



SPOKANE POLICE DEPARTMENT
OFFICE OF PROFESSIONAL ACCOUNTABILITY

Office of Professional Accountability
October 2014 Report

Public Safety Committee Briefing
November 17, 2014



SPOKANE POLICE DEPARTMENT OFFICE OF PROFESSIONAL ACCOUNTABILITY

Selected Examples of Officers De-Escalating Situations

I would like to express my appreciation to Officer O'Brien, who responded to a burglary call after a woman had entered, ransacked the house, undressed and put on one of my neighbor's T-shirts. Officer O'Brien and I found her in his kitchen surrounded by everything she had pulled out of every drawer, cupboard and the refrigerator, dressed in only the T-shirt and clearly disoriented. Officer O'Brien quickly and calmly took charge of the situation, handcuffed her so that she couldn't hurt herself or anyone else and gently calmed her while attempting to obtain necessary information. He then managed a crew of paramedics and firemen who responded to the call, had the situation constantly under control, and always treated the woman involved with the utmost respect and professionalism. I constantly read about the bad behavior of some police officers but don't read often enough about their excellent, professional, and very humane behavior in very often difficult situations. As a professional psychotherapist I want to tell you how impressed I was with officer O'Brien's response to a crisis situation and how proud I was of his behavior as a reflection of the Spokane City Police Department.

- Sarah Leverett, PhD

Chief, I had the pleasure of receiving a phone call from a J. B., requesting that I let you know about what he observed in front of his home on Tuesday in the early morning hours. At approximately 2:00am on Tuesday, two officers were in front of his driveway speaking to an obviously impaired woman. He wasn't sure if she was intoxicated or in some other mental crisis. He said he watched as the officers patiently conversed with this woman for over an hour in the rain trying to get her to let them get her some help. At one point, this gentleman went out to offer them the use of his umbrella. He was so impressed with how patiently they spoke to her and said they had "great people skills." He didn't get their names but he really wanted to make sure that you knew what a great job your officers are doing. [The officers were Officer Brandon Fabian and Officer Scott Haney]

- A. N.

I wanted to send you a quick note to let you know how much I appreciated Lt. Griffiths and his partner's help [Det. Lamanna and Officer Quarles]. My son had run away from his therapeutic boarding school in Idaho while on a field trip to Spokane. "Brian" unfortunately suffers from a history of severe drug addiction and lack of impulse control related to ADHD. We were fortunately able to upgrade his status to EMPA based on his psychiatric history. We were fortunate enough to find Brian, but he made it clear he would not come with us. We covertly called the police and kept Brian with us by talking with him and the kids he was hanging out with. Lt. Griffiths was professional yet kind and compassionate-- not only with my mother and I, but also with my son. He arranged for another officer to transport my son to the hospital so he could take us in his car as we had taken a taxi to the park to look for Brian. My mother and I just wanted you to know that we feel Lt. Griffiths (especially) and his partner exemplify the best qualities in a police officer.

- M. R.



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Selected Excerpts of Officer Commendation Letters

I am writing to express the highest accolades to Sergeant Shawn Kendall and all of the officers who participate in putting on the Enhancing the Survival Mindset classes for women in the community. I attended Level 1 with my friends, and we were beyond impressed by the quality of the instruction and the ability of the instructors to put the women in the class at ease and leave them feeling empowered and confident by the end of the first class. My friends have returned to their respective lives and workplaces singing high praises of the instructors and the experience, and are working on bringing the cadre to their respective workplaces for an on-site session in situational awareness. The level 2 class really brought all of the lessons home and raised the level of intensity and skills learned and called upon for the mock scenarios. All of the scenarios we talked through in the classroom, skills we learned in the gym, and scenarios we participated in were well-thought out and realistic. Having participated two in-services so far, I knew what high-quality instructors we have in the SPD (world class doesn't seem like high enough praise, but the sentiment is there), and the instructors put the same level of dedication and passion into instructing we civilians. I know how busy all of our officers are, especially our patrol officers, and how much time they spend training, teaching, and performing other duties outside their normal workweek (not to mention being in the thick of Reserve Academy), but if you didn't know differently, you'd think this was the only thing they had to do all week because of their level of investment. It was the sentiment from every participant I talked to that every woman should take this course at least once. I hope that the program continues to thrive and grow, as it is an incredible resource in the community!

- *Christen Kishel*

It was very nice meeting Tim [Director Tim Schwering]. The body cam presentation was very informative and well-presented and I, for one, came away very impressed. Best of luck.

- *Larry Valadez, Hispanic Business and Professional Association.*

I just wanted you to know what a valuable employee you have in Police Chaplain Beth Wilson. She has just the right words at a difficult time. She is a real blessing to the City of Spokane.

- *Jackie Willford*

Officer Boothe, I just received a phone call from a gentleman who wanted me to deliver a big "Thank You" to you for how you handled a call with his son who had to be taken to Sacred Heart. The gentleman told me that he and his son were very grateful for how you treated them. They said you went to Sacred Heart the next day to check on his son, which was very much above and beyond the call of duty. It meant so much to his family, and they are thankful that there are such great officers on the streets. They appreciate you and all of SPD for the job you do every day.

- *Michelle Loucks*



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Internal Affairs Unit Update

2014 January 1st through October 31st Complaints

Source of 2014 Complaints*

Received by the Office of Police Ombudsman	Total: 70
Inquiries	57
Citizen Complaints	13
Received by the Spokane Police Department	Total: 37
Inquiries	24
Citizen Complaints	11

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

Internally Generated by the SPD	Total: 12
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Categories of Complaints**

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

Allegation	Number
Conduct Unbecoming	1
Demeanor	10
Failure to Report Domestic Violence	2
Failure to Take Report (Non-DV)	2
Sexual Assault***	1
Excessive Force	4
Lack of or Inadequate Response	12
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 October 31st, 2014

Allegation	Number
Absent Without Leave	1
Crime (Off-Duty Reckless Driving)	1
Crime (Off-Duty DUI Arrest)	1
Crime (Steroid Purchase)	1
Dereliction of Duty	1
Failure to Report DV	1
False Reporting****	1
False Statements****	2
Integrity****	1
Lack of / Inadequate Response	1
SPD Policy Violation	4
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	6
Sustained	4
Not Sustained	6
Unfounded	3
Under Investigation	5
Under Review by Capt. of Prof. Standards or Chief's Office	1
Resigned prior to Termination	1
Administratively Suspended	6
Changed to Inquiries	13



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Internal Complaints

Item	Number
Sustained	6
Not Sustained	1
Referred to City Human Resources	2
Under Investigation	1
Under ARP Review	1
Under OPO Review	2

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 four most recent IA complaint cases and the issues surrounding the certification process.



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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 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.



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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.

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



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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.

IA 14-020

Allegation: An internal complaint was filed by a Lieutenant against a Sergeant for failing to staff a training opportunity with two of his personnel as directed.

Summary: The Sergeant cited patrol staffing concerns as a mitigating circumstance, but ARP ultimately determined he had adequate forewarning to schedule the officers and staff the shift.

Issues: The ARP was given the case on 05/15/14 and the Lieutenant responsible for authoring the case received it on 05/21/14. The completed ARP was not returned by ARP until 08/26/14. The OPO failed to certify the investigation citing timeliness.

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. The Medical Examiner's Office has determined the cause of death to be accidental.



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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.

Records Unit Update

Public Record Disclosures as of 10/27/2014

Oldest request not completed: 8/21/14
New requests received this week: 255
Total requests started but not complete:* 367
(6 of the requests are very large and the requestors have been provided with an extended completion date.)
Total requests not processed: 16 (oldest date 4 days old, 10/23/2014)

Outreach Update

Community Safety Education

In addition to five Enhancing the Survival Mindset (ESM) classes provided to citizens at the Academy this year, Sergeant Kendall also facilitated personal safety presentations, based on ESM, to the following schools, businesses, and community groups:

- Sleep Institute: Jan. 23
- Central Valley High School: Jan. 27
- Mukogawa Fort Wright Institute: Feb. 17
- SOS (Officers' Wives group): Feb. 25
- City Library Employees: April 15
- Hege Communications: Aug. 7
- Key Study Club: Sept. 18
- South Hill Library: Sept. 22
- Mukogawa Fort Wright Institute: Sept. 23
- Department of Corrections Probation Staff: Sept. 24
- Maplewood Software: Oct. 16
- Mobility Center, Spokane Transit Authority: Oct. 28

Sergeant Terry Preuninger also provided "Workplace Violence" and "Responding to an Active Shooter" classes for the following agencies:



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- DSHS: Oct. 8 and Oct. 15
- National Association of Legal Secretaries: Oct. 23

Community Outreach

Community Outreach Officer DeRuwe is working with local leaders on a Promise Zone grant application with the USDA. The Promise Zone designation is a ten year term designed to promote community revitalization in high-poverty communities. If awarded a Promise Zone designation, a large area in Northeast Spokane would receive grant funding and technical assistance, while cooperating businesses would be eligible for tax incentives. Officer DeRuwe is the SPD liaison, providing information about SPD's goals of reducing violent crime and changing the perception of relationships between police and the community.

Officer DeRuwe hosted the 8th Youth & Police Initiative (YPI) session at Excelsior Youth Center with 14 kids. After the Rogers High School YPI graduation on November 13 which totaled 110 youth participants and 45 officers participating in the program.

Outreach activities this month included:

- “See it –Say it” Anti-bullying Assembly at Browne Elementary
- Homeless Coalition
- Excelerate Success
- Courts Igniting Change Conference
- Juvenile Court CoS (Coordination of Services) presentation
- Recruiting for Volunteer Services
- Reading to kids at the Martin Luther King Jr. Family Outreach Center every other week
- NAI Black Realtor Meeting- Speaking engagement
- Spokane School District Community Action Team (CAT) meeting
- Chronic Offender Outreach: Face-to-face interaction with chronic offender program participants in regards to providing services for them.
- Smart Justice Symposium

Body Camera Implementation Project—Progress Update

In addition to training Police employees during the pilot, we are also training our partners on body cameras and video evidence. Employees from the City Prosecutor's office were trained in October; the County Prosecutors will be trained in November.



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We've made a significant improvement in uploading video, by having Comcast install uploading lines at the Public Safety Building. These 40 lines are dedicated only for body camera uploads and will make uploading the video from the cameras to Evidence.com much more efficient. With the use of the Comcast lines, city servers are no longer used to upload video.

Community outreach is ongoing. The public forum was held October 30th at Gonzaga University. More than 70 outreach presentations have been scheduled during the pilot project and we have reached out to 160+ community groups and agencies.

As of November 13, 2014, Director Schwering presented to the following organizations:

- Nevada Lidgerwood Neighborhood Council: Aug 13.
- Police Advisory Committee: Aug 13.
- Inland Northwest Business Alliance BOD (LGBTQA): Aug. 20
- AmeriCorps Youth Build: Aug. 22.
- East Spokane Business Association: Aug. 27
- Rotary 21 Club: Aug. 28.
- Lutheran Community Services: Sept. 11
- Adult Victims of Sexual Assault: Sept 11
- Frontier Behavioral Health: Sept. 22
- Family Services Spokane: Sept. 22
- Professional Women's Networking Group: Sept. 25
- House of Charity staff and volunteers and other Catholic Charities employees: Sept. 25
- Spokane AIDS Network- Sept. 30
- Spokane Elks Lodge: Oct 1
- Martin Luther King, Jr. Family Outreach Center: Oct. 3
- Spokane West Rotary: Oct. 7
- Rockwood Neighborhood Council: Oct. 7
- Friends of Centennial Trail: Oct 8
- Hispanic Business and Professional Association of Spokane: Oct. 8
- Our Kids Our Business (multi-agency): Oct. 8. Met with OKOB members from the following agencies: Vanessa Behan Crisis Nursery, Volunteers of America, DSHS Children's Administration, Early Learning Advisory Council, Community Colleges of Spokane: Head Start, Early Head Start, ECEAP, Lutheran Community Services, Martin Luther King Jr. Family Outreach Center, Morning Star Boys Ranch, Spokane Regional Health District, WSU Nursing, and Spokane County Juvenile Court
- West Central Neighborhood Council: Oct 8.
- Rotary South: Oct 10
- Northeast Kiwanis: Oct. 10
- Volunteers of America (chronically homeless population and staff): Oct 14



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- Crosswalk: Oct. 14
- Skills'kin: Oct. 14
- Spokane Housing Authority: Oct. 15
- Building Owners and Managers Association (BOMA): Oct. 15
- YWCA Race and Social Justice Committee: Oct. 15
- Division of Developmental Disabilities (DSHS) case managers: Oct. 27
- Spokane Shadle North Lions Club: Oct. 28
- Mayor's Advisory Committee on Multicultural Affairs: Oct. 28
- Native Project: Oct. 28
- Providence Visiting Nurses Association: Oct. 28
- Aging and Long Term Care of Eastern WA (ALTCEW) Case Managers: Oct. 28
- Spokane Rotary East- Oct. 29
- Rotary Club of Spokane Aurora Northwest: Oct. 30
- Community Forum, Gonzaga University: Oct. 30
- Excelsior Youth Center: Oct. 30
- Rotary North: Nov 3
- Office of Police Ombudsman Commission: Nov. 4
- United Way Agency Executives (multi-agency): Nov. 6. This meeting included representatives from ARC of Spokane, Center Pointe, Lilac Services for the Blind, American Red Cross, YWCA, YMCA, Hospice of Spokane, Lutheran Community Services NW, Spokane AIDS Network, Salvation Army, Martin Luther King Jr Family Resource Center, Children's Home Society, Odyssey Youth Center, American Indian Community Center, Mid City Concerns, Second Harvest, Next Generation Zone, SNAP, Excelsior Youth Center, Boy Scouts, Girl Scouts, Camp Fire, Communities in Schools, Center for Community Action and Service Learning at Gonzaga, Daybreak Youth Services, Northeast Youth Center, Salish School of Spokane, Spokane Public Schools, Project Hope, YFA Connections, Inland Northwest Early Learning Alliance, Hearing Loss Center, Providence Adult Day Health, Providence VNA Home Health, Frontier Behavioral Health, Blueprints for Learning, and Spokane Guild School.
- Community Assembly: Nov 7
- Homeless Coalition (50+ agencies): Nov. 11. The Homeless Coalition includes: Peace and Justice Action League, Center for Justice, Spokane Public Schools, SNAP, Salvation Army, City Gate, Brigid's Cloak, House of Charity, Community Colleges Spokane, Goodwill Industries, Frontier Behavioral Health, Spokane Valley Partners, Habitat for Humanity, YWCA, St. Joseph Family Center, New Horizon Care Center, Volunteers of America, Spokane Housing Authority, Spokane County Supportive Living Program, Municipal Probation, Spokane County ECEAP, Parent Child Assistance Program, Pioneer Human Services, Transitions, Lutheran Community Services, Mission Community Outreach Center, Coalition of Responsible Disabled, Shalom Ministries, Open Gate, Parent Representation Program, Hearth Homes, Common Ground,



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Community Detox Services, Community Health Association of Spokane (CHAS), Department of Housing and Urban Development (HUD), Department of Social and Health Services (DSHS), Family Promise of Spokane, Field of Diamonds House of Blessings, Northwest Justice Project, Salem Arms, SPARC Outpatient Services, Spokane AIDS Network, Spokane Housing Ventures, Spokane Low Income Housing Consortium (SLIHC), Union Gospel Mission, and Spokane County Community Services, Housing and Community Development.

- Emerson Garfield Neighborhood Council: Nov. 12
- Latah/Hangman: Nov 13.
- COPS Southeast: Nov. 13
- Municipal, District, and Superior Court Judges: Nov. 13

Body Camera VIRTRA Trainings held at the Academy:

- Mayor's Cabinet: Sept. 11
- Rotary 21 /The Porch Church: Sept. 11
- Media Forum: Sept. 12
- City Council: Sept. 12, Oct. 7
- AmeriCorps: Nov. 7
- Lutheran Community Services Victim Advocates: Nov. 14