Washington, DC: Office of Community Oriented Policing Services. http://ric-zai-inc.com/ric.php?page=detail&id=COPS-P273.

Finding: Although the department provides its recently promoted officers with a checklist of job requirements, a number of officers expressed concern over the lack of formal processes (e.g., manuals, transition period, mentoring) for officers promoted to the levels of sergeant, lieutenant, and captain.

Recommendation: *Manuals outlining the training and learning requirements, transitional period, and mentoring opportunities for all promotions to supervisory-level positions should be updated or developed.*

Finding: Although the development of an early intervention system (EIS) is a clear improvement, this system could be further refined by collecting detailed information on a number of additional variables.

Recommendation: *SPD should expand the type of information its EIS collects, such as sustained complaints and completed training.*

Finding: The evaluation and tracking of SPD's training sessions is limited. SPD does not capture department-wide trends, which could highlight problem areas that need to be addressed more thoroughly.

Recommendation: *SPD should develop a data collection and evaluation capacity for training conducted throughout the department and should use the data captured to identify and proactively address any training deficiencies.*

Finding: The administrative review panel used in deadly force incidents (D-ARP) has rarely issued disciplinary or corrective actions in use of force incidents due to its ambiguity and structural limitations.

Recommendation: *SPD should expand the scope of the D-ARP finding determinations to allow panel members to vote on officer tactics and decision making and policy violations outside the use of force.*

Finding: The Office of the Police Ombudsman (OPO) lacks formal procedures on the new role and responsibilities of the ombudsman and the newly appointed commission members.

Recommendation: *The OPO should formalize the roles and responsibilities of the ombudsman and the commission members in official OPO policies, procedures, and bylaws.*

Finding: Although SPD has increased its community outreach efforts over the past 12–18 months, community members interviewed noted a limited understanding of and confidence in several SPD processes and activities associated with use of force incidents.

Recommendation: *SPD should sustain and institutionalize these outreach efforts by establishing a continued community outreach strategy and plan.*

In addition to the recommendations that CNA made, SPD simultaneously made a number of organizational reforms. These reforms resulted from both the city of Spokane's use of force commission and Chief Straub's strategic initiatives. Reforms implemented by SPD include developing a strategic plan for the department; providing senior management with leadership training; securing Washington Association of Sheriffs and Police Chiefs accreditation; updating the defensive tactics manual; recertifying the defensive tactics instructors; and standardizing the weapons carried by officers in the line of duty.

In order to assist SPD in implementing the reforms identified in this report, CNA and SPD collaboratively developed implementation steps for each recommendation made. The implementation plan identifies the next steps required to carry out these reforms. Upon release of this report, SPD and CNA will review the implementation plan and determine the necessary steps and timeframe required to carry out the reforms. At six and 12 months after the release of this report, the COPS Office and CNA will review the status of each reform listed in the plan.

Chapter 1. Introduction

An officer's authority to use force is defined by federal court holdings that have stemmed from *Tennessee v. Garner*, 471 U.S. 1 (1985) and *Graham v. Connor,* 490 U.S. 386 (1989). These cases outline the circumstances in which an officer is allowed to use deadly force and require the application of the objective reasonableness standard in each use of force incident. The ability to use force, as outlined in these cases, is afforded to police officers with the utmost understanding that they will uphold these guiding principles as they protect their lives and the lives of others.

Organizations such as the International Association of Chiefs of Police (IACP) note that the

> integrity of a police department and its relationship to the community are often measured by the professionalism and impartiality that it brings to investigations of police uses of force in general and deadly force in particular.[3]

The quality of these investigations and the transparency of departments as they conduct investigations are essential to ensuring police accountability and continued community trust. As a means to increase transparency, a number of police departments include civilians in the review of more critical uses of force. These departments use the civilian review both to achieve an objective point of view and to gauge the response and perspective of the community at large.

Police-involved use of force incidents are complex and require an extensive review of the officer's decision to use force and all predicating factors that lead to the use of force. The complexity of these incidents can cause further confusion, distrust, and unrest within the community, especially if the department is not transparent in its investigation and administrative review processes. A lack of transparency and accountability can negatively affect police-community relationships, and it may take years for the police department to regain the community's trust and cooperation after an incident.

Chronology of events

On the evening of March 18, 2006, a Spokane Police Department (SPD) officer responded to a call about a person attempting to steal money from an automatic teller machine (ATM). Upon approaching the alleged suspect, Otto Zehm, the officer used force (a baton and a Taser). Other arriving officers also used body weight and control techniques to arrest Zehm, and these actions resulted in Zehm's death. In addition to the questionable use of force, other aspects of the case—such as the surveillance tape being held for a length of time before release, subsequent contradictions in officer statements, and a lack of accountability by the department—coupled with the coroner ruling the incident a homicide caused a significant uproar within the community.

As expected, this incident was followed by community unrest and protests calling for increased police accountability and a federal investigation of the incident. Two years after the incident, in 2008, the Federal Bureau of Investigation (FBI) began its criminal investigation of the incident. In June 2009, a federal grand

3. National Law Enforcement Policy Center. 2006. *Use of Force: Concepts and Issues Paper.* Alexandria, Virginia: International Association of Chiefs of Police.

jury handed down an indictment on one of the SPD officers involved in the incident. The officer was indicted on two counts: unreasonable use of force and making a false entry into a record being investigated by a federal agency. This indictment was followed by continued community unrest and further calls for review of the incident and the department's practices.

In addition to the indictment, in 2009, members of Mr. Zehm's family filed a federal civil rights lawsuit against the city of Spokane as a result of the 2006 incident. Three years later, in 2012, the city of Spokane agreed to settle a civil lawsuit against the nine police officers involved in the incident for $1.67 million. The settlement also included a formal apology, required crisis intervention training for all Spokane police officers, and brought on a consultant to advise the department about updates to its use of force policy.

In an effort to repair community relations and address community concerns with departmental policies and procedures surrounding use of force, in January 2012, the use of force commission was formed under city charter provision Section 24(o). Mayor David Condon charged the commission to

> review and make recommendations to his office regarding the SPD's use of force policies and practices, civilian oversight of the police department, and how city agencies respond to cases when it is claimed that a SPD officer has used excessive force.[4]

The commission's findings were documented in a report and released in February 2013. Subsequent progress reports provided by the SPD were delivered in August 2013 and March 2014.

In the meantime, in November 2012—over six years after the incident—a federal judge sentenced the first SPD officer to 51 months in prison and three years' supervised release for civil rights and obstruction violations.

The Otto Zehm incident and subsequent cases in which the community has raised concerns over the use of force have affected and continue to affect the relationship the SPD has with its community. The department's lack of transparency, accountability, and community outreach efforts has increased the distance between the police and its community. Eight years later, the community continues to refer to the Otto Zehm case when they talk about their contention with and lack of trust in the police department.

The continued contention is likely due to the minimal actions taken by the department in the six years following the incident. Although the department had two chiefs—one of whom was an interim chief—during 2006–2012, little was done to repair and mend the turmoil this incident caused both internal and external to the department. The new chief, appointed in fall 2012, is committed to reorganizing the department, addressing any use of force issues, increasing transparency, and renewing the department's relationship with the community.

COPS Office collaborative reform

On October 8, 2012, Frank Straub was sworn in as the new Spokane police chief. Within the next few months, Straub contacted the U.S. Department of Justice Office of Community Oriented Policing Services (COPS Office) in the hope that it could assist him in addressing community concerns and improving the department's use of force processes. Chief Straub was aware of the Collaborative Reform program[5] and the

4. City of Spokane Use of Force Commission. 2012. Draft Report of the City of Spokane Use of Force Commission. Submitted for public review and comment.

5. In 2011, the U.S. Department of Justice, COPS Office developed the Collaborative Reform Initiative for Technical Assistance (CRI-TA) to engage with law enforcement agencies on issues such as use of force, community trust, and police legitimacy. The initiative provides requesting agencies with a comprehensive organizational assessment followed by a series of recommendations and a period of monitoring the implementation of reforms.

COPS Office's recent assessment of use of force in the Las Vegas Metropolitan Police Department (LVMPD). After speaking to Chief Straub, the COPS Office agreed to work collaboratively with the SPD and conduct an assessment of the department.

Technical assistance goal and objectives

The goal of the COPS Office's assessment was to improve departmental use of force processes in the SPD, taking into account national standards, best practices, existing research, and community expectations. The COPS Office and the SPD agreed to four key objectives in achieving the goal:

1. Examine departmental use of force policies and procedures in comparison with national best practices and existing research, identify areas for improvement, and provide recommendations.
2. Analyze a sample of use of force investigation files from 2009 through 2013 and identify trends, strengths, and weaknesses.
3. Examine the role of the ombudsman in use of force investigations in comparison with national best practices and existing research.
4. Improve SPD organizational culture as it relates to use of force, in order to build trust with the community.

The following section briefly introduces the issue areas examined and discusses how they relate to the technical assistance goal and objectives.

Issue areas

The COPS Office and CNA Corporation assessment of SPD operations with respect to use of force focuses on policy, training, accountability systems, civilian oversight systems, and community outreach programs. The department establishes and reinforces its standards of conduct and organizational culture through these primary mechanisms. They form a cycle of continuous improvement that will ultimately improve departmental use of force processes and practices.

The focus of the COPS Office and CNA review centered on SPD use of force issue areas involving the following:

- *Policy and procedures*—CNA examined the department's use of force policy, which defines the standard of conduct for all sworn personnel.
- *Trainings and tactics*—CNA observed SPD training programs related to use of force and provided recommendations for improvement.
- *Investigation and documentation*—CNA examined internal accountability systems, which include the deadly force review board (DFRB), the administrative review panel (ARP), and the use of force review board (UOFRB).
- *Civilian oversight*—CNA reviewed the role of the external accountability systems in use of force incidents; these consist of the prosecutor's office and the Office of the Police Ombudsman (OPO).
- *Community outreach*—CNA reviewed the overarching community concerns and SPD's responsiveness to those concerns.

Organization of this report

The next section of this report (chapter 2) describes the methodology used to conduct the assessment of SPD use of force processes and practices. Chapter 3 details the organizational reforms that SPD has implemented since fall 2012. Chapter 4 presents a five-year detailed analysis of use of force incidents in SPD. Chapter 5 examines the findings from our officer interviews and the officer survey. Chapters 6 through 9 detail our assessment of the following issue areas: use of force policy and procedures; use of force training and tactics; use of force investigation and documentation; civilian oversight; and community perspectives and outreach. For each issue area, we provide an overview before presenting our findings and recommendations. For each recommendation, we include implementation steps, listed in appendix A. These implementation steps were developed collaboratively with the SPD and the COPS Office during the collaborative conference. These steps are not meant to be exhaustive or definitive. We offer these only as starting points for SPD to use in implementing our recommended reforms.

Chapter 11 concludes the report with an overview of the work that has been done to date and what the future holds for SPD.

Chapter 2. Methodology

Our multifaceted review consisted of interviews with more than 85 law enforcement personnel and 55 key community stakeholders; direct observation of the Spokane Police Department's (SPD) training and policing operations; examination of related internal documents; analysis of five years of data on use of force incidents; and the delivery of direct technical assistance during this assessment. Over the course of 11 months, these efforts gave the research team an in-depth understanding of the department, its operations, and its culture with respect to use of force incidents. We organized our approach into three tasks: data collection, analysis, and technical assistance. We describe each task in detail in this chapter.

Data collection

We collected data from six primary sources:

1. SPD reports on use of force incidents (deadly and non-deadly)
2. SPD training requirements
3. Interviews with SPD personnel and key community stakeholders
4. Officer surveys
5. Direct observation of operations, training, and related activities
6. SPD documents and policies

Use of force incident reports

The analytical review of the use of force reports and the quality of use of force investigations identified common themes, gaps, and areas for improvement. From 2009 through 2013, there were 580 non-deadly use of force incidents, 11 deadly use of force incidents,[6] and three use of force incidents that became internal affairs (IA) investigations. CNA included all deadly use of force incidents for which investigations had been completed and all use of force incidents that became IA investigations in our analysis. Of the 580 non-deadly use of force reports, we randomly sampled 231 (a 40 percent sample). This sample size was derived using a 95 percent confidence level and a confidence interval of 5 percent. This ensured a 95 percent certainty (+/- 5%) that our findings were generalizable across the entire population of non-deadly use of force incident reports from 2009 through 2013. In total, we collected data from 243 use of force incident reports (deadly and non-deadly) from 2009 through 2013. Our assessment of the use of force incident reports was limited to the information supplied to CNA and the COPS Office. Some incident files were incomplete and missing information. CNA attempted to gather all related information and requested the missing information for these files; SPD provided the missing information where it could do so.

6. CNA included only those 2013 deadly force incidents for which investigations were completed before January 31, 2014. At the time CNA collected the data used for the analysis of the use of force incident reports, two of the three 2013 deadly force incidents were still open and active investigations.

Training requirements

We also examined the training requirements for a number of training programs related to use of force. These training programs included firearms; crisis intervention training; verbal defense and influence; defensive tactics; use of force report writing; Virtra shooting simulation training; and in-service training. CNA examined the training requirements for each of these programs, the training policy, and other related use of force training.

CNA also reviewed training records, training manuals, and course modules.

Key stakeholder interviews

Another important part of our data collection included interviews with department personnel and community members. These interviews provided us with important insights on officer perceptions and an understanding of the issues the department was facing. They also provided us with an opportunity to speak directly to community leaders and organizations with concerns regarding the department's use of force processes. Initial interviewees were identified through various sources, including SPD leadership and community leaders. We relied on these initial interviewees to identify other interested interview participants. In total, we interviewed 85 personnel from the department and 55 community members.

The methodology for our interviews was similar to what we used in our assessment of the Las Vegas Metropolitan Police Department (LVMPD).[7] The information gathered from these interviews was used to develop a greater understanding of how the department's policies and procedures were actually being implemented and assisted us in identifying deficiencies in the department's use of force processes and its community outreach programs.

The interviews were conducted without attribution so that the interviewees could be frank in their responses to our questions. As a result, these anonymous interviews are cited simply as "CNA interviews" in this report.

Department personnel

In order to obtain a comprehensive set of perspectives, we interviewed members of the department in various divisions, of various ranks, and at different levels of the department (i.e., patrol officers, detectives, sergeants, captains, assistant chiefs, and the chief). Interviewees represented various divisions within the department and included training; internal affairs; strategic initiatives; patrol; crime analysis; investigations; and the Spokane incident regional response (SIRR) team. In addition to interviewing personnel to gain awareness of the departmental policies and practices, we also conducted 50 in-person interviews with officers. The interview questions sought to gauge each officer's perspectives on and knowledge of use of force incidents, the quality of use of force investigations, the department's policies and procedures on use of force, and the department's relationship with the community. These 50 in-person interviews served as an avenue with which to conduct the officer survey (see page 40). The officers interviewed included all six SPD captains. The remaining 44 officers were randomly selected from a list of officers (police officer, senior police officer, corporal, sergeant, lieutenant) employed by SPD as of June 2014.

7. Stewart, James K., George Fachner, Denise Rodriguez King, and Steve Rickman. 2013. *Las Vegas Metropolitan Police Department.*

We also interviewed civilian employees and stakeholders within the department. These interviewees included members of the Lieutenants and Captains Association and the Spokane Police Guild, members of the crime analysis division, the city attorney, and personnel within the communications and public information offices.

In total, we interviewed more than 85 members of the SPD.

Community members

In addition to department personnel, we interviewed 55 community stakeholders. Community members interviewed include representatives of the National Association for the Advancement of Colored People (NAACP), the American Civil Liberties Union (ACLU), the Center for Justice, the NATIVE Project, OutSpokane, the Kingdom Fellowship Church Alliance, the Spokane Police Accountability and Reform Coalition, the Peace and Justice Action League of Spokane, Frontier Behavioral Health, the recently appointed commission members of the Office of the Police Ombudsman, and various other community leaders and organizations throughout Spokane.

We also met with other community stakeholders, including the Office of the Police Ombudsman, the Federal Bureau of Investigation (FBI), the U.S. Attorney's office, the prosecutor's office, the Washington Association of Sheriffs and Police Chiefs (WASPC), and the Washington State Criminal Justice Training Commission (WSCJTC). The team also attended a Police Advisory Committee meeting.

In order to augment our interviews with community members, CNA also held a community roundtable. SPD invited members of the community to attend this roundtable. It provided community leaders with the opportunity to voice their members' concerns and issues related to SPD use of force and the quality of SPD use of force investigations. This roundtable session also sought community members' feedback on their relationship with SPD and ways to enhance and improve community partnerships.

Officer surveys

In addition to interviewing officers, we conducted an officer survey with 50 SPD officers. The purpose of these surveys was to gather more pointed data on officers' perspectives related to procedural justice and constitutional policing. The officers surveyed included all six SPD captains. The remaining 44 officers were randomly selected from a list of officers (police officer, senior police officer, corporal, sergeant, lieutenant) employed by SPD as of June 2014. This sample of officers surveyed represents slightly more than 20 percent of the total 240 patrol officers within SPD.[8]

Surveys were handed to officers after each officer interview. Interviewers stepped out of the interview room and provided officers with an envelope in which to enclose their survey. Surveys were voluntary and anonymous. All officers sampled to participate in this survey provided a response. The survey used a four-point response scale; the questions had been developed using previous research conducted by Tom Tyler (2001),[9] Knowledge Networks (2008),[10] and the International Institute for Restorative Practices (2000).[11] For a copy of the officer survey, please see appendix C on page 113.

8. CNA excluded detectives and other administrative SPD personnel (i.e., administrative secretary, records specialist, clerks) from this sample.
9. Tyler, T. 2001. "Obeying the law in America: procedural justice and the sense of fairness." Issues of Democracy 6(1):16–21.
10. Knowledge Networks. 2008. *Field report: policing and legitimacy survey.* Menlo Park, CA: Knowledge Networks.
11. International Institute for Restorative Practices. 2000. *Police Attitude Questionnaire.* Bethlehem, PA: International Institute for Restorative Practices. http://www.iirp.edu/iirpWebsites/web/uploads/article_pdfs/policesurvey.pdf.

It is important to note that the survey of officers is not meant to replace the conduct of a cultural audit. Rather, it provides the police department with a contextual and base level understanding of the cultural perspectives of the police officers surveyed.

Direct observation

Along with our interviews, we were able to directly observe some of the department's operational activities. Specifically, we observed COMPSTAT meetings on two separate occasions, two deadly force review board (DFRB) meetings, a roll-call session, training on use of force report writing, reality-based training, Virtra simulated shooting training, and SPD's command-level and officer-level in-service training. We also participated in a total of 12 ride-alongs during our site visits.

Document review

The team reviewed a number of documents from the SPD concerning use of force policies and procedures, training, internal investigations, criminal investigations, and the administrative review process. The review of these documents provided the team with an in-depth understanding of police operations and policies as they relate to use of force. We specifically reviewed the SPD use of force policy, the SIRR manual, the SPD policy manual, the SPD defensive tactics manual, the administrative review panel (ARP) policy, the DFRB policy, use of force training materials, press releases, ordinances on the Office of the Police Ombudsman (OPO), the Use of Force Commission's report, and the Civilian Review Commission's report. In addition to these documents, we reviewed a number of memos and reports developed by community stakeholders in response to concerns regarding SPD use of force processes.

In addition to reviewing documents and policies specific to the situation in Spokane, we reviewed national best practices and standards as established by the International Association of Chiefs of Police (IACP), the WASPC, the WSCJTC, and the Commission on Accreditation for Law Enforcement Agencies. We also reviewed previous research done on this topic as well as policies and procedures used in police departments across the country.

Analysis

The data gathered from the use of force incident reports, interviews, officer surveys, observations, and the document review allowed us to identify gaps and areas where SPD could improve its operations, specifically those relating to use of force and use of force investigations.

Use of force incident report analysis

The analytical review of the context of use of force reports, while fundamentally descriptive, provides the department with a current understanding of the common factors and themes present in their use of force incidents (e.g., types of force used, tenure of officer, weapons used by the suspect). This analysis allows the department to develop strategies (e.g., through training, deployment, policies) to respond to these incidents successfully without the use of force.

Officer survey and officer interview analysis

The data from the officer surveys were consolidated and then examined for differences in responses among officer ranks. These data represent the officer perspectives of 20 percent of the SPD patrol force and are meant to provide the SPD with a baseline understanding of officers' opinions on situations involving constitutional policing, procedural justice, and use of force. The officer interviews provided qualitative data and allowed us to identify common themes, the opinions of 20 percent of the SPD patrol force on the SPD use of force processes, reasons why use of force incidents occur, and the impact of these use of force incidents on police-community relationships.

Policy and practice analysis

The methodology used in our review of policies and practices was similar to that used in the assessment of the LVMPD. The analysis of the SPD policies and procedures was qualitative in nature. We identified common themes using our interview notes and observations of police operations. In addition to our review of departmental policies and research on professional standards and common practices, the expertise and knowledge provided by the law enforcement subject-matter expert on the CNA team, Blake McClelland, was essential in identifying ways to address the inefficiencies and gaps of SPD's use of force policies and procedures.

Technical assistance

Like the assessment of the LVMPD, this initiative was intended not only to conduct an assessment and produce a report but also to actively engage the department throughout this process and help initiate reform at the beginning of and during our assessment. Throughout this report, we document instances in which the team provided direct technical assistance.

Chapter 3. SPD Reforms

In response to the continued community concern, lack of trust, and questions about the integrity of the Spokane Police Department (SPD) during the five years after the death of Otto Zehm, Mayor David Condon established the city of Spokane use of force (UOF) commission. The independent and objective commission was tasked by the mayor with examining "SPD use of force policies, procedures, practices and customs" and with exploring "the issues of civilian oversight and the role of the city's legal department in use of force cases."[12]

The commission was composed of law enforcement practitioners and experts, lawyers, academics, and expert consultants in behavioral health. It conducted nine public meetings, reviewed documents related to its tasks, participated in ride-alongs, and conducted interviews. In addition to the commission members, expert consultants produced reports on their related areas of expertise.[13]

Nearly a year after the commission was established, it released a report documenting its findings and recommendations to the public for comment. The final report, released February 28, 2013, contained 26 recommendations. While not legally bound to implement the commission's recommendations, the SPD chief of police has committed to ensuring that these recommendations be addressed. At six months and 12 months following the release of the report, SPD released progress reports documenting the status of implementing each of the commission's recommendations and expressing its continued commitment to "reducing crime and violence, building community trust, and engaging in practices grounded in integrity."[14]

In addition to the reforms recommended by the commission, Chief Frank Straub, appointed in fall 2012, saw a greater need for organizational restructuring, increased transparency, and improved community-police relationships. Changes to organizational culture take time and are often faced with resistance and reluctance. Cultural changes are often difficult to immediately realize both within the departmental structure and among officer perspectives. However, it is clear that the steps that SPD has taken thus far (i.e., establishing an Office of Professional Accountability, improving and increasing training, increasing its community outreach efforts, and increasing transparency) are steps in the right direction to aligning the department with modern policing and improving the department's culture.

The following section highlights the reforms, listed alphabetically by topic area, that the SPD has implemented since 2012 and the status of their implementation.

Collaboration with other law enforcement agencies

In addition, SPD has established relationships with other law enforcement agencies, including the Tacoma (Washington) Police Department, the New Haven (Connecticut) Police Department, and the Los Angeles Police Department. These relationships, while ongoing, have already assisted the SPD in identifying best practices in use of force policies, use of force investigations, and implementing the use of body-worn cameras.

These relationships have been formed and maintained by their participation in collaborative training efforts, such as crisis intervention training with Washington State University Spokane's Department of Criminal Justice and Criminology, Sleep, and Performance Research Center. SPD teamed up with the Washington State Criminal Justice Training Commission (WSCJTC) to reinstate the Basic Law Enforcement

12. City of Spokane Use of Force Commission. 2013. *Final Report of the City of Spokane Use of Force Commission*.
13. Ibid.
14. Spokane Police Department. 2013. Six Month Progress Report. Letter to the Use of Force Commission, August 21.

Academy and Equivalency Program in Spokane. They have also conducted several site visits to the Los Angeles Police Department, have met with their internal affairs (IA) and training divisions and participated in several training and auditing classes, and continue to maintain communication and a working relationship with the department. SPD has also participated in various events with different police departments to discuss mental health issues and training.

Community outreach

SPD has increased community outreach through various avenues and by doing so has already helped increase public trust.

One such avenue has been its use of public information and social media. SPD created a position, director of communication and public information, to better manage information and improve its relationship with local media. It has also continued the media academy. It is increasingly using social media to share positive feedback received from community members.

Another avenue has been involvement within the youth community. SPD has created a community policing lieutenant to oversee youth outreach and chronic offender programs; implemented a youth and police initiative (YPI) to build trust in the law while reducing stereotypes that exist between teenagers and police officers; implemented a police activities league (PAL) to establish holistic approaches to address youth crime and gang involvement; and re-established recruiting liaisons with schools and colleges.

SPD has also increased its involvement with already existing community gatherings, such as town halls, to increase its presentations to the community, increase its presence of police leadership at such gatherings, and be readily available to receive feedback from participants.

Organizational culture reforms

The UOF commission's primary recommendation centered on organizational culture. Other recommendations included developing a strategic plan, providing senior management with training opportunities, conducting cultural awareness training, and obtaining accreditation through the WASPC. While the department has yet to conduct a cultural audit, it has made substantial progress in implementing a number of the commission's recommendations. Since February 2013, SPD has developed a strategic plan for the department and made substantial changes to the organization of the department. For instance, the department has integrated training and internal affairs under a single command through the establishment of the Office of Professional Accountability. Establishing the Office of Professional Accountability ensured and expressed, both internally and externally, the police department's commitment to change the culture within the organization. Combining these divisions under one office allows any issues or trends and organizational deficiencies identified through IA investigations to be directly communicated to the training division and for these issues to be immediately remedied. SPD has also shown progress by providing leadership training to a number of its senior management personnel and training on cultural diversity to its officers.

SPD initiated a department-wide re-engineering process by creating an executive team that combines external and internal civilian and law enforcement, oversight, communications, and financial expertise. It also flattened the organization by eliminating a senior management rank and pushing greater decision making, responsibility, and authority to the captain rank.

Further, SPD examined department-wide policies and procedures and made a number of revisions to the SPD policy manual, which included a new mission statement and articulated goals: reduce crime, implement reform recommendations, and continuously improve community relationships. In addition, SPD has provided cultural awareness training for the entire department and has integrated ethics, integrity, and communications training into all in-service training sessions.

Oversight

SPD has made changes to the structure of its organization and various policies and has increased or reallocated existing resources, such as personnel. These changes have assisted in providing oversight of the SPD and are key to maintaining public trust when use of force policies, use of force investigations, and body-worn cameras are present.

In November 2013, SPD appointed a civilian director over IA called the director of strategic initiatives. SPD also developed a use of force review board (UOFRB) to review use of force incidents. The UOFRB started informally in February 2013, and the review process was outlined in January 2014. In addition, SPD established an on-site dedicated legal advisor from the city attorney's office in January 2013 and increased the size and scope of the IA unit by combining IA with training under the Office of Professional Accountability umbrella in November 2013.

SPD enhanced its resources to assist with oversight by utilizing software such as the BlueTeam/IA Pro internal affairs software. It also updated the SIRR manual for critical incident protocol and implemented an Early Warning System spreadsheet in January 2014.

SPD also developed new and expanded existing policy to ensure oversight accountability, such as use of force reporting policy. Further, it supported the Office of the Police Ombudsman (OPO) ordinance that went into effect, allowing for OPO independent investigations and full access to IA, and has begun working with community stakeholders to develop a body-worn camera policy.

Policy and procedural reforms

In addition to the organizational and cultural reforms, the commission recommended that SPD update its defensive tactics manual, recertify the defensive tactics instructors through the WSCJTC, review officer staffing levels, establish a crisis intervention training program, and improve the department's investigative practices regarding use of force. Additional recommendations by the commission included improving the SPD relationship with the community, developing an early warning system, and equipping officers with body-worn cameras.

While a number of these reforms have been completed, others are in the process of being implemented, and SPD has made significant strides towards their completion. In the past year, SPD has updated its defensive tactics manual, something that had not been done in several years; recertified its defensive tactics instructors through the WSCJTC; implemented new use of force investigative processes; and required that all of its internal affairs investigators complete extensive training on how to conduct proper investigations. In addition, SPD has made progress in instituting an early warning system, augmenting its work force through increased recruiting efforts, and reviewing best practices surrounding the use of body-worn cameras.

Training

SPD has also significantly increased the training of Spokane police officers. It now provides training for senior management; BlueTeam/IA Pro training; crisis intervention training (CIT) to more than 90 percent of all uniformed personnel; and de-escalation training with verbal defense and influence training.

Existing training has been enhanced to be more useful to the department. SPD has increased and standardized training for the IA sergeants and lieutenant; added a de-escalation module to existing training such as use of force report writing; and provided additional training for active shooter scenarios. SPD has also recently researched and selected a vendor and product to provide adequate tracking and record-keeping of all training, to include academy training, field training of officers, in-service training, and specialized skills training for all uniformed and civilian staff.

Transparency

SPD has made various documents, such as the policy manual and use of force reports, available to the public and has updated the public regarding changes to or within the organization. In addition, SPD has eliminated the backlog of requests from the public and is seeking to expand resources that will further increase the transparency of the organization.

SPD has posted all 2013 and 2014 use of force reports, completed IA investigations from 2011 to 2014, and posted SPD's policy manual to its website. In March 2014, the director of strategic initiatives started delivering Office of Professional Accountability monthly updates to the Public Safety Committee; these are also available to the public on the department's website.

The backlog of public record requests was eliminated in March 2014, and public record requests are now handled in real time. In an effort to further increase transparency, SPD has purchased body-worn camera equipment; the pilot program began in September 2014.

Summary

In summary, SPD has made significant efforts to address the recommendations noted by the commission in its February 2013 report. It is clear that the police chief is committed to making these changes and keeping the public aware of their progress. Despite these improvements, it is clear that continued work and refinement are needed to ensure that these organizational and procedural changes are in accordance with modern policing, fully implemented, sustained, and institutionalized within the department.

Chapter 4. Five-Year Analysis of Use of Force Incidents within SPD, 2009–2013

From 2009 through 2013, the Spokane Police Department (SPD) was involved in 594 documented use of force (UOF) incidents, 583 non-deadly and 11 deadly.[15] In order to produce representative findings without having to examine all 594 files, CNA chose to review all completed deadly force incident files (n=9)[16] and all non-deadly force files (n=3) that were transferred to internal affairs (IA) and to randomly sample 231 non-deadly use of force files.[17] This sample size was derived using a 95 percent confidence level and confidence interval of 5 percent. This ensured a 95 percent certainty (+/- 5%) that our findings are generalizable across the entire population of use of force non-deadly incident reports from 2009 through 2013. In total, CNA reviewed 243 incidents. This chapter provides an analysis of those incidents. The purpose of this analysis is to set the operational context for the use of force incidents that SPD policies, training, and investigations are concerned with and to identify trends and common themes in the quality of investigations. Due to the lack of national and agency-specific documentation on uses of force, we were unable to make direct comparisons of SPD use of force incidents with those of similarly sized agencies within Washington State.

In addition, this chapter reviews the common themes and trends in the quality of SPD use of force investigations. This review highlights the trends and gaps in the investigatory process (criminal and administrative) found in our assessment of the use of force incidents.

Use of force incidents in relation to citizen contacts

One-tenth of one percent (.1 %) of all citizen contacts with police[18] from 2010 through 2013 resulted in use of force by officers. The average number of annual contacts with individuals within the community from 2010 through 2013[19] was 125,539, and the average number of use of force incidents for this same period was 124.3. This is significantly lower than estimates documented in previous surveys and research. Hickman et al. (2008) estimated that police use or threaten to use force in 1.7 percent of all contacts.[20] The Bureau of Justice Statistics Police Public Contact Survey (2008) found that an estimated 1.4 percent of persons who had contact with police in 2008 had force used or threatened against them during their most recent contact.[21] There are several limitations with previous research and studies done on national estimates of police use of force. Differing definitions of *use of force*, differing methodologies, and inaccurate reporting have led to estimates that range from .01 (IACP 2001)[22] to 1.7 percent (Hickman et al. 2008).[23] Table 4.1 displays the number of citizen contacts compared with the number of use of force incidents reported.

15. Three non-deadly use of force incidents were transferred out of chain of command to IA. CNA included these three incidents in its analysis.
16. CNA included only those 2013 deadly force incidents that were completed before January 31, 2014. At the time CNA collected the data used for the analysis of the use of force incident reports, two of the three 2013 deadly force incidents were still open and active investigations.
17. Due to limitations in the scope of the assessment, an analysis of citizen complaints was not included. SPD should include an analysis of citizen complaints in its annual review of use of force incidents (see finding 4.7).
18. SPD calculates citizen contacts by adding up all the officer action disposition codes in computer-aided dispatch.
19. SPD did not track the number of citizen contacts prior to 2009. At the request of the ombudsman, SPD began collecting data on citizen contacts in 2010.
20. Hickman, Matthew J., Alex R. Piquero, and Joel H. Garner. 2008. "Toward a National Estimate of Police Use of Nonlethal Force." *CRIMINOLOGY & Public Policy* 7(4) 563–604.
21. Bureau of Justice Statistics. 2008. Police Public Contact Survey. Accessed December 1, 2014. http://www.bjs.gov/content/pub/pdf/ppcs08_q.pdf.
22. International Association of Chiefs of Police (IACP). 2001. *Police use of force in America 2001*. Alexandria, VA: International Association of Chiefs of Police. http://www.theiacp.org/Portals/0/pdfs/Publications/2001useofforce.pdf.
23. Hickman et al. 2008. "Toward a National Estimate."

Table 4.1. Citizen contact and use of force, 2010–2013[24]

Year	(N) citizen contacts	(N) UOF	Percent
2010	135,615	99	0.07
2011	126,129	126	0.10
2012	104,696	125	0.12
2013	135,714	147	0.11
Average	125,539	124.3	0.10

Environmental/Situational contexts

Environmental and situational context information describes the physical characteristics of the immediate area and interaction preceding a use of force incident. Analysis of these data provides a better understanding of the location of the incident and the circumstances of the call for service.

ZIP code

There are 13 ZIP codes within the city of Spokane.[25] Of the 243 use of force incidents analyzed, 231 occurred in 12 of these ZIP codes. An additional 12 incidents occurred outside of the city. Most of these incidents that occurred within the city of Spokane occurred within four ZIP codes: 99201, 99207, 99202, and 99205. These four ZIP codes accounted for 79 percent of the use of force incidents in 2009–2013 and for 36 percent of the total population of the city of Spokane. These ZIP codes also saw higher rates of calls for service in the city of Spokane; each accounted for 14 to 19 percent of the calls for service. When examining the prevalence of these incidents per 1,000 people, we found that 99201 saw the highest ratio: 4.17 use of force incidents per 1,000 people. The numbers of use of force incidents in the remaining three ZIP codes were lower than 4.17 per 1,000 individuals, but they were still multiple times higher than those in Spokane's other nine ZIP codes, as shown in table 4.2.

Table 4.2. Number of use of force incidents per 1,000 people

ZIP code	N (UOF)	2010 population[26]	N (UOF incidents per 1,000 people)
99201	54	12,945	4.2
99207	54	30,854	1.8
99202	32	20,895	1.5
99205	51	42,036	1.2
99204	4	6,824	0.6
99208	15	49,193	0.3
99223	8	30,023	0.3

Continued on next page

24. SPD Citizen Contact data was not available for 2009. As such, the 2009 UOF incidents were not calculated into the average.
25. City-Data. "Spokane, Washington (WA) Zip Code Map - Locations, Demographics." Accessed December 1, 2014. http://www.city-data.com/zipmaps/Spokane-Washington.html.
26. U.S. Census Bureau. 2012. "Selected Social Characteristics in the United States: 2012 American Community Survey 5-year estimates." *2012 American Community Survey.* Washington, DC: U.S. Census Bureau. http://factfinder2.census.gov/bkmk/table/1.0/en/ACS/12_5YR/B02001/1600000US5367000.86000P.

Continued from previous page

ZIP code	N (UOF)	2010 population[26]	N (UOF incidents per 1,000 people)
99224	4	19,485	0.2
99203	3	20,324	0.2
99218	2	15,785	0.1
99217	2	17,173	0.1
99212	2	19,150	0.1
99026	0	9,042	0

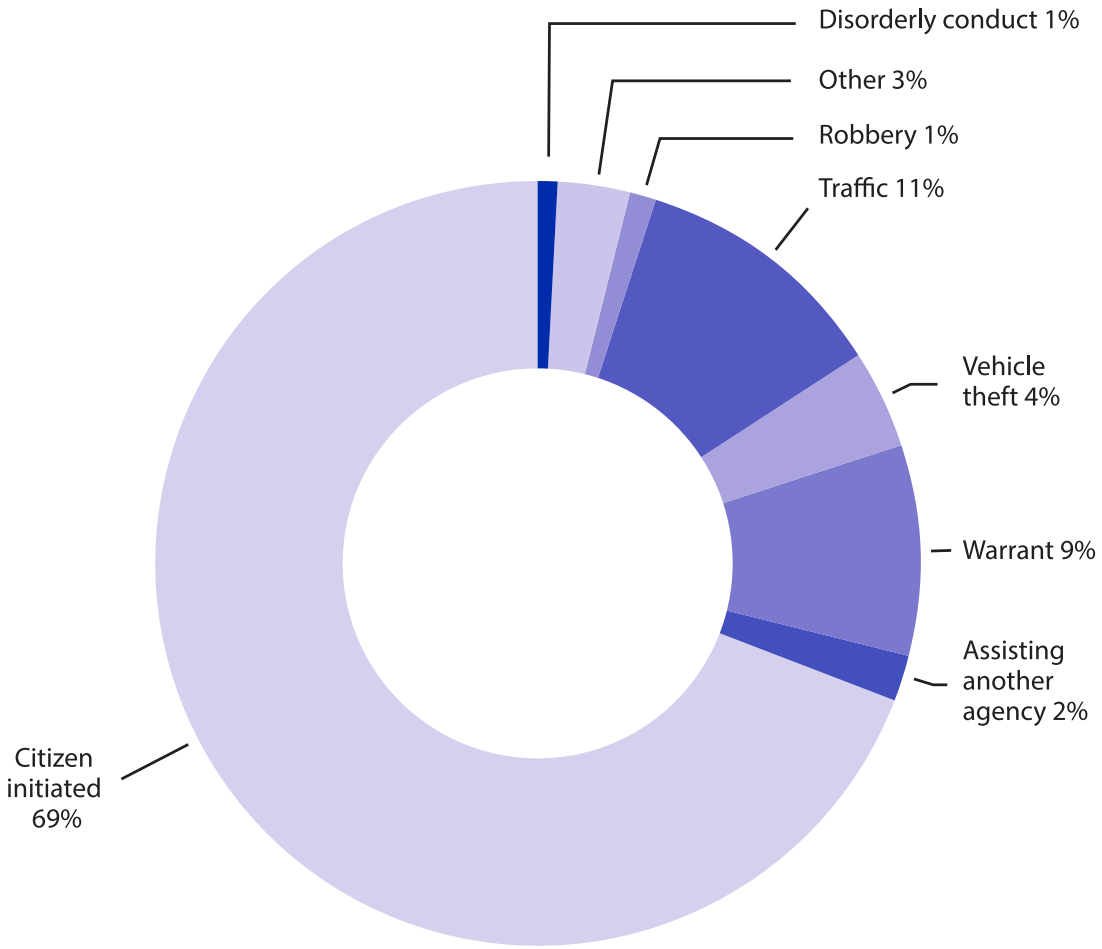
In addition to identifying the ZIP codes where use of force incidents were most predominant, we analyzed the relationship between violent crimes and use of force incidents by ZIP code in the city of Spokane. In sum, we found that over the five-year period, the four ZIP codes that had the highest rates of use of force incidents also had higher rates of violent crime.

Initial contact and call type

Initial contact is defined as the reason that the officer encounters the subject. There are two forms of initial contact: officer-initiated and citizen-initiated. Officer-initiated contacts are identified as conducting traffic stops, serving warrants, assisting another agency, and conducting traffic stops involving stolen vehicles. Citizen-initiated contacts are calls for service. Call types were coded using information noted in the incident report.

Most initial contacts for use of force incidents (68 percent) were citizen-initiated through a call for service. Officers initiated the contact in the other 32 percent (n=78) of the incidents, one of which was a deadly use of force incident. These incidents were most often initiated by the officer through a traffic stop (11 percent) or a search of a stolen vehicle (13 percent), by a neighboring agency (2 percent), or by the SPD tactical team responding to a call to assist in the search for a suspect or in serving a warrant (9 percent). Reasons for other officer-initiated contacts included suspicious persons and disorderly conduct. Figure 4.1 breaks down the officer-initiated contacts by type of call.

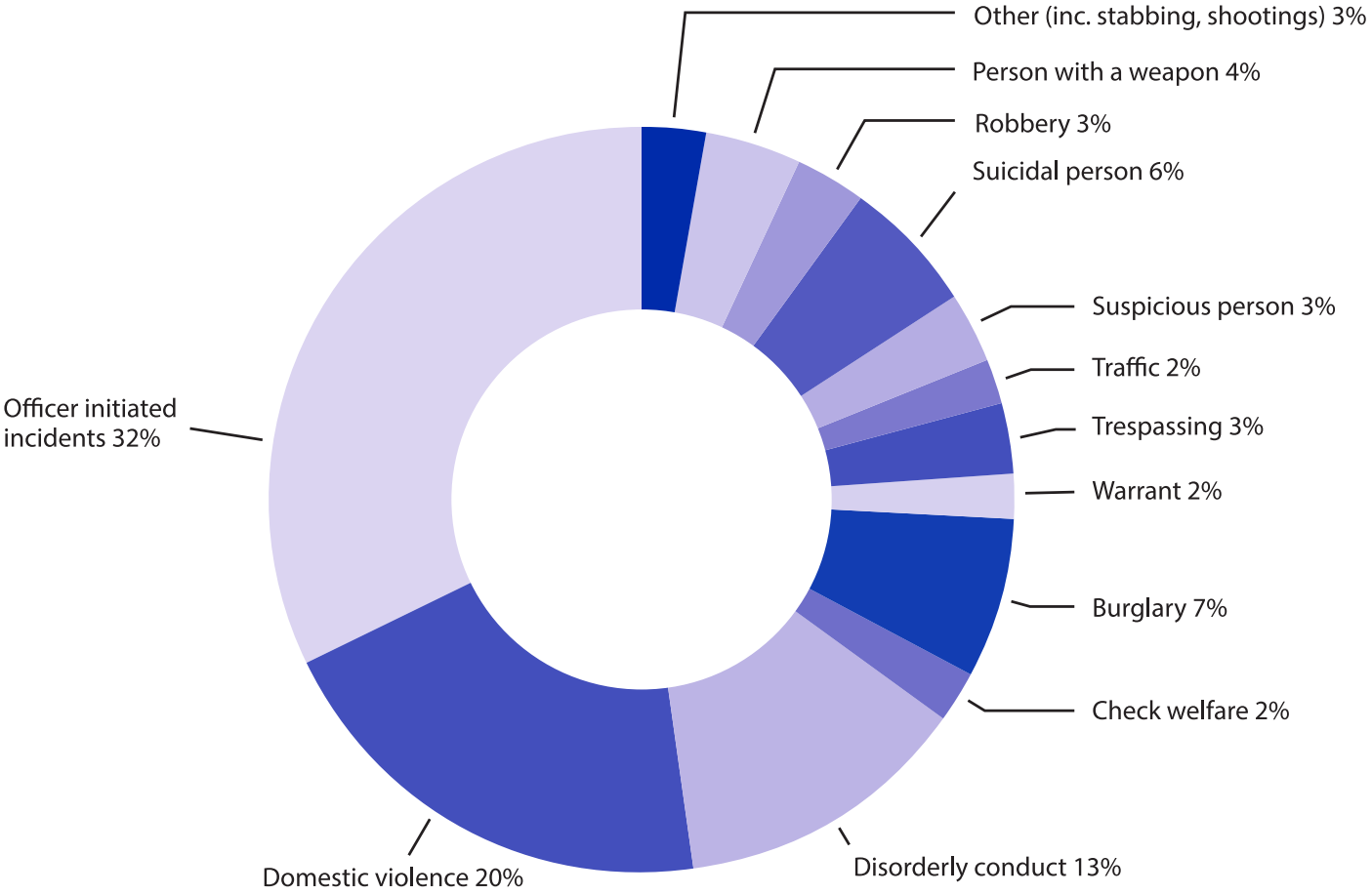
Figure 4.1. Officer-initiated incidents by type, 2009–2013



Sixty-nine percent (n=165) of the use of force incidents sampled were citizen initiated. These calls for service involved 15 different call types.[27] The most prevalent calls for service were domestic violence (20 percent), disorderly conduct (12 percent), suspicious person (9 percent), burglary (7 percent), and suicidal person (6 percent). Figure 4.2 displays the citizen-initiated incidents by call type.

27. For the purposes of displaying this information in figure 4.2, shootings and stabbings are included in the data set listed as "Other."

Figure 4.2. Citizen-initiated incidents by type, 2009–2013

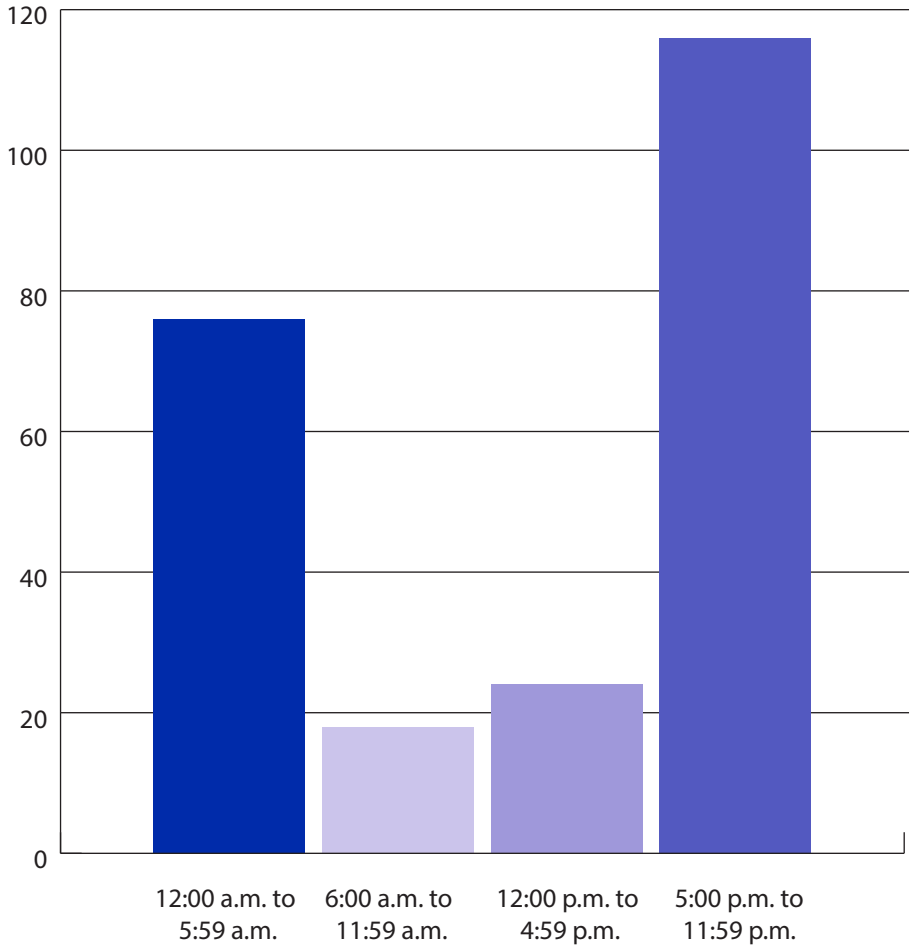


Of the 165 citizen-initiated use of force calls for service, eight (5 percent) resulted in deadly use of force incidents. Of these eight incidents, three calls involved a person with a weapon; two were calls about a shooting; and three were about domestic violence, disorderly conduct, and burglary.

Time of day

A plurality (48 percent) of the use of force incidents sampled (deadly and non-deadly) occurred in the evening hours, from 5:00 p.m. to 11:59 p.m. The next most active time (31 percent) for use of force incidents was the overnight hours, from 12 midnight to 6:00 a.m., as shown in figure 3.3. This is also shown when examining the shifts in which these use of force incidents occurred. The power shift (4:00 p.m. to 2:40 a.m.) and the graveyard shift (8:00 p.m. to 6:40 a.m.) were found to have the highest occurrences of use of force incidents within the five-year period of 2009–2013. An analysis of the deadly force incidents separately produced very similar findings.

Figure 4.3. Number of incidents by time of day, 2009–2013



Officer characteristics

In our examination of the 243 use of force incidents, we found that 130 different officers used force, on 366 occasions, during this five-year period.[28] This section examines the characteristics of the officers involved in the use of force incidents sampled. We review the number of officers on scene, the number of officers involved in use of force incidents, and the rank, age, race, tenure, and assignment of those officers involved in these incidents.

Number of officers on scene

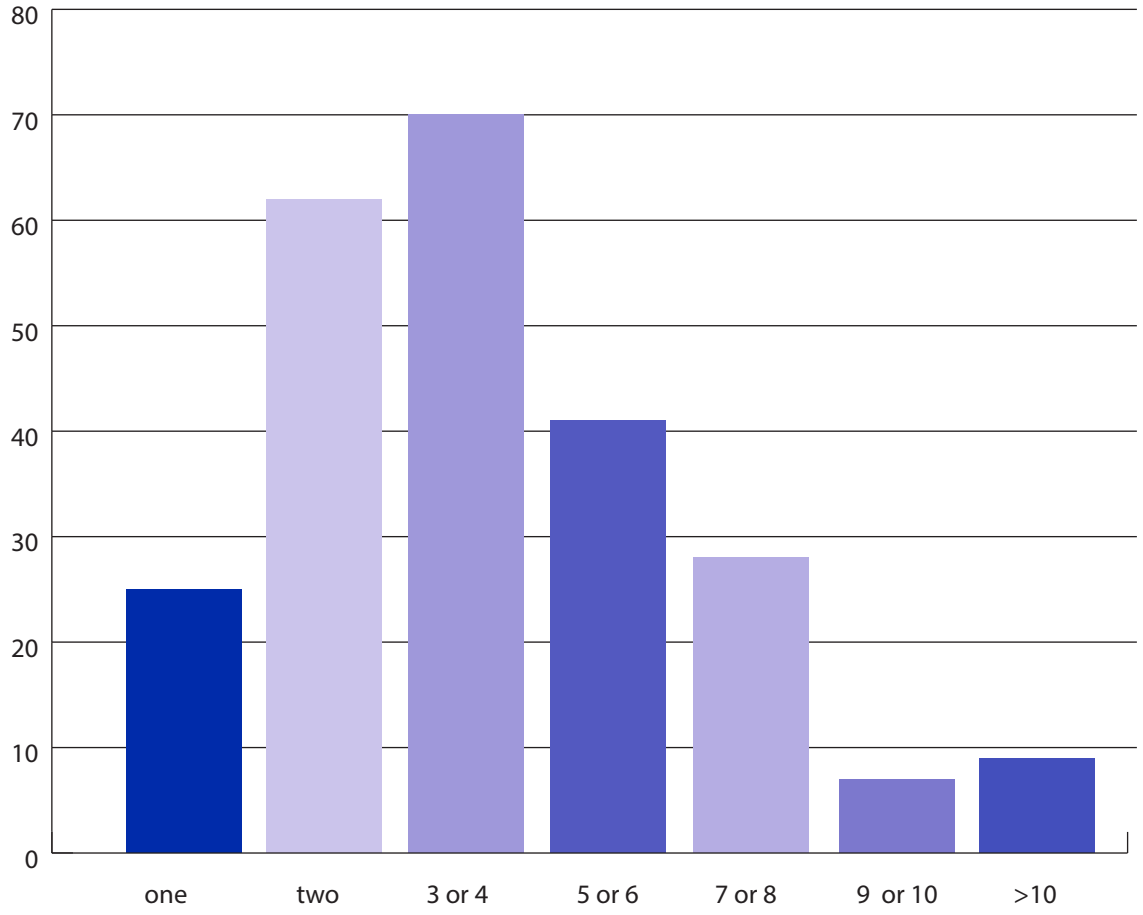
In analyzing the data, we categorized *officers on scene* as officers reported to be on the scene of the incident up until force was used.

Although the number of officers on scene ranged from one to 21, the average was four officers and the median was three officers. Our analysis showed that in most (54 percent) of the incidents, two to four officers were present at the beginning of the incident and up to the point where force was used.

28. A number of officers were involved in more than one use of force incident.

Incidents involving more than seven officers on scene most often occurred while SPD was initiating a traffic stop; responding to a domestic violence, burglary, or disorderly conduct incident; or serving a warrant. It is important to note that a number of use of force incidents preceded by traffic stops were the result of searching for and apprehending a fleeing suspect.

Figure 4.4. Number of officers on scene in use of force incidents, 2009–2013



Number of supervisors on scene

Supervisors on scene refers to the number of supervisory officers on scene up until the scene was cleared (during and after force was used). In most (72 percent) of the incidents we examined, one to two supervisory officers either were present on the scene or responded to the scene shortly after officers used force. Deadly force incidents saw the greatest numbers of supervisors, ranging from six to 12 supervisory officers at any one given incident. Of the 243 incidents sampled, 51 incidents (21 percent) had no record of a supervisory officer reporting to the scene. In many of these cases, the supervisory officer was unavailable at the time of the incident but did speak to the involved suspect, witnesses, and officer(s) later in his or her shift or during the next shift.

Number of officers involved

While the term *number of officers on scene* describes the number of officers on the scene up until force was used, the term *number of officers involved* refers to the number of officers who used force (deadly or non-deadly). A total of 130 different officers were involved in use of force incidents on 366 occasions from 2009 through 2013. While just under half of these officers (n=61) were only involved in one use of force incident throughout this five-year period, most (53 percent) of these officers were involved in more than one use of force incident, as shown in table 4.3.

Table 4.3. Number of officers involved in one or more incidents, 2009–2013

(N) UOF incidents	(N) officers	Percent
1	61	46.9
2	32	24.6
3	13	10.0
4	9	6.9
5	4	3.1
6	2	1.5
7	2	1.5
8 to 10	1	0.8
11 to 15	4	3.1
>16	2	1.5

Upon further analysis, we found that four of the seven officers involved in more than eight use of force incidents from 2009 through 2013 were assigned to the K9 unit. K9 units typically respond to incidents that require the use of the canine to apprehend the suspect. Officers whose canine apprehends a suspect are required to complete a use of force report even if there are no major injuries.

In regard to the number of officers involved, of the 243 use of force incidents sampled, deadly and non-deadly, 90 percent involved one or two officers, as shown in table 4.4. Of the nine deadly force incidents, six involved one officer, two involved two officers, and one involved six officers.

Table 4.4. Number of incidents involving one or more officers

Number of officers involved	N (UOF)	Percent
One	153	63.0
Two	66	27.2
Three	17	7.0
Four	6	2.4
Five or more	1	0.4

Rank

Seventy-four percent of the sampled use of force incidents involved officers with the rank "senior patrol officer," while 57 percent involved patrol officers (this total percentage exceeds 100 percent because more than one officer [and more than one rank] can report to an incident). Officers with more senior ranks, such as corporal and sergeant, accounted for only 5.3 percent and 3.7 percent, respectively, of the use of force incidents. An analysis of the deadly force incidents separately produced very similar findings.

Age and tenure

Officers involved in use of force incidents from 2009 through 2013 ranged from 21 to 62 years old, with an average age of 36 years old. This is about 8 years younger than the average age of officers in the department as a whole for the same five-year period. A separate analysis of deadly force incidents revealed that officers were an average 38 years old, six years younger than the average age of officers in the department.

When compared to the average age of officers in varying patrol shifts, officers involved in use of force incidents were closer in age to the average age of officers assigned to the power shift (-1.4 years) and graveyard shift (+1.6 years). Officers on the day shift were, in contrast, about 11.6 years older than the average age of officers involved in use of force incidents. In regard to tenure, officers involved in use of force incidents from 2009 through 2013 had been on the force an average of nine years.[29] An analysis of deadly force incidents separately reveals that the average tenure among officers who used deadly force was eight years.

Race

A majority of officers employed by the SPD are white. According to the SPD, 18 officers are identified as representing a minority racial group. In our analysis of use of force incidents, we found that nine of these officers (one Asian, three Black, four Hispanic, and one American Indian) had been involved in a use of force incident (at times more than one use of force incident) from 2009 to 2013. Of the 243 use of force incidents, 20 involved an officer who represented a minority racial group.

Assignment

Most use of force incidents involved officers assigned to the graveyard shift (28 percent) and power shift (22 percent). Officers assigned to the K9 unit also accounted for 22 percent of the use of force incidents. Officers assigned to the investigations, targeted crimes, and gang task force units combined accounted for less than 5 percent of the total number of use of force incidents. An analysis of deadly force incidents separately revealed that most deadly force incidents involved officers assigned to the day shift (31 percent) and the graveyard shift (25 percent).

Subject characteristics

In this section, we describe the characteristics of the subjects involved in sampled use of force incidents from 2009 through 2013. We examine patterns in the subject's gender, race, weapons, substance use, and mental impairments.

Before we examine these characteristics, it is important to note that each use of force incident we reviewed involved only one subject.

29. Data on the tenure in the department were not available for comparison.

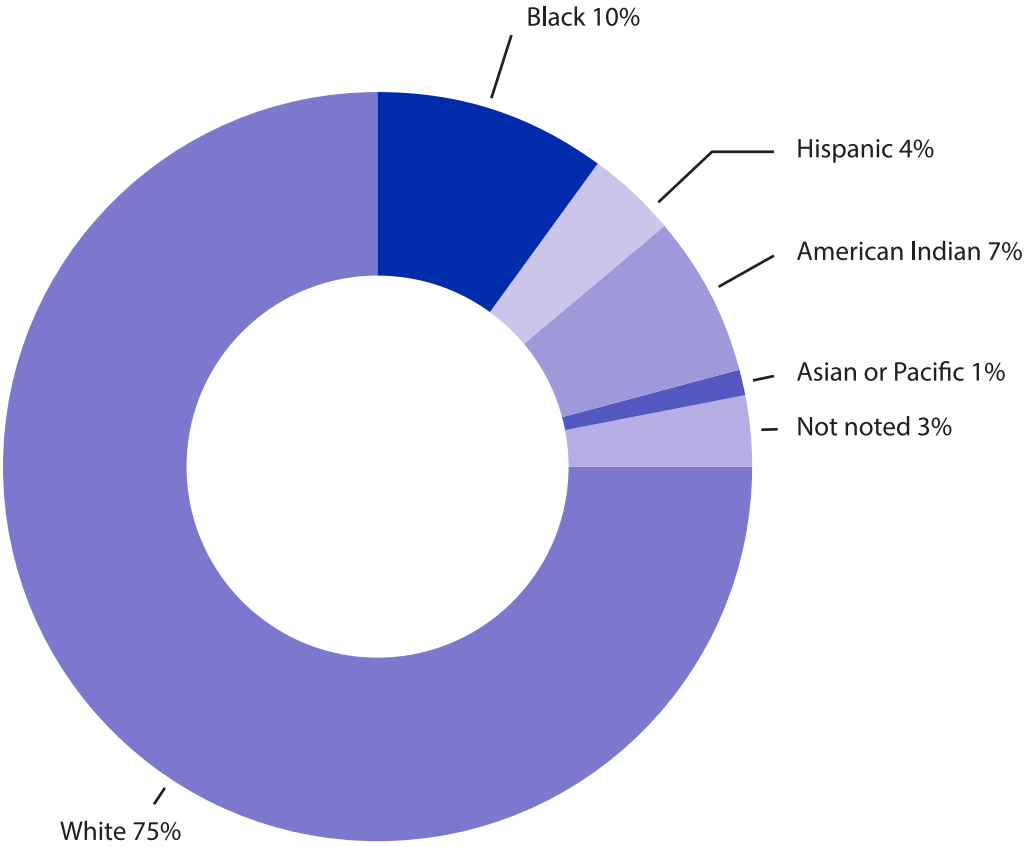
Gender

The gender of the subject was listed in all but two of the 243 use of force incidents sampled. Of those incidents that identified the subject's gender, 92 percent (n=224) involved a male subject and 7 percent (n=17) involved a female subject.

Race

In regard to race and ethnicity of the subjects involved, the composition was similar to that of Spokane's population. According to the 2010 U.S. Census in Spokane, Washington, 86.7 percent of the population was identified as white; 2.3 percent Black; 5 percent Hispanic; 2 percent American Indian; and 2.6 Asian or Pacific.[30] In 181 of the incidents (75 percent), officers identified the subject as white. In 25 of the incidents (10 percent), subjects were listed as Black. In 7 percent of the incidents, they were listed as American Indian; in 4 percent, as white/Hispanic; and in 1 percent, as having Asian or Pacific ethnicity.[31] Figure 4.5 displays the race and ethnicity of the subjects involved. An analysis of deadly force incidents separately reveals that all the suspects involved in deadly force incidents were identified as white. In our review of the use of force incidents, we did not find a pattern of biased application of use of force.

Figure 4.5. Race and ethnicity of subjects



30. U.S. Census Bureau. 2010. "Spokane city, Washington Demographic Profile." Accessed December 1, 2014. http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF.

31. The race of the subject was not listed in the incident report in eight use of force incidents.

Weapons

The majority of incidents, deadly and non-deadly (80.7 percent, n=196), did not involve a subject with a weapon. According to the information provided by the officers in the incident reports, twenty-two of the incidents (9.1 percent) involved a subject with a knife and 14 (5.8 percent) involved a subject with a gun. In the remaining 4.5 percent of incidents, subjects were reported as displaying or attempting to use other objects, such as metal pipes, scissors, Tasers, vehicles, or sticks, as weapons. A more detailed analysis of the deadly force incidents shows that in seven of the nine incidents that occurred from 2009 through 2013, the subject was reported as having displayed or attempted to use a gun. In the two remaining incidents, the subject had a knife.

Substance use and mental illness

In 65 (27 percent) of the 243 use of force incidents identified, the subject involved was reported to be under the influence of alcohol. In only 5 percent of the incidents (n=13), officers identified the subject as being under the influence of drugs, and in 12 percent (n=30), officers noted that the subject was under the influence of both alcohol and drugs.

Officers noted mental illness of the subject in 13 percent (n=31) of the incidents sampled.

Tools and tactics

This section presents the analysis of the tools and tactics used by officers and the tactical errors identified by supervisors.

Lethal force

Of the nine deadly force incidents that occurred from 2009 through 2013, eight resulted in fatalities. In five of these incidents, officers used rifles; in the remaining incidents, officers used their side arms. In addition to their rifles and side arms, officers also employed other less-than-lethal tools and tactics such as body weight or manual force, K9 deployment, and Tasers.

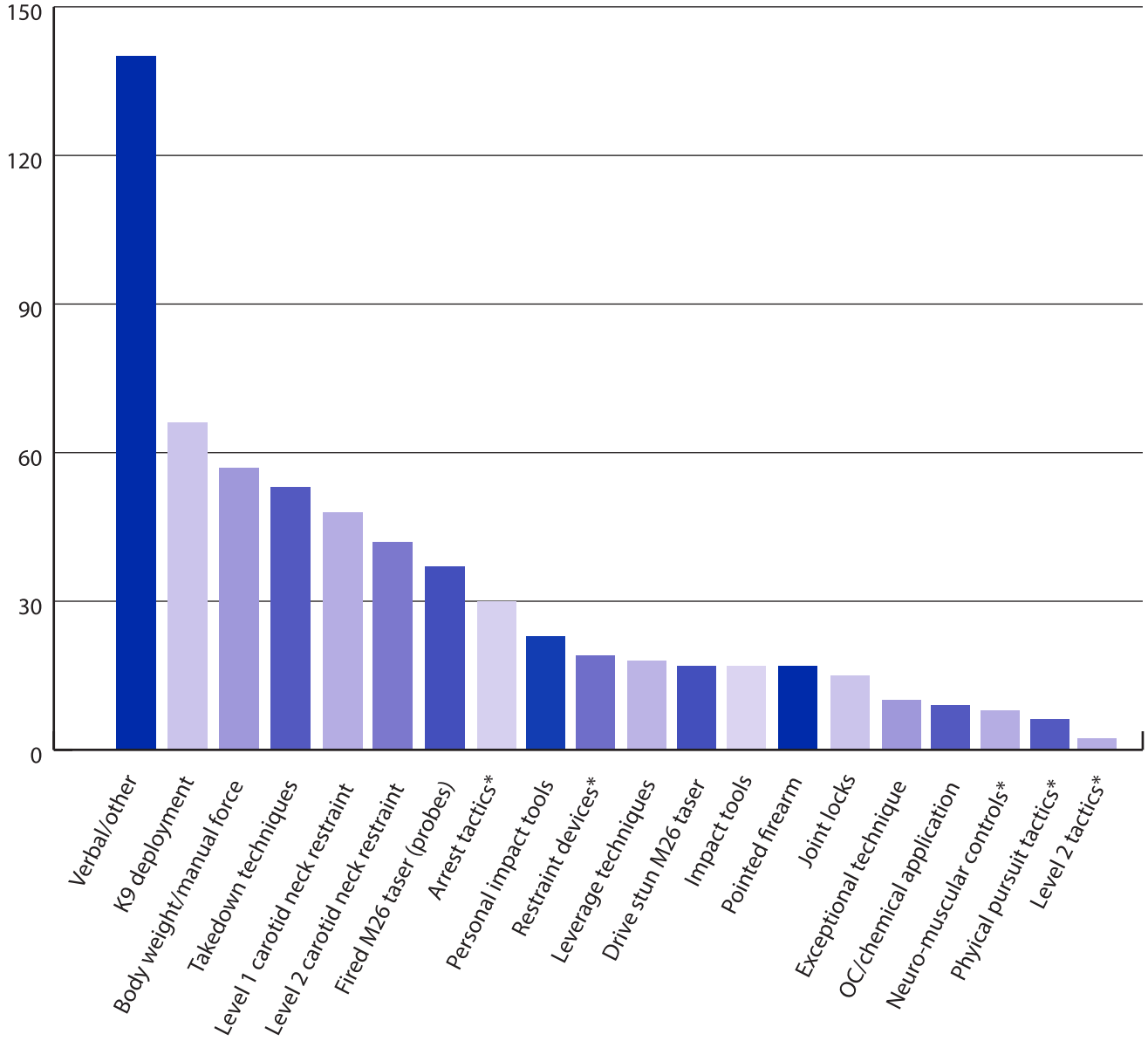
It is important to note that because a Use of Force Administrative Report is not completed in deadly force incidents, it was difficult for CNA to determine with certainty what other tools and tactics officers used before using deadly force. Our analysis of the above reflects what we were able to identify upon our review of each of the deadly force incident files.

Less lethal force

The tools and tactics used in the 234 non-deadly use of force incidents sampled varied from verbal de-escalation to body weight techniques to K9 deployment. Verbal commands were the most common tool/tactics used (60 percent), followed by K9 deployment (29 percent), body weight or manual force (24 percent), takedown techniques (23 percent), and level 1 carotid neck restraints (21 percent). Level 2 lateral neck restraints (LNR) were listed in 18 percent of the incidents sampled (note that these percentages exceed a total of 100 percent because more than one tactic can be recorded for a single use of force incident). When examining the percentage of incidents that involved multiple force types being used on a single suspect, we found that in a majority of incidents (57 percent), officers used one to two different

use of force tools and tactics. Incidents where officers used three to five different types of use of force tools and tactics accounted for 38 percent of incidents. Six or more use of force tools and tactics were used in 6 percent of incidents.

Figure 4.6. Number of use of force tool and tactic applications, 2009–2013[32]



Examination of the non-deadly use of force incident reports revealed that not all tools and tactics used by officers were properly documented within the Use of Force Administrative Report and Canine Contact Administrative Reports. Only those tools and tactics listed in these and the BlueTeam Use of Force reports are

32. In 2011, SPD modified its Use of Force Administrative Report form; the categories listed with an asterisk (*) (neuro-muscular controls, leverage techniques, restraint devices, arrest tactics, physical pursuit tactics, and level 2 tactics) were no longer applicable after the change. Additionally, in May 2013, SPD added "pointing a firearm" to its list of use of force tool and tactics.

included in the above analysis.[33] This issue is further discussed in finding 4.1. In addition to this, due to the fact that Use of Force Administrative Reports or BlueTeam reports are not completed in the review of deadly force incidents, we were unable to identify all tools and tactics used in deadly force incidents. This issue is further discussed in finding 4.2.

Administrative review and tactical errors

Non-deadly use of force incidents found to be within policy by SPD are reviewed by the department chain of command. This includes the supervisor, the lieutenant, and the captain or bureau commander for the officer involved in the use of force incident. Those incidents that raise concern as to whether the use of force holds to the policy standards are forwarded from the chain of command to the IA division for further investigation. Of the 234 non-deadly use of force incidents sampled for the time period 2009–2013, three (1 percent) were forwarded to IA.

Training and tactical errors were identified by the chain of command in six (2.6 percent) of the 234 incidents. In these instances, the need for additional training or discussions with the officer's sergeant was noted. In addition to these six incidents, an additional four Use of Force Administrative Reports noted the need for officers to reassess how and when they use force in the future; however, no formal reprimands, discussions, or declarations for additional training were noted. Most of the concerns noted by the chain of command review in these 10 files were with officers' use of exceptional techniques to gain subject compliance. Exceptional techniques included closed-fist punches and hitting of a subject's face. Of the use of force incident files forwarded to IA, none identified failures to comply with policy or recommended additional training.

Deadly use of force incidents are investigated by the Spokane investigative regional response (SIRR) team, reviewed by the county prosecutor, and then reviewed internally through a deadly force review board (DFRB).[34] See figure 8.1 for a depiction of the use of force review process. The nine deadly force incidents reviewed were found to have been justified, but recommendations on training, policies, and tactical equipment were provided. These recommendations included the following:

- Train on use of force and reasonableness standard.
- Equip canines with fluorescent vests.
- Review policies on the use of a Taser from a vehicle.
- Incorporate response issues into the department's patrol procedures training.
- Provide additional active shooter and legal justification training.
- Create a policy on foot pursuits.
- Incorporate low lighting situations into Virtra system training.

Although the need for additional training, discussions with supervisors, and the creation of policies were noted among the non-deadly and deadly use of force files, the CNA analytical team was unable to determine the extent to which these recommendations and suggestions were fulfilled. While anecdotal evidence from our interviews suggests that such follow-up does occur, the lack of a system to track these training and policy recommendations should be addressed, and is discussed further in chapter 7.

33. SPD began using BlueTeam Use of Force Reports in the fall of 2012. BlueTeam Use of Force Reports replaced Use of Force Administrative Reports.
34. More information about this process can be found in chapter 7.

Timeliness of the investigations

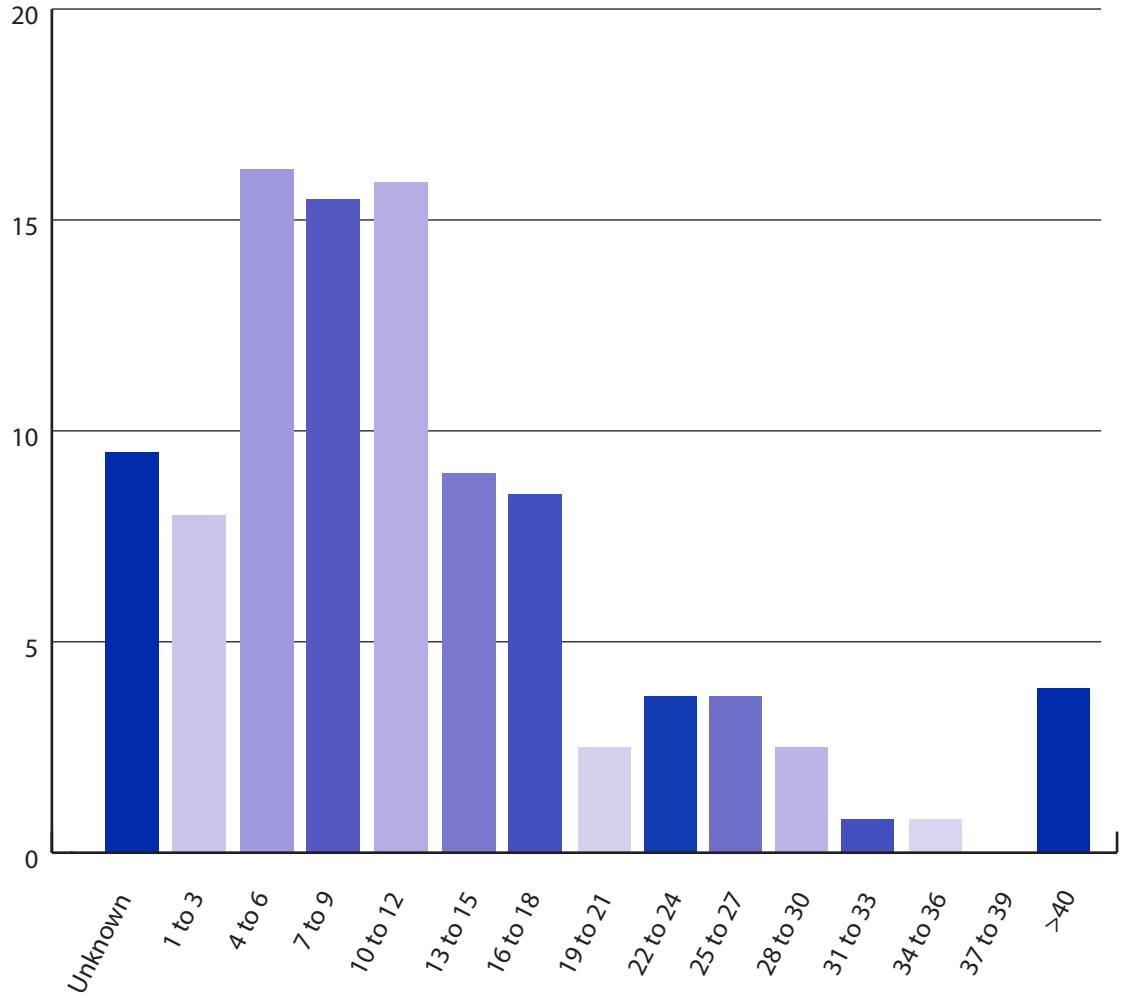
This section examines the length of time it took to complete the investigatory process for both non-deadly and deadly force incidents.

Non-deadly use of force incidents

In order to identify the length of time it took SPD to review a non-deadly use of force incident, CNA used the incident date and the date of signature noted by the officer's captain or bureau commander on the Use of Force Administrative Report or BlueTeam Use of Force Report. Of the 234 non-deadly use of force files sampled, 22 incident files (9 percent) were missing the date of signature. In many cases, these files were incidents involving canines. The Canine Contact Administrative Report did not require supervisors to note the date of their review and signature. The use of BlueTeam to enter all use of force incidents, which began in the fall of 2012, resolved this issue.

For those files containing the authorizing signature and date, the time frame to completing a review of an incident ranged from one day to 172 days. The median timeline for completing an investigation and review of a use of force incident was 10 days. Figure 4.7 displays the number of days it took to review and sign off on incidents by percentage of incidents completed.

Figure 4.7. Number of days to complete a review, by percentage completed



Delays were often the result of supervisors' requests that officers provide additional detail in their reports or meetings with suspects and witnesses to discuss the incident events. The implementation of the BlueTeam software in fall 2012 also caused delays in submitting reports. In most instances, supervisors were unfamiliar with the software and had difficulty attaching the required documentation to the BlueTeam report; thus, they had to go back and resubmit the report through the chain of command. Those incidents that were removed from chain of command and routed through IA (n=3) also took considerably longer to investigate. Investigating these incidents requires additional interviews with the suspect, witnesses, and officer(s) involved. For example, one of these three incident investigations took 172 days to complete. Of the other two, one was completed in 59 days, and the other was not signed off by the chief.

Deadly use of force incidents

It was more difficult to determine the length of time for the investigations cited in the deadly force files. The various touch points in these investigations and varying formats made it difficult for the CNA assessment team to determine the timeline and progress of investigations in each incident file. These touch points include the SIRR team, the county prosecutor, the administrative review panel (ARP), and the DFRB.

SIRR team investigation

It was difficult to identify how long the SIRR team took to complete the criminal investigation, because the deadly force incident files did not include a memo or letter noting the completion of their investigation. Without these data, CNA was unable to determine how long a SIRR team investigation typically took.

County prosecutor review

It was also difficult to determine when the file was then transferred to the county prosecutor and how long it took for the prosecutor to review the file. None of the nine incident files contained a letter or memo identifying when the file was delivered to the county prosecutor, and only three of the nine files included the date of the county prosecutor's declination letter. While some of the files did include declination letters, not all declination letters included a date of delivery. For the three files in which declination letters included a date, the time frames from the incident date to the county prosecutor's letter of declination were 106, 126, and 401 days.

Administrative review panel

The date the ARP was held was provided in eight of the nine deadly force incident files. While we were unable to determine the timeline from the completion of the SIRR or county prosecutor's review to the ARP, we were able to determine that the time frame from the incident to the ARP ranged from 80 days to 303, with an average of 177 days and a median of 208 days.

Deadly force review board

The date of the DFRB meeting was provided in eight of the nine deadly force incident files. Using the data available, the assessment team was able to determine that the DFRB was held on average 84 days (median = 72) after the ARP and 241 days (median = 284) after an incident. According to current SPD procedures, internal investigations of deadly use of force incidents are to be completed after the SIRR criminal investigation and the county prosecutor releases its letter of declination. Additional information on this process is provided in chapter 7.

Use of force investigations: common themes and areas for improvement

A number of common themes and areas for improvement arose in our review of the use of force incident files. These themes and areas for improvement include

- lack of consistency in the reporting of tools and tactics used;
- lack of consistency in the organization of deadly force incident files;
- lack of Use of Force Administrative Reports in deadly force incidents;
- lack of supporting documentation (photos, radio transmissions) in both deadly and non-deadly use of force incident files.

These areas for improvement are discussed in greater detail in the following section, *Findings and recommendations*.

Findings and recommendations

Finding 4.1

Inherent problems with the forms previously used to report use of force incidents facilitated the inconsistent documentation of use of force tools and tactics used by SPD officers.

CNA's review of the use of force incidents found a discrepancy in the reporting of tools and tactics used by officers involved in those incidents (see page 80). In at least 15 non-deadly use of force incidents (6.5 percent), supervisors filling out the Use of Force Administrative Reports or Canine Contact Administrative Reports did not accurately document the use of force tools and tactics indicated by officers in the incident or supplemental reports. Level 1 and 2 lateral neck restraints, Taser, oleoresin capsicum (OC) spray (pepper spray), compliance and takedown techniques, and special ammunitions were a few of the tools and tactics that supervisory officers failed to document. The oversight in documenting these uses of force raises concern about whether the police department is accurately capturing all use of force tools and tactics used.

The failure to identify all the use of force tools and tactics used was most commonly noted in use of force incidents that occurred before 2013 and in incidents where canines were used. Before the implementation of BlueTeam, in each incident in which canines were used, supervisors filled out only the Canine Contact Administrative Report. Unlike the Use of Force Administrative Report, the Canine Contact Administrative Report required the supervisor to report only on the use of a canine and provided no opportunities for the supervisor to document or report other uses of force.[35] In cases where officers used other use of force tools and tactics in addition to the canine, these were often overlooked.

In addition, CNA identified use of force incidents in which supervisors failed to report or incorrectly reported officer's use of lateral carotid neck restraints. This was primarily due to supervisors or officers failing to note attempted uses of level 1 or 2 lateral carotid neck restraints. According to the SPD policy manual, use of force policy, 300.3.4, neck restraint control hold, "The use or attempted use of the neck restraint control hold shall be thoroughly documented by the officer in any related reports."[36]

35. Officers involved in use of force incidents note their actions in the narrative section of the incident report.
36. Spokane Police Department. 2013. *Policy Manual*. Policy 300.3.4. https://static.spokanecity.org/documents/police/accountability/police-policy-manual-03-26-13.pdf.

Recommendation 4.1

While the recent implementation of BlueTeam software to document UOF incidents will potentially solve most issues with inaccurate reporting, SPD should still train its officers on the proper reporting of use of force tools and tactics used in an incident.

SPD should train officers on the proper way to complete the BlueTeam Use of Force Reports and on their responsibility to document all tools and tactics used. SPD should provide this training through roll call and during the next in-service training session and should stress this information in all future training courses involving use of force. The assessment team acknowledges that SPD has provided officers, specifically sergeants, with BlueTeam training in both February and July 2014. However, the proper documentation of use of force tools and tactics used should also be incorporated and stressed in the supervisor's version of the use of force report writing training.

Finding 4.2

SPD does not require its supervisors to fill out use of force reports in deadly force incidents; this adds to the inaccuracy in reported use of force tools and tactics.

The failure to complete a use of force report in deadly force incidents further adds to the use of force tools and tactics documentation issue. Since the SIRR team conducts the criminal investigation of the use of deadly force, the incident does not undergo a review by the chain of command; thus, the supervisor of the officer involved does not complete a use of force report. Although the investigation by the SIRR team is comprehensive, it only investigates and documents the use of deadly force by the officer. While the use of force in such cases does not undergo a chain-of-command review, failing to formally document the other force tools and tactics used prevents the department from fully understanding and analyzing all types of force used by the officer.

Recommendation 4.2

The supervisor of an officer involved in a deadly force incident should always complete a BlueTeam Use of Force Report for the incident.

Although the SIRR team conducts an in-depth criminal investigation of the use of deadly force, requiring the involved officer's supervisor to complete a BlueTeam Use of Force Report provides the department with an opportunity to document all use of force tools and tactics used in a comprehensive format. Completing these forms for all use of force incidents will also assist in the quarterly and annual collection and analysis of data on use of force incidents.

Finding 4.3

The SIRR team does not use a common template or consistent format for compiling all information related to its criminal investigation of a deadly force incident.

Reviewing the deadly force incident files was more complex than reviewing the non-deadly force incident files. The deadly force incident files usually contained over 200 pages and contained a wealth of information, including both criminal and administrative investigatory findings. In addition to the volume of these files, the lack of a common template or organizational structure within these files made it difficult for the

CNA assessment team to review and extract the information needed to conduct its analysis. Because the criminal investigation is conducted by an outside agency, forms and templates are often specific to that agency's procedures and processes.

A common template or consistent format will make it easier for the agency conducting the investigation, the county prosecutor, the agency conducting the administrative review of the incident, the Office of the Police Ombudsman (OPO), and any other departmental divisions to audit or review the file. This creates efficiencies in how the investigatory files are reviewed and ensures that these entities can successfully review the file at any point in the future.

Recommendation 4.3

The SIRR team should develop a common template for all deadly force incident files.

The SIRR team should develop a prototype for its deadly force files. This prototype should include, for example, templates for witness statements, officer statements, and photo logs. Each of these templates should include a proper title identifying the purpose of the form and designated space to record a date of submission or receipt.

Finding 4.4

The SIRR team or SPD do not document the case flow of deadly force incidents; this makes it difficult to track the status of the review of each deadly force file.

In a number of instances, it was difficult for the assessment team to determine the date that a certain form, task, or part of the investigation was completed. For example, not all files contained the memo released by the SIRR team announcing the county prosecutor's letter of declination, and the county prosecutor's memo to the investigators releasing its finding often failed to include a date of submission. Details such as these, while not essential to the actual investigation, are important to the department in formally tracking the progress of the investigation, especially when these investigations can take six to eight months to complete.

Recommendation 4.4

SPD should develop a formal way to track the investigatory (criminal and administrative) process and include this tracking sheet with every deadly force file.

This tracking sheet can be similar to the IA Investigation Case Flow form used in the investigation of complaints. It should contain a list of all the entities that either investigate the incident or review the file (i.e., SIRR team, prosecutor, IA, ARP, DFRB, OPO, chief). This checklist should include a log to track the date and time that each of these entities received the incident file. According to the Police Assessment Resource Center's guidance on internal affairs, "a formalized checklist included as part of the final investigative file will help assure the completeness of an investigation" and establish "a clear and consistent format for investigative reports and files to help ensure objective, unbiased and thorough investigations . . ."[37]

37. Bobb, Merrick J., and Matthew Barge. 2008. *Internal Affairs: Guidelines Proposed by PARC*. Los Angeles: Police Assessment Resource Center. http://www.parc.info/client_files/Special Reports/Internal Affiars Guidelines Proposed by PARC.pdf [sic].

Finding 4.5

A number of non-deadly use of force incident files did not contain supplemental documentation such as photos, radio transmissions and recordings, and computer-aided dispatch (CAD) logs.

Although most of the deadly force files contained supplemental documentation, a number of non-deadly use of force files were missing these items. While SPD was able to provide most of these items upon a secondary request, items such as photos and recordings are not traditionally stored with every use of force file; instead, they are stored in various departments and divisions. If an investigator, the ombudsman, or other appropriate personnel should want to re-examine a use of force file, they would have to obtain portions of the use of force incident file from various divisions, which is cumbersome.

Recommendation 4.5

SPD should include all supporting documentation (e.g., photos, radio transmissions) in all non-deadly use of force files, and these complete files should be saved electronically in one location. SPD should audit these files annually in order to ensure that they are complete.

SPD should use file-sharing software such as SharePoint to save all parts of a use of force incident file, including radio transmissions, photos, and computer-aided dispatch (CAD) logs. A software system such as SharePoint will also allow appropriate personnel (IA, executive command) the ability to efficiently review all aspects of an incident from one central location. In addition to storing these files electronically, SPD should audit them, checking for completeness, on an annual basis.

Finding 4.6

The city of Spokane's use of force commission recommended that SPD conduct a cultural audit to better understand the organizational perspectives regarding use of force.

In the February 2013 report by the city of Spokane's use of force commission, the commission recommended that SPD conduct a cultural audit. While the conduct of this cultural audit was outside the scope of the U.S. Department of Justice's assessment, we offer a recommendation regarding the areas that this cultural audit should focus on and how SPD should go about conducting such an audit.

Law enforcement organizations seldom conduct cultural audits or organizational assessments. In contrast, corporations often conduct cultural and organizational reviews in order to better understand employees' perceptions, learn how to best encourage productivity, and identify employees who are negatively affecting the company's culture. Many of the methods used to conduct these audits within corporations are transferrable to police departments.

Conducting cultural audits can be complex and costly. Leaders within the organization must identify an audit team internal to the organization, hire third-party researchers to conduct the data collection and analysis, and prepare their staff to be available for extensive interviews and observational periods. A study conducted by Testa and Sipe (2013) notes that in addition to the complexity of these audits, there is no consensus on how organizational culture is defined and measured, and therefore organizations must determine which model and methods are most appropriate for their own case.

Recommendation 4.6

SPD should consult with the city of Spokane's use of force commission to clarify and define their request for a cultural audit and to determine if a further examination of the department's culture is necessary.

Cultural audits are important to the development of strategic plans and the understanding of the culture within an organization. Identifying the motivators for compliant employee behavior and employees' perceptions of the organization and leadership is important to identifying ways in which leaders and supervisors can better align the culture of the organization to its goals, mission, and values.

While the assessment team's survey of 20 percent of the patrol force (see chapter 5) provides a contextual baseline for officers' perspectives on the use of force, it is not comprehensive and should not be considered a cultural audit. In addition to officer interviews, a comprehensive cultural audit should include extensive observations of police practices and police community interactions, focus groups with both officers and community members, and a number of other activities.

Because the city of Spokane use of force commission's original request for a cultural audit was unclear on what the cultural audit would comprise, it is important for SPD to initiate a discussion with the City of Spokane Use of Force Commission. SPD and the city of Spokane use of force commission will need to determine if the baseline cultural assessment conducted by CNA meets the needs of the commission or if a further audit is necessary.

If a cultural audit is found to be necessary, Testa and Sipe (2013) provide guidance on the process and models that organizations can follow as they conduct their own cultural audits.[38] They define the conduct of a cultural audit in five steps: (1) identify the organization's vision, mission, values, and strategic goals; (2) describe the desired culture; (3) select the audit team; (4) collect the data; and (5) interpret and report the findings.[39]

Steps 1 and 2 are geared towards establishing the baseline and identifying the focus areas for the cultural audit. Step 3 involves the selection of the team that will oversee and conduct the audit. The team should include an executive team and a research team. The executive team includes leaders from various divisions and departments (e.g., patrol, IA, training, investigations) within the organization and with various tenure levels. Step 4 involves collecting the data through interviews with officers, executive command, departmental stakeholders, and community members; conducting focus groups; observing officer-community interactions through ride-alongs; and reviewing departmental policies and procedures. Testa and Sipe provide a list of organizational culture areas and questions that organizations such as SPD could use in the conduct of their cultural audit. (See appendix B on page 110 for a table listing these cultural categories and questions.) The final step in the model provided by Testa and Sipe is interpreting and reporting the findings. The researchers suggest that the observations should be carefully reviewed in order to identify consistent themes and that the organizations and researchers conducting these audits should use these findings to develop strategic plans to address any organizational issues that become apparent through the audit.[40]

38. Testa, Mark R., and Lori J. Sipe. 2013. "The Organizational Culture Audit: Countering Cultural Ambiguity in the Service Context." *Open Journal of Leadership* 2(2):36–44. http://www.scirp.org/journal/PaperInformation.aspx?PaperID=32988. Testa and Sipe provide comprehensive guidance based on research completed by other authors (see article for complete list).
39. Ibid.
40. Ibid.

Finding 4.7

The annual analytical review of use of force data, conducted by the SPD's IA division, is not comprehensive and is limited to the documentation of the types of tools and tactics used and the number of times force is used per employee.

While the SPD IA division does produce an internal report of use of force data, its analysis is limited to annually examining the types of tools and tactics used and the number of times force is used per employee on an annual basis. In addition, IA's review of use of force data fails to include citizen complaint data. Expanding the type of analytics run on these data and establishing a consistent methodology and a schedule for analysis will allow the SPD to track the data from year to year or from quarter to quarter.

Recommendation 4.7

SPD should analyze use of force reporting data on a semiannual basis and before and after major policy or procedure changes in order to identify trends and quickly remedy any issues through remedial training or discipline.

Performing this analysis on a semiannual basis will allow the SPD to flag any trends or issues as they emerge. The analysis should include geographic coding and coding of age, race, sex, mental impairments, officer characteristics, environmental characteristics, citizen complaints of use of force, and crime to allow the SPD to flag any emergent issues or trends at those levels. A more detailed analysis of the geographic location of these incidents will also reveal the degree to which these incidents are concentrated in these locations.

Similarly, if the SPD is considering major program or policy and procedure changes, it should perform a use of force analysis both before and a reasonable period after the change goes into effect, in order to track the impact of the change. For example, if scheduled analysis reveals a disproportionate number of use of force incidents stemming from calls for service involving domestic violence, the department can reassess its policing and prevention strategies to target offenders with previous citations for domestic violence. SPD can also use these analytics to inform its annual training plan.

Finding 4.8

Although the SPD has consistently tracked use of force reports in a spreadsheet and posted individual use of force reports on their website in the past, it has just begun producing a formal annual use of force report and releasing the report to the public.

SPD's IA division collects data from use of force reports via Excel spreadsheets. In addition, over the past six months, SPD has begun developing one- to two-page reports that synthesize the data in these spreadsheets for each year for the last five years (2009–2013). However, the extent to which SPD uses the data collected to inform policing strategies and training plans is unknown. During our assessment, and within the past six months, SPD began populating annual use of force reports for 2009–2013 and releasing these reports to the public. Sharing these reports and how SPD uses the data to guide its operations and decision making was cited by several community members as a detriment to the transparency needed to improve the community's trust in the SPD. This analysis would either confirm or deny the many rumors regarding unequal policing, either along racial, ethnic, or geographic lines, that many community

members perceive. In particular, community organizations representing minorities and individuals with mental illness or substance abuse issues all believed that their constituencies were unfairly targeted by the SPD and that a formal analysis would prove their claims.

Recommendation 4.8

SPD should continue to publish annual use of force reports and release these reports to the public.

Although incident reports going back to 2012 are posted on the police department's website, the general public seldom refers to them. The SPD would earn significant good will from the Spokane community by continuing to develop and publish, in different formats, a formal analysis of use of force reports every year. These annual reports should be brief and include a summary of the use of force analysis (i.e., the number of use of force incidents, the types of tools and tactics used, characteristics of the officers who used force, characteristics of the suspects involved, and geographical contexts). In addition, these annual reports should document the adjudication findings, excessive force complaints, and uses of force in the context of the number of citizen contacts, crime rates, population changes, and calls for service. The SPD should then identify the common themes and trends within the given year and in comparison with past years. These annual reports should also identify the ways in which SPD is going to address any negative trends or deficiencies in policy and training. The SPD should also continue to publish these reports on its website and inform the public that the reports are available there. Facilitated discussion amongst community stakeholders on these use of force reports will increase the community's good will, and the SPD should engage the myriad outreach methods it already uses to engage the community (e.g., the SPD blog and Twitter account, public meetings), as well as the city council's outreach methods, including town hall meetings, using its use of force analysis as a focal point of conversation.

Finding 4.9

While the high frequency of an officer's involvement in use of force incidents over the five-year period (2009–2013) analyzed does not warrant an early warning notification, further examination of these incidents is necessary in order to identify potential patterns of behavior.

According to our analysis of use of force incident reports from 2009–2013, there were 15 officers with five or more use of force incidents and 24 officers with four or more incidents. While a number of these officers (n=4) were assigned to the K9 units and are often involved in use of force incidents as a matter of their assignment, a more detailed examination of the incidents in which these officers are involved is necessary to better understand and identify patterns of behavior over time.

Recommendation 4.9

SPD should further examine the patterns of behavior for officers with a high frequency of use of force incidents. This additional examination should be conducted every four years.

SPD should conduct an additional analysis of officers who are involved in a high frequency number of use of force incidents over a four-year period. This detailed analysis should examine the types of incidents that these officers are involved in, the characteristics of these officers, and a review of the tactical decisions made by the officers that potentially increased the risk and led to the use of force. This examination will allow the department to determine whether there are patterns of behavior that may require corrective action.

Chapter 5. Survey of Officers and Officer Interviews

In November 2014, CNA conducted one-on-one interviews and a survey of 50 Spokane Police Department (SPD) officers. This chapter provides more detail on the analysis of the surveys and the common themes identified in the officer interviews.

Officer surveys

The purpose of the survey was to gather more pointed data on officer's perspectives related to procedural justice and constitutional policing. In addition to interviewing all six of SPD's captains, we randomly selected 44 officers (police officer, senior police officer, corporal, sergeant, lieutenant) employed by SPD as of June 2014. These surveys were voluntary and anonymous. This sample of officers surveyed represents slightly more than 20 percent of the total 240 police officers employed by SPD.[41] The survey asked officers to provide a response, using a four-point scale, regarding their agreement with a number of statements involving topics of procedural justice and constitutional policing (see appendix C on page 113). The following provides a review of officers' responses. The survey questions were developed based on previous research conducted by Tom Tyler (2001),[42] Knowledge Networks (2008),[43] and the International Institute for Restorative Practices (2000).[44]

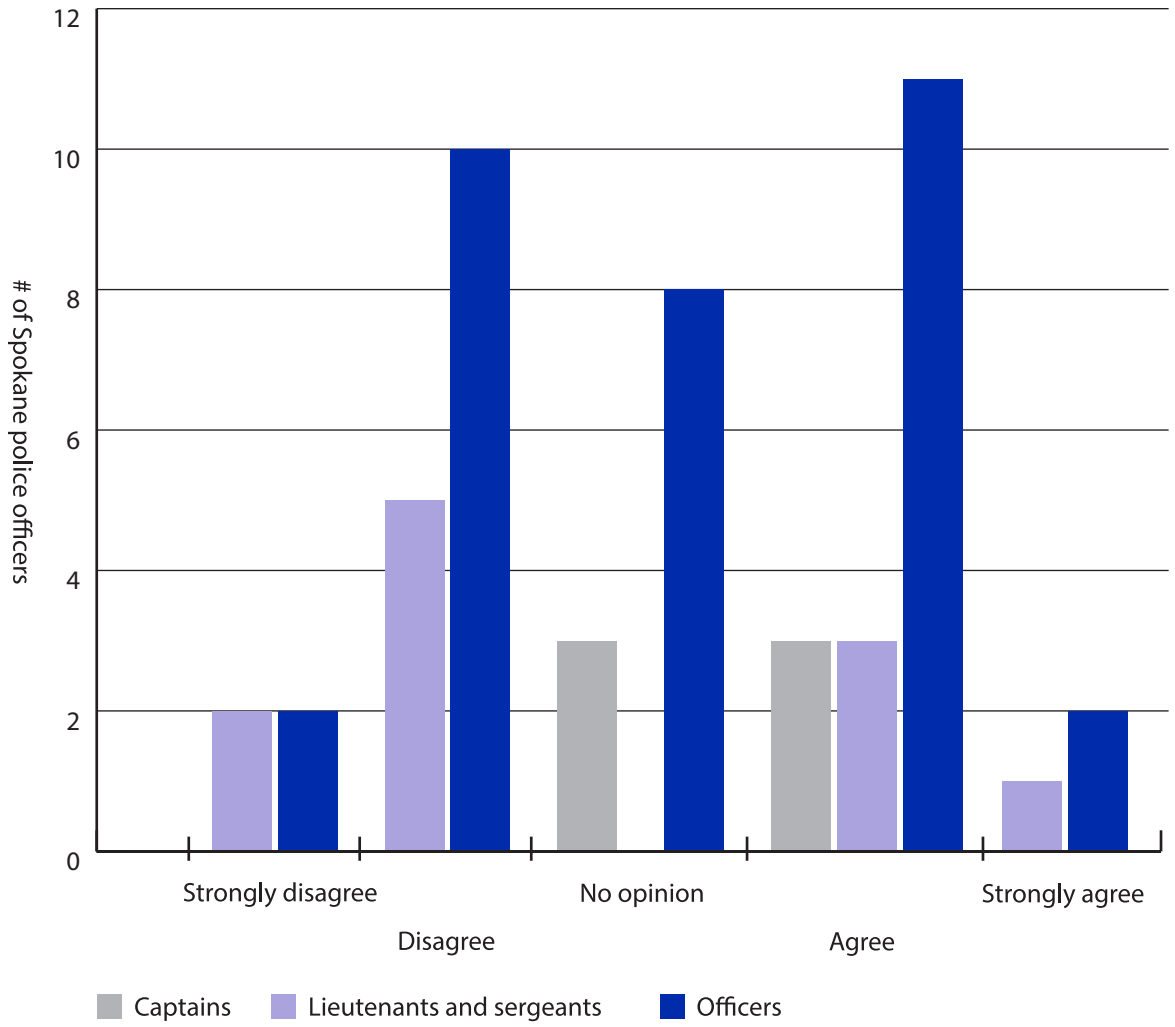
Constitutional policing and procedural justice

When officers were asked how important it was to (1) clearly explain what they are doing; (2) consider people's explanations; and (3) give people a chance to explain their actions while making an arrest, a vast majority of officers surveyed (n=48) replied that it was "somewhat important" to "very important" in all three instances. Similar results were based on questions relating to issuing a citation and conducting an officer-initiated stop.

When asked whether officers agreed with the statement that Spokane police officers should give a fellow officer a speeding ticket for driving 15 or more miles per hour over the posted speed limit, officers' answers varied. Thirty-four percent agreed with this statement, 30 percent disagreed, and 22 percent had no opinion, as shown in figure 5.1.

41. CNA excluded detectives and other administrative SPD personnel (i.e., administrative secretary, records specialist, clerks) from this sample.
42. Tyler, T. 2001. "Obeying the law in America."
43. Knowledge Networks. 2008. *Field report*.
44. International Institute for Restorative Practices. 2000. Police Attitude Questionnaire.

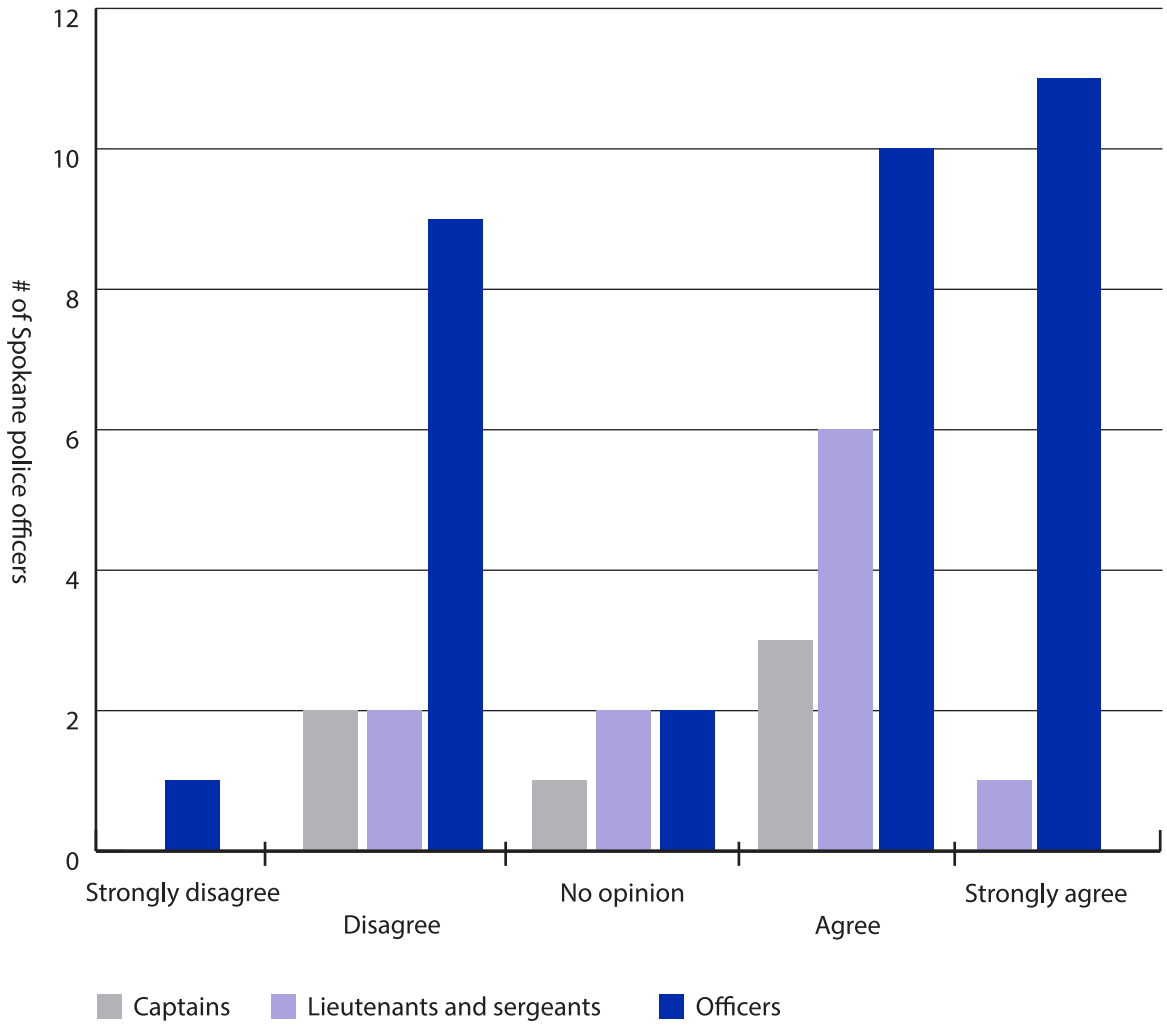
Figure 5.1. Issue a speeding ticket to a fellow officer?



In addition, a number of officers gave narrative explanations for their response. These explanations included not typically giving citizens a ticket for this situation and believing that the decision to issue a ticket depends on the situation.

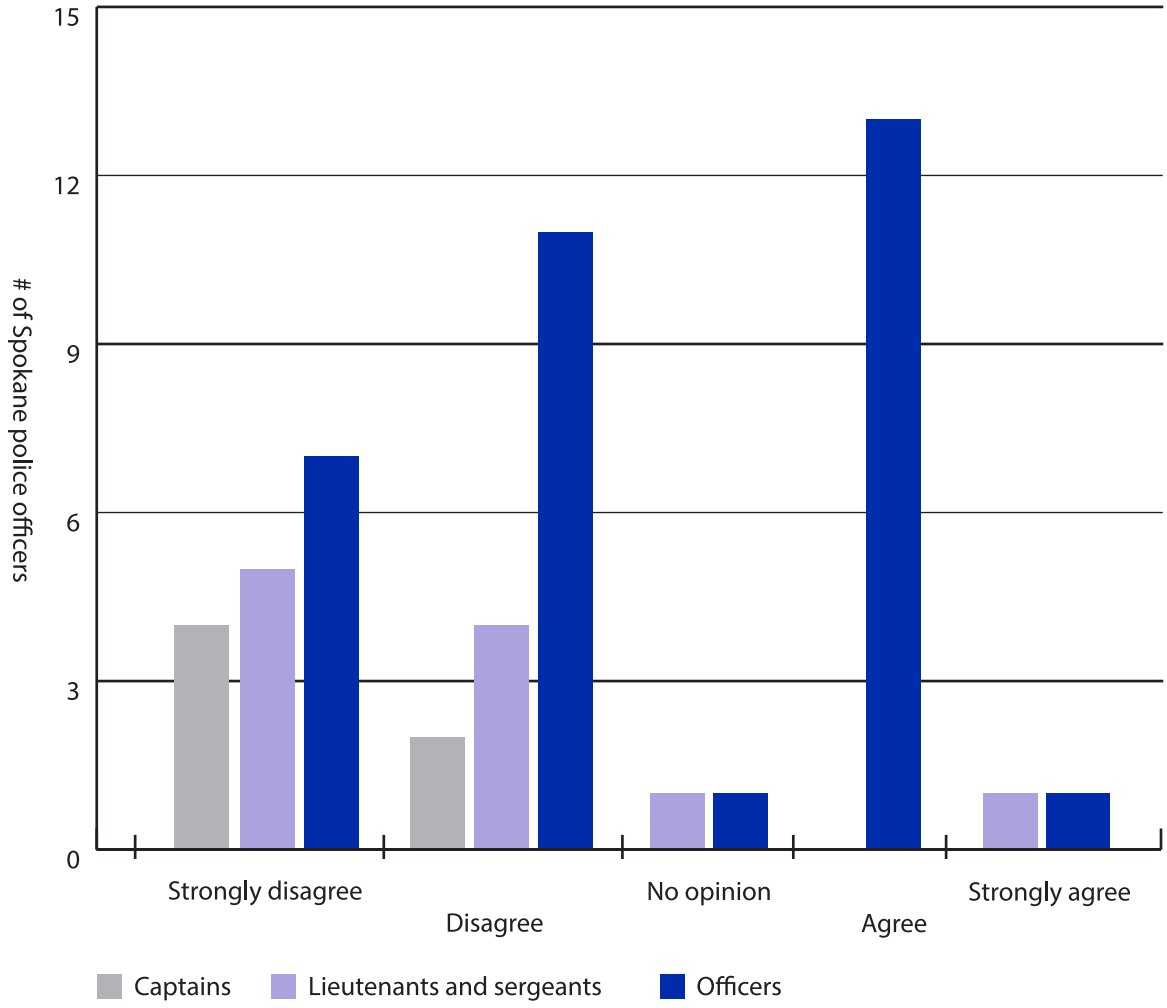
As shown in figure 5.2, responses varied almost equally across all ratings, with an exception of "strongly disagree," when officers were asked whether they agree with the statement that *police officers are more effective if they are able to decide on their own when to enforce particular laws*. This variation was seen across all ranks.

Figure 5.2. Officer discretion in enforcing laws?



When officers were asked whether they agree with the statement that *sometimes police are justified in using questionable practices to achieve good ends*, a majority (n=33) noted that they disagreed or strongly disagreed. Captains, lieutenants, and sergeants uniformly disagreed or strongly disagreed with this statement. In contrast, 26 percent of officers noted that they agreed with the statement, as shown in figure 5.3.

Figure 5.3. Questionable practices justified in some cases?

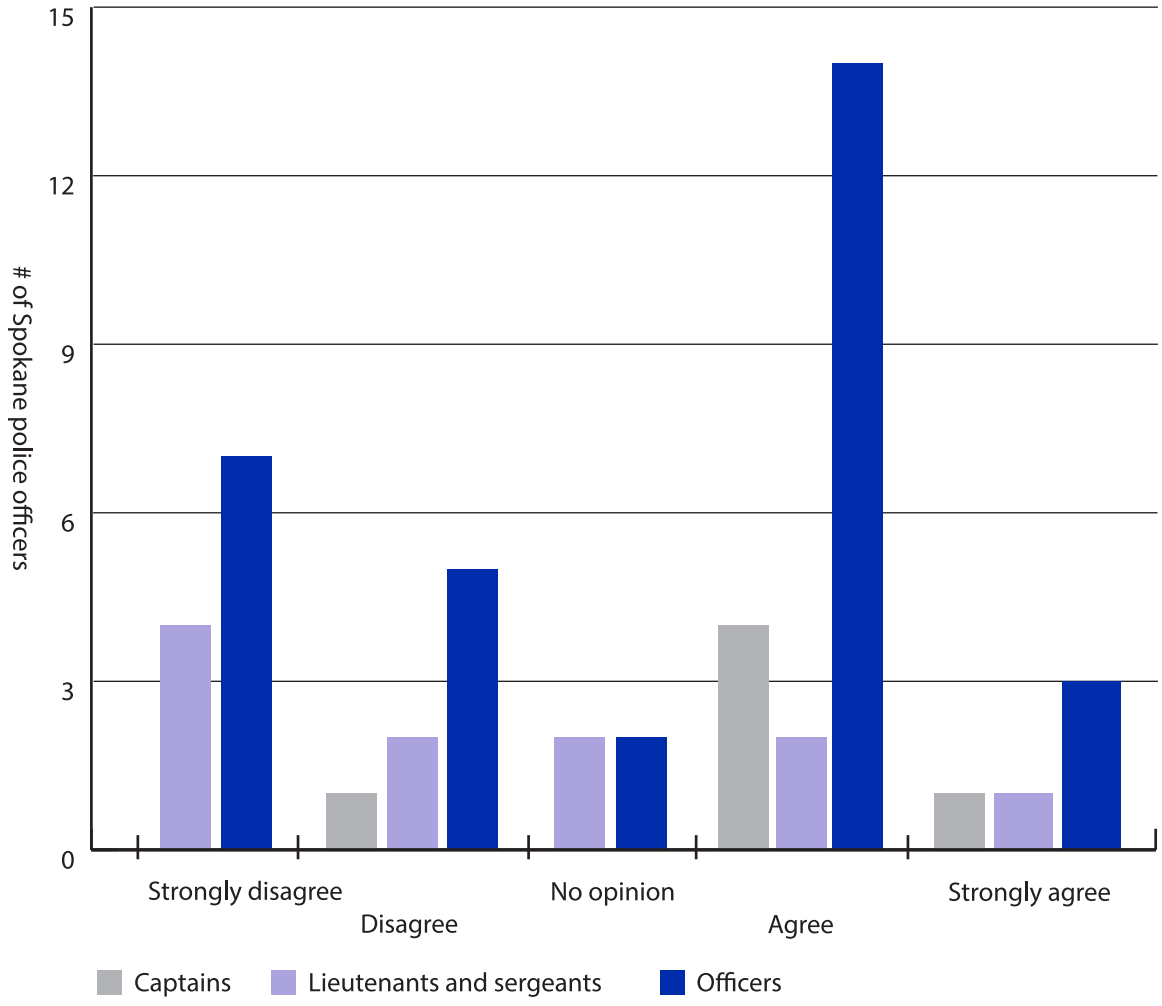


More than 70 percent of officers also noted that they agreed or strongly agreed that *Spokane police officers should arrest a fellow officer for driving while intoxicated*. However, a number of officers also noted that in such cases they would call on an outside agency to conduct the arrest.

Using force

A greater variance was shown in responses when officers were asked whether they agreed with the statement that *Spokane police officers should be allowed to strike an adult who is attempting to escape from custody*. The greatest variance was in responses from officers; while just over a quarter of officers (26 percent) agreed with the statement, 22 percent of officers (not including captains, lieutenants, and sergeants) disagreed with the statement. In contrast, when looking more closely at the difference in response according to rank, we see that five of the six captains noted that they agreed or strongly agreed with the statement, as shown in figure 5.4.

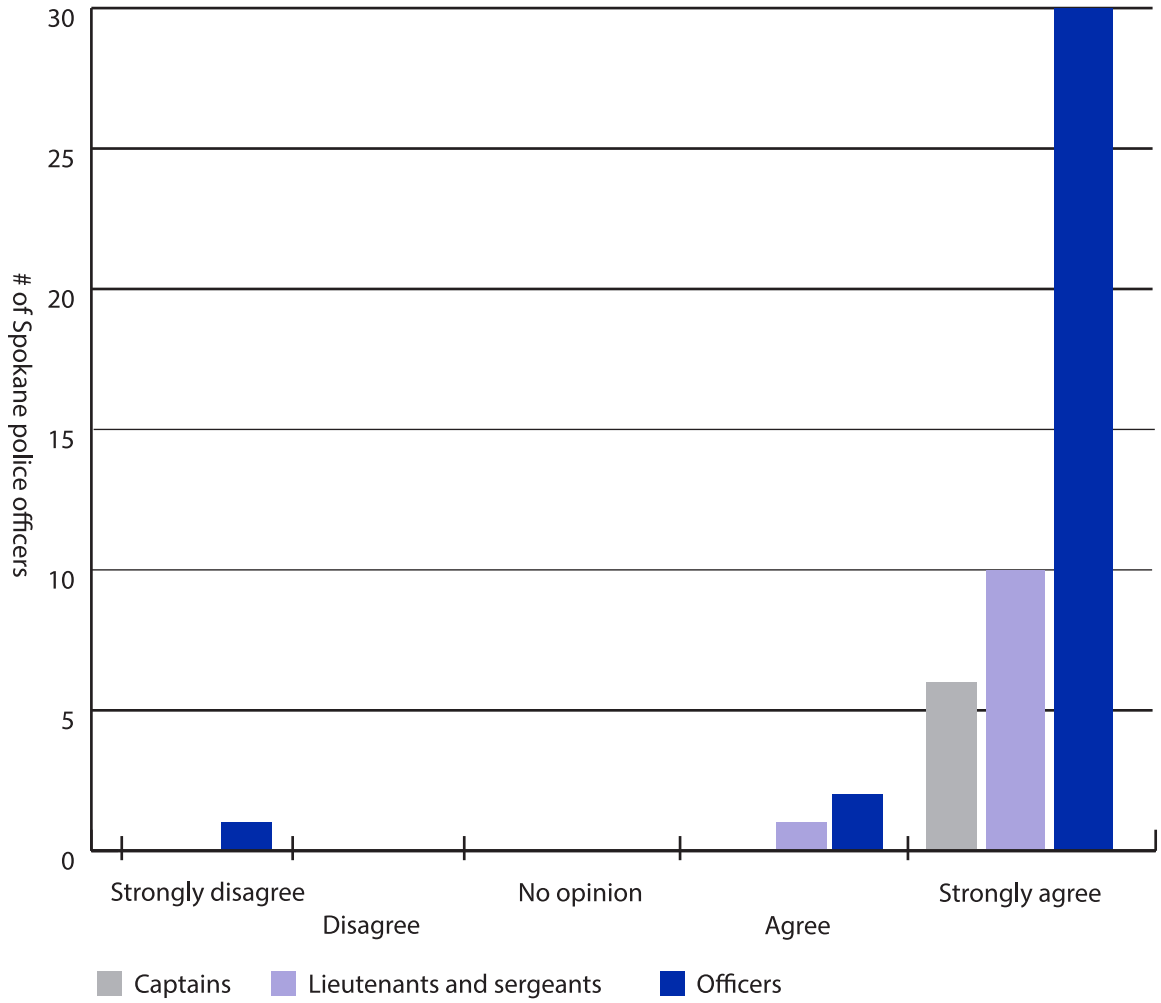
Figure 5.4. Strike an adult attempting to escape from custody?[45]



45. Two officers did not provide a response to this survey question.

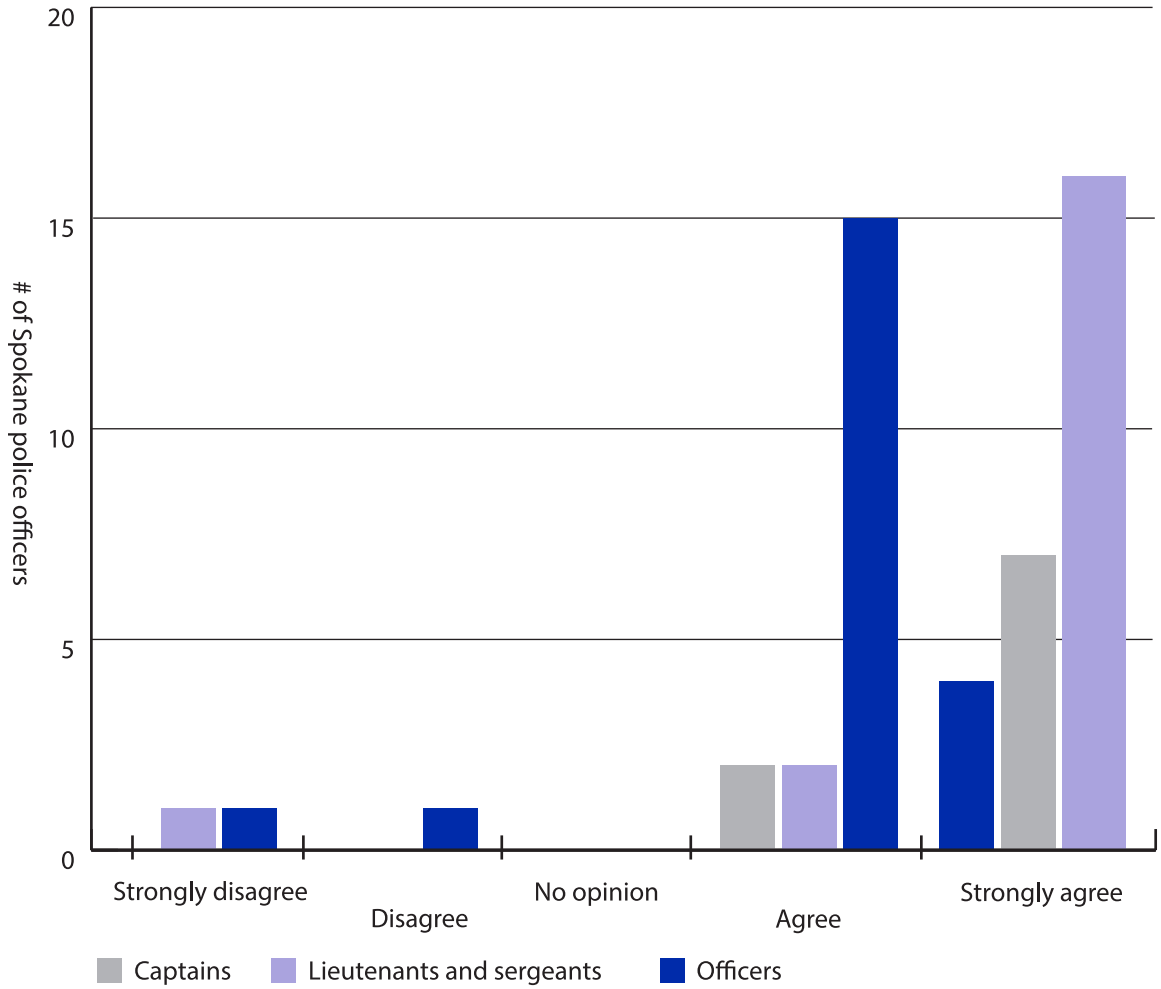
A strong agreement, 92 percent (n=46), among officers was seen in response to the statement that *Spokane police officers should be allowed to strike an adult who was attacking the police with his/her fists*. There were no major variances across the officer ranks, as shown in figure 5.5.

Figure 5.5. Strike an adult who is attacking the police officer?



When asked if they agreed with the statement that *an officer should report a fellow officer for using excessive force when making an arrest*, nearly all officers (n=47) noted that they agreed or strongly agreed, as shown in figure 5.6.

Figure 5.6. Report excessive force by fellow officer?



When asked whether they agreed with the statement that *only police officers are qualified to judge whether use of force is excessive*, 82 percent of officers noted that they disagreed or strongly disagreed.

In sum, officers overwhelmingly agreed that proper constitutional policing and procedural justice practices should be followed when interacting with a citizen or potential suspect. There were clear variations in responses when officers were asked about striking adults who were attempting to escape from custody, the use of discretion when issuing a fellow officer a speeding ticket, and the justification in using questionable practices to achieve good ends. The discrepancies in officer responses in these areas are potential signs of issues in training and the need for additional clarification from department leadership on these topic (see finding 5.3).

Officer interviews

In addition to having these officers complete a survey, we also conducted one-on-one interviews with each officer. The questions asked during the officer interviews focused on four areas: (1) officers' roles, responsibilities, and duties within the police department; (2) their perspectives on the department's use of force policies and procedures; (3) their opinions on what causes use of force incidents; and (4) their opinions on the impact of use of force incidents on police-community relationships. Officers were very forthcoming with their opinions and perspectives on the police department's use of force processes. Below are some common themes expressed during these interviews.

Officers' roles and responsibilities

- Officers in leadership positions (captains and lieutenants) noted that their position is integral to providing guidance to officers, maintaining police operations, reinforcing policies, and ensuring adequate police supervision.
- Officers also noted that while training provided was adequate, the training provided in preparation for leadership positions is informal and not always guided by formal procedures or requirements.

Use of force policies and procedures

- Officers noted that internal communication following a deadly use of force incident has improved in the last two years.
- Officers noted that while the department has positively progressed within the last 18–24 months, they remain concerned about the rapid succession of organizational changes and the impact these frequent, and sometimes sudden, changes have on morale and agency operations.
- Officers expressed support for making the facts of a deadly force incident public; however, a number of these officers also noted that too much transparency can be detrimental, especially if it reveals personal or confidential information.
- Officers voiced support for a role for citizens in the review of deadly force incidents, but they all felt strongly that there must be an educational process for citizens who review such information.

Causes of use of force incidents

- Officers overwhelmingly agreed that subjects' impairments related to mental illness, drugs, or alcohol are a direct cause of use of force.
- When asked about the characteristics of officers who used force, most officers noted that an officer's assignment (e.g., day shift, graveyard shift) and participation in specialized units (e.g., emergency response unit, K9) play a large role in their involvement in use of force incidents. Officers also noted that age, experience level, and communication skills could play a role in use of force incidents (with younger officers and those who have less experience or poor communication skills being more likely to be involved).
- A number of officers expressed their concern about the impact of current staffing shortages on officer fatigue and how this could potentially cause use of force incidents.

Impact of use of force incidents on police-community relationships

- Officers noted that while they are making progress in community outreach efforts, shortages in staffing are their greatest impediment to actively engaging the community and proactively conducting community policing.

In the following section we present additional discussion and analysis on a few of these common themes.

Findings and recommendations

Finding 5.1

Officers noted that changes to the organizational structure and the department's policies and procedures, which have occurred in rapid succession over the past 18–24 months, have been inconsistently communicated with all members of the department, specifically those most affected by the changes.

It was clear that, as a result of previous organizational ineffectiveness and the 2006 Otto Zehm incident, the SPD required significant organizational changes to align the department with best practices. While most officers interviewed noted that they understood the need for change, they also expressed concerns over the rapid succession of these changes and the inconsistent communication about these changes down to the patrol level.[46] Further complicating this was resistance to change among a number of officers within the department; this created issues for executive leadership in obtaining buy-in from officers both in supervisory levels and among patrol. In addition, our interviews revealed that some officers feel that these changes have affected department morale because officers are unsure how long they will be in their current positions.[47] In an agency with slightly less than 300 officers, the swift changes among a few (6–7) officers can cause a ripple effect both up and down the ranks. While the swift changes may be necessary, changes like these can cause resistance and reluctance within the department, further highlighting the importance of consistent messaging among both executive leadership and supervisory officers. When asked how long officers had been in their current position, a number noted four months to one year.[48] The rapid changes, coupled with resistance to change; lack of training on new positions, roles, and responsibilities (see finding 5.2); and inconsistent communication from executive leadership can impede the intended positive progress of these changes and instead cause frustration and lack of buy-in from all the ranks within the department.

Recommendation 5.1

SPD executive leadership should hold meetings with their personnel to discuss the changes, the intended strategy, the reasoning behind the changes, and the impact of these changes and to reaffirm the department's overall mission.

SPD's executive leadership should work closely with the director of communications to develop routine communication methods on all changes to the department's organizational chart, policies and procedures, training, strategies, etc. These communication methods should be geared towards informing the organization as a whole and specific enough to inform those most directly affected of the changes and the potential outcomes of the changes. These communication methods should include department-wide e-mails,

46. CNA Interviews. September 2014.
47. Ibid.
48. Ibid.

roll call briefs, one-on-one meetings, group meetings, and meetings with supervisors. The SPD should also provide an avenue for officers to submit their comments and suggestions about the changes back up the chain of command, either directly through their supervisors or anonymously.

Appropriately communicating these changes with officers in supervisory positions is most important, because their continued buy-in will be directly reflected in how they communicate and reinforce the changes among the officers they supervise. The role and level of importance that supervisors play in facilitating cultural change within the department is key to the department's overall success, and supervisors must understand that their role can impede or encourage positive reaction to the organizational and cultural change of the department.

Finding 5.2

Although the department provides recently promoted officers with a checklist of job requirements, a number of officers expressed concern over the lack of formal processes (e.g., manuals, transition period, mentoring) for officers promoted to the sergeant, lieutenant, and captain levels.

Except for those promoted to captain, newly promoted officers are provided with a checklist of activities and courses that they should complete within their first six months in the new position. However, a number of officers interviewed noted that this checklist has become a "check the box" item, and no real transitional training is provided on what officers should expect and what their new duties and responsibilities entail as a supervisor. A formal promotion process is necessary as a standardized practice within the department and, more important, during times of rapid organizational change. Supervisors are a critical component of an organization, and if they are unsure about their roles and responsibilities and are not given adequate training, this will negatively affect their ability to supervise and guide personnel placed under their supervision, ultimately leading to gaps in accountability and officer safety.

Recommendation 5.2

Manuals outlining the training and learning requirements, transitional period, and mentoring opportunities for all promotions to supervisory-level positions should be updated or developed.

SPD should develop or update the materials provided to officers when they are promoted. These materials should go beyond providing a checklist of requirements. They should provide officers with guidance on their new duties, roles and responsibilities, and training requirements and should inform them of any required activities they must complete within the weeks to months in their new position. In addition, newly assigned supervisors should be given on-the-job training by their outgoing predecessors when possible. Those above these new supervisors in the chain of command should check in regularly and provide mentorship to ensure that the newly assigned officers fully understand their roles and are confident in their positions.

Finding 5.3

There was a lack of consensus among officer's responses to the use of force on subjects attempting to flee from custody, the use of discretion when issuing a fellow officer a speeding ticket, and the justification in using questionable practices to achieve good ends. This discrepancy is a potential sign of issues in training and the need for additional clarification from department leadership on these topics.

Responses to the question of whether officers should use force on subjects who are attempting to flee from custody, the use of discretion when issuing a fellow officer a speeding ticket, and the justification in using questionable practices to achieve good ends were varied, mostly among officers and in some cases even among officers in supervisory positions (see figures 5.2, 5.3, and 5.4). In addition to this, there was a small variance in officers' responses to the survey question related to reporting a fellow officer for using excessive force (see figure 5.6). While overwhelmingly in agreement, there were a few officers (n=3) that noted that they "disagreed" or "strongly disagreed" with the statement.

Recommendation 5.3

The SPD leadership should emphasize the importance of procedural justice policing practices and provide additional training on these topics.

Officers' responses to the survey questions should not be interpreted as a clear sign of biased policing within the department; in contrast, based on our assessment, we found no pattern of biased application of use of force. On the other hand, it is apparent that additional training and guidance from department leadership on how officers should respond in such circumstances is necessary. SPD leadership should reinforce fair and impartial policing practices and provide officers with guidance through roll calls, department wide e-mails, and in meeting with supervisors. In addition, SPD should provide all officers with additional training on these topics. Organizations like the COPS Office offer training to a number of law enforcement agencies across the country. Training on procedural justice and unbiased policing will encourage officers to reassess how they interact with their communities and promote interactions that are more meaningful. As a result, these positive interactions will help build stronger community-police relationships and assist in the organizational transformation of the department.

Chapter 6. Use of Force Policies and Procedures

In this chapter, we examine whether Spokane Police Department (SPD) policies and procedures require that its officers use force as defined by federal and state law and in accordance with national standards and best practices. We first review the background and common components of a model use of force (UOF) policy. We then examine SPD's current use of force policy and follow with a list of findings and recommendations on how SPD can continue to improve its use of force policies and procedures.

Federal and national guidance

The fourth and 14th amendments of the U.S. Constitution provide the basis for deadly use of force policies in the United States. Federal court guidelines stem from the benchmark 1985 decision of the U.S. Supreme Court in *Tennessee v. Garner*. This ruling held that the Tennessee statute that permitted police officers to use deadly force in arresting non-dangerous fleeing felons was unconstitutional. The ruling sanctioned the use of deadly force only as a means to "protect the officer and others from what is reasonably believed to be a threat of death or serious bodily harm," (or) "if it is necessary to prevent the escape of a fleeing violent felon whom the officer has probable cause to believe will pose a significant threat of serious physical injury to the officer or others." To assist law enforcement agencies in developing policies consistent with U.S. Supreme Court decisions, the International Association of Chiefs of Police (IACP) formulated the following language for its model use of force policy: "Officers shall use only force that is objectively reasonable to bring an incident under control."[49] In addition to making policy changes, many policing agencies developed comprehensive approaches to training their officers on how and when to use force, including use of force models. These graphic models provide guidance to officers on levels of force to apply based on levels of resistance presented by the suspect. A recent survey of use of force policies showed that most policing agencies use some type of force model, and many rely on a linear design.[50] However, there is no standard practice and no evidence exists for the effectiveness of one model over another.[51] The IACP national model policy identifies two general circumstances in which the use of deadly force may be warranted. The first instance is "to protect officers or others from what is reasonably believed to be a threat of death or serious bodily harm." The second is to prevent the escape of a deadly felon who the officer believes will pose a significant threat of death or serious physical injury to the officer or others. The IACP further recommends these additional considerations:

- If a decision has been made to deploy deadly force, when possible, the police officer should identify him or herself and demand that the subject stop the threatening conduct.
- The officer must always consider the potential risk to innocent bystanders.
- The officer must never fire warning shots.
- The officer must not discharge firearms from a moving vehicle, except in exigent circumstances and in the immediate defense of life.

49. National Law Enforcement Policy Center. 2006. *Use of Force*.
50. Terrill, William, Eugene A. Paoline III, and Jason Ingram. 2012. *Final Technical Report: Assessing Police Use of Force Policy and Outcomes*. Washington, DC: National Institute of Justice. https://www.ncjrs.gov/pdffiles1/nij/grants/237794.pdf.
51. Ibid.

SPD use of force policy

The SPD has implemented several UOF policy changes as a result of the March 2006 death of Otto Zehm,[52] a UOF incident that involved several SPD officers. In response to the continued community concern, in January 2012, Mayor David Condon established a use of force commission to make a thorough inquiry into UOF issues in Spokane. After an extensive investigation, in which the commission consulted with and interviewed a diverse group of practitioners, experts, and community members, the commission released a draft report for public comment in December 2012 and a final report in February 2013. This report recommended that SPD undertake several actions to improve and update its policies and procedures surrounding use of force. In its March 2014 progress report to the UOF commission, the SPD articulated the many improvements it had made to address the commission's recommendations, including the following:[53]

- Re-writing the SPD mission statement to emphasize quality of life and safeguarding constitutional rights
- Posting the SPD policy manual to the department's website
- Developing a new defense tactics manual and a new field training officer manual
- Providing the OPO full access to police files and materials
- Requiring that the city administrator review all SPD disciplinary suspensions of more than one day

Since its March 2014 progress report, the SPD has also updated its use of force practices and now requires officers to document instances in which officers point their firearms as a use of force. The SPD has also instituted an early intervention system (EIS) to monitor individual officers' performance and pre-emptively flag any emerging performance or training issues. In addition, the city attorney's office has adopted policies ensuring an appropriate distance from SPD criminal prosecutions and has provided a full-time police legal advisor to the SPD.

Findings and recommendations

Finding 6.1

Notifications from the SPD's early intervention system regarding use of force are only sent to the defensive tactics cadre.

Starting in 2014, the SPD employed an EIS to monitor several variables regarding officer actions, including the number of different types of incidents and the determination of whether the officer acted within policy in that specific incident. The SPD tracks use of force incidents, internal affairs (IA) investigations of complaints, pursuits, accidents, and officer-involved shootings for all of its officers. If an officer exceeds a pre-defined threshold for any of these events, the defensive tactics cadre is notified. The defensive tactics cadre is composed of SPD subject matter experts who have received training and certifications from many public safety agencies and professional associations, such as Taser International, Washington State Criminal Justice Training Commission (WSCJTC), and Basic Law Enforcement Academy. While not formally alerted of incidents of officers exceeding pre-determined thresholds in the EIS, a lieutenant from IA reviews the EIS

52. Additional background detail on the Otto Zehm incident can be found in chapter 1.
53. Spokane Police Department. 2014. Twelve Month Progress Report. Letter to the use of force commission, March 27. A summary of the reforms implemented by the SPD can be found in chapter 3.

spreadsheet monthly for any surges or patterns. Executive leadership and members of the use of force review board (UOFRB), while not automatically notified of incidents via the EIS, are kept abreast of use of force incidents through their involvement in the UOFRB.

Recommendation 6.1

SPD should formalize the EIS notification process and include the officer's supervisor, IA, the officer's union representative, and executive leadership in this notification process.

The notification should be sent to all relevant parties who could potentially be involved in or implicated by the SPD's response to the alert. This includes the officer's immediate supervisor, who can then alter his or her supervision of the officer; IA, so that they can determine whether to open an investigation or an inquiry; the officer's union representative, so that the officer's contractual rights are not abrogated; the SPD's public information office (PIO), so that it can develop messaging content and distribution plans; and the SPD executive leadership for situational awareness. The goal of an EIS is to provide an early intervention into any potential issues with a specific officer, but the alert that the EIS generates for a specific officer can have an impact well beyond that officer. The alert could be an early indicator of the need for changes to training or equipment, or it could be a harbinger of emerging policy or community outreach issues—either of which would implicate more individuals within the SPD than those in the defensive tactics cadre. While the monthly review by IA and the UOFRB cursory review are valid precautions, an officer could reach a triggering threshold at any point in the month, and that triggering threshold could require immediate disciplinary or investigative action by IA—action that should not wait until the end of the month.

Finding 6.2

Although the development of an EIS is a clear improvement, this system could be further refined by collecting detailed information on a number of additional variables.

The SPD's EIS collects the date and disposition of every SPD officer's involvement in the following incidents: use of force, IA complaints, pursuits, accidents, and officer-involved shootings. It also collects information on whether the officer's supervisor was involved in any of the incidents and whether the officer was referred to his or her Employee Assistance Program or chaplain.

While the SPD EIS gathers the very basic information on several incidents listed above, it does not include the details of those incidents (such as whether a citizen required medical attention). It also does not gather any information on civil suits, administrative claims, or disciplinary actions, or any awards or commendations received by the officer.

Recommendation 6.2

SPD should expand the type of information its EIS collects, such as sustained complaints and completed training.

Although each EIS must be specifically tailored to each police department's circumstances and organization and to the issues it faces, an EIS should ideally collect all relevant data to an officer's training record, disciplinary action, performance evaluations, citizen-initiated complaints, and commendations.[54]

54. Walker, Sam. 2003. *Early Intervention Systems for Law Enforcement Agencies: A Planning and Management Guide.* Washington, DC: Office of Community Oriented Policing Services. http://ric-zai-inc.com/Publications/cops-w0085-pub.pdf.

The SPD should also collect data on an officer's involvement on tactical teams (e.g., emergency response unit [ERU], K9) as well as on an officer's failure to complete required training.

Further, the SPD should examine the variables listed above as well as the variables suggested for systems that are designed for more general performance assessments rather than for identifying potential problems.[55] These include variables such as absenteeism and supervisory actions. The variables need to be tailored to the SPD's needs and customized for the unique circumstances of the SPD.

Finding 6.3

The early intervention system could be further improved by lowering the threshold of the number of use of force incidents before a notification is made.

In addition to choosing the correct number and type of variables for an EIS system, police departments must decide the triggering criteria to generate an alert—that is, the amount of any one variable or combination of variables that will trigger an alert. Police departments should calibrate their triggering criteria for the variables in their EIS so that it does not generate alerts on too many people. If the threshold is too high, the system will not identify all the potential outliers that alert a supervisor that an officer is in need of intervention; if the threshold is too low, it will identify too many outliers. In either of these extremes, the system will be ineffective.

The SPD's current EIS system generates an alert after an officer is involved in six use of force incidents in a calendar year. In 2013, excluding K9 officers, the threshold of four use of force incidents generated alerts on 3.4 percent of the patrol officers in the SPD.[56]

Recommendation 6.3

The SPD should adjust the triggering criteria in its EIS from six to four use of force incidents per officer per year.

The current threshold of six incidents before notification of an officer's involvement in use of force incidents is too high and would only generate alerts on a small percentage of officers. This limits the department's ability to identify and address recurring issues as they are emerging. While there are no national standards on EIS thresholds, lowering the threshold to four use of force incidents would ensure that the department quickly identifies potential outliers.

In addition to considering the use of force threshold of 3 to 5 percent of the line-officer population, as recommended by the UOF Commission, the SPD should also consider the following three models[57] when establishing triggering criteria that will generate an alert:

1. Department-level thresholds, i.e., a pre-determined number of variables in a given time period
2. Peer officer averages, i.e., comparing variables within a peer officer group with similar shifts in similar areas
3. Performance indicator averages, which examine ratios between different variables, such as the ratio of use of force incidents to arrests

55. Ibid.
56. In 2013, 11 officers had more than four incidents. Of these 11, three were K9 officers.
57. Walker, Sam. 2003. *Early Intervention Systems*.

Finding 6.4

The SPD use of force policy does not reflect current departmental practices.

SPD recently implemented a new policy on the pointing of a firearm. While the department has issued roll call training and training bulletins notifying officers that they are now required to report the pointing of a firearm as a use of force, this policy is not reflected in the policy manual or mentioned in the use of force policy.

The use of force policy also fails to reflect the factors used to determine the reasonableness of force that is taught in the SPD academy and in various training courses. The factors taught by the training division, in comparison to those identified in the policy, are more closely related to the factors identified by *Graham v. Connor*, 490 U.S. 386 (1989). In addition to this, the SPD's recent implementation of the BlueTeam software is not reflected in the current notification and reporting process outlined in the policy.

Recommendation 6.4

SPD should establish both periodic and ad hoc procedures to update its policy manual to ensure that it is consistent with departmental practices.

Consistency across all aspects of doctrine ensures uniformity in operations. All levels of the policy hierarchy, from policies to manuals to directives, need to be consistent and non-contradictory to allow both officers and the public to understand the principles and constraints that govern SPD operations. As a result, the SPD should ensure that its doctrinal documents, particularly its use of force policy and its defensive tactics manual, consistently refer to the actual practices of the SPD, including the use of force model that SPD officers are being trained to use in the field. Training should enforce a police department's unified doctrine, and the SPD should therefore examine its current use of force training after it has updated its doctrinal documents and determine whether it accurately portrays the official SPD policy.

The SPD is currently undergoing significant changes, including recent reorganizations and their ongoing response to the UOF commission recommendations. Increased recent outreach and new programs such as the EIS are generating data and revealing trends. The OPO's new authorities and capabilities will soon take effect, generating yet more data from which the SPD can determine trends and inform changes in policy or practice. As such, the SPD should establish procedures for both periodic—i.e., quarterly or annually—and ad hoc reviews of its doctrinal documents, including the use of force policy, and, if necessary, make changes to them. These procedures should also incorporate the operational divisions implicated by the changes, particularly the training division.

Finding 6.5

The SPD use of force policy lacks sufficient detail on the levels of force, types of tools and tactics available to officers, certification requirements, the importance of de-escalation, and post-use of force review procedures.

While the factors listed in the policy are comprehensive, the policy gives little guidance on the varying levels of force or control, the tools and tactics available to officers, certification requirements, the importance of de-escalation, and post-use of force procedures. Those are not sufficiently discussed within the policy. Guidance on tactics such as the lateral neck restraint and pain compliance techniques are listed within the

use of force policy. However, other use of force tools and tactics like firearms, conducted energy devices (Taser), and control devices and techniques (baton, pepper spray, kinetic energy projectiles) are not referred to in the use of force policy; rather, they are included in the manual as separate policies. In addition, certification requirements for each of these tools and tactics are not listed in the use of force policy. De-escalation is another aspect of use of force that is not mentioned throughout the policy; neither is there a standalone de-escalation policy. In addition, while reporting procedures and the supervisor and shift commander's responsibilities are noted, the policy makes no mention or reference to the post use of force review procedures.

Recommendation 6.5

SPD should immediately update its UOF policy to ensure that it is comprehensive and consistent with the departmental practices.

Aspects such as the levels of force, certification requirements, importance of de-escalation, and post-use of force review procedures, while not required or guided by a national standard, should be included in the SPD policy. Including this detailed guidance will ensure that SPD officers are provided clearer parameters on their use of force. In addition, updating the policy expresses the department's commitment to addressing use of force issues and can affect the community's perception of police legitimacy.

Including this level of information in one policy presents a concern over the length of the policy for some departments. However, guidance on the length of use of force policies is limited to the IACP's recommendation that use of force policies should be "concise and incorporate only the essential principles to adequately guide officer decision making."[58] As a result, use of force policies will often vary according to the department's needs. At minimum, it is important for agencies to consider referring officers to other departmental policies on other aspects of the use of force or including additional guidance within the policy if not provided as a separate policy or general order.

58. National Law Enforcement Policy Center. 2006. *Use of Force.*

Chapter 7. Use of Force Training and Tactics

This chapter reviews the training programs conducted at the Spokane Police Department (SPD) that can impact the prevalence and nature of deadly force incidents in the department. We also examine the training requirements for each of these training programs and conclude this chapter with a series of findings and recommendations.

SPD use of force training

The SPD provides recruit-level and in-service training to its sworn officers. In addition to this required training, optional classes, covering a wide range of topics, are offered to all levels of the organization.

The importance of police training cannot be understated, because training helps ensure that officers have the skills, judgment, and knowledge to implement policies on the streets of the jurisdiction.[59] Police managers across the country acknowledge the importance of training because failure to train police officers can invoke municipal liability under Title 42 U.S.C. §1983 (*City of Canton v. Harris*, 1989).

Training at the SPD (which includes use of force training) is covered by policy 208 in the SPD policy manual.[60] This policy provides directives for all types of police training and consists of 10 sections:

1. Purpose and scope
2. Philosophy
3. Objectives
4. Training plan
5. Training needs assessment
6. Training documentation
7. Other training resources
8. Other training programs
9. Pre- and post-academy and equivalency academy
10. Training procedures

Specific policies related to use of force training are as follows:

- All sworn members will successfully complete an annual in-service training program on the department use of force and deadly force policies.[61]
- All sworn members will successfully complete in-service training on less-than-lethal weapons every two years.[62]

59. Ederheimer, Joshua A., and Lorie A. Fridell, eds. 2005. *Chief Concerns: Exploring the Challenges of Police Use of Force*. Washington, DC: Police Executive Research Forum.
60. The Spokane Police Department uses a Lexipol© use of force policy. Lexipol© is a private company that provides state-specific public safety policies and training recommendations.
61. Spokane Police Department. 2013. *Policy Manual*. Policy 208.4(b).
62. Ibid. Policy 208.4(c).

- Detailed records shall be kept of all in-service training sponsored by or presented on behalf of the SPD. Records should minimally include the following:
  - An overview of the course content or an instructor lesson plan[63]
  - Names and agency contact information of all attendees
  - Instructor credentials or resume
  - Individual attendee test results (if applicable)
  - Course completion roster

The SPD documents department-wide training in an Excel spreadsheet that is maintained by the training coordinator. This spreadsheet lists the title of the training, date presented, number of training hours, and miscellaneous comments. Using this spreadsheet, table 7.1 was constructed to depict the documented use of force training conducted by the SPD for each year included in this evaluation.

Table 7.1. Use of force training conducted by the SPD 2009–2013

Class Name	Session	Year	Hours
Firearms	Session 5	2009	5.0
Taser Refresher	Session 3	2009	0.5
Defensive Tactics	Session 3	2009	4.0
UOF Review and Reporting UOF	Spring	2010	2.50
Firearms	Spring	2010	2.0
Fatal Incident Protocol	Spring	2010	1.0
Firearms	Spring	2011	2.0
Deadly Force Review	Spring	2011	1.0
Tactical Firearms Considerations and Team Movement	Fall	2011	10.0 (Uniformed Personnel)
Firearms	Fall	2011	4.0 (Investigations Personnel)
Deadly Force Review Board Update	Fall	2011	1.0
Firearms	Spring	2012	2.0
Deadly Force Review	Spring	2012	1.5
UOF/Straight Baton	Fall	2012	2.0
Firearms	Fall	2012	3.0
Combat First Aid	Fall	2012	3.0
Firearms-Baton to Handgun	Fall	2013	3.0
Baton/Issues and Training	Fall	2013	4.0
Rapid Response	1st Quarter	2013	1.5
Firearms/Quals	1st Quarter	2013	2.0

63. Ibid. Policy 208.6.

The training depicted in these tables does not represent all the training conducted by the SPD. From our observations, it is possible for training sessions to be presented and not documented on this annual training spreadsheet.

In addition to the training programs listed above, SPD has also made significant improvements to the types of training it provides to its officers. These new systems and training programs are described in more detail below.

In-service training

In the spring and fall of each calendar year, the SPD conducts in-service training. The goal of this training is to provide each sworn member of the department with a full day of training twice a year. The training topics include, but are not limited to, legal updates, police procedures, use of force (practical and classroom), firearms, baton and Taser recertification, diversity training, and other topics as prioritized by the training academy staff.

In-service training is conducted at the SPD training academy during patrol "double-up" days to ensure appropriate street coverage. Double-up days occur when patrol teams (squads) overlap, allowing one team to attend training without adversely affecting the manpower needs on the street. Patrol officers' teams are assigned mandatory training dates while detectives and specialty officers are required to sign up for their specific training day. According to training academy staff, it takes approximately 2.5 months to train the entire SPD.[64]

The assessment team observed the fall 2014 in-service training session at the Spokane training academy. As stated in the course itinerary, the learning objective of this course is

> geared towards the enhancement and application of learned and introduced techniques and tactics in Law Enforcement. The format of the class design will allow the student to solidify their knowledge base in multiple skill sets as well as the introduction of new skills. Utilizing "round robin" training concepts, the first half of the day will be utilized to enhance performance and application under limited stressors. The second half of the day will utilize the reality based training philosophy to enhance performance during real life application.[65]

The fall 2014 in-service training curriculum included the following topics:

- firearms and emergency vehicle operations
- defensive tactics
- critical incident management
- water rescue introduction and first aid
- multiple force options refresher
- reality based training scenarios

The fall 2014 in-service training was presented using a "round robin" format with the participating officers rotating among several scenarios. Logistically, the training required numerous instructors, scenario actors, safety officers, and other staff to facilitate this block of instruction.

64. CNA Interviews. August 2014.
65. Spokane Police Department. 2014. Fall In-Service Itinerary, September 24.

The training session observed covered a wide range of topics and required a significant amount of staff members to present. It was dynamic, was reality based, and provided refreshers in several high-liability use of force areas. It should be noted, however, that in-service training at the SPD is not audited or monitored by the Washington State Criminal Justice Training Commission (WSCJTC) or any other outside organization and that the approval and administration of in-service training is at the sole discretion of the SPD.

Field in-service training

The SPD has adopted a new training philosophy that is referred to as field in-service training. In the past, SPD would present large blocks of training (including use of force training) when it was due as a requirement for officer recertification. This was an effective delivery method, but very little of this training was replicated until it was due again.

With the exception of firearms training, the SPD now offers training in smaller blocks of instruction and conducts the classes more frequently. This field in-service training is conducted at shift-level briefings and other smaller venues throughout the department. More frequent training, although shorter in duration, is more difficult to document and administer. The SPD is currently conducting field in-service classes in the use of the lateral neck restraint, domestic violence assessment tools, respect in the workplace, and emergency driving operations.

Virtra© training system

The SPD recently purchased a Virtra© training system. Manufactured in Tempe, Arizona, Virtra© is a state-of-the-art firearms and use of force training simulator. The system uses three life-size video screens that project realistic scenarios for officers to work through and solve. These scenarios include shoot/don't shoot situations, less-lethal encounters, tests of verbal skills, and other problems an officer may have to deal with. During shooting scenarios, the system can be configured to simulate receiving return fire by delivering a small electrical shock to the training participant.

The Virtra© training system became operational at the SPD in September 2013. According to training documents, approximately 120 officers have been through familiarization-type scenarios with the new system. These familiarization scenarios are not graded, nor has there been a formal lesson plan to promote consistency.

SPD basic verbal defense and influence

The SPD began basic verbal defense and influence (VDI) training in October 2013. This course has its origins in "verbal judo," created by Dr. George Thompson, and focuses on verbally redirecting negative behavior. A cadre of instructors was initially trained, and they presented the four-hour block of instruction to the remainder of the department.

Since October 2013, all but 14 SPD officers have received this training. Officers are not required to be certified in VDI skills, and follow-up training sessions have not been scheduled. The SPD plans to include VDI skills as part of all use of force and reality-based training.

Crisis intervention team (CIT) training

Since 2002, the SPD has been providing crisis intervention team (CIT) training to the sworn members of the police department. The purpose of the training is to (1) teach officers how to deal with persons in crisis, (2) learn how to recognize different types of mental illness, and (3) learn how to get the person the most appropriate services.[66]

CIT training is a collaborative partnership with the following agencies and organizations:

- Spokane Police Department
- Frontier Behavioral Health
- Providence Sacred Heart Medical Center
- Spokane Sheriff's Department
- Spokane Public Schools
- Spokane Probation and Parole
- Washington State University

It is the goal of the SPD to continually provide the entire police department with CIT training and to train the designated mental health professionals (DMHP) at Frontier Behavioral Health. To accomplish this goal, the SPD recommends that at least one 40-hour class be conducted annually and that four to eight hours of CIT refresher training be presented annually. As of September 2014, all officers with the exception of newly hired officers have been trained in CIT. Training all officers in CIT is something police departments across the country are striving to accomplish, which not many have achieved.

In addition to the CIT training, SPD is beginning to work closely with its mental health partners to expand this training and develop specialized CIT training. As of September 2014, there have been initial discussions toward developing this advanced CIT training. The advanced CIT training would be provided to 10–12 officers and should be in place before the end of the year. The advanced CIT trained officers will undergo more specialized training on topics such as motivational interviewing and risk identification.[67]

In addition to the advanced CIT training, the SPD and its mental health partners are also considering the development of a behavioral health unit. The planning process for such a unit has not begun, and the SPD and its partners do not expect to begin discussion on this concept until early to mid-2015. The behavioral health unit would place a mental health professional alongside a few select officers who have received the advanced CIT training. This concept would allow both the mental health professional and the officer to work together to respond to and check in with offenders who have recurring issues with mental health. If fully implemented, as planned, SPD's advanced CIT training and behavioral health unit could potentially become the model for those departments looking to improve their mental health policing strategies and crisis intervention programs.

66. Spokane Police Department. 2013. Crisis Intervention Team Training. PowerPoint presentation, December 9.
67. CNA Interviews. September 2014.

Use of force report writing training

Training on use of force report writing was first implemented in 2011. The goal of this training is to teach officers how to properly write use of force reports and articulate why officers chose to use force on the arrestee. Using the *Graham v. Conner* (1989) Supreme Court case, officers are trained to (1) recap the severity of the crime, (2) identify the threat to officers and others, and (3) determine whether the suspect is actively resisting or avoiding capture. The training is provided in a workshop format, and 81 officers have been trained since 2011. Each class can accommodate a maximum of 10 officers and is approximately eight hours long. A condensed version of this course was provided to the entire department during in-service training in 2010, and a component of this course is being taught as part of the CIT training and body-worn camera training. A slight variation of this course is provided to supervisory officers with more of a focus on the evaluation of use of force reports.

Findings and recommendations

Finding 7.1

Policy 208 of the Spokane Police Department policy manual does not reflect the current use of force training conducted by SPD.

Training at SPD consists of a wide range of topics that include (but are not limited to) firearms, defensive tactics, legal issues, diversity, gangs, tactics, and first aid. Using the spreadsheet provided by SPD that documents all department-wide training, the use of force topics were specifically examined. The spreadsheet was compared to policy 208: training policy in the SPD policy manual to determine compliance with the manual. Although policy 208 does not specify how many hours of UOF training are required per year, it appears that SPD is not documenting a sufficient amount of UOF training. In five years of UOF training,[68] SPD has consistently provided firearms training but does not indicate whether in-service training is conducted on less lethal weapons every two years as required by the policy. In addition, a four-hour block of instruction titled "defensive tactics" was presented in 2009, but no additional defensive tactics classes were documented in the subsequent years. It appears that a significant amount of training is being presented at the SPD during in-service and field in-service training sessions; however, the documentation on this training is lacking.

Recommendation 7.1

SPD should revise policy 208 to ensure that it reflects current departmental practices and requirements for use of force training.

As with the use of force policy, the deadly force review board (DFRB) policy, and the policy on the administrative review panel (ARP), SPD should revise and update policy 208 to ensure that it accurately reflects departmental practices and procedures on use of force training.

68. Spokane Police Department. 2009. Spokane Police Department In-Service Training from 1979 to Present. Spreadsheet supplied by training coordinator, revised October 10.

Finding 7.2

SPD does not develop an annual training plan to inform the department's training needs for the upcoming year.

According to SPD Policy 208, a training plan for all employees should be developed and maintained by the training lieutenant. It is also the responsibility of the training lieutenant to maintain, review, and update the training plan on an annual basis.[69] The SPD does not have a training plan in place and is therefore not in compliance with this policy. Since there is not a training plan in place, the quality and sustainability of the current levels of training are unclear.

The process for identifying training curricula for in-service, field in-service, and other types of training, rather than being documented formally, is handled informally through discussions (in person and via e-mail) among the training coordinator and his training instructors. Although the police chief approves the in-service curriculum, the structure and content of the training sessions are unilaterally selected by the training coordinator with limited input from other members and divisions within the department.[70]

Recommendation 7.2

SPD should establish a committee to evaluate and determine department-wide training needs and develop an annual training plan.

The SPD training plan should reflect the training requirements and document all training conducted in a comprehensive and detailed manner. SPD, as required by Policy 208, should maintain, review, and update the training plan on an annual basis.[71] A formal training plan will provide the basis for SPD to document all training provided, indicate whether the requirements were met, and identify the training needs and the plan to address these needs during the upcoming year.

The training committee should comprise members of various branches of the department in addition to the training coordinator and training instructors (firearms, defensive tactics, etc.). Suggested members should include internal affairs (IA), a representative from the WSCJTC, and the captain overseeing the training division. Officers closely involved with the department's community outreach and cultural diversity programs should also be included in this committee. Discussions of this committee should be used to inform the training plan.

Finding 7.3

The evaluation and tracking of SPD's training sessions is limited. SPD does not capture department-wide trends, which could highlight problem areas that need to be addressed more thoroughly.

Department-wide training at SPD is currently tracked using an Excel spreadsheet. The spreadsheet captures the title of the training, date presented, number of training hours, and miscellaneous comments. Although rosters are completed at the conclusion of each training session, there is no mechanism to identify trends in individual performance, officer behavior, or department-wide practice. According to the SPD

69. Ibid.
70. CNA Interviews. August 2014.
71. Spokane Police Department. 2013. *Policy Manual*. Policy 208.

training director, the SPD has performed a competitive bid process and will be using CrownPointe Technologies© to develop a training record system.[72] This software should, at a minimum, include the capability to record all training presented throughout the year in a centralized database, and generate reports that can be reviewed by command officers to identify trends and training needs. The program should also have the capability to flag officers who fail to attend training or have consistently low scores on courses that require exams or proficiency tests.

With regard to training evaluation, SPD currently uses a training evaluation form to measure the effectiveness of the CIT training program.[73] This evaluation is paper based and completed by participants at the conclusion of a training program. Respondents are asked to rate their level of agreement with the four statements below (Likert-type scale from 1 to 5, from *strongly disagree* to *strongly agree*):

1. Learning objectives were met.
2. Presenter was well prepared.
3. Length of training was just about right.
4. I was able to use the information presented in my job.

The training evaluation form also has three short-answer questions to elicit a more qualitative response from the training participants. The questions are as follows:

1. Describe what was most helpful/interesting.
2. What would you change?
3. Comments?

Although SPD has this evaluation mechanism in place, based on the information we gathered, it was unclear whether this formal evaluation was conducted across all of SPD's training lessons and in accordance with SPD policies and procedures. For example, SPD does not currently formally evaluate its Virtra system simulated training or training on use of force report writing; instead, instructors debrief officers after each training session on areas of improvement but fail to document the officer's performance, the instructor's debriefs, and any improvements made by the officer in follow-up training sessions. While this informal evaluation method is helpful during each training session, it limits the police department's capacity to identify and track common themes and trends in officer performance and its ability to show a progression of improvement for each officer.

Recommendation 7.3

SPD should develop a data collection and evaluation capacity for training conducted throughout the department and should use the data captured to identify and proactively address any training deficiencies.

Data from these training evaluation forms should be collected in a centralized database so that training staff or supervisors can identify individual and department-wide performance trends. Although SPD collects these data at the conclusion of most training sessions, the data are not aggregated or examined on a

72. CNA Interviews. August 2014.
73. Training Evaluation form used during CIT training December 9–13, 2013.

department-wide level. A training database should include the officer's name, rank, serial number, training presented, scores (if applicable), instructor comments, and other fields, so that the data can be analyzed on an annual basis. The training database should also be linked to the early intervention system so that supervisors can become aware of officers who need remedial training.

Finding 7.4

SPD's documentation on the lateral neck restraint (LNR) control hold is lacking. Limited documentation of training on how to properly conduct an LNR increases the department's liability if injury or death to the suspect were to occur.

The LNR control hold is a defensive tactics technique that may be used to control a violent and combative individual. Also referred to as the carotid control technique, it involves the officer wrapping his or her arm around the subject's neck to control them or render them unconscious. The SPD authorizes this technique and further defines level 1 and level 2 applications.[74]

A level 1 application is designed to establish control of a subject and gain compliance. A level 1 application is used only as a control hold, and there is no intent on behalf of the officer to render the subject unconscious.

A level 2 application is also designed to establish control and gain compliance, with the additional intent to render the subject unconscious. The subject is rendered unconscious when the carotid arteries in the neck are squeezed, because that diminishes the blood flow to the brain. Once unconscious, the subject is immediately controlled and handcuffed.

Spokane Police Department Policy 300.3.4 covers the use of the lateral neck restraint control hold. Below is an excerpt from the policy that describes the conditions that must be met before it is used and the steps that are required after its application to ensure the well-being of the subject to whom it was applied.

> (a) The officer shall have successfully completed department-approved training in the use and application of the neck restraint.
>
> (b) The neck restraint may only be used when circumstances perceived by the officer at the time indicate that such application reasonably appears necessary to control a person in any of the following circumstances:
>
> 1. The subject is violent or physically resisting.
> 2. The subject, by words or actions, has demonstrated an intention to be violent and reasonably appears to have the potential to harm officers, him/herself or others.

74. Spokane Police Department. 2014. *Defensive Tactics Manual*.

(c) The application of a neck restraint control hold on the following individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective, or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of applying a neck restraint control hold:

1. Females who are known to be pregnant
2. Elderly individuals
3. Obvious juveniles

(d) Any individual who has had the neck restraint hold applied, and was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until examined by paramedics or other appropriate medical personnel.[75]

In chapter 4 of this report, the frequency of applications of the lateral neck restraint is identified in figure 4.6. During the time period studied, the LNR was used a total of 90 times.[76] Compared to other uses of force during the same time period, the LNR appears to be used more frequently than the M26 Taser (probes and drive-stun), impact weapons, and pepper spray.

Training on the use of the LNR is provided as part of the defensive tactics training, which, according to the data provided by SPD, was last provided to officers in 2009 in a four-hour block.

Recommendation 7.4

SPD should re-examine its policies, procedures, and training on the use of the LNR and require a deadly force review every time a level 2 LNR is used.

While research has shown that the proper use of LNR rarely results in death, it is still important for SPD to ensure that its officers are trained on the proper use of the LNR. Organizations like the National Law Enforcement Training Center (NLETC) and law enforcement subject matter experts and researchers agree that the use of the LNR needs to be properly trained and practiced at regular intervals.[77] The NLETC requires annual recertification for those agencies certified in its Lateral Vascular Neck Restraint System© and recommends that officers recertify annually by attending four hours of training.[78]

Despite research showing that, if used properly, the LNR is effective and may not cause death or major injury, there is still a debate on whether the technique should be considered a deadly force option. The risk of liability is often a major concern among agencies that consider LNR a deadly force tactic and among those

75. Spokane Police Department. 2013. *P*olicy Manual**.** Policy 300.3.4.
76. This tally includes both level 1 and level 2 lateral neck restraints.
77. National Law Enforcement Training Center. (n.d.) "Lateral Vascular Neck Restraint." Accessed December 1, 2014. http://www.nletc.com/lateral-vascular-neck-restraint-lvnr.
Force Science Institude, Ltd. (n.d.) "Vascular neck restraint: Reprieve for bumrapped technique." Accessed June 18, 2014. http://www.ahpa.com/news-issues/training/force-science-study-on-vascular-neck-restraint.
Mitchell, Jamie R., Dan E. Roach, John V. Tyberg, Israel Belenkie, and Robert S. Sheldon. 2012. "Mechanism of loss of consciousness during vascular neck restraint." Journal of Applied Psychology 112:396–402. http://jap.physiology.org/content/112/3/396.full.pdf.
Martinelli, Ron. 2014. "Reconsidering Carotid Control." Police: The Law Enforcement Magazine, January 30. http://www.policemag.com/channel/patrol/articles/2014/01/reconsidering-carotid-control.aspx.
78. National Law Enforcement Training Center. (n.d.) "Lateral Vascular Neck Restraint."

agencies that do not allow its use. Those agencies restricting its use and documenting it as a deadly force option have limited its use to circumstances in which only deadly force would be reasonable and appropriate. Due to its effectiveness and the ongoing misperception about its lethality, it is difficult for police administrators to determine the amount of force with which it should be used and whether it should be removed from practice.

SPD must consider these issues in the context of the department's needs. As found in our data analysis, LNRs are frequently used as a use of force technique among SPD officers. According to our interviews, no instance of death as a result of an LNR has been documented in the SPD. Despite this, SPD should require a deadly force review every time a level 2 LNR is used. SPD should also ensure that its officers are properly trained on this technique and that the training is properly documented. Our examination of the LNR-specific training clearly showed that SPD's training on the LNR is lacking. SPD should provide four hours of training on the use of LNR to all of its officers and should require officers to attend refresher training at least every two years.

Finding 7.5

Although SPD's rifle policy provides direction on the circumstances in which an officer is allowed to use a rifle, it lacks detailed guidance on how officers should properly deploy their rifles.

SPD policy 432 authorizes the use of patrol rifles during normal patrol operations. According to the policy, in order to more effectively and accurately address the increasing level of firepower and body armor utilized by criminal suspects, the SPD will assign patrol rifles to qualified officers as an additional and more immediate tactical resource.[79] The policy also describes the rifle specifications, maintenance, and training that is required prior to deploying with a rifle. The policy also states:

> Officers shall not carry or utilize the patrol rifle unless they have successfully completed departmental training. This training shall consist of an initial 24-hour patrol rifle user's course, or other comparable Rangemaster approved course and qualification score with a certified patrol rifle instructor. Officers shall thereafter be required to successfully complete training and annual qualification conducted by a certified patrol rifle instructor. Any officer who fails to qualify will not be authorized to carry the patrol rifle.[80]

Regarding the deployment of rifles, SPD patrol officers are provided the following guidelines:

> Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:
>
> (a) Situations where the officer reasonably anticipates an armed encounter.
>
> (b) When an officer is faced with a situation that may require the delivery of accurate and effective fire at long range.
>
> (c) Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.

79. Spokane Police Department. 2013. *Policy Manual*. Policy 432.1.
80. Ibid. Policy 432.5.

(d) When an officer reasonably believes that there may be a need to deliver fire on a barricaded suspect or a suspect with a hostage.

(e) When an officer reasonably believes that a suspect may be wearing body armor.

(f) When authorized or requested by a supervisor.

(g) When needed to euthanize an animal.[81]

According to our analysis of the deadly force incidents (n=9) that occurred from 2009–2013, in five of the incidents (55%), rifles were deployed and fired (individually or together with handguns). Based on the analysis of the nine deadly force incidents from 2009–2013, this would indicate that the rifle deployment policy is not restrictive enough and should be evaluated by the SPD. The SPD range master also advised that in a deadly force situation the patrol rifle should be considered the officer's primary weapon.[82] While the widespread deployment of rifles may provide a beneficial increase in firepower, there are drawbacks to deploying rifles in an urban environment. Patrol rifles when deployed poorly can actually hinder an officer's ability to de-escalate a force situation. If an officer has presented a rifle and then attempts to make an arrest, his or her ability to de-escalate and engage in hand-control options may be lessened because the rifle cannot be holstered.[83] Prior to deploying a rifle, officers should be familiar with how to properly sling the rifle, allowing them to handcuff while still carrying the rifle. Executive leadership should also consider the appearance and public perception of officers frequently carrying rifles and determine whether this image contradicts its community policing philosophy.

Recommendation 7.5

SPD should update its rifle policy and provide officers with explicit and more detailed guidance on the proper deployment of rifles.

In response to concern over officers' use of rifles in incidents requiring deadly force, a number of police departments have re-examined their policies and procedures regarding rifle use. Changes to policies and procedures typically increase restrictions when deploying rifles and require greater supervision and communication. SPD should revise its policies and require officers to be aware of the number of rifles already deployed, announce the intent to deploy the rifle via the radio and receive an acknowledgment from dispatch, and use a two-officer team consisting of a single rifle carrier supported by a cover officer to ensure security of the scene.

81. Ibid. Policy 432.6.
82. CNA Interviews. August 2014.
83. Ederheimer and Fridell, eds. *Chief Concerns: Exploring the Challenges*.

Finding 7.6

Although SPD provides its officers with refresher training in CIT on a continual basis, there is no formal recertification process.

> Of the more than 17,000 police agencies in the country, slightly more than 2,700 have established so-called Crisis Intervention Team (CIT) programs modeled after a Memphis unit created 25 years ago in the wake of a fatal incident.[84]

According to training documents, all of the members of the SPD have received CIT training except approximately 30 of the most recently hired officers. These remaining officers should receive the 40-hour block of instruction in the fall of 2014. Although SPD's goal is to recertify officers on CIT on annual basis through a four- to eight-hour course, there are no recertification classes scheduled, and it is unclear whether this goal is formally documented.

Recommendation 7.6

SPD should institutionalize the CIT training by updating its training policies to reflect the CIT recertification requirement.

SPD should ensure that the CIT recertification is institutionalized by updating its current training policy to reflect this new requirement. SPD should also examine the best practices established by other police agencies as it updates its policies. According to the Police Executive Research Forum, police agencies designated as CIT learning sites provide CIT recertification for all officers on a biennial basis with eight-hour courses.[85] In addition to requiring officers to recertify every two years, SPD should continue to work with mental health professionals to ensure that CIT training is relevant.

84. Johnson, Kevin. 2014." Mental Illness Cases Swamp Criminal Justice System." *USA Today.* Last modified July 21, 2014. http://www.usatoday.com/longform/news/nation/2014/07/21/mental-illness-law-enforcement-cost-of-not-caring/9951239/.

85. Police Executive Research Forum. 2012. *An integrated Approach to De-escalation and minimizing use of force.* Washington, DC: Police Executive Research Forum. http://www.policeforum.org/assets/docs/Critical_Issues_Series/an integrated approach to de-escalation and minimizing use of force 2012.pdf.

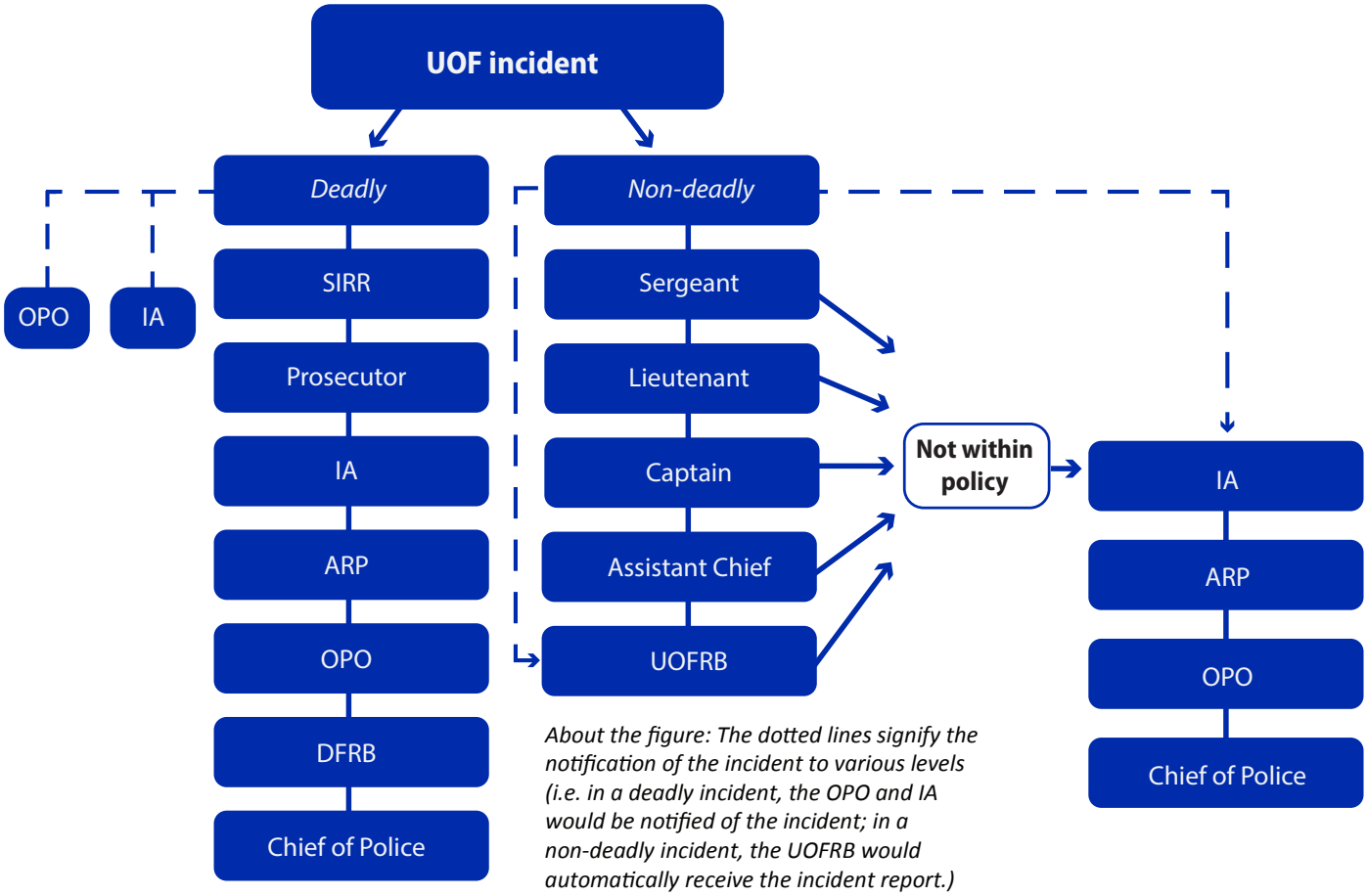
Chapter 8. Use of Force Investigations and Documentation

This chapter reviews our assessment of the Spokane Police Department's (SPD) process for investigating and documenting use of force (UOF). We begin by examining the criminal investigative process for deadly force incidents and then review SPD's internal administrative investigation process for both deadly and non-deadly use of force incidents. We provide a brief background on each of the systems within the investigation process and close the chapter by identifying areas for improvement and providing SPD with recommended reforms for improving the efficiency and accountability within these systems.

SPD UOF investigations

Deadly force incidents are first criminally investigated by the Spokane Investigative Regional Response (SIRR) team and the county prosecutor and then investigated administratively by the SPD through the deadly force review board (DFRB) and the administrative review panel (ARP). Non-deadly use of force incidents do not undergo a criminal investigation and are administratively reviewed internally through the chain of command (sergeant, lieutenant, captain, assistant chief) and the use of force review board (UOFRB). If the chain of command finds the incident to be outside of policy, these non-deadly use of force reports are then sent to internal affairs (IA), the ARP, the Office of the Police Ombudsman (OPO), and the chief of police. Figure 8.1 illustrates the investigative process. This process is also described in detail in the sections below.

Figure 8.1. Use of force investigative process



About the figure: The dotted lines signify the notification of the incident to various levels (i.e. in a deadly incident, the OPO and IA would be notified of the incident; in a non-deadly incident, the UOFRB would automatically receive the incident report.) The blue arrows signify a step in the process. In a non-deadly incident, all supervisors in a chain of command can refer the incident report to IA if found to be outside of policy.

Criminal investigation

The integrity and quality of criminal investigations in officer-involved fatal incidents are important to determining whether the officer's use of deadly force was reasonable and justifiable. Police officers are charged with protecting and serving their communities and at times are left with no decision but to use deadly force. Examining these incidents for criminal liability is important to ensuring that officers are not abusing their authority and eroding legitimacy and trust among the communities they serve.

While some agencies continue to use a "homicide-only" model of reviewing their officer-involved fatal incidents, a number of other departments are changing the way they investigate these incidents and employ a "specialist team" model.[86] Departments following a "homicide-only" model typically utilize detectives assigned to the major crimes or homicide unit to conduct investigations of officer-involved fatal incidents. In contrast, some law enforcement agencies employ specialized teams to conduct these investigations. These

86. Bobb, Merrick, Bernard K. Melekian, Oren Root, Matthew Barge, and Camelia Naguib. 2008. *The Denver Report on Use of Deadly Force.* Los Angeles: Police Assessment Resource Center. http://www.parc.info/client_files/Denver/6-24 The Denver Report final.pdf.

agencies use specially trained detectives and specifically assign officers to conduct investigations of officer-involved fatal incidents. Some agencies have also taken these concepts further and are employing an "internal affairs overlay" model in which the administrative investigation and criminal investigation are conducted parallel to each other.[87] While one investigation method might best suit one type of agency, other agencies may be limited by resources and staffing capabilities.

The following section reviews the SPD investigation process for deadly force incidents.

Spokane investigative regional response team

After a deadly force incident, and when there is no longer a threat to public safety, the officer(s) involved is required to notify his or her supervisor. The supervisor then activates the SIRR protocol. The SIRR team was established in 2009 with the objective of assisting law enforcement agencies within the region in investigating deadly force incidents.[88] The goals and objectives of the SIRR are as follows:

- To ensure public trust by conducting professional and consistent multijurisdictional investigations of major incidents, primarily officer-involved fatalities
- To maximize the availability and sharing of the latest technological equipment and techniques
- To consolidate and share the skills of the most experienced supervisors and investigators
- To ensure that thorough investigations are conducted in a timely manner.[89]

The SIRR currently comprises 13 law enforcement agencies, including the SPD, the Spokane County Sheriff's Office, and the Washington State Patrol.[90] In total, 20 officers from these three primary agencies are SIRR members. Typically, 11 officers are assigned to the SIRR team in each given incident. These teams are assigned on a rotational basis.

According to the protocol, only the lieutenant or sergeant leading the homicide unit at the SPD, the Spokane County Sheriff's Office, or the Washington State Patrol is allowed to serve the SIRR team commander.[91] Although members of the agency involved may act as observers throughout the investigation, they are precluded from interviewing witnesses or leading the investigation.[92] A lead supervisor from the non-involved agency will be assigned to the incident and will determine the number of detectives necessary to conduct a timely and thorough investigation.[93] These lead investigators are required to have undergone extensive training, over 200 hours, in basic and advanced homicide training, Reid technique of interviewing and interrogation, basic interview and interrogation, and blood spatter analysis.[94]

87. Ibid.
88. CNA Interviews. January 26–30, 2014.
89. Spokane Investigative Regional Response Team. 2014. *A Protocol to Investigate Officer Involved Fatal Incidents in the Spokane Region*. Revised January 9. http://www.spokanecounty.org/data/countysheriff/pdf/01-09-2014 SIRR TEAM PROTOCOLt.pdf.
90. Ibid.
91. Ibid.
92. In SPD officer-involved fatal incidents, IA responds to the scene in order to gain situational awareness. Members of IA do not conduct interviews until after the criminal investigation is completed. The ombudsman is also provided with the opportunity to respond to the scene and observe the SIRR investigation. CNA Interviews. January 26–30, 2014.
93. Spokane Investigative Regional Response Team. 2014. *A Protocol to Investigate*.
94. CNA Interviews. January 26–30, 2014.

Once the SIRR has completed its investigation, usually within two months, it forwards the file to the county prosecutor for a determination of criminal liability.[95]

County prosecutor

The county prosecutor begins his or her investigation after the completion of the SIRR investigation. Currently, the only person investigating deadly force incidents for the county prosecutor's office is the prosecutor himself. The combination of a large case load and a lack of investigators to assist him with these investigations often causes delays in the investigation and release of a findings letter. Notifying the prosecutor of a deadly force incident is part of the notification protocol; however, responding to the scene is not required of the prosecutor. As a result, the prosecutor is seldom present at the scene of a deadly force incident.[96]

Community stakeholders have recently raised concerns over the time frame in which these investigations are conducted, noting that in many cases these investigations took several months to a year before the department was able to internally review the incident.[97] Due to a lack of information in the nine deadly force files we reviewed, we are unable to definitively determine the average time it took the prosecutor to conduct his investigation in six of the nine cases. The lengths of time from the incident to the submission of the prosecutor's declination letter in the three deadly force files that contained this information were 106, 126, and 401 days.

After the SIRR team receives the declination letter from the prosecutor, it issues a press release to the public summarizing the findings of the investigation. The SIRR then transfers the file back to the involved agency's IA for internal review.[98]

Administrative review

Examining use of force incidents for policy compliance, training failures, and tactics and decision making is important to ensuring that officers are held accountable for their actions. In addition to holding officers accountable, these reviews allow the department to assess trends in the use of force and gaps in policy or training.

After use of force incidents, the administrative review process varies greatly among police departments across the country. While some agencies include civilians in their UOFRBs, others do not. This variance is also seen in the purpose and composition of the boards. Some review boards focus on only the use of force while others have expanded their scope and also review the officer's actions and decision making prior to the use of force.

The following section examines the SPD internal review systems used to assess deadly or non-deadly use of force incidents.

95. Ibid.
96. CNA Interviews. November 19–22, 2013
97. Humphrey, J. (2014). "City Council wants prosecutor to speed up use of force rulings." KXLY.com. Last Accessed: April 17, 2014. http://www.kxly.com/news/spokane-news/city-council-wants-prosecutor-to-speed-up-use of force-rulings/25483088
98. If the prosecutor decides to prosecute, the administrative review of the incident is further placed on hold until the criminal investigation and prosecution is complete.

Chain of command review

A chain of command review is conducted only in non-deadly use of force incidents. After using force, an officer is required to notify his or her supervisor. According to the SPD policy manual, policy 300, after becoming aware of a use of force incident, the supervisor is responsible for the following:

- Complet[ing] a Use of Force [Administrative] report when a level II lateral neck restraint has been utilized or any level of force results in unconsciousness or apparent/claimed injury.
- When a Use of Force report is required, the supervisor shall:
  - Respond to the scene (if needed).
  - Interview involved officers, witnesses, and other involved persons.
  - Collect evidence (when appropriate).
  - Prepare and submit a Use of Force report through the chain-of-command.
  - Complete the recommendation section of the Use of Force report. [99]

After the supervisor completes the Use of Force Administrative Report, the report is then sent through the chain of command.[100] The report is first reviewed by the shift commander or lieutenant and then by the captain and assistant chief. Each reviewer provides his or her comments and indicates whether he or she agrees that the use of force was reasonable and within policy. If the use of force is found to be reasonable and within policy, the file is then sent to IA to be filed. As of January 2014, these files are also being reviewed by the OPO and the director of strategic initiatives as well as the UOFRB.

If any reviewer finds that the use of force was not reasonable or that an involved officer failed to comply with policy, the use of force incident file is then transferred to IA. IA then conducts its own investigation and delivers its findings to the ARP. After the ARP reviews the incident file, the file is then transferred to OPO for review. Once all investigations are complete, the file is sent to the police chief with recommended sanctions. After the chief reviews the file, he or she will send the officer(s) a letter notifying him or her of the completion of the investigation and any associated sanctions. SPD then stores the file and all associated documents within IA.

Administrative review panel

An ARP is held, as noted above, in order to review use of force incidents where supervisors are unsure about whether the force used was reasonable and within policy. ARPs are also conducted as part of the review and investigatory process for complaints of misconduct (internal or external) and in the review of deadly force incidents. For the purposes of this assessment, we focused on the ARP process as it relates to deadly force incidents and its use in the review of use of force incidents where supervisors are unsure about whether the force used was reasonable and within policy. In deadly force incidents, ARPs are conducted prior to the deadly force review board (DFRB). ARPs comprise a "Bureau Commander or captain,

99. Spokane Police Department. 2013. *Policy Manual*. Policy 300.7.

100. Non-deadly UOF incidents are also made available to the UOFRB at this point in the process. If the incident warrants a review by the UOFRB, this review will occur after the chain of command review. See page 76 for a list of the criteria required for a review by the UOFRB. As of fall 2012, UOF reports are no longer reported via the Use of Force Administrative Report and are now entered into BlueTeam. SPD Policy 300 has not been updated to reflect this procedural change.

serving as chair, with a panel compris[ing] captains and/or lieutenants."[101] In addition, as of spring 2014, the director of strategic initiatives has been included in these communications and meetings. The ARP is typically handled via e-mail. The use of force report is sent out to the panel via e-mail for review. Once reviews are completed, each member's opinion is sent via e-mail to the chair of the panel. The chair then schedules an in-person meeting for the panel to discuss any outstanding issues and sign off on the ARP memo with its decision, in cases of use of force, whether the use of force was within or outside of policy. The ARP is charged with the authority both to investigate a use of force incident or misconduct complaint and to provide a disciplinary recommendation.[102] Also, unlike the DFRB, the ARP can direct IA to conduct additional interviews. The ARP also has the authority to direct employees involved in these incidents to appear before the panel for questioning.[103]

After the ARP has concluded its investigation, the chair produces a letter documenting the finding and any applicable recommendations and submits it to the chief of police. This letter is signed by each panel member.

Deadly force review board

According to the SPD policy manual,

> It is the policy of this department to convene a Use of Deadly Force Review Board any time deadly force is used whether injury or death occurs. The Use of Deadly Force Review Board may also review the circumstances surrounding an accidental or intentional discharge of a firearm, whether the employee is on or off duty, excluding range training or recreational use.
>
> The Chief of Police may convene the Use of Deadly Force Review Board to review the circumstances surrounding any use of force incident, including uses of force that do not rise to the level of deadly force.[104]

DFRBs are convened after a deadly force incident has undergone a criminal investigation by the SIRR team and the county prosecutor has released a decision letter. Based on our analysis, these review boards were held on average 241 days after an incident and 84 days after an ARP.

The primary purpose of the DFRB is to administratively review the incident and make recommendations on tactical and training considerations, the quality of supervision, and equipment considerations. Recommendations involving discipline are not part of the DFRB review process. The DFRB is composed of several individuals: a bureau commander[105] (chair), a command representative from each bureau, a training lieutenant, two peer officers, a member of the Public Safety Committee, a member of the collective bargaining unit, a departmental subject matter expert, and a non-administrative supervisor.[106] In addition, SPD also permits a member of the city council and the ombudsman to attend these DFRB meetings as observers.[107] The director of the strategic initiatives division has also begun attending each of these DFRB meetings as

101. Spokane Police Department. 2013. *Policy Manual*. Policy 1020.8.2.
102. Ibid.
103. Ibid.
104. Spokane Police Department. 2013. *Policy Manual*. Policy 302.4.
105. The DFRB policy, policy 302, in the SPD policy manual has not been updated to reflect the replacement of the bureau commander by the captain.
106. Spokane Police Department. 2013. *Policy Manual.* Policy 302.4.1.
107. The first DFRB attended by the ombudsman was in November 2013.

an observer. In the most recent DFRB meeting, held in September 2014, SPD updated the process and expanded the scope of the review board and invited various members of the community and neighboring agencies to observe the meeting. This new process is examined further in finding 8.7.

Recommendations made by the board are noted and summarized in a letter written by the chair and then submitted to the chief of police. Once reviewed by the chief, a copy of the letter is distributed to the bureau commander,[108] who is responsible for carrying out the recommendations.[109]

Use of force review board

The UOFRB was first implemented in the first quarter of 2013 and continues to undergo refinements. While the policy on the UOFRB is not yet documented in the SPD policy manual, it is documented in the SPD defensive tactics manual.[110] The purpose of the UOFRB is to provide an avenue through which the department can review non-deadly uses of force for tactical and training deficiencies. Like the DFRB, the UOFRB is charged with identifying tactical and training considerations and providing recommendations on how to immediately resolve issues, and does not review policy compliance or make disciplinary recommendations. The UOFRB is composed of subject matter experts in defensive tactics, use of force documentation, supervision, and training, all of whom are designated by the chief of police.

According to the SPD defensive tactics manual, the UOFRB evaluates non-deadly UOF incidents only if the following criteria are found: [111]

- A spike in the deployment of particular officer-chosen tactics
- A spike in the number of individual or team use of force deployments
- A spike in injuries of both officers or subjects
- A spike in exceptional technique applications
- A directive from the chief of police to review an incident(s)

Currently, notifications of *all* non-deadly use of force incidents are electronically sent to each member of the board after the chain of command has completed its reviews. Discussion about each incident occurs virtually, via e-mail, and, if needed, the board convenes for a meeting to discuss any potential issues. As these policies and procedures are still being refined, the SPD continues to adjust the practices surrounding the UOFRB. For example, while the defensive tactics manual identifies the criteria in which a UOFRB would occur, the current practice differs. This discrepancy is examined in more detail in finding 8.5.

108. The DFRB policy, policy 302, in the SPD policy manual has not been updated to reflect the replacement of the bureau commander by the captain.
109. Spokane Police Department. 2013. *Policy Manual*. Policy 302.
110. SPD intends to update the SPD policy manual with this new process during the third quarter of 2014.
111. Spokane Police Department. 2014. *Defensive Tactics Manual*.

Findings and recommendations

Finding 8.1

The prosecutor's lengthy timeline to review deadly force incidents creates delays in the administrative review of deadly use of force incidents.

Although IA investigators initially respond to the scene of an officer-involved fatal incident, according to current policies and procedures, an administrative review of a deadly use of force incident formally begins after the county prosecutor has filed a letter of declination. The IA investigators who respond to the scene do so as observers and, while they maintain contact with the detectives conducting the criminal investigation throughout the SIRR team's investigation, they are not allowed to complete their investigation prior to the county prosecutor's decision.[112] Based on our analysis, an ARP occurs on average 177 days from the incident. According to our analysis of the use of force reports, IA interviews with the officers involved occur, on average, 167 days after an incident. Although in most cases we found that officers were quick to provide interviews and statements to the SIRR team, on average within three days, the length of time before internal affairs investigators interview officers involved can create concern as to whether the officer can recall his or her decision making up to five months after the incident. This process has changed slightly over the past four to six months. IA investigators continue to wait until the criminal investigation is complete, typically within two months; however, they do conduct officer interviews (primarily witness officers) prior to the delivery of declination from the prosecutor's office. The entire IA investigation is compiled and forwarded for an ARP only after the prosecutor delivers his opinion on the incident.

Communities affected by these incidents have raised concerns over the timeliness of these investigations and the delay in holding officers accountable.[113] These delays can raise questions of police legitimacy and transparency, and can create conflict between communities and police agencies.

In addition to community concerns, not reviewing these incidents immediately after they occur can place the department at risk. If issues in equipment, training, or policy resulted in the incident, the department lacks the formal mechanisms to discover these issues until the administrative review, which could potentially compromise officer safety. Also, delays in the administrative review could lead to delays in identifying deficiencies in training, which could also pose a liability risk for the entire department.

Although *Garrity v. New Jersey* (1967) compels an officer to answer questions from an internal affairs or investigatory unit, it also provides officers with the protection that their statement will not be used against them in a criminal investigation.[114] Still, many departments continue to be reluctant to obtain *Garrity* statements prior to the completion of the criminal investigation for fear that it will interfere with and contaminate the criminal investigation and place the officer at risk for prosecution.[115] Departments that have moved toward conducting parallel investigations establish guidelines and mechanisms to ensure that both the criminal and

112. CNA Interviews. January 26–30, 2014.
113. CNA Interviews. January 26–30, 2014.
114. Independent Review Board. 2011. *The Baltimore Police Department: Police-Involved Shooting of January 9, 2011*. Baltimore: Independent Review Board. http://www.cna.org/sites/default/files/research/Baltimore_Police_Department.pdf.
Garrity v. New Jersey, 385 U.S. 493 (1967).
115. Independent Review Board. 2011. *The Baltimore Police Department.*

administrative investigations are conducted separately. These departments can conduct parallel investigations in a variety of ways. For example, some departments allow IA to participate in the homicide interviews of civilians and witness officers, and others simply provide investigatory materials to IA after the fact.[116]

Recommendation 8.1

SPD should mitigate the delay caused be the county prosecutor by formalizing its new process and beginning the administrative investigation after the SIRR team completes its criminal investigation.

Deferring officer interviews five to six months can hinder the quality of the administrative investigation and impede efforts to increase police legitimacy and build police-community relationships. Moving this process forward—i.e., conducting interviews and beginning the investigation before the county prosecutor has reached a decision—has been a positive step to more timely internal investigations. SPD should continue this new process and formalize these new procedures in its IA manual and SPD policy manual.

In addition to the above, the prosecutor's office should consider using a board of investigators or other qualified prosecutors to assist in the investigation of fatal use of force incidents. Bringing on additional investigators will help decrease the prosecutor's caseload and increase the timeliness of investigations. In order to maintain the quality of the investigation these investigators should possess the proper experience and training to conduct an investigation of officer-involved deadly force incidents.

Finding 8.2

The ARP has rarely issued disciplinary or corrective actions in use of force incidents due to its ambiguity and structural limitations.

The ARP is the only review mechanism within SPD that has the authority to propose discipline. The ARP is convened in three circumstances: in the review of deadly force incidents, in the review of use of force incidents where supervisors are unsure about whether the force used was reasonable and within policy, and in the review of complaints of misconduct (internal and external). For the purposes of our assessment, we examined only the ARP's review process and procedures in use of force incidents.

In our assessment of the ARP memoranda included in the deadly force files and in the UOF files that were transferred to IA, it was clear that the ARP's review was limited to examining whether the officer abided by the use of force policy. In all deadly force incidents, the ARP found all incidents to be within policy and issued no recommendations and no proposed discipline. This is likely due to the fact that the ARP's assessment in use of force incidents is structurally limited to the review of whether the officer followed the use of force policy in his or her use of force. We also noted that SPD does not formally review the officer's actions predicating the use of force, training record, decision making and use of tactics, and any policy violations outside of the actual use of force policy as part of the ARP.

116. Police Assessment Resource Center. 2008. *The Denver Report on Use of Deadly Force*. Los Angeles, CA: Police Assessment Resource Center.

According to the Police Assessment Resource Center's guidance on IA:

> An administrative review of a . . . serious use of force should have a broader mandate than simply determining whether the use of force was in policy. It should urgently consider strategic, tactical, policy, training, and risk management implications of any such incident, including whether the incident could have been avoided or mitigated by changes to policy, procedures, or training.[117]

While the DFRB reviews tactics, training, and equipment considerations in deadly force incidents, the recommendations noted by the DFRB are not officer-specific and are often related to department-wide changes (e.g., issuing flashlights that operate more effectively in dark environments). This underscores the importance of the ARP broadening its scope to review officer-specific actions, hold officers accountable, and propose either discipline or remedial training.

Recommendation 8.2

SPD should expand the scope of the ARP finding determinations to allow panel members to vote on officer tactics and decision making and policy violations outside the use of force.

SPD should provide more detail on the ARP's responsibilities, purview, objectives, and finding categories in the SPD policy manual. SPD should expand the ARP finding categories beyond "compliance" and "non-compliance" with the use of force policy and include findings that determine compliance with departmental policies outside of the use of force policy and deficiencies in the tactics and decision making employed by the officer(s) involved.

Finding 8.3

SPD's current practices on the ARP process are not accurately reflected in the SPD policy manual, which lacks detail on the responsibilities of the ARP members and the overarching purview of the ARP.

The SPD policy manual does not reflect the current ARP process, which is for each member to remotely review and provide comment on a use of force investigation via e-mail. For more detail on this process, see page 74. In addition, the ARP policy in the SPD policy manual is vague and provides little guidance on the responsibility of the ARP and its purview.[118] The ARP policy 1020.8.2 does not identify each member's responsibility, the purview of the ARP's assessment, or the findings members are allowed to make.

Recommendation 8.3

SPD should update the policy manual to ensure that it accurately reflects the current ARP process and provides detailed guidance on the roles and responsibilities of each ARP member.

The policy manual should be updated to reflect the current practices and process for the ARP; these updates should outline the process as described on page 74. The updates to the policy manual should also provide ARP members with detailed guidance on their roles and responsibilities as panel members. Not only would these changes ensure that the policy manual accurately reflects departmental practice but they would also ensure that both officers and panel members have an accurate understanding of the process.

117. Bobb, Merrick J., and Matthew Barge. 2008. *Internal Affairs: Guidelines Proposed by PARC*. Los Angeles: Police Assessment Resource Center. http://www.parc.info/client_files/Special Reports/Internal Affiars Guidelines Proposed by PARC.pdf.
118. Spokane Police Department. 2013. *Policy Manual*. Policy 1020.8.2.

Finding 8.4

SPD's process for tracking the implementation of the recommendations made by each administrative review mechanism is informal.

Currently, SPD has no formal process for tracking the implementation of recommendations made by any of its administrative review processes. We found no formal records identifying the follow-up on the progress and status of each of the recommendations made by the DFRB, ARP, UOFRB, and chain of command. In our examination of the use of force incident files and related policies, it was unclear how changes to policy, training, equipment, or corrective actions are being tracked and communicated to those responsible for implementing the recommendations. We should note that SPD executives acknowledged this gap during interviews with the assessment team.

Recommendation 8.4

SPD should develop a system to track the information exchange between the Office of Professional Accountability and the supervisors who are in charge of ensuring that the recommendations are implemented.

The director of the strategic initiatives division should assign the responsibility for documenting and tracking the progress of each recommendation made by the DFRB, ARP, UOFRB, and chain of command to the captain of the Office of Professional Oversight. This office has direction over internal affairs and training, making it the most suitable to oversee the implementation of recommendation, discipline, and corrective actions.

The system designed to track these outcomes should include the incident number, the officer's name and badge number, a description of the recommendation, the date the recommendation was made, the review method under which it was made, the primary point of contact responsible for ensuring that the recommendation is implemented, the status of the recommendation, and a proposed timeframe for completion. These categories serve as a baseline of information that SPD should consider as it designs this tracking mechanism. Continuous communication with both the training coordinator and the supervisors, as well as with executive-level leadership, is essential to ensuring the follow-through of each recommendation and corrective action.

Finding 8.5

The UOFRB's policies and procedures are not formally documented in the SPD policy manual.

The UOFRB process was implemented in the first quarter of 2013; however, its policies and procedures have not been formally added to the SPD policy manual. The current policies and procedures are only listed in the SPD defensive tactics manual. In addition, based on the information we gathered, the policies and procedures listed in this manual appear to differ from departmental practice. According to the policy in the defensive tactics manual, the use of force reports sent to the UOFRB are selected based on a set of criteria.[119] However, according to current departmental practice, all non-deadly use of force reports are sent via e-mail to the UOFRB members. The UOFRB discusses the incident and all related documentation via e-mail and, if necessary, members convene in person. Because these discussions have been held, and findings and recommendations have been made, informally, via e-mail, no formal documentation was included in the UOF incident files. As a result, the analytical team was unable to fully assess the UOFRB review process.

119. Spokane Police Department. 2014. *Defensive Tactics Manual*.

Recommendation 8.5

SPD should formally document the UOFRB's policies and outcomes and should collectively review non-deadly use of force incidents on a monthly basis.

SPD should formalize the UOFRB process by documenting the review of these files (i.e., when the file was sent to the UOFRB, which reviewed the file, and any resulting findings or recommendations). This process should be documented in a formal memo, much like what is used in the DFRB and ARP review process. SPD should also consider convening this board on a monthly basis. Reviews of the incident file should be conducted at this meeting rather than informally via e-mail. The board can combine a number of files and review them at once for common themes and trends. Because the board is not allowed to make disciplinary recommendations, it should refrain from assessing an individual's actions. If a board member disagrees with the chain of command's assessment, it should refer the case file to IA rather than attempt to identify violations to policy and training. In essence, this board will be bound to objectives similar to those of the DFRB, but will be limited to only examining non-deadly force incidents after the chain of command review.

Finding 8.6

SPD D-ARPs currently lack a civilian presence.

Currently a number of civilian observers, including city council members, the ombudsman, and the director of strategic initiatives, who is non-commissioned, attend DFRB meetings. In addition, the OPO and the director receive all UOF reports as part of the UOFRB process. The inclusion of the OPO commission members and the ombudsman in both of these review processes is new; SPD just implemented this new procedure in fall of 2013. ARP in deadly force incidents (D-ARP), on the other hand, is the one review mechanism, aside from chain of command, where a civilian presence is lacking. This is likely due to the fact that ARP is the only mechanism afforded the authority to recommend discipline.

Recommendation 8.6

Although civilian members (e.g., the ombudsman, SPD director of strategic initiatives) are included in the DFRB, SPD should also include the ombudsman in the D-ARP.

Because civilian representatives are prohibited from attending and observing these review processes, citizens are more likely to have concerns about the accountability and legitimacy within the department. Research shows that the more transparent a police agency is about its review process and operations, the greater police-community cooperation and trust will be.[120] According to the National Association for Civilian Oversight of Law Enforcement (NACOLE), oversight by civilians not only ensures greater accountability but also supports effective policing by establishing mutual trust and respect between police and the communities they serve.[121]

120. Police Executive Research Forum. 2014. Legitimacy and Procedural Justice: The New Orleans Case Study, edited by Craig Fischer. Washington, DC: Bureau of Justice Assistance. http://www.policeforum.org/assets/docs/Free_Online_Documents/Leadership/legitimacy and procedural justice - the new orleans case study.pdf.
121. The National Association for Civilian Oversight of Law Enforcement. 2014. "Civilian Oversight Infographics." Accessed December 2, 2014. http://nacole.org/civilian-oversight-infographics/.

As of the first quarter of 2014, SPD has begun including the civilian director of strategic initiatives in all D-ARPs. SPD should also consider inviting the ombudsman to attend D-ARPs as an observer with the understanding that he or she will have no authority to discuss or recommend discipline.

Finding 8.7

SPD's recent revisions to the DFRB have expanded the scope of the review board's purpose and goals; while these changes increase transparency, it can also negatively affect the department's ability to effectively assess tactics, training, and equipment after a deadly force incident.

In September 2014, the assessment team observed a DFRB. This was the second observed DFRB by the assessment team.[122] The DFRB observed in September 2014 was facilitated by the captain of the Office of Professional Oversight and included more members of the public and individuals not part of the SPD DFRB, the Office of the Police Ombudsman, or the city council. The presentation reviewing the incident was informative, with the additions of the radio transmissions, maps, and photos of the scene. Additional presentations on mental health, legal, and other considerations were also provided. In total, the presentations comprised 18 sections, lengthening the DFRB's review from two hours (like the November 2013 session) to three hours. At the end of the presentations, participants were asked to identify action items and recommendations. The captain noted that she would consolidate the recommendations and action items noted into a memo and distribute it to the board members for approval.

In order to accommodate the larger group of participants and observers, the DFRB was held at the SPD training academy, and participants sat in a classroom rather than at a round table. This made it unclear who the members of the board were and what roles they played in the process. As a result of having so many (18) sections, the presentations had overlaps and redundancy in the discussions of incident events and officer actions. Further, participants were reluctant to provide their recommendations and speak candidly, likely due to the increased public presence at the board meeting. The overall sense was that rather than being a review meeting, it was a public presentation of the incident.

While informing the public of the incident is necessary to ensure transparency, the charge of the DFRB is to "objectively evaluate the use of deadly force."[123] In order to effectively evaluate the use of deadly force, the board members must candidly voice their recommendations on changes to training, tactics, and equipment. The setting used in the most recent DFRB did not allow for these candid discussions to take place. In addition, at the conclusion it was unclear what the recommendations were, what action items had been identified, and who would be responsible for making these changes.

Recommendation 8.7

SPD should reassess the purpose and goal of the DFRB to ensure that it both provides transparency and maintains its ability to effectively assess tactics, training, and equipment after a deadly force incident.

SPD should narrow the scope of future DFRBs and include only the presentations that directly speak to each of the considerations that board members must review. The public release of the facts of the incident should be released—but not in the venue of a DFRB. The facts should be released to the public in a separate forum, preferably after the recommendations have been made and the DFRB memo has been filed.

122. The assessment team also observed the DFRB held in November 2013.
123. Spokane Police Department. 2013. *Policy Manual*. Policy 302.

Narrowing the scope of the DFRB ensures that this process remains sustainable and consistent across all reviews. SPD should also ensure that recommendations are restated at the end of the DFRB and that the individuals in charge of making policy changes, scheduling training, or ordering equipment are noted. This will ensure everyone has a clear understanding of his or her responsibilities, the next steps, and action items. The memo written up afterwards should formally document all discussion. In addition, SPD should reassess and clearly define the role and responsibility of each member and observer in the DFRB. See finding 8.4 for more detail on how the action items stemming from this review board should be tracked and monitored.

Finding 8.8

While the organizational changes to IA are an encouraging sign of progress, many interviewees—both internal and external to the department—noted that they were concerned about the initial lack of training among the newly assigned IA investigators.

SPD has undergone substantial organizational changes within the last year, most notably to the training and IA divisions. One change resulted in the assignment of new investigators to the IA division to address internal and external concerns over the quality of internal investigations. Unfortunately, this change resulted in the appointment of investigators with little training on how to properly conduct internal investigations.[124] Interviewees expressed their concern over the lack of training and previous experience among the newly assigned IA investigators.[125]

SPD has made significant efforts to train its IA investigators. Since fall 2013, the two sergeants and one lieutenant assigned to the IA division have undergone substantial training: over 120 hours as of May 2014. This training will be ongoing, and officers assigned to IA will be required to attend a minimum of 80 hours of training specific to the conduct of internal investigations every year. Training on conducting shift-level investigations and using BlueTeam is also being provided to all shift-level supervisors.

In addition to the training, SPD has assigned the IA lieutenant to develop a set of guidelines on conducting internal investigations, which will serve as an instruction manual. IA investigators and shift investigators alike will be required to follow the policies and procedures established in the manual. Training on the guidelines will be conducted once the manual is completed, which SPD expects to be by the end of 2014.

Recommendation 8.8

SPD should formalize the new IA training requirements and guidelines in the department's policy manual and communicate these changes to the department and community stakeholders.

Documenting the new process and training requirements in the policy manual will allow the department to hold the investigators accountable if they fail to follow the policy. In addition, documenting these policies and requirements will alleviate concerns both internal and external to the department and will provide assurances of the higher standards and new guidelines that investigators must now meet. SPD should also ensure that all officers conducting internal investigations are adequately trained on these new guidelines. SPD should also communicate the newly established guidelines throughout the department through training bulletins and discussions during roll call. SPD should also notify community stakeholders of the new training requirements and guidelines for IA investigators.

124. CNA interviews January 26–30, 2014.
125. Ibid.

Chapter 9. Civilian Oversight

This chapter reviews the role of the Office of the Police Ombudsman (OPO) as a mechanism of civilian oversight and examines how the OPO's involvement in the Spokane Police Department (SPD) investigative processes are important to securing the rights of the community and increasing transparency and legitimacy of the department. After providing a brief background on the different types of civilian oversight, we describe the evolution of the OPO and then provide findings and recommendations on how SPD and the OPO can work collaboratively to address the community concerns.

Types of civilian oversight

Each police department's method of civilian oversight will differ according to the relevant law or case study, which vary among jurisdictions. Despite this uniqueness, several scholars and experts have proposed methods of classifying different models of civilian oversight. One way to differentiate between models, which was proposed by the former president of the National Association for Civilian Oversight of Law Enforcement (NACOLE), is to differentiate based on the activities the monitoring body is authorized to perform.[126] This classification contains three main models:

1. An independent investigative model, in which either individual investigators or investigators chartered by appointed boards or commissions may conduct independent investigations.

2. A monitoring model, in which these entities only have the authority to monitor police activity.

3. An outside auditor or ombudsman model, in which the outside auditor or ombudsman has the power to compel evidence from a law enforcement agency. This role is usually performed by individuals, rather than by boards or commissions.

The Spokane OPO, pursuant to its new powers and the convening authority of the Office of the Police Ombudsman commission, will employ a hybrid of these models to perform its oversight duties. For example, the Spokane OPO has the authority to act in the investigative model, but the commission also has the ability to conduct its own third-party investigation if it is not satisfied with either the SPD or the OPO's investigations.

Yet another classification system creates a bright line that is not based on the authorized functions of the entity conducting the oversight, but rather on the location of that entity either within or without the police department.[127] This system delineates two types of citizen review mechanisms, internal and external, with hybrids developing to meet the specific needs of various jurisdictions. The external model frequently involves citizen review boards—groups with the power to conduct their own investigations of events and present their findings to the police department for review and approval. Although less common than the external review mechanism, the internal review mechanism is a more traditional and longstanding method of civilian oversight. All types of internal oversight mechanisms share the same feature that they do not take the primary investigative role but rather rely on the police department's internal investigative unit to

126. Quinn, Sue. 2009. *Models of Civilian Oversight in the United States: Similarities, Differences, Expectations, Resources*. https://nacole.org/resources/models-of-civilian-oversight-in-the-united-states-similarities-differences-expectations-and-resources/.
127. Calderon, Eduardo L., and Maria Hernandez-Figueroa. 2013. *Citizen Oversight Committees in Law Enforcement*. Fullerton, CA: Center for Public Policy. http://cpp.fullerton.edu/cpp_policeoversight_report.pdf.

conduct an initial investigation. Some internal oversight mechanisms include citizens in that review while others include an auditor or ombudsman to either review the police department's review or conduct their own. These auditor or ombudsman types of internal oversight mechanisms are more common in police departments with larger budgets, or, as is the case in Spokane, with more frequent incidents in which review is requested by the citizens of the jurisdiction. Again, Spokane, due to its unique circumstances, employs a hybrid model with the dual investigator options of an external investigation by a third party investigator requested by the commission or an internal investigation by the OPO.

The city of Spokane Office of the Police Ombudsman

The March 2006 death of Otto Zehm following a use of force (UOF) incident with several SPD officers created deep rifts between the SPD and the Spokane community. The perceived lack of any external review of police actions and the lack of civilian leadership within the SPD were frequently cited as impediments to addressing this rift. Spokane has addressed these issues since the Zehm incident both by installing civilian leadership within the SPD under Chief Frank Straub and with the establishment of the OPO in 2008.

In addition, SPD recently implemented numerous changes to its organizational structure. As of January 23, 2014, civilian personnel now lead two of the police department's divisions and report directly to the chief of police. The director of strategic initiatives within the SPD, a civilian appointed by the mayor, oversees both IA and training and reports to Chief Straub. As of May 2014, the former commander of the downtown precinct will oversee training and IA as the captain of the Office of Professional Oversight. The director of strategic initiatives is also more involved in oversight that his non-civilian predecessors. He sits in on all deadly force review boards (DFRB) and reviews all information forwarded from the chain of command to the use of force review board (UOFRB).

The SPD is also reaching out to the community to explain these organizational changes as well as oversight and disciplinary processes within the SPD. The director of strategic initiatives started briefing these changes to community organizations in 2014 and updates the content and approach of his briefing based on these groups' feedback. These briefings review internal affairs (IA) workflow and investigations, training issues, and use of force incidents for the previous month. The director plans to compile the monthly briefings from 2014 into an annual report. Starting in April 2014, the director also delivers this briefing to the Public Safety Committee on a monthly basis and began to include a section giving detail on where officers have de-escalated a situation or did something exemplary. The Public Safety Committee comprises city council members and representatives from local emergency management.

The OPO has also undergone recent changes to improve the independence of its review. Founded in October 2008 pursuant to legislation adopted by the city council, the OPO was established to provide independent civilian oversight for misconduct complaints involving members of the SPD and reports directly to the mayor and the city council. The OPO had power to certify SPD investigations of misconduct as timely, thorough, and objective; conduct complaint mediation in the event an investigation or inquiry was not pursued by the SPD; object to the classification of the SPD complaint process as an inquiry (rather than an investigation); and brief the complainant on the investigative process after the complaint is closed.

In February 2013, 69 percent of Spokane voters approved Proposition 1, which granted the OPO significantly more power to conduct independent investigations of alleged SPD misconduct. After a year of negotiations between the Spokane Police Guild and the city council, a new contract incorporating several changes to the OPO's authority was signed in February 2014. Although several community groups claimed that the new contract did not honor the spirit or the letter of Proposition 1, this new contract significantly increased the OPO's authority beyond the ability to certify or object to investigatory procedures and outcomes. For example, the OPO now has the right to conduct an independent investigation if the SPD declines to open an investigation in response to a complaint and can conduct its own interviews related to complaints filed with the OPO before the SPD begins an investigation. A five-member Office of the Police Ombudsman Commission will also provide independent oversight of the OPO. This commission will comprise two members appointed by the mayor and three appointed by the city council, one from each council district. This commission can contract with an independent, third-party investigator to continue investigating a case that it believed was not thoroughly or adequately investigated by the SPD.

Findings and recommendations

Finding 9.1

The OPO lacks formal procedures on the new role and responsibilities of the ombudsman and the newly appointed commission members.

The legislation passed in February 2014, and subsequent appointment of the five commission members has led to a number of changes within the OPO. Because the changes have been recently implemented, the OPO has not had a chance to discuss and define the roles of the ombudsman and the commission members, and the extent of their oversight authority.

Recommendation 9.1

The OPO should formalize the roles and responsibilities of the ombudsman and the commission members into official OPO policies, procedures, and bylaws.

In order to ensure the sustainability and comprehensive understanding of the role and responsibilities of the ombudsman and the Office of the Police Ombudsman commission, these guidelines and procedures should be formally documented within the OPO's bylaws. These guidelines and procedures should also be established prior to the commission conducting any formal action on behalf of the OPO. This will also ensure that the OPO maintains consistency across different ombudsman and commission member administrations.

Finding 9.2

The community lacks a comprehensive understanding of the OPO's current role and responsibilities.

The majority of community members we encountered, whether at interviews or public meetings, discussed a lack of understanding among their fellow community members about both the existing and proposed OPO roles and responsibilities and about the recent internal changes within the SPD. At our January 2014 visit (before the February 2014 approval of the new police contract changing the OPO), the majority

of community members were aware that negotiations were ongoing, but they were not aware of the proposed changes to the OPO's processes and authorities. The primary misunderstanding surrounded the confusion and differing opinions on the term "independent investigative authority." Community members receiving different messages from the mayor and city council regarding this issue contributed to this confusion. There is also a general community misunderstanding regarding the role of the Office of Police Ombudsman commission. Two city council hearings in April 2014 regarding the commission are a positive step in reducing this information gap, but we have heard of the general need for advance notice of the meetings and more direct outreach to community organizations. More important, the community showed a basic misunderstanding of the OPO's current role, what it offers the public, and how it is the community's independent entity through which to file a complaint. Some community members cited a perceived lack of independence as a deterrent to making complaints.

Recommendation 9.2

To ensure improved public understanding of and commitment to the new OPO's roles and responsibilities, the OPO should collaborate with the SPD to leverage both of their existing community outreach capabilities and to identify new ways to communicate the new OPO's role and responsibilities to the public.

The OPO participates in significant amounts of public outreach, from attending neighborhood council meetings to providing interviews with local radio stations.[128] In addition, as described in chapter 10, the SPD has recently increased both its digital and in-person outreach capabilities. The OPO should collaborate with the SPD to expand both OPO's and SPD's outreach capabilities to fully and accurately communicate the new OPO processes and authorities to the public. For example, the OPO could participate in the new monthly outreach meetings that the director of strategic initiatives is conducting to communicate the recent organizational changes and the IA processes and findings to the community to spread the word about his new powers. The OPO should take advantage of the window of time during which the new OPO powers are current news items and conduct an aggressive public information campaign. This engagement will improve the public's perception of the OPO as an independent entity and encourage more citizens who previously hesitated to officially complain about SPD misconduct. The OPO should continue to pursue new and timely outreach opportunities and to explore new ways to effectively engage the community.

Several SPD officers expressed the specific desire that the OPO follow Chief Straub's example of engaging the public following high-profile use of force incidents. As investigations into complaints of SPD officer misconduct surrounding high profile use of force incidents conclude, the OPO should offer public briefings on his findings and procedures.

Finding 9.3

The OPO is not well integrated into all mechanisms designed to review use of force incidents.

Absent a lawsuit by a complainant, the OPO provides the Spokane community the only external, independent oversight of the SPD. This independence was increased by the recent new contract that incorporated the requirements from Proposition 1 and expanded to the five-member commission. The OPO now has independent authority to investigate complaints against the SPD, authority that has been endorsed by the

128. Office of the (Spokane, WA) Police Ombudsman. 2014. *2013 Annual Report*. Presented at the meeting of the Spokane city council, February 24. http://www.spdombudsman.com/wp-content/uploads/2014/02/OPO-2013-Annual-Report.pdf.

Spokane Police Guild, the Captain and Lieutenant's Association, and the city council. In light of the harm to SPD-community relations in the aftermath of the Otto Zehm case, this makes the OPO the only entity external to the SPD with the authority to represent the public in adversarial complaints against the SPD.

Recommendation 9.3

The SPD should continue to integrate the ombudsman into all review mechanisms. As such, the OPO and the members of the Office of the Police Ombudsman commission should also participate in all relevant use of force training offered by the SPD.

The importance of the OPO's role as the only external review of SPD misconduct allegations requires that the OPO be fully integrated into all internal SPD reviews of use of force incidents. The OPO is steadily increasing this integration; it is now reviewing all use of force reports generated by the SPD chain of command and IA. In addition, there are several bodies that review use of force incidents within the SPD. Administrative review panel (ARP) meetings review use of force incidents for which supervisors are unsure about whether the force used was reasonable and within policy. The DFRB is convened after the county prosecutor has declined to pursue criminal charges to determine if any changes are needed in tactics, training, supervision, or equipment, while the UOFRB serves a similar function after non-deadly use of force incidents. The ombudsman attends DFRB proceedings only as a non-participating member, and only since November 2013. The ombudsman should have some presence in all official SPD reviews of use of force incidents, including the UOFRB and the D-ARP.

The ombudsman and the Office of the Police Ombudsman commission members should also attend all relevant SPD training regarding use of force. Although the ombudsman's assistant attended one training course offered by the SPD in 2013,[129] there are several relevant trainings the ombudsman and the commission members should attend. This would allow the ombudsman and the commission members to recognize where changes in training could effectively address any trends of concern and identify where training may contribute to a use of force in a particular incident. For example, the ombudsman and the commission members should attend SPD training on Tasers, batons, engaging individuals with excited delirium, crisis intervention team (CIT) training, and use of force report writing.

Finding 9.4

Although the OPO's monthly and annual reporting is thorough and complete, a number of community members interviewed were not aware of the reports generated by the OPO.

The OPO's monthly and annual reporting is thorough and complete. However, despite its thoroughness and coverage in local media, a majority of community members were not aware of the reports that the OPO generates and expressed a desire for the information in those reports. Any attendance at these additional review panels and any lessons learned from any additional training should also be included in both these monthly and annual reports.

129. Office of the (Spokane, WA) Police Ombudsman. 2014. *2013 Annual Report.*

Recommendation 9.4

The OPO should increase the awareness of its monthly and annual reports by making these reports more succinct and by actively meeting with community stakeholders to discuss these reports.

The OPO should increase the awareness of its monthly and annual reports by notifying and meeting with community stakeholders to discuss these reports. This inclusion of a rather technical report in engagement with the general public could be significantly improved by the development of more succinct, annotated versions of the report, within the range of one to three pages.

Chapter 10. Community Perspectives and Outreach

This chapter documents our review of the perspectives of the Spokane community on the Spokane Police Department's (SPD) use of force (UOF). First, we review the community perspectives we gathered through our interviews and discussions with community leaders and stakeholders. We also discuss the evolution of SPD community outreach programs. We then follow with a series of findings regarding SPD's interactions with the community and provide recommendations to improve community relations and public transparency.

SPD-community relationship

The SPD has previously undergone a tumultuous relationship with the Spokane community since the March 2006 death of Otto Zehm following a UOF incident with several SPD officers.[130] The Otto Zehm case put a spotlight on the community's longstanding issues with the SPD's use of force. In January of 2012, Mayor David Condon established a use of force commission to take an expansive view of the UOF issue in Spokane. After an extensive investigation, in which the commission consulted and interviewed a diverse group of practitioners, experts, and community members, the commission released a draft report for public comment in December 2012 and a final report in February 2013. Among the commission's many recommended changes to SPD culture, policies and practices, citizen oversight, and city administration was a recommendation that the chief of police and his command staff actively engage the community in an ongoing dialogue about the department. Chief Frank Straub has made notable improvements in community outreach. This chapter discusses those outreach efforts and identifies ways to improve and focus that outreach in the future.

The following section reviews the common themes identified through our interviews with both SPD personnel and members of the community.

Common themes

Many of our interviews noted that the SPD's relationship with the media has grown more positive in the past 18–24 months, positive relationships with the community have increased, and there are signs of positive progress within the organization. However, while admitting that there has been significant progress on the part of SPD, many interviewees also noted that there is a continued sense of mistrust and a wait-and-see approach.

Relationship with the media

Police officers perceive a lack of accurate reporting by the media on the work they do in the community, including on UOF incidents, which is then amplified and perpetuated by community organizations. Nearly all officers we spoke to noted that the media frequently does not report all relevant facts surrounding UOF incidents, and that often, the media reports facts that are irrelevant to the officers' decision-making process during the incident. In addition, SPD officers also feel that they do not get commensurate credit from local media for defusing or de-escalating potentially dangerous situations, and the media is giving the community an incomplete understanding of SPD operations and practices. SPD officers credited Chief Straub's proactive engagement with the community and the media, particularly right after UOF incidents, with ameliorating this problem, but they note that it still remains an active issue they have to confront in the community.

130. Additional background detail on the Otto Zehm incident can be found in chapter 1.

In an effort to address these issues, the police information officer (PIO) has recently undertaken several programs to increase the SPD's responsiveness to both the media and the public, including the following:[131]

- Designating patrol lieutenants as watch commanders and training them to serve as media liaisons for comment during critical incidents, and providing this list to the media twice a week
- Creating an SPD blog to include stories (accompanied by a Tweet from the SPD account) that do not make local news and to include the entirety of SPD statements, documents, or press conferences
- Meeting monthly with media directors, which has led to a drastic change in the nature of SPD coverage
- Underwriting television commercials for the SPD
- Hosting a media academy for local media stakeholders to inform them of the procedures and practices of the SPD and the PIO
- Developing e-alerts for distribution to specific neighborhoods based on issues identified in crime analysis and working with local media and neighborhood councils to get citizens to sign up
- Publishing press releases and follow-up stories internally within the SPD to increase internal awareness of the SPD media strategy and outreach activities
- Providing public record requests to citizens in real time[132]

In addition to the above, the SPD has recently developed officer-involved shooting/critical incident public information and media response guidelines (August 2014). These guidelines outline the process for communicating and disseminating information to the public after an officer-involved shooting or critical incident.

Community outreach

Community and neighborhood organizations almost universally noted improved SPD outreach and engagement under Chief Straub. His engagement, both with the media after major UOF incidents and with the community in steady-state operations, has drastically improved community attitudes toward the SPD. Specifically, several community organizations noted that Chief Straub's apology for the recent performance and attitude of the SPD at a January 2013 event celebrating Dr. Martin Luther King, Jr.[133] earned a significant amount of good will with the community and began a period of improved relationships with the SPD. This improved outreach has led to several follow-on engagements with the community, such as training for SPD police officers on lesbian, gay, bisexual, transgender, queer/questioning (LGBTQ) awareness and sensitivity.

Community organizations also universally credited the Spokane police activities league (SPAL) and the youth and police initiative (YPI) with drastically improving the perception of the youth who participated in the program and their relationship with the SPD and praised the fact that SPD initiated this effort. Operating since April 2013, the YPI involved SPD, community organizations, and participating youth in basketball practices and games. An after-action report, based on youth feedback received by participating SPD officers and community leaders, found that YPI, formally known as the Spokane police youth athletic league (SPYAL), increased mutual respect, understanding, and good will amongst participants. The project has continually exceeded its goals of engaging Spokane area youth through the basketball and disc golf programs.

131. CNA interviews. January 26–30, 2014.
132. Spokane Police Department. 2014. Twelve Month Progress Report.
133. Stamp, Mary. 2014. "Next generation assumes roles for Martin Luther King Jr. Day." *The Fig Tree*. Accessed December 2, 2014. http://www.thefigtree.org/feb13/020113mlkdaycelebration.html.

Community organizations and business associations located in the downtown area universally acknowledged the improvements in the downtown district since the founding of the downtown police precinct in the summer of 2013. Community organizations noted the positive interaction of the SPD officers stationed at the downtown precinct with various community organizations and constituencies (including youth, those with mental health needs, and the homeless) and SPD's participation in various scheduled and informal outreach activities to community organizations with clients in the downtown area. The SPD is building on this successful model by publicly committing to the downtown community court founded in December 2013[134] and to partner with the Downtown Spokane Partnership to establish a code of conduct for the downtown area.[135] The SPD is in the process of opening additional precincts around the city of Spokane with the hope of continuing this positive growth and interaction with the community.

Community organizations frequently noted that there is no substitute for participation and that they have noted increased participation of SPD officers in their scheduled meetings, community activities, and outreach efforts. For example, several mental health organizations noted that an SPD sergeant sits on the Spokane county mental health advisory board. In addition, SPD's participation in the Hot Spotters program, which identifies frequent users of city services and develops tailored solutions, not only creates good will but also integrates policing into the broad range of services offered by the community.

Several community organizations expressed confidence in a "new era" of relationships between the SPD and the Spokane community based on this more recent increase in engagement. However, community organizations also noted several areas for improvement that would increase the chances of more long-term reconciliation between the SPD and the community over UOF issues.

First, the SPD should improve its outreach regarding the many recent changes to the department. SPD leadership has undergone a drastic reorganization and changes in staffing, and most community organizations are not cognizant of the practical effects of those changes. In addition, only a subset of the mental health organizations we interviewed was confident in their knowledge of the content and delivery of the crisis intervention team (CIT) training every officer completed by November 2014. The CIT training contains modules on UOF and de-escalation procedures, and the fact that every officer received updated training in those areas would positively impact community's perception of the SPD. The SPD should take the initiative in this and other outreach tasks to show their commitment to transparency and engagement. Several community organizations lauded the SPD's recent increased engagement but expressed a desire for more police-initiated outreach rather than responding to invitations or high-profile UOF incidents. These organizations emphasized that *departmental* commitment to and initiation of outreach efforts earns more good will and trust in the community than *individual* participation. They expressed some concerns that the variability in community engagement and outreach they have observed over different leadership eras creates a concern that Chief Straub's successor may not continue his legacy of vigorous community engagement. Institutions last longer than the people who lead and run them, and several community organizations expressed a desire for the SPD to commit to and initiate community outreach as an institution.

134. Katauskas, Ted. 2014. "Human League.". *Cityvision* 6(2(March/April)):14–20. http://www.awcnet.org/Portals/0/Documents/Publications/Cityvision/2014/Cityvision0314.pdf.

135. KXLY.com. 2014. "Spokane Police, Downtown Partnership team up to keep downtown safe and inviting." Last modified April 30, 2014. http://downtownspokane.kxly.com/news/news/128081-spokane-police-downtown-partnership-team-keep-downtown-safe-and-inviting.

Continued lack of trust

In spite of the positive progress, a lack of trust continues to linger between certain segments of the community and the SPD. Both community leaders and SPD personnel attributed this lack of trust to a historic lack of a vigorous information flow between the two, and, more recently, to the legacy of the SPD's reaction to the Otto Zehm case and the reforms to the Office of the Police Ombudsman (OPO). Several community organizations noted that several of the officers who saluted at the sentencing of the only officer to face criminal charges are still members of the SPD and that some occupy leadership positions. While nearly all community organizations we spoke with credit Chief Straub with significantly improving the SPD's engagement with the community, they also noted that the composition of the police force has changed very little in recent years due to freezes on staff increases. This lack of trust also arises from community confusion and misperception concerning several key processes surrounding UOF incidents. The public perception that the Spokane investigative regional response (SIRR) team investigations of UOF incidents is an example of "cops investigating cops" persists due to the lack of public knowledge of the team's composition (no SPD personnel) and procedures. The public similarly blames the SPD for the year-long delay of the Spokane city council's ratification of Proposition 1. Nearly every SPD officer with whom we discussed the proposed new powers of the OPO during our site visits welcomed the added power of the OPO as a beneficial increase to transparency.

The different factors that SPD officers and community leaders identify as contributing to a UOF incident serve as a manifestation of this lack of trust. A majority of community organizations indicated that resisting arrest was the primary factor in a police encounter resulting in a UOF, while nearly every SPD officer we interviewed indicated that some form of mental or cognitive deficiency, such as alcohol, drugs, or mental illness, was the primary factor. The data, however, indicate that mental illness was only noted in 13 percent (n=31) of the 243 incidents sampled; alcohol was indicated in 66 incidents; drug use in 13 incidents; and both drugs and alcohol was noted in 33 incidents.

Findings and recommendations

Finding 10.1

Although SPD has increased its community outreach efforts over the past 12–18 months, community members interviewed noted a limited understanding of and confidence in several SPD processes and activities associated with use of force incidents.

Several safeguards exist in UOF investigation and complaint procedures, such as the fact that the OPO has independent investigative authority to both receive and investigate complaints against SPD officers. In addition, the SPD has several structures in place to improve oversight, reduce the UOF incidents, and improve the UOF training their officers receive. For example, SPD's internal affairs (IA) division conducts its own review of incidents where deadly force was used through the deadly force review board (DFRB). In addition, the OPO has been a part of the DFRB since November 2013. However, the public and community organizations do not have enough information about these procedures and reforms to form the complete understanding necessary to have confidence in their efficacy. At the most fundamental level, several members of the community do not precisely understand the UOF model, its de-escalation approach, and how officers are trained in both the appropriate circumstances required for a UOF and de-escalation techniques. Also,

community leaders are not adequately informed and briefed on the impact of the frequent changes in organization and staffing at the command levels within the SPD. Increased public understanding will eliminate some of the more basic items of controversy in the community.

Community organizations consistently emphasized a lack of understanding in two main areas: the investigation of SPD officers following a UOF incident, both deadly and non-deadly, and the recent CIT training delivered to SPD officers. Several leaders of community organizations did not have a clear understanding of different roles in the criminal investigation and prosecution processes, particularly that SIRR does not comprise SPD, nor does it consult with SPD, and that the local prosecutor makes decisions regarding whether to prosecute an SPD officer. Some community organizations that were aware of both of these facts indicated that this knowledge slightly mitigated the public perception of the "blue line"—the lack of impartiality within the investigative and prosecutorial processes. Reducing the perception of "cops investigating cops" would significantly increase the perception of validity of both the SIRR team's investigation and any subsequent decision whether to prosecute or not.

Community organizations also did not fully understand either the content of the recent CIT training or the requirement that all SPD officers complete it. Again, the community organizations that were aware of the history, content, and broad CIT requirement indicated that their awareness increased their confidence in and opinion of the SPD. For instance, the fact that it was developed with the mental health community as a result of monthly meetings of the mental health steering committee improved the perception, amongst those groups that were aware of this fact, that the SPD is actively engaging with the communities they police to improve their own understanding and performance. Similarly, the fact that each delivery of the training builds on lessons learned from events and from participants' evaluations (including mental health providers and a panel of mental health services consumers) also garnered good will from those community organizations that knew this. This good will was limited primarily to the mental health community due to a very limited understanding outside of that community of the content of the training, its goals, and how it will affect policing. However, not all community organizations that provide mental health services were familiar with the content of the training and the degree to which UOF is discussed. These groups therefore did not understand how the CIT training addresses the perceived lack of previous training and subsequent negative interactions with SPD.

Recommendation 10.1

SPD should sustain and institutionalize these outreach efforts by establishing a continued community outreach strategy and plan.

Starting in spring 2014, SPD's director of strategic initiatives began engaging in more targeted community outreach to discuss the IA process and the importance of civilian oversight within SPD, including the new structure of the IA division within the SPD. The Spokane city council has also convened several public meetings to discuss the new powers, roles, and responsibilities of the OPO, and the OPO has also engaged in significant community outreach to explain the recent changes to his office.

However, the community perceives these recent outreach efforts more as relationships with individuals (Chief Straub, the director of strategic initiatives, and the ombudsman) than as institutional changes to the SPD's outreach approach and practices. Spokane's occasionally adversarial relationship with the SPD has led several community organizations to be cautious in their optimism regarding the recent improvements in

outreach and community engagement, and several noted that structural and institutional change is more important than relationships developed due to personnel changes. The drastic changes in SPD leadership in the last 10 years have led to skepticism within the community, because it has recognized that institutions last longer than the people in them. The increase in focused outreach on the recent changes to SPD organization, the recent change to the OPO, and the external criminal investigative and prosecutorial processes the SPD undertakes must be expressed as an institutional change rather than as an effort by individuals within the SPD. To that end, memorializing a commitment to increased and improved outreach in a policy statement or memo would assure the community that it will survive any future changes in leadership.

Finding 10.2

Although nearly every community organization interviewed noted that SPD outreach and participation in the community has recently improved, nearly all interviewees also noted the need for SPD to initiate more consistent and accessible public forums and meetings.

Community organizations appreciate SPD responses to invitations and participation in scheduled forums, but they would like to see more institutional commitment to the community. For example, SPD engagement with homeless youth downtown has improved, as SPD hosted two youth forums and will host roundtables at 16 high schools throughout the 2014–2015 academic year. However, these efforts were not initiated by SPD. Community organizations representing minorities, in particular the Native American and mental health communities, noted that they would like to see the SPD voluntarily establish relationships amongst their constituencies. Both of these communities stressed the need for the SPD to proactively engage with these communities in light of recent public incidents of UOF against their members.

The SPD has initiated several recent outreach projects that it could either look to as examples for future or self-initiated outreach tasks or adapt to reach a larger audience. The Spokane police activities league (SPAL) discussed in chapter 9 created significant positive good will in the community. In addition, in the last year the SPD has invited various community groups to deliver presentations at in-service training and to observe or attend other SPD training.[136] This created opportunities for engagement between the SPD and the community and signaled the SPD's renewed commitment to openness and transparency. The SPD also launched a week-long community outreach program in March 2014 to bridge the gap between SPD and local youth by fostering positive interactions between both groups. These are both positive steps, but the SPD should incorporate all sub-sectors of their constituency in these and any new self-initiated outreach efforts. In addition to this, the SPD participates in the city's monthly police advisory committee meetings.

These meetings are particularly valuable in anticipation of proposed changes in SPD organization, policies, or procedures or after high-profile UOF incidents and subsequent investigations or prosecutions, whether conducted by the SPD or the SIRR team. For example, community organizations appreciated the opportunity to discuss proposed changes to the OPO in December 2013 but were critical of the timing and minimal advance notice provided for the meeting. Several community organizations recommended that the SPD leverage existing meetings such as the scheduled board meetings of these organizations. To that end, it should be noted that director of strategic initiatives began meeting with the Center for Justice, the National Association for the Advancement of Colored People (NAACP), and the American Civil Liberties Union (ACLU) on a regular basis beginning in February 2014.

136. Spokane Police Department. 2014. Twelve Month Progress Report.

Recommendation 10.2

SPD should leverage existing or past outreach programs to increase its active engagement with the community.

Department-initiated outreach programs like the SPAL and the youth participation initiative (YPI) are just a few examples of programs the SPD can leverage to increase it community outreach and positive community relationships.

SPD should also consider expanding the SPAL beyond September 2015 (the grant period) and sustain and institutionalize this program as part of its community outreach strategy. Community organizations, recognizing the value the program presents in bridging the gap between SPD and the youth of Spokane, recommended drastic expansion to K–12 and to several jurisdictions within Spokane. Some community organizations also recommended requiring the participation of corresponding school districts to ensure minimum academic requirements. Though the SPD is limited by staffing and other resource restrictions, it should continue to examine creative ways to expand on sponsorship and staffing opportunities to expand the SPAL program and YPI. Community organizations also called for an expansion of the downtown precinct model to other areas of Spokane that could benefit from a more concentrated police presence and engagement, such as the East Central and Hillyard neighborhoods. SPD has announced plans to create two new precincts, one in north Spokane and one on the South Hill.[137] The development of a precinct in North Spokane is currently underway.

Finding 10.3

Due to budgetary constraints, SPD has not held a citizen's academy in several years.[138]

Nearly every community leader who had previously participated in SPD's citizen's academy recalled it as a very positive, engaging, and educational program. The citizen's academy allows community leaders to remain informed of new policing approaches and techniques, and creates a forum for discussion of community needs.

According to our interviews with SPD personnel, it has been several years since SPD held a citizen's academy, and the reason for this was constraints in the departmental budget.

Recommendation 10.3

Similar to its media academy, SPD should hold a citizen's academy on an annual basis.

The SPD should re-instate SPD's citizen's academy, and it should ensure that it informs both the public and community organizations of the citizen's academy when it is re-instated. The OPO, the ombudsman, and the commission members should also be invited to attend the citizen's academy. This academy, like the media academy, should be held on an annual basis and provide citizens with an insider's perspective of what it is like to be an officer and patrol the city of Spokane.

137. Brunt, Jonathan. 2013. "Spokane Police Department to open two precincts." *The Spokesman-Review*, October 22, 2013. http://www.spokesman.com/stories/2013/oct/22/spokane-police-department-to-open-two-new/.

138. In August 2014, SPD verbally noted its intent to reinstate the citizen's academy; however, due to continued organizational change, the reinstatement of the citizen's academy has been placed on hold.

Finding 10.4

Other than participating in the city's police advisory committee, SPD lacks involvement in a department initiated chief's advisory council.

The current police advisory committee (PAC) was put in place by the city of Spokane. The PAC is held on a monthly basis with open meetings to the public on a quarterly basis. SPD representation, at times the chief, is present at these meetings. SPD has had limited ability to determine the appropriate committee members and roles of the responsibilities of these members. Although the SPD has found this meeting helpful, according to our interviews with SPD personnel and with community members these meetings are ineffective, are not necessarily reflective of the concerned community, and lack the potential to reach many community stakeholder groups. According to these interviews, the membership of the PAC has grown stagnant, and committee members continue to reside on the PAC past their appointed term.

Aside from the PAC, the occasional town hall meeting, and one-on-one meetings, SPD does not hold self-initiated and regularly scheduled meetings with community leaders. The ability for the SPD to involve leaders from critical community organizations ensures its ability to directly hear the community's concerns and develop, with the community input, strategies to address these concerns.

Recommendation 10.4

SPD should form a chief's advisory council.

Prior to establishing such a council, the SPD must first develop the purpose and goal of the council. The SPD should actively seek the participation of various community members in this process. The SPD community advisory council should be made up of 10–15 active community leaders, selected by the chief, each representing various community perspectives (neighborhood councils, NATIVE project, Center for Justice, NAACP, mental health groups, LGBTQ groups, etc.). Members from the OPO should also participate in these meetings. This council should meet on at least a quarterly basis and hold open, public-forum meetings as needed. The council members and the chief must continually reassess, preferably on an annual basis, the membership of the council to ensure that all groups within the community are represented.

Any items discussed during these meetings should be formally documented in meeting minutes and be provided to the public in a timely manner. In addition, the SPD should take primary responsibility for ensuring that it accounts for and tracks the action items brought forth during these meetings.

Finding 10.5

Interviewees both from the community and from SPD noted that a lack of adequate staffing directly impacts the SPD's ability to conduct community outreach and improve police-community relationships.

According to 2012 census figures, Spokane's 275 sworn officers translates to roughly 1.3 officers per thousand population, compared to 1.47 officers per thousand population for Boise, Idaho[139] and the national average of 2.4 per thousand population.[140] Spokane's policing requirements dictate that SPD officers not

139. Culver, Nina. 2014. "Sheriff, Spokane Police Department hard pressed to keep up staffing levels." *The Spokesman-Review*. April 20, 2014. http://www.spokesman.com/stories/2014/apr/20/sheriff-spokane-police-department-hard-pressed-to/.
140. Federal Bureau of Investigation. 2012. *Uniform Crime Report*. http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2012/crime-in-the-u.s.-2012.

drive with partners. The Spokane city council has somewhat remedied this lack of staffing by approving the funds to hire 25 new officers in the November 2013 budget, but it takes 18 months to get a new recruit onto the streets and 15 applicants to get one recruit.[141] In addition, SPD received several "laterals" (transfers) from the Spokane County Sheriff's Department and other police departments across the country.

Community organizations and SPD universally recognized the severe restrictions on community outreach and engagement imposed by the fact that SPD is understaffed. While there is limited research on the impact of budget cuts and the recession on policing, there are a number of anecdotal concerns about the shortages in staffing, such as decreased community policing, increased call volume, increased response time, realignment of job tasks, and decreased morale.[142] Conducting more outreach will require redeploying SPD officers and staff, which will result in fewer officers on the street. This, in turn, reduces opportunities for spontaneous positive interactions with the public. In addition, the expansion of the downtown precinct models would require supplemental staff, because the precinct model requires more targeted community presence than response to calls for service. The SPD PIO also feels this tension, because it has to bridge the gap when officers cannot address the media or the community. Several officers suggested that the SPD increase ride-along invitations to leaders of community organizations, because ride-alongs do not diminish officer presence on the streets and create opportunities to engage with community members.

Recommendation 10.5

SPD should conduct a staffing analysis to determine if the department is meeting its operational needs and has an adequate amount of staff to ensure its continued mission, objectives, and community policing principles.

SPD should conduct a staffing analysis. This analysis should follow the workload-based model. This model will allow SPD to examine the "levels of demand for police services and matches that demand with the supply for police resources."[143] In addition to examining calls for service received, this model also examines other "operational demands facing the department"[144] (e.g., police activities league [PAL], community meetings, training) and makes staffing determinations based on these findings.

Finding 10.6

Although the SPD has improved and increased its community engagement efforts, community organizations noted that they would like to receive more information from SPD about critical use of force incidents in a more timely manner. Currently, these organizations receive information about incidents via the media.

Nearly every community organization we spoke to indicated that they receive notice of critical UOF incidents affecting their members or clients via the media, essentially at the same time as the public. All of the organizations that did not receive any advance notice of UOF events indicated that they would prefer to

141. Culver, Nina. 2014. "Sheriff, Spokane Police Department hard pressed."
142. Wilson, Jeremy, and Alexander Weiss. 2012. *A Performance-Based Approach to Police Staffing and Allocation*. Washington, DC: Office of Community Oriented Policing Services. http://ric-zai-inc.com/ric.php?page=detail&id=COPS-P247.
143. McCabe, James. (n.d.). *An Analysis of Police Department Staffing: How many officers do you really need?* White paper prepared for International City/County Management Association, Center for Public Safety Management. http://icma.org/Documents/Document/Document/305747.
144. Ibid.

receive this advance notice both as representatives of distinct communities and as community partners of the SPD. These community groups can provide valuable insight into the community in both its reaction to and its interpretation of events, which the SPD can incorporate into future practices.

In further assessing this issue, we determined that the SIRR protocol limited SPD's ability to release information about an incident in a timely manner and throughout an investigation. According to the protocol, ". . . all SIRR team media releases related to the investigation shall be made by the Public Information Officer (PIO) or other official designee from the lead investigation agency with the approval of the SIRR Team Commander for that incident."[145] The protocol also notes that the "SIRR Team will release information typically on the day of the incident, an intermediate news release, and then a conclusionary release when the complete investigation is sent to the prosecutor."[146] This, however, means that at maximum, only two press releases prior to the closure of an investigation are released within a two- to four-month period, and these press releases are not provided by the involved agency. In critical incidents, the continual and strategic release of information by the employer or involved agency throughout an investigation can help mitigate community concerns and ensure continued community trust.

Furthering this are the limitations that SPD has in posting updates to its website. The format of the new SPD website contributes to the delay in releasing timely information. Because the police department's website is now housed within the city's website, the ability for the SPD's director of communications to immediately update its web page with timely information is limited.

Recommendation 10.6

The SIRR should revise its media relations protocol to ensure that the agency involved in a deadly force incident is allowed to release appropriate information after a deadly force incident. In addition, SPD should continue to utilize and improve virtual and more traditional methods to maintain communications with interested community stakeholders after a critical incident.

SPD should meet with the SIRR governing board to reassess the SIRR protocol and determine if adjustments can be made to allow the employer or involved agency the ability to take the lead on the press releases and release updated information about an incident if and when appropriate.

SPD should also continue to utilize and improve its virtual presence on the Internet as a means to quickly disseminate information. Although the new SPD website and blog previously mentioned have allowed the SPD to more thoroughly broadcast more complete information on specific UOF incidents and their responses, several community members and SPD officers recommended that the SPD PIO more aggressively and proactively respond to Internet rumors. SPD's continued use of its Twitter and Facebook pages should assist in mitigating potential rumors as the police department's media strategy becomes more institutionalized within the department.

In addition to virtually disseminating the information, the SPD should use more traditional methods (in-person meetings and phone calls) to reach out to community stakeholders and specifically address community concerns arising from use of force incidents. SPD should meet with the affected community groups after each critical UOF incident to alleviate concerns and establish positive communications and information sharing processes after each critical incident. Similarly, after a UOF event has been investigat-

145. Spokane Investigative Regional Response Team. 2014. *A Protocol to Investigate.*
146. Ibid.

ed, whether internally by the SPD or externally by the SIRR, the SPD should also review each file upon closure to determine what additional information can be shared with community organizations, including the legal and procedural constraints that affected each case. In addition, both community organizations and SPD leadership emphasized the need to share information, both broadly with the public and in a more targeted way with specific concerned groups, about successful de-escalations. The community should be exposed to the good stories as well as the bad.

Finding 10.7

SPD does not routinely survey the community to gauge changes in the community's perceptions of the police and its relationship with the police department.

In the spring of 2013, SPD, with the assistance of the COPS Office, administered the Community Policing Self-Assessment Tool (CP-SAT). This tool was administered with the intent of helping SPD assess the extent to which the community policing philosophy has been implemented throughout the agency and identify ways in which the agency can improve its community policing practices.[147] The tool measured three key areas in community policing: Community partnerships, problem solving, and organizational transformation.[148] Survey participants included line officers, first line supervisors, command staff, civilian staff, and community partners. Overall, summary scores reflected that most survey participants felt that SPD engages in "a little" to "somewhat" levels in all three key areas. The results of this survey clearly indicate room for improvement in all three areas. In addition to the CP-SAT, SPD has administered a community survey to its SPAL participants. The results of this survey showed that the program had a positive impact on the community and its youth.

Recommendation 10.7

SPD should routinely survey the community to measure increased police-community relationships, increased understanding of police procedures, and organizational changes and to evaluate police-initiated programs like the PAL.

The SPD has stated that it intends to readminister the entire Community Policing Self-Assessment Tool in 2014.[149] At a minimum, the SPD should re-administer the "community partnerships" questions to a statistically similar distribution of police personnel, and, if possible, the same community partners it queried in 2013. The SPD should conduct this follow-up assessment after the COPS Office releases its final progress report and again one year later. The survey should show both general improvements in scores, but also a bridging of the gap between line officer and command scores.

In addition, the SPD should continue to survey the participants of the PAL and alter the programs offered based on participant feedback to ensure continued positive impact. The SPD should also continue leveraging the community survey mechanisms the city of Spokane has in place, such as the telephone town hall, to routinely gauge and assess the community's perspective of the police and overall perceptions of safety.

In general, showing improvements requires the appropriate measures and metrics. This is particularly important to the SPD given all of the tangible improvements undertaken by the PIO, and the SPD should therefore proactively gather metrics and poll or survey participants in their new programs over time to show improvement.

147. COPS Office. 2013. *Community Policing Self-Assessment Tool: Results Report*. Delivered to SPD May 13.
148. Ibid.
149. Spokane Police Department. 2014. Twelve Month Progress Report.

Chapter 11. Conclusion and Next Steps

Although the Spokane Police Department (SPD) is making positive progress to address use of force policy, practice, and training, to increase public trust, and to improve police accountability, it has undergone an extended period of over eight years during which leadership and organizational structure was lacking. Improving these matters both within the department and within its community will take time. The police department must proactively continue to advance its operational practices, increase its transparency, and improve its relationships with the community if it seeks to resolve these long-standing problems and sustain the gains achieved.

Chief Frank Straub's initiative to improve the quality of use of force investigations, restructure the organization, assign civilian directors to oversee branches of the department, implement new mechanisms for accountability—like the early intervention system, use of force review board (UOFRB), and body-worn cameras—are the first steps in changing the organizational culture. The buy-in and commitment from both the executive command and the supervisors to encourage and facilitate this change will be essential to ensuring that it is sustained, that it is carried out in a strategic manner, and that it leads to positive changes in the organizational culture. The chief's commitment to implementing the reforms recommended by both the city's use of force commission and the COPS Office and his willingness to request and engage in this collaborative reform technical assistance are clear indications of the department's positive progress.

Over the past eleven months, we reviewed SPD policies, procedures, training, and accountability systems pertaining to use of force. In the process, we interviewed more than 140 SPD personnel and community stakeholders and reviewed external organizations that directly affect accountability and public transparency in use of force incidents. These external organizations included the Office of the Police Ombudsman (OPO), the county prosecutor, the newly appointed commission members, and a number of community stakeholders.

The recommendations and implementation steps identified in this report, when implemented, will improve SPD's use of force investigations, documentation, policies and procedures, accountability systems, and organizational culture. In addition, these recommendations will play a large role in improving departmental use of force processes and transforming SPD's organization and culture as it relates to use of force.

Next steps

The U.S. Department of Justice and COPS Office will work with SPD over the next 18 months to ensure that these recommendations are implemented successfully and in a timely fashion. The reforms and recommendations matrix in appendix A consolidates the findings and recommendations documented throughout the report. In addition, this table summarizes the steps that SPD will need to take in order to implement the recommendations.

Six months after the release of this report, the U.S. Department of Justice, COPS Office will use the implementation matrix to document the progress of these recommendations and note whether SPD has met the goals and objectives established at the beginning of the review.

Appendix A. Findings and Recommendations Matrix

The following table lists the findings and recommendations included throughout this report. The findings and recommendations listed are a result of our site visits, direct observations, interviews and survey of Spokane Police Department (SPD) personnel, interviews with community stakeholders, analysis of the use of force report data, and review of departmental policies, practices, and procedures. The implementation steps will identify the performance metrics with which to measure SPD's progress during the 18 months after the release of this report.

	Findings	Recommendations	Implementation Steps
Chapter 4: Five-Year Analysis of Use of Force Incidents within SPD, 2009–2013			
1	Inherent problems with the forms previously used to report use of force incidents facilitated the inconsistent documentation of use of force tools and tactics used by SPD officers.	While the recent implementation of BlueTeam software to document UOF incidents will potentially solve most issues with inaccurate reporting, SPD should still train its officers on the proper reporting of use of force tools and tactics used in an incident.	1. Update the use of force policy 2. Train officers on the proper reporting of use of force tools and tactics via the use of force report writing training 3. Reinforce proper use of force reporting through roll call training sessions and training bulletins and e-mails
2	SPD does not require its supervisors to fill out use of force reports in deadly force incidents; this adds to the inaccuracy in reported use of force tools and tactics.	The supervisor of an officer involved in a deadly force incident should always complete a BlueTeam Use of Force Report for the incident.	1. Update the use of force policy 2. Provide supervisors with guidance on the new requirement to complete a BlueTeam Use of Force Report for all use of force incidents—including deadly force incidents—via roll call sessions, training bulletins 3. Incorporate this new procedure into future training
3	The Spokane investigative regional response (SIRR) team does not use a common template or consistent format for compiling all information related to its criminal investigation of a deadly force incident.	The SIRR team should develop a common template for all deadly force incident files.	1. Hold a SIRR team governing board meeting to discuss the development of a common template 2. Develop a common template for all SIRR investigative deadly force files 3. Notify all SIRR team members of the new templates
4	The SIRR team and SPD do not document the case flow of deadly force incidents; this makes it difficult to track the status of the review of each deadly force file.	SPD should develop a formal way to track the investigatory (criminal and administrative) process and include this tracking sheet with every deadly force file.	1. Collaborate with stakeholders involved in deadly force investigations (SIRR, prosecutor, OPO, DFRB, ARP, IA) to develop and approve the new tracking sheet 2. Notify all SIRR team members of the new tracking sheet

	Findings	Recommendations	Implementation Steps
5	A number of non-deadly use of force incident files did not contain supplemental documentation such as photos, radio transmissions and recordings, and computer-aided dispatch (CAD) logs.	SPD should include all supporting documentation (e.g., photos, radio transmissions) in all non-deadly use of force files, and these complete files should be saved electronically in one location. SPD should audit these files annually in order to ensure that they are complete.	1. Develop a briefing paper on the resources and funding required to update the records management system 2. Brief the mayor, the city council, and the Public Safety Committee on the required resources and finding to implement a revised records management system 3. Identify vendors 4. Produce a request for proposals for vendors 5. Select a vendor 6. Implement the revised records management system
6	The city of Spokane's use of force commission recommended that SPD conduct a cultural audit to better understand the organizational perspectives regarding use of force.	SPD should consult with the city of Spokane's use of force commission to clarify and define their request for a cultural audit and to determine if a further examination of the department's culture is necessary.	1. Meet with the city of Spokane's use of force commission 2. Determine if a cultural audit, as defined by the commission, is still necessary If deemed necessary: 3. Develop a briefing paper on the resources and funding required to conduct a cultural audit 4. Brief the mayor, the city council, and the Public Safety Committee on the required resources and finding to conduct a cultural audit 5. Identify vendors 6. Produce a request for proposals for vendors 7. Select a vendor 8. Conduct a cultural audit
7	The annual analytical review of use of force data, conducted by the SPD's IA division, is not comprehensive and is limited to the documentation of the types of tools and tactics used and the number of times force is used per employee.	SPD should analyze use of force reporting data on a semiannual basis and before and after major policy or procedure changes in order to identify trends and quickly remedy any issues through remedial training or discipline.	1. Identify the additional variables necessary to conduct comprehensive analysis 2. Formalize this new review process into the IA procedures and SPD policy manual 3. Produce semiannual use of force reports 4. Produce use of force reports after major policy changes, as needed 5. Release annual reports to the public via the website and the Public Safety Committee

	Findings	Recommendations	Implementation Steps
8	Although the SPD has consistently tracked use of force reports in a spreadsheet and posted individual use of force reports on their website in the past, it has just begun producing a formal annual use of force report and releasing the report to the public.	SPD should continue to publish annual use of force reports and release these reports to the public.	1. Continue to develop annual use of force reports 2. Continue to publish annual use of force reports 3. Work with the city to ensure that the publication of these reports on the police department's website are easily accessible to the public 4. Continue to release annual reports to the public via the website and the Public Safety Committee
9	While the high frequency of an officer's involvement in use of force incidents over the five-year period (2009–2013) analyzed does not warrant an early warning notification, further examination of these incidents is necessary in order to identify potential patterns of behavior.	SPD should further examine the patterns of behavior of officers with a high frequency of use of force incidents. This additional examination should be conducted every four years.	1. Examine the patterns of behavior for those officers with a high frequency of use of force incidents 2. Conduct this level of analysis at least every four years 3. Formalize this new review process into the IA procedures or early intervention system policy and the SPD policy manual
Chapter 5: Survey of Officers and Officer Interviews			
10	Officers noted that changes to the organizational structure and the department's policies and procedures, which have occurred in rapid succession over the past 18–24 months, have been inconsistently communicated with all members of the department, specifically those most affected by the changes.	SPD executive leadership should hold meetings with their personnel to discuss the changes, the intended strategy, the reasoning behind the changes, and the impact of these changes, and to reaffirm the department's overall mission.	1. Meet with executive staff and senior managers to discuss organizational changes 2. Utilize the input from these meetings to evaluate current organizational strategies and develop future organizational strategies
11	Although the department provides recently promoted officers with a checklist of job requirements, a number of officers expressed concern over the lack of formal processes (i.e., manuals, transition period, mentoring) for officers promoted to the sergeant, lieutenant, and captain levels.	Manuals outlining the training and learning requirements, transitional period, and mentoring opportunities for all promotions to supervisory-level positions should be updated or developed.	1. Identify specific training and certification gaps in the promotional process 2. Meet with the mayor, city council, and the Public Safety Committee regarding the required resources to conduct necessary leadership training 3. Develop or revise manuals and guidance used in the promotional process 4. Notify supervisors and department of new guidance and procedures upon promotion 5. Incorporate new supervisor specific training into training program

	Findings	Recommendations	Implementation Steps
12	There was a lack of consensus among officer's responses to the use of force on subjects attempting to flee from custody, the use of discretion when issuing a fellow officer a speeding ticket, and the justification in using questionable practices to achieve good ends. This discrepancy is a potential sign of issues in training and the need for additional clarification from department leadership on these topics.	The SPD leadership should emphasize the importance of procedural justice policing practices and provide additional training on these topics.	1. Obtain procedural justice train-the-trainer training through the COPS Office 2. Train all officers on procedural justice 3. Clarify and reinforce appropriate actions and behavior for these and similar situations during upcoming in-service training
Chapter 6: Use of Force Policies and Procedures			
13	Notifications from the SPD's early intervention system regarding use of force are only sent to the defensive tactics cadre.	SPD should formalize the EIS notification process and include the officer's supervisor, IA, the officer's union representative, and executive leadership in this notification process.	1. Develop EIS policies and procedures 2. Notify the entire department of the new policies
14	Although the development of an EIS is a clear improvement, this system could be further refined by collecting detailed information on a number of additional variables.	SPD should expand the type of information its EIS collects, such as sustained complaints and completed training.	1. Develop or update EIS policies and procedures 2. Notify the entire department of the new policies
15	The early intervention system could be further improved by lowering the threshold of the number of use of force incidents before a notification is made.	The SPD should adjust the triggering criteria in its EIS from six to four use of force incidents per officer per year.	1. Develop or update EIS policies and procedures 2. Notify the entire department of the new policies
16	The SPD use-of=force policy does not reflect current departmental practices.	SPD should establish both periodic and ad hoc procedures to update its policy manual to ensure that it is consistent with departmental practices.	1. Update the use of force policy 2. Notify the entire department of the new policies 3. Incorporate training on the new policy into the upcoming in-service training
17	The SPD use of force policy lacks sufficient detail on the levels of force, types of tools and tactics available to officers, certification requirements, the importance of de-escalation, and post-use of force review procedures.	SPD should immediately update its UOF policy to ensure that it is comprehensive and consistent with the departmental practices.	1. Update the use of force policy 2. Notify the entire department of the new policies 3. Incorporate training on the new policy into the upcoming in-service training
Chapter 7: Use of Force Training and Tactics			
18	Policy 208 of the Spokane Police Department policy manual does not reflect the current use of force training conducted by SPD.	SPD should revise policy 208 to ensure that it reflects current departmental practices and requirements for use of force training.	1. Update policy 208 2. Notify the department of the new policy 3. Conduct annual auditing of policy 208 in comparison to departmental practices

	Findings	Recommendations	Implementation Steps
19	SPD does not develop an annual training plan to inform the department's training needs for the upcoming year.	SPD should establish a committee to evaluate and determine department-wide training needs and develop an annual training plan.	1. Identify committee members 2. Establish training planning committee 3. Develop training plan on an annual basis 4. Institutionalize the training plan process into policy 208 and departmental practice
20	The evaluation and tracking of SPD's training sessions is limited. SPD does not capture department-wide trends, which could highlight problem areas that need to be addressed more thoroughly.	SPD should develop a data collection and evaluation capacity for training conducted throughout the department, and should use the data captured to identify and proactively address any training deficiencies.	1. Develop or revise training evaluation tool 2. Institutionalize the evaluation of training into policy 208 3. Incorporate the evaluation tool into all appropriate training programs, plans, curricula, and lesson plans
21	SPD's documentation on the lateral neck restraint (LNR) control hold is lacking. Limited documentation of training on how to properly conduct an LNR increases the department's liability if injury or death to the suspect were to occur.	SPD should re-examine its policies, procedures, and training on the use of the LNR and require a deadly force review every time a level 2 LNR is used.	1. Update the use of force policy 2. Notify the department of the changes to the policy 3. Incorporate policy changes into training programs, plans, and upcoming in-service training
22	Although SPD's rifle policy provides direction on the circumstances in which an officer is allowed to use a rifle, it lacks detailed guidance on how officers should properly deploy their rifles.	SPD should update its rifle policy and provide officers with explicit and more detailed guidance on the proper deployment of rifles.	1. Update rifle policy 2. Notify the entire department of the changes to the policy 3. Incorporate policy changes into training programs, plans, and upcoming in-service training
23	Although SPD provides its officers with refresher training in CIT on a continual basis, there is no formal recertification process.	SPD should institutionalize the CIT training by updating its training policies to reflect the CIT recertification requirement.	1. Update the SPD policy manual 2. Collaborate with mental health and CIT partners on the recertification process 3. Incorporate new requirements into training programs, plans, and upcoming in-service training
Chapter 8: Use of Force Investigations and Documentation			
24	The prosecutor's lengthy timeline to review deadly force incidents creates delays in the administrative review of deadly use of force incidents.	SPD should mitigate the delay caused be the county prosecutor by formalizing its new process and beginning the administrative investigation after the SIRR team completes its criminal investigation.	1. Update IA procedures 2. Notify the entire department of the updates to the IA procedures
25	The D-ARP has rarely issued disciplinary or corrective actions in use of force incidents due to its ambiguity and structural limitations.	SPD should expand the scope of the D-ARP finding determinations to allow panel members to vote on officer tactics and decision making and policy violations outside the use of force.	1. Update SPD policy manual 2. Notify the entire department of the updates to the policy and D-ARP procedures
26	SPD's current practices on the ARP process are not accurately reflected in the SPD policy manual, which lacks detail on the responsibilities of the ARP members and the overarching purview of the ARP.	SPD should update the policy manual to ensure that it accurately reflects the current ARP process and provides detailed guidance on the roles and responsibilities of each ARP member.	1. Update SPD policy manual 2. Notify the entire department of the updates to the policy and D-ARP procedures

	Findings	Recommendations	Implementation Steps
27	SPD's process for tracking the implementation of the recommendations made by each administrative review mechanism is informal.	SPD should develop a system to track the information exchange between the Office of Professional Accountability and the supervisors who are in charge of ensuring that the recommendations are implemented.	1. Update policies on UOFRB, D-ARP, DFRB 2. Collaborate with supervisors and members of the review boards in the development of the tracking sheet 3. Develop tracking sheet 4. Audit tracking sheet and the implementation of the recommendations on an annual basis
28	The Use of Force Review Board's policies and procedures are not formally documented in the SPD policy manual.	SPD should formally document the UOFRB's policies and outcomes and should collectively review non-deadly use of force incidents on a monthly basis.	1. Develop a UOFRB policy 2. Define the roles and responsibilities of the members of the UOFRB 3. Update the SPD policy manual 4. Notify the entire department of the updates to the policy
29	SPD D-ARPs currently lack a civilian presence.	Although civilian members (e.g., the ombudsman, SPD director of strategic initiatives) are included in the DFRB, SPD should also include the ombudsman in the D-ARP.	1. Collaborate with the D-ARP members, executive command, and the ombudsman to determine the role of the ombudsman 2. Update the D-ARP policy
30	SPD's recent revisions to the DFRB have expanded the scope of the review board's purpose and goals; while these changes increase transparency, it can also negatively affect the department's ability to effectively assess tactics, training, and equipment after a deadly force incident.	SPD should reassess the purpose and goal of the DFRB to ensure that it both provides transparency and maintains its ability to effectively assess tactics, training, and equipment after a deadly force incident.	1. Collaborate with the DFRB members to redefine the scope of the review board 2. Define the roles and responsibilities of both internal and external observers 3. Update the DFRB policy
31	While the organizational changes to IA are an encouraging sign of progress, many interviewees—both internal and external to the department—noted that they were concerned about the initial lack of training among the newly assigned IA investigators.	SPD should formalize the new IA training requirements and guidelines in the department's policy manual and communicate these changes to the department and community stakeholders.	1. Update IA procedures and training requirements 2. Notify the entire department of the updates to the IA procedures and training requirements
	Chapter 9: Civilian Oversight		
32	The OPO lacks formal procedures on the new role and responsibilities of the ombudsman and the newly appointed commission members.	The OPO should formalize the roles and responsibilities of the ombudsman and the commission members into official OPO policies, procedures, and bylaws.	1. Develop or update OPO policies, procedures, and bylaws 2. Integrate SPD, the community, and the city into these discussions 3. Notify the public of the new policies, procedures, and bylaws

	Findings	Recommendations	Implementation Steps
33	The community lacks a comprehensive understanding of the OPO's current role and responsibilities.	To ensure improved public understanding of, and commitment to the new OPO's roles and responsibilities, the OPO should collaborate with the SPD to leverage both of their existing community outreach capabilities and to identify new ways to communicate the new OPO's role and responsibilities to the public.	1. Coordinate a meeting between OPO and SPD 2. Develop a community outreach strategy 3. Notify the entire department of the community outreach strategy 4. Release the community outreach strategy to the public via the website and meetings with the public safety committee
34	The OPO is not well integrated into all mechanisms designed to review use of force incidents.	The SPD should continue to integrate the ombudsman into all review mechanisms. As such, the OPO and the commission members should also participate in all relevant use of force training offered by the SPD.	1. Collaborate with the ombudsman on his or her continued role and involvement in SPD review mechanisms 2. Develop a plan to integrate the OPO into SPD training
35	Although the OPO's monthly and annual reporting is thorough and complete, a number of community members interviewed were not aware of the reports generated by the OPO.	The OPO should increase the awareness of its monthly and annual report by making these reports more succinct and by actively meeting with community stakeholders to discuss these reports.	1. Synthesize reports 2. Develop a community outreach strategy or plan 3. Notify the public of the reports
Chapter 10: Community Perspectives and Outreach			
36	Although SPD has increased its community outreach efforts over the past 12–18 months, community members interviewed noted a limited understanding of and confidence in several SPD processes and activities associated with use of force incidents.	SPD should sustain and institutionalize these outreach efforts by establishing a continued community outreach strategy and plan.	1. Develop community outreach strategy 2. Conduct meetings with community stakeholders 3. Continue to hold and disclose SPD practices via community events and involvement
37	Although nearly every community organization interviewed noted that SPD outreach and participation in the community has recently improved, nearly all interviewees also noted the need for SPD to initiate more consistent and accessible public forums and meetings.	SPD should leverage existing or past outreach programs to increase its active engagement with the community.	1. Develop community outreach strategy 2. Conduct meetings with community stakeholders 3. Continue to hold and disclose SPD practices via community events and involvement 4. Increase active participation in community meetings
38	Due to budgetary constraints, SPD has not held a citizen's academy in several years.	Similar to its media academy, SPD should hold a citizen's academy on an annual basis.	1. Collaborate with community stakeholders to develop citizen's academy 2. Hold citizen's academy 3. Incorporate the citizen's academy into the training plan and community outreach strategy 4. Promote the citizen's academy via the website, social media, and community meetings and events

	Findings	Recommendations	Implementation Steps
39	Other than participating in the city's Police Advisory Committee, SPD lacks involvement in a department-initiated chief's advisory council.	SPD should form a chief's advisory council.	1. Identify potential members and solicit their participation in the chief's advisory council 2. Collaborate with community stakeholders in the development of the council its role and responsibilities 3. Institutionalize the chief's advisory council into the community strategy
40	Interviewees from both the community and the SPD noted that a lack of adequate staffing directly impacts the SPD's ability to conduct community outreach and improve police-community relationships.	SPD should conduct a staffing analysis to determine if the department is meeting its operational needs and has an adequate amount of staff to ensure its continued mission, objectives, and community policing principles.	1. Meet with the mayor, city council, and the Public Safety Committee regarding the required resources to conduct a staffing analysis, if needed 2. Identify potential training and technical assistance provider 3. Conduct staffing analysis 4. Update department strategies based on the staffing analysis
41	Although the SPD has improved and increased its community engagement efforts, community organizations noted that they would like to receive more information from SPD about critical use of force incidents in a more timely manner. Currently, these organizations receive information about incidents via the media.	The SIRR should revise its media relations protocol to ensure that the agency involved in a deadly force incident is allowed to release appropriate information after a deadly force incident. In addition, SPD should continue to utilize and improve virtual and more traditional methods to maintain communications with interested community stakeholders after a critical incident.	1. Hold a SIRR team governing board meeting to discuss potential revisions to the SIRR communications protocols 2. Revise the SIRR communication protocols 3. Notify SIRR stakeholders of the new communication process 4. Notify community stakeholders of the new communication process
42	SPD does not routinely survey the community to gauge changes in the community's perceptions of the police and its relationship with the police department.	SPD should routinely survey the community to measure increased police-community relationships, increased understanding of police procedures, organizational changes, and to evaluate police-initiated programs, like the PAL.	1. Develop community survey 2. Distribute or integrate survey into the city's survey 3. Conduct a CPSAT in Feb 2015 4. Institutionalize community survey into departmental strategy and SPD policy

Appendix B. Areas of a Cultural Analysis

The following table outlining recommended areas of cultural analysis is adapted from an article by researchers Testa and Sipe (2013).[150] (Citations in the second column can be found in the references section of that article.) These areas are not meant to be exhaustive. The Spokane Police Department (SPD) should review these topic areas and collaborate with its executive and research teams to determine which areas and related questions are most relevant and applicable to examining the culture of the SPD.

	Culture Category and Questions	Author	What to Look For
1	Physical characteristics and general environment (front-of-house vs. back-of-house) What do the physical components of the organization say about the culture? Is there consistency behind the scenes? How does it feel? Are employee and customer needs considered in the planning? Layout? Design?	Hatch (1993) Hatch & Schultz (1997) Schein (1992, 2004)	• Signage (quantity and style) • Furniture and accessories • Tradition vs. modern • Colors • Symbols and logos • Lighting • Sounds: level and type • Uniforms • Cleanliness and organization
2	Customs and norms What regular behaviors and expectations are in place that affect the culture? What impact do these have on the culture? Are guest needs a norm? Is facilitation of employee needs a norm?	Farrell (2005) Hallett (2003) Schein (1992, 2004)	• Greetings • Language and phrases • Expectations set by leadership • Common employee interactions • Common leader-employee interactions • Common leader and employee-guest interactions • Unspoken rules • Uniform norms
3	Ceremonies and events What is systematically celebrated and recognized at this organization? Are service champions recognized? What impact does this have on the culture?	Hatch (1993) Schein (1992, 2004) Trice & Beyer (1984)	• Regular staff events held • Birthdays • Tenure celebrations • Service quality acknowledgement • Certifications • Holiday parties • Quarterly celebrations • Formal vs. informal gatherings

150. Testa, Mark R., and Lori J. Sipe. 2013. "The Organizational Culture Audit."

	Culture Category and Questions	Author	What to Look For
4	Rules and policies How formalized is organization? Is the culture more rule-based or empowering? Does it strike a balance? Are rules and polices absolutes or guidelines? Are guest and employee needs balanced with policies?	Farrell (2005) Hallett (2003) Schein (1992, 2004)	• What is prohibited vs. what is permitted • Number of rules or polices • Formal vs. informal rules • Depth of manuals • Rule signage • Number of standard operating procedures • Amount of training on policies and procedures • Employee perceptions of formalization • Leader perceptions of their role and function (rules vs. empowerment vs. balance)
5	Measurement and accountability What gets measured in this organization? What measures are most important? Is there accountability? Are measurements consistent with vision, mission, values? Are guest and employee needs central to measurement?	Hallett (2003) Schein (1992, 2004)	• Types of measures used • How senior leaders, supervisors and employees are evaluated • Measures vs. espoused values • Promotion criteria • Dismissal criteria • Discipline system
6	Leader behavior What do leaders make a priority here? Are leaders at varying levels role models? Do these leaders role model guest service behaviors? Which leaders are most respected here and why? How does this impact the culture?	Bass & Avolio (1993) Schein (1992, 2004) Tusi et al. (2006)	• Leader focus task vs. people • Leader-employee interactions • Leader-guest interactions • Employee perceptions of leadership • Legendary leaders • Outlaw leaders
7	Rewards and recognition What gets rewarded in this organization? How are employees recognized for their efforts? How does this impact the culture?	Bushardt, Lambert, & Duhon (2007) Milne (2007) Schein (1992, 2004)	• Types and quantity of rewards provided • Formal vs. informal rewards • Employee perception of reward value • Amount of encouragement provided • Are leaders genuine in their praise? • Programs planned
8	Training and development What efforts are made to invest in human resources? What impact do these efforts have on the culture? Does the discipline system promote guest and employee needs?	Bunch (2007) Kissack & Callahan (2010)	• Amount and types of training • Certifications • On-the-job vs. formal • Orientation processes • Service quality vs. rule-based efforts or technical • Leadership development programs • Succession planning

	Culture Category and Questions	Author	What to Look For
9	Communication How are messages, both formal and informal communicated? What is the impact on the culture? What do stories told in this organization reveal? Are guests or employees valued or criticized in the stories told?	Farrell (2005) Hallett (2003) Schein (1992, 2004) Trice & Beyer (1993)	• How do employees find things out? • E-mail vs. memos vs. signage vs. face-to-face • Number and type of meetings • Senior leader communication • Are the methods effective? • Are the methods appropriate? • Is confidentiality ensured • How much do employees find out through the grapevine? • Metaphors used
10	Structure and culture development efforts How is the organization structured? Does the organizational structure (hierarchy) impact the culture? How quickly are decisions made? Are employees empowered to solve guest problems rapidly? Does the organization actively work towards developing its culture?	Hallett (2003) Schein (1992, 2004) Smircich (1983)	• Layers on the organizational chart • Formal are the chains of command • Disconnects between the top and bottom of the structure • Communication barriers • Vision, mission, values, goal consistency • Senior leader activities to build the culture • Employee perception of culture development efforts • Employee view of the culture

Appendix C. Officer Survey

Collaborative Reform Officer Survey

Please identify your rank: _____

When a Spokane Police Officer is making an arrest, how important is it that he or she do the following…

	Very Important	Somewhat Important	Not Important At All	No Opinion
clearly explain what they are doing, and why?	___	___	___	___
consider peoples' explanations when they make decisions about how to handle the situation?	___	___	___	___
give people a chance to explain their actions?	___	___	___	___

When a Spokane Police Officer is issuing a citation to a citizen, how important is it that he or she do the following…

	Very Important	Somewhat Important	Not Important At All	No Opinion
clearly explain what they are doing, and why?	___	___	___	___
consider peoples' explanations when they make decisions about how to handle the situation?	___	___	___	___
give people a chance to explain their actions?	___	___	___	___

When a Spokane Police Officer is conducting an officer-initiated citizen stop, how important is it that he or she do the following…

	Very Important	Somewhat Important	Not Important At All	No Opinion
clearly explain what they are doing, and why?	___	___	___	___
consider peoples' explanations when they make decisions about how to handle the situation?	___	___	___	___
give people a chance to explain their actions?	___	___	___	___

Turn Page Over

Please respond to the following statements by indicating the extent to which you agree with each of them:

	Strongly Disagree	Disagree	No Opinion	Agree	Strongly Agree
Spokane police officers should be allowed to strike an adult citizen who:					
a. Said vulgar and obscene things to the police officer?	___	___	___	___	___
b. Was being questioned as a suspect in a murder case?	___	___	___	___	___
c. Was attempting to escape from custody?	___	___	___	___	___
d. Was attacking the police officer with his or her fists?	___	___	___	___	___
Spokane police officers should arrest a fellow officer for driving while intoxicated.	___	___	___	___	___
Spokane police officers should give a fellow officer a speeding ticket for driving 15 or more miles per hour over the posted limit.	___	___	___	___	___
Spokane police officers should report a fellow officer for using excessive force when making an arrest.	___	___	___	___	___
Police officers are more effective if they are able to decide on their own when to enforce particular laws.	___	___	___	___	___
Sometimes police are justified in using questionable practices to achieve good ends.	___	___	___	___	___
Only police officers are qualified to judge whether use of force is excessive .	___	___	___	___	___

Thank You!

Glossary

ACLU	American Civil Liberties Union
ARP	administrative review panel
ATM	automatic teller machine
CAD	computer-assisted dispatch
CIT	crisis intervention team
COPS Office	Office of Community Oriented Policing Services
CP-SAT	Community Policing Self-Assessment Tool
CRI-TA	Collaborative Reform Initiative for Technical Assistance
D-ARP	deadly force administrative review panel
DFRB	deadly force review board
DMHP	designated mental health professional
EIS	early intervention system
FBI	Federal Bureau of Investigation
IA	internal affairs
IACP	International Association of Chiefs of Police
LGBTQ	lesbian, gay, bisexual, transgender, queer/questioning
LNR	lateral neck restraint
LVMPD	Las Vegas Metropolitan Police Department
NAACP	National Association for the Advancement of Colored People
NACOLE	National Association for Civilian Oversight of Law Enforcement
NLETC	National Law Enforcement Training Center
OC	oleoresin capsicum
OPO	Office of the Police Ombudsman
PAC	police advisory committee
PAL	police activities league
SIRR	Spokane investigative regional response
SPAL	Spokane police activities league
SPD	Spokane Police Department
SPYAL	Spokane police youth activities league

SPYAL	Spokane police youth activities league
UOF	use of force
UOFRB	use of force review board
VDI	verbal defense and influence
WASPC	Washington Association of Sheriffs and Police Chiefs
WSCJTC	Washington State Criminal Justice Training Commission
YPI	Youth Participation Initiative

About the COPS Office

The Office of Community Oriented Policing Services (COPS Office) is the component of the U.S. Department of Justice responsible for advancing the practice of community policing by the nation's state, local, territory, and tribal law enforcement agencies through information and grant resources.

Community policing is a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques, to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime.

Rather than simply responding to crimes once they have been committed, community policing concentrates on preventing crime and eliminating the atmosphere of fear it creates. Earning the trust of the community and making those individuals stakeholders in their own safety enables law enforcement to better understand and address both the needs of the community and the factors that contribute to crime.

The COPS Office awards grants to state, local, territory, and tribal law enforcement agencies to hire and train community policing professionals, acquire and deploy cutting-edge crime fighting technologies, and develop and test innovative policing strategies. COPS Office funding also provides training and technical assistance to community members and local government leaders and all levels of law enforcement.
The COPS Office has produced and compiled a broad range of information resources that can help law enforcement better address specific crime and operational issues, and help community leaders better understand how to work cooperatively with their law enforcement agency to reduce crime.

- Since 1994, the COPS Office has invested more than $14 billion to add community policing officers to the nation's streets, enhance crime fighting technology, support crime prevention initiatives, and provide training and technical assistance to help advance community policing.
- To date, the COPS Office has funded approximately 125,000 additional officers to more than 13,000 of the nation's 18,000 law enforcement agencies across the country in small and large jurisdictions alike.
- Nearly 700,000 law enforcement personnel, community members, and government leaders have been trained through COPS Office-funded training organizations.
- To date, the COPS Office has distributed more than 8.57 million topic-specific publications, training curricula, white papers, and resource CDs.

COPS Office resources, covering a wide breadth of community policing topics—from school and campus safety to gang violence—are available, at no cost, through its online Resource Center at www.cops.usdoj.gov. This easy-to-navigate website is also the grant application portal, providing access to online application forms.

About CNA

CNA is a not-for-profit organization based in Arlington, Virginia. The organization pioneered the field of operations research and analysis 70 years ago and, today, applies its efforts to a broad range of national security, defense, and public interest issues including education, homeland security, public health, and criminal justice. CNA applies a multidisciplinary, field-based approach to helping decision makers develop sound policies, make better-informed decisions, and lead more effectively. CNA is the technical assistance provider for the United States Department of Justice Office of Community Oriented Policing Services Critical Response Initiative Technical Assistance.

The proper investigation and review of use of force incidents, especially those involving deadly force, can have a significant impact on a police department's legitimacy and relationship with its community. The assessment leading to this report was conducted by the U.S. Department of Justice Office of Community Oriented Policing Services (COPS Office) and the CNA Corporation at the request of the Spokane (Washington) Police Department, examining the department's policies and procedures to identify areas for improvement and provide recommendations; analyzing a sample of use of force investigations from a five-year period to identify trends, strengths, and weaknesses; examining the role of the ombudsman in use of force investigations; and improving the department's culture as it relates to the use of force to build trust with the community. The goal of the review was ultimately to improve the use of force processes in the Spokane Police Department.

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