



SPOKANE POLICE DEPARTMENT
OFFICE OF PROFESSIONAL ACCOUNTABILITY

Office of Professional Accountability
August 2014 Report

Public Safety Committee Briefing
September 15, 2014



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Selected Excerpts of Officer Commendation Letters

My husband and I wanted to thank Officer Kester and the other officer that accompanied her on April 12, 2014. Our fence and yard were damaged by a driver April 6, 2014 late at night. We along with our neighbors were able to identify the vehicle that did this and give Crime Check the needed information for officers to make contact. Officer Kester was able to speak to the individual and get confirmation that confirmed they were responsible for the damage. We really thought this individual would not be found. Officer Kester did a great job helping us find resolution and restitution. Thank you for the timely response and dedication to resolving our issue.

-Mary and John Wilber

Officer Mike Roberge's organization, skills, and general great work ethic helped us to achieve one of the most successful conferences in the history of the NWGIA. This was our 20th year of providing the finest localized gang training in the Pacific Northwest. Officer Mike Roberge's professionalism and service are a credit to himself, your agency, and the law enforcement community.

-Brad Richmond, President, Northwest Gang Investigators Association

I was in my first car accident and was very overwhelmed. When Officer Draper arrived, he demonstrated exemplary professionalism and compassion. He offered his assistance, which I appreciated beyond words, and he immediately took control of the situation. Officer Draper took the time to assure me that what I was feeling can happen during a situation like this and recommended that I rest in an air-conditioned car while he continued his work. Officer Draper provided me with the report and in a very kind manner made sure I was okay to proceed with my day. He offered a very positive message, which really helped. I truly believe his positive perspective made a difference in the way I viewed my stressful situation. It takes a special person to care enough to help somebody out and make a stressful time brighter. Officer Draper was a special gift to me that day.

-Janet L. Dalton

I am baffled by the lack of respect that it seems local news shows for the local PD. They never seem to report what you guys do unless it includes the words "officer involved shooting." Regardless, I have major respect for you guys. Keep up the good work and be safe.

-Scott Byrnes

Thank you SPD for keeping the thousands of visitors and locals safe during Hoop Fest!

-Deanne McCausland



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Internal Affairs Unit Update

2014 January 1st through August 31st Complaints

Source of 2014 Complaints*

Received by the Office of Police Ombudsman	Total: 57
Inquiries	45
Citizen Complaints	12
Received by the Spokane Police Department	Total: 33
Inquiries	23
Citizen Complaints	10
Internally Generated by the SPD	Total: 8

*Note: Sometimes a citizen will report a complaint in multiple places, in those cases the place where the complaint was first reported is noted.

Categories of Complaints**

Allegations associated with **Citizen Complaints** received between January 1st and August 31st, 2014

Allegation	Number
Conduct Unbecoming	1
Demeanor	9
Failure to Report Domestic Violence	2
Failure to Take Report (Non-DV)	2
Sexual Assault***	1
Excessive Force	4
Lack of or Inadequate Response	9
Failure to Take Reasonable Action	1
Exceeding Authority	2
Improper Search/Seizure	2

**Note: Some investigations involve multiple allegations. Investigations do not include Inquiries.

***Allegation was received during this period, but was alleged to have occurred in 2012. The accused officer is no longer an employee of the SPD. The case is complete and is being reviewed by the Spokane County Prosecutor's Office for charging consideration.



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Allegations associated with **Internal Complaints** received between January 1st and August 31st, 2014

Allegation	Number
Absent Without Leave	1
Crime (Off-Duty DUI Arrest)	1
Dereliction of Duty	1
False Reporting****	1
False Statements****	2
Integrity****	1
Lack of / Inadequate Response	1
SPD Policy Violation	3
Untruthfulness	1
Insubordination	1

****Investigation involved a civilian employee. The investigation was forwarded to HR and the employee was exonerated.

Current Status of 2014 Cases

Citizen Complaints

Status	Number
Exonerated	4
Sustained	3
Not Sustained	4
Unfounded	3
Under Investigation	5
Under Review by Capt. of Prof. Standards or Chief's Office	1
Resigned prior to Termination	1
Administratively Suspended	4
Changed to Inquiries	13

Internal Complaints

Item	Number
Sustained	3
Referred to City Human Resources	2
Under Investigation	1
Under ARP Review	1
Under OPO Review	2



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Unfounded - When the investigation discloses that the alleged act(s) did not occur or did not involve department personnel.

Exonerated - When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

Not Sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

Training Failure - Deficiency in training was the cause of the alleged act.

Closed Due to Mediation - Is an alternative to the investigation, adjudication and disciplinary process.

OPO Certification

The vast majority of SPD and OPO generated complaints have been certified by the Office of the OPO. In many, but not all, instances where the Ombudsman had a question or issue with an investigation Internal Affairs has worked to accommodate the request. We strive for each investigation to be completed in a timely, thorough, and objective manner. In the following cases the SPD Internal Affairs unit did not receive the certification of the Ombudsman. Provided is further information on the three most recent cases and the issues surrounding the certification process.

IA14-042

Allegation: The complainant alleged that officers responded to a collision and did not complete a collision report. She further alleged the other driver had friends who were police officers, which she believed led to the report not being taken by officers.

Summary: IA completed an initial investigation and found the circumstances did not support the Washington State Guidelines for completing a collision form. In fact, there wasn't any evidence to show a collision occurred at all. An Investigator from the Traveler's Insurance Group also concluded that no collision had occurred in his investigation and he was considering classifying the case as a fraudulent claim. This internal complaint was re-categorized by SPD because it



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was clear that no policy violation had occurred and the complainant was informed of the state requirements prior to closure.

Issue: The OPO did not certify the case because he interprets SPD policy to mandate that all “completed investigations” go to either a Chain of Command (COC) review or an Administrative Review Panel (ARP). In reality, many initial complaints require investigation before they can be categorized as an Inquiry. An Inquiry is a complaint that if true, would not be a violation of SPD policy. The purpose of the COC or ARP Review is to determine if policy was followed and to recommend corrective disciplinary action when it is not. In this instance, the investigation showed that the officers followed well established State Guidelines by not completing a State Collision form and there was no review needed by a COC or ARP.

IA14-040

Allegation: The complainant, a Level Three Registered Sex Offender, alleged that a detective would not clear his name in an investigation, called his wife a liar, and threatened to follow him around.

Summary: The SPD Detective named in this case was responsible for verifying the addresses of Registered Sex Offenders. Level Three Offenders, those deemed most likely to reoffend, have their address verified no fewer than four times per year pursuant to Washington State Law. This detective received a Crime Check report that alleged:

A man walked up to a woman and her four children and told the children a story. He touched some of the children on the head. The woman felt uneasy about the interaction and later looked online at Offender Watch and identified the man as a Level Three RSO (the complainant). This report was forwarded to the detective.

An IA investigator completed some investigation into the matter. The complainant claimed he was not the man described in the Crime Check report and he wanted the detective to “clear” his name of this allegation. The complainant’s wife told the detective her husband was not the man described in the report. The detective advised the complainant that the case was not criminal and he could not “clear” him because he was not there. He told the complainant that if it was him to “knock it off.” He told the complainant he would not be launching a giant investigation into the incident because it was not a criminal allegation and he could not rely solely on his wife’s statement to discard the information. He further advised him that he would need to follow him around all the time to “clear” him from a complaint like this.

Issue: Similar to the case above, the investigation by IA into the matter was able to establish that no SPD policies were violated by the detective. It was not necessary to send this case to a COC or ARP because there was no question of policy adherence to be determined.



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IA14-038

Allegation: The complainant states that he was driving and committed moving violations. He states he saw a police vehicle move in behind him and the officer activated his overhead lights to pull him over. The complainant attempted to lock his door at that time to prevent the officer from later opening the door. The officer asked the complainant for his driver's license as required by law. The complainant refused. The officer asked the driver to step out of the vehicle. He refused. The officer removed the complainant from the vehicle and placed him under arrest. The complainant struggled, but was taken down by a solitary officer to the ground and prone handcuffed on a gravel surface. The complainant received an abrasion to his eyebrow from the gravel roadway surface while on the roadway which bled. The OPO alleged excessive force.

Summary: The complainant in his own interview admitted to violating the traffic code and refusing to provide his driver's license. He admitted to resisting arrest and trying to prevent the officer from removing him from the vehicle. The officer's report and statement also provide vulgar and disrespectful language used by the complainant. The officer used the proper tactics and techniques to effect the arrest. He used a takedown technique to remove the complainant from the vehicle. This was the only force used in the entire encounter.

Issues: The OPO thought the prone handcuffing should have been documented as a Use of Force. The policy clearly states that a Use of Force report is not taken in cases that result in minor marks that result from prone handcuffing.

The complaint was initially deemed an Inquiry by Internal Affairs because the force alleged by the complainant was objectively reasonable given the statements made by the complainant. The OPO objected, so IA proceeded with an investigation into an allegation that the vehicle of the complainant was searched after his arrest, but not into the force allegation because using the complainant's words alone there was no policy violation to investigate. A Chain of Command Review was conducted of the entire incident and the Patrol Captain noted in his review that this case should have been categorized as an Inquiry. The Patrol Lieutenant further advised, "by the defendant's own admission, no excessive force was used to remove him from the vehicle."

The OPO did not certify stating he did not agree with the Use of Force Policy and that the investigation was not thorough because it focused on only the illegal search allegation.



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2014 Deadly Force Incidents

2014 Investigative Reviews

Total: 4

March 2014

March 26th, 2014---Internal Affairs Lt. Lundgren responded to 1527 W. Grace Avenue after an Officer Involved Shooting. Officers were investigating the suspect’s involvement in a series of Armed Robberies at the time of the shooting. Sgt. Braun will be the lead on the Deadly Force Review after the SIRR Team investigation and Prosecutorial Review are completed.

April 2014

April 3rd, 2014-- Sgt. Staben responded to Magnesium and Division after a suspect required medical treatment after fleeing from the scene of a collision. The suspect choked on a plastic bag that a witness reported seeing him swallow while attempting to flee from pursuing officers. The suspect died after choking on the plastic baggie. **UPDATE:** The Medical Examiner’s Office has determined the cause of death to be accidental. Sergeant Staben’s investigation is being reviewed at ARP.

April 29th, 2014-- Sgt. Braun and Lt. Lundgren responded to 2512 N. Standard on the report of an Officer-Involved Shooting. Officers, Detectives, and civilian media were on scene investigating a possible homicide after a woman was found dead at the location. A person of interest in the homicide reportedly drove through the barricades at the location and confronted officers at the location. Sgt. Braun is the lead investigator on the case.

Training Unit Update

Training and Hiring Statistics

CLASSIFICATION	HIRED	IN PROCESS	DECLINED	NOTES
Entry Level Police Officer	0	17	13	Physical Agility Test 9/29/2014 for 25 additional applicants
Lateral Police Officer	0	12	4	Physical Agility Test 9/22/2014 for 5 additional applicants. We anticipate hiring 5 lateral officers effective 8/15/2014
Records Specialists	0	16	1	



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Records Unit Update

Public Record Disclosures as of 9/08/2014

Oldest request not completed: 6/27/14
New requests received this week: 175
Total requests started but not complete:* 205
(7 of the requests are very large and the requestors have been provided with an extended completion date.)
Total requests not processed: 20 (oldest date of 8/29/2014)

Body Camera Implementation Project

- The pilot program began September 1.
- SPD's website has a body camera section (see screenshot below) with the draft policy, videos, and an area for public comment.
- Evidence.com provided training to the 17 officers involved in the pilot program, a Records Supervisor, and 4 Internal Affairs staff members. The officers are also going through a special Use of Force Report Writing class.
- Training will be provided for City Council members and the Mayor's Cabinet. Other in-depth training will be held for community groups such as Rotary 21 and AmeriCorps Youth Build.
- A body worn camera forum for the media will be hosted on September 12, 2014, at 10:00 a.m., at the Spokane Police Department's Training Academy (2302 N. Waterworks St., Spokane, WA 99212). The purpose of the forum is to familiarize members of the media with the equipment, policy, public records request process, privacy concerns, and to solicit thoughts and comments.
- There will be a community forum on October 30, 2014, at 5:30 p.m., at Cataldo Hall on the Gonzaga University campus; along with other community outreach opportunities, such as presentations held at several neighborhood councils, the Inland Northwest Business Alliance, AmeriCorps Youth Build, East Sprague Business Association, Lutheran Community Services, Adult Victims of Sexual Assault, Rotary 21 club, Police Advisory Council, and Frontier Behavioral Health.



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- The pilot phase will end on December 31, 2014, with adjustments made to the body worn camera policy and procedures based on officer and community input.

Body Camera Page on SPD's website:

<https://beta.spokanecity.org/police/accountability/bodycamera/>

The screenshot shows a web browser displaying the Spokane Police Department's website. The page title is "Spokane Police Department Body Camera Pilot Program". The content includes:

- A paragraph stating: "The Spokane Police Department has launched a new body worn camera pilot project. The body worn camera pilot project will end on December 31, 2014."
- A paragraph stating: "The implementation of the Spokane Police Department's body worn camera pilot project began on September 1, 2014. 17 Spokane Police officers volunteered to participate in the pilot project. In addition to addressing technical and logistical issues, SPD leadership will use the pilot project to finalize the body camera policy, based on officer and community feedback."
- A bulleted list of details:
 - A body worn camera forum for the media will be hosted on September 12, 2014, at 10:00 a.m., at the Spokane Police Department's Training Academy (2302 N. Waterworks St., Spokane, WA 99212). The purpose of the forum is to familiarize members of the media with the equipment, policy, public records request process, privacy concerns, and to solicit thoughts and comments.
 - The draft policy will be shared with the public during a community forum on October 30, 2014, at 5:30 p.m., at Cataldo Hall on the Gonzaga University campus and through other community outreach opportunities.
 - Additionally, members of the public are encouraged to send their thoughts, concerns and comments regarding body worn cameras to the Department via a comment section below.
- A paragraph stating: "The pilot phase will end on December 31, 2014, with adjustments being made to the body worn camera policy and procedures based on officer and community input."
- A paragraph stating: "Below is a link to a body camera video news story. Although the video features a glasses-mounted camera (SPD is utilizing the chest-mounted cameras), the video provides perspective from the Laurel, Maryland Police Department, which currently utilizes the cameras."

On the right side of the page, there is a "Related Documents" section with three links:

- Police Officer Body-Worn Cameras (PDF 5.8 MB)
- Body Camera Policy (draft - PDF 507 KB)
- Body-Worn Cameras Report (PDF 5.2 MB)

At the bottom of the page, there is a video player showing a man's face, with the caption "Police body cameras in full effect".