

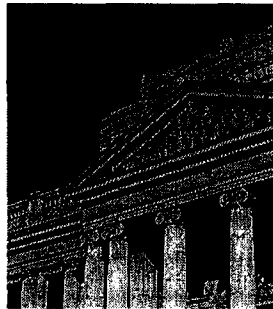
CONSULTANT REPORT

Prepared for

Mayor Dennis Hession
City of Spokane

RE:

Investigative Review and Recommendations
Internal Investigation re Firefighter Case
Civilian Review Commission



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Contents

ASSIGNMENT	1
OVERVIEW	1
CITIZENS' REVIEW COMMISSION	2
Background	2
Recommendations	4
Review Authority	4
Make-up of the Commission	5
FIREFIGHTER INVESTIGATION	6
Background	6
Criminal Investigation	6
On-Call Investigators	8
On-Call Prosecutors	9
Investigative Handbook	9
Recommendations	10
On-Call Investigators	10
On-Call Prosecutors	10
Investigative Handbook	11
Internal Investigation	11
Investigative Timeliness	12
Administrative Review Panel	13
Report Organization	14
INTERNAL AFFAIRS POLICY AND PROCEDURES	15
Commentary	15
Policy Recommendations	16
Initial Receipt of Complaint (§ VI-A)	16
Criminal Investigations (§ VI-B)	17
Administrative Review Panel (§ VI-B-3)	19
Security of Internal Investigative Case Files (§ VI-H-2)	21
Administrative Investigations - Tape Recording (§ VII-B-2-b)	22
Findings Classification (§ X)	23
Other Recommendations	26
Tracking All Complaints	26
Classification of Investigations	29
Investigative Findings	31
Internal Affairs Staffing	33
Automated Record Keeping	33
Training for Internal Affairs Investigators	34
Legal Counsel for Internal Affairs	35
Report Organization	36

Report Executive Summary	37
CRITICAL INCIDENT PROTOCOL	37
Commentary	37
Recommendations	38
Invocation of Protocol	38
Investigative Lead	39
Appendix A - Sample Case Index	41
Appendix B - Resolved Complaint Form	42
Appendix C - Alternate Consideration for Internal Affairs Staffing	43

Prepared for: Mayor Dennis Hession

Date: Oct 13, 2006

RE: Investigative Review and Recommendations

1 **ASSIGNMENT**

2 On August 14, 2006, the Mayor of the City of Spokane, WA, contracted with *Police*
3 *Practices Consulting* to provide review and recommendations in three areas:
4 recommendations regarding Civilian Review of the Spokane Police Department, review
5 of the internal investigation and events surrounding a case involving a Spokane
6 firefighter, and review of the criminal and internal investigations of events surrounding
7 the death of Otto Zehm. The review was undertaken by Principal Consultant Mike
8 Worley.

9 **OVERVIEW**

10 This report addresses analysis and findings regarding the Spokane Civilian Review
11 Commission and the referred investigation involving a Spokane firefighter. At the time
12 of this report, the Otto Zehm case is under review. The Spokane County Prosecutor has
13 issued an opinion stating that he finds no criminal culpability on the part of the
14 involved officers in the death of Mr. Zehm, but a criminal inquiry by the FBI is
15 underway and the prosecutor has stated he may reconsider the case once the FBI
16 inquiry is completed. Additionally, the internal investigation of the officers' conduct in
17 the case has not begun, which is in keeping with proper police procedures in a case with
18 pending criminal review.

19 Therefore, this report only addresses civilian oversight of the Spokane Police
20 Department and the firefighter case. A subsequent report will be released addressing
21 the Zehm case when all investigative materials have been completed and reviewed.

Prepared for: Mayor Dennis Hession

Date: Oct 13, 2006

RE: Investigative Review and Recommendations

1 Although the Zehm case is not ready for review, one area related to the case is
2 discussed in this report. Because a death occurred in conjunction with a police action,
3 the Spokane Police Department invoked a critical incident investigative protocol for the
4 criminal investigation of the incident. This report addresses the protocol, not
5 specifically as a part of the Zehm case review, but as it applies to any critical incident
6 involving the Spokane Police Department.

7 This report contains several recommendations for the Spokane Police Department.
8 Each recommendation is indented and bolded for reference. In some cases, the police
9 department has already implemented recommended changes on their own. In those
10 cases, the recommendation is still presented, but with acknowledgment that the
11 recommendation has already been implemented. In making these recommendations, I
12 acknowledge that there are certain advisories which cannot be implemented without
13 negotiations with the two police labor groups.

14 **CITIZENS' REVIEW COMMISSION**

15 **Background**

16 The City of Spokane implemented a Citizens' Review Panel in 1995¹. The ordinance
17 dealing with this panel was amended in 1998. The amendment changed the name of
18 the group to the Citizens' Review Commission and addressed issues regarding the

¹ Spokane City Ordinance C-31309

Prepared for: Mayor Dennis Hession

Date: Oct 13, 2006

RE: Investigative Review and Recommendations

1 processing of citizen complaints, the role and authority of the Commission, and
2 formalized the decision-making process.²

3 The Citizens' Review Commission's investigative review function is extremely limited
4 by the applicable Municipal Code, allowing only review of internal investigations in
5 which no disciplinary action was imposed by the Chief of Police. In a recent action,
6 Chief Kirkpatrick referred a case to the Commission for review, but the case was
7 rejected by the Commission based on a legal interpretation of their jurisdiction. The
8 officer in the referred case had received a disciplinary action and therefore the case fell
9 outside the limits of the Commission's review authority, as currently set forth.³

10 There has been a call by the major local newspaper for the imminent need for an outside
11 citizen investigative body. Based on the indicators I have seen, I don't believe such a
12 move is necessary at this time. However, the role of the Citizens' Review Commission
13 should be expanded and the make-up of the Commission should be changed improve
14 its oversight function of the police department. An increased role for the Commission
15 is supported by Police Chief Anne Kirkpatrick in her quest for more openness for the
16 Spokane Police Department.

² Spokane City Ordinance C-32067. The governing section of Spokane Municipal Code is Chapter 04.26

³ Spokane Municipal Code 04.26.080.B

Prepared for: Mayor Dennis Hession

Date: Oct 13, 2006

RE: Investigative Review and Recommendations

1 **Recommendations**

2 Review Authority

3 The current review specifications are too limited, in my opinion, for the Commission to
4 be effective as an outside review panel.

5 **Recommendation: The Commission should be authorized to review any case**
6 **wherein review is requested by a citizen complainant following Police**
7 **Department investigation, regardless of the disciplinary outcome⁴ of the case.**

8 **Further, a system should be initiated whereby, on a monthly basis, the**
9 **Commission Chairman is provided with a complete list of all completed**
10 **internal investigations, regardless of whether these investigations were**
11 **completed by Internal Affairs investigators or by line supervisors, and**
12 **regardless of whether the investigation resulted in disciplinary action. The list**
13 **should include only the allegation(s) and findings, but should not specify the**
14 **names of the employees involved. From this list, the Chairman should select**
15 **not less than one, and as many of the cases s/he feels the Commission can**
16 **reasonably review. The Police Department would then forward the complete**

⁴ The administration of discipline is limited by City Charter to the City Manager or designee, in this case the Chief of Police. Chief Kirkpatrick has publically stated that she does not support a citizen review process that removes disciplinary discretion from her purview and I fully support that position. The recommendations made here specifically do not include any review or commentary by the Commission regarding disciplinary action. Discipline is an intrinsic part of supervision and must remain the purview of those directly responsible for such supervision. (See the recommendations regarding the Police Administrative Review Panel, below, for further discussion of this concept.)

Prepared for: Mayor Dennis Hession

Date: Oct 13, 2006

RE: Investigative Review and Recommendations

1 investigative report to the Commission for its review. In this way, the
2 Commission selects at random those cases it wishes to review, with no
3 involvement by the Police Department. The Commission would make regular
4 reports of its findings, as specified in the current code.

5 Make-up of the Commission

6 The Citizens' Review Commission must be perceived by the community as completely
7 independent of the Police Department for it to be a truly effective review body.

8 Representation of constituent groups on the Commission markedly hinders the
9 perception of, if not the de facto, objectivity of the Commission's review. The current
10 make-up of the Commission, as specified in Municipal Code⁵, includes specific
11 representation of the Police Department's two labor groups.

12 **Recommendation: The representation of the Police Department labor groups**
13 **on the Citizens' Review Commission should be eliminated. The inclusion of a**
14 **member with a legal background, as specified in Spokane Municipal Code**
15 **04.26.020.A should be continued. The two police labor constituent seats could**
16 **be eliminated or filled with additional "at large" positions, as currently**
17 **specified in Spokane Municipal Code 04.26.020.D. The Commission**
18 **membership, however, should not be less than five members, to allow for a**
19 **member who may have a conflict in a particular case to recuse him- or herself**
20 **and still provide for a multi-person review.**

⁵ Spokane Municipal Code 04.26.020.B & C

Prepared for: Mayor Dennis Hession

Date: Oct 13, 2006

RE: Investigative Review and Recommendations

1 **FIREFIGHTER INVESTIGATION**

2 **Background**

3 At 2:03 AM on February 11, 2006, the Spokane Police Department received a call of a
4 possible rape which had occurred the day before. The caller listed the suspect as a
5 Spokane firefighter⁶, and stated that the alleged crime had occurred on the premises of a
6 Spokane fire station. Patrol officers initially responded to the victim's residence. After
7 briefing Acting Chief Jim Nicks, who was also serving as the on-call commander, the
8 ranking patrol corporal called a detective sergeant to respond to the scene. The
9 sergeant attempted, with some difficulty, to call out a detective who specialized in sex
10 crimes investigations.

11 **Criminal Investigation**

12 The criminal investigation in this case was problematic almost from the start. The
13 internal investigators in this matter did a thorough job of documenting specific issues
14 regarding the actions of the detective sergeant and detective assigned to the initial
15 callout of this case.

16 *After review of the internal investigation and available documentation regarding the*
17 *initial call and subsequent actions of the sergeant and detective, I support the findings of*
18 *the internal investigation regarding errors by both the sergeant and detective. While*
19 *there were some mitigating circumstances, such as issues with call-out availability, the*

⁶ Although the names of the firefighter and the involved investigators have been mentioned in the Spokane media, they will only be listed in this report as "firefighter", "sergeant", and "detective". The sergeant and detective collectively will be referred to as "investigators."

1 *handling of this case was simply not up to the level of performance I would expect to see*
2 *from experienced investigators.*

3 Most salient of the errors were the detective's decision to cause the deletion of digital
4 photographs taken by the firefighter during the course of the sexual encounter, and the
5 sergeant's failure to intervene at the time he became aware of the detective's intentions,
6 before the photographs were deleted. The detective's stated intention was laudable, to
7 protect a victim who had stated that she did not wish to pursue criminal charges.
8 However, his action in allowing the photographs to be destroyed compromised the
9 ability to pursue a criminal case should the victim change her mind at a later time, or
10 for prosecutors to pursue additional charges which might have later surfaced.
11 Additionally, his method of allowing the firefighter to retrieve the camera and memory
12 stick without being accompanied by police raised still unanswered questions as to
13 whether all photographs were actually deleted.

14 Additionally, the deletion of the photographs eliminated corroborating evidence which
15 could have, under certain circumstances, been crucial to an administrative action by the
16 Fire Department against the firefighter. Although the circumstances which might have
17 led to that becoming an issue did not occur, the investigators had no way of knowing
18 that those circumstances would not become an issue at the time the decision was made
19 to delete the photographs.

Prepared for: Mayor Dennis Hession

Date: Oct 13, 2006

RE: Investigative Review and Recommendations

1 I also concur with the finding that neither the sergeant nor the detective acted in any
2 manner to influence or bias the investigation due to the suspect's status as a Spokane
3 firefighter. There were, however, some underlying issues which presented themselves
4 and merit consideration.

5 On-Call Investigators

6 The Spokane Police Department eliminated on-call sexual assault detectives as a cost
7 saving measure, but apparently didn't adequately inform the on-call supervisors. As a
8 result, the detective sergeant who was on-call was provided a list of "on-call" sexual
9 assault detectives, but didn't know until he started calling them that they were no
10 longer on call. This resulted in a delay in getting specialty-qualified investigators to
11 respond, since calls had to be made to several detectives before one could be reached
12 who would agree to come out. The detective who did respond was not designated on-
13 call, and had family obligations later in the day.⁷ Once a detective was located, the
14 sergeant elected to abandon further attempts to call out another detective due to
15 difficulties encountered thus far, even though the department's investigative protocol
16 specifies two detectives for such a call-out. The internal investigation revealed that this
17 decision impacted the investigation, since the sergeant, acting as a second detective,
18 was unfamiliar with the specific elements of the potential crimes involved and thus was
19 limited in his ability to support the detective. Additionally, by dividing his time acting

⁷ The detective stated that the family obligations did not interfere with his investigation. Even if the detective's pending family obligations played no part in the quality of the investigation in this case, it is entirely foreseeable that an investigator who does not expect to be called out and who has made personal plans may be impacted by such a call-out, at least to some degree.

1 as a detective, the sergeant was taken away from his primary responsibility to supervise
2 the actions of the detective.

3 On-Call Prosecutors

4 A corollary issue in this investigation is the availability of legal support. The detective
5 proceeded on what he believed were the issues regarding possession of the
6 photographs, but didn't seek legal clarification before making the decision to delete the
7 pictures. The issues involving explicit photographs of minors were not the detective's
8 primary specialty. Therefore, the best course of action would have been to preserve the
9 photographs pending further legal review. According to the statement of a deputy
10 prosecutor, attorneys "never get a call on the spot (from the scene). It's always after the
11 fact ..." Some detectives within the police department indicated a slightly different
12 view, that on-call prosecutors are available for consultation, although they seldom come
13 out to scenes. In my experience, it is not unusual for prosecutors not to respond to any
14 but the most egregious crime scenes, but it is crucial that detectives and supervisory
15 officers have contact access to legal advice during off hours. Had the investigators been
16 able to contact a prosecutor and sought legal advice, even through a brief telephone
17 call, where they were not completely sure of the applicable law, the outcome of this
18 situation would likely have been markedly different.

19 Investigative Handbook

20 Beginning in the early 1990's, Spokane Police investigators were issued individual
21 copies of an investigative handbook, which outlines procedures for handing

Prepared for: Mayor Dennis Hession

Date: Oct 13, 2006

RE: Investigative Review and Recommendations

1 investigations and evidence in various types of cases. This handbook was updated in
2 1998. However, at some point, the department no longer issued the handbook, and also
3 ceased updating it. Even the sergeant in this case did not have his copy of the
4 handbook in his possession on the scene. A review of the handbook showed that it
5 contained specific guidance for handling evidence in sexual assault cases, which would
6 have been a valuable reference tool at the scene in this case.

7 **Recommendations**

8 On-Call Investigators

9 **To the Department's credit, this situation has been remedied. In addition to**
10 **two detectives from the major crimes unit assigned to be on-call, two**
11 **detectives from the sexual assault unit are also assigned on-call.**

12 On-Call Prosecutors

13 **Recommendation: The Mayor should contact the Prosecuting Attorney, on an**
14 **elected official peer level, to ensure that prosecuting attorneys are readily**
15 **available to police supervisors and investigators during all off-hours. While it**
16 **is acknowledged that attorneys specialize in certain types of cases, just as**
17 **investigators do, procedures should be in place for the on-call prosecutor to**

1 contact others within the prosecuting attorney's office to provide legal
2 guidance in cases where in may be needed during off-hours.⁸

3 Investigative Handbook

4 The department has begun a process of revising the handbook and the Deputy
5 Chief for investigations advised me that the revised version will be distributed
6 to every investigator by December, 2006. Additionally, the handbook will be
7 reviewed and updated periodically.

8 **Internal Investigation**

9 Overall, the internal investigators did a thorough job in conducting their investigation.
10 In reading the interviews, I placed myself in the position of investigating the case and
11 determined questions that I would have asked had I been conducting that interview. In
12 virtually every case, one of the IA investigators asked those questions. I found no
13 indication of any attempt by the internal investigators to cover-up or in any way
14 present other than an objective recitation of the facts as they were uncovered. I also
15 found the investigation to be thorough and that it addressed all of the salient issues.

⁸ The Prosecuting Attorney's office currently designates an attorney to be on-call, but in at least one interview with police investigators, I was told that it is sometimes difficult to locate the on-call attorney. It is not clear whether this is a result of the availability of an individual attorney or a problem with the contact system.

Prepared for: Mayor Dennis Hession

Date: Oct 13, 2006

RE: Investigative Review and Recommendations

1 The internal investigation presented three problematic areas, however. In each of these
2 areas, the investigators were following current policy or policy was unclear or did not
3 speak to the area of concern. Recommendations for policy revisions for each of these
4 areas are addressed later in this report.

5 Investigative Timeliness

6 Since he was directly involved in some of the decision processes, Acting Chief Jim Nicks
7 appropriately handed off executive oversight of the investigation to Deputy Chief Bruce
8 Roberts. Acting Chief Nicks explained his rationale in delaying the initiation of an
9 internal investigation, which was not officially opened for nearly a month after the
10 incident, as wanting to gather information to determine if the detective's or sergeant's
11 actions might constitute criminal conduct before proceeding with an administrative
12 investigation. He also stated that some delay was caused by witnesses being
13 unavailable.

14 However, as part of the fact-gathering process into potential criminal intent, Acting
15 Chief Nicks directed the investigations lieutenant to conduct an interview of the
16 investigators under *Garrity* admonitions. This is, in fact, an administrative investigation
17 process. This is not the appropriate way to determine criminal intent, since criminal
18 admissions, and any resulting evidence, obtained from the involved officer under a
19 compelled administrative interview are not admissible in a criminal trial.

Prepared for: Mayor Dennis Hession

Date: Oct 13, 2006

RE: Investigative Review and Recommendations

1 While consideration of potential criminal issues was an appropriate consideration, it
2 was certainly known very early that potential policy and/or procedural violations
3 existed. The administrative investigation into those issues should have begun much
4 earlier, within a few days at most, with the investigation initially limited to collecting
5 witness statements and preserving evidence. Predictably, several witnesses claimed to
6 not remember the events clearly, given that they were interviewed more than a month
7 after the incident. Such witness statements, which would be usable in a potential
8 criminal case, may also have aided in the determination of any criminal intent on the
9 investigators' part.

10 Administrative Review Panel

11 The next area concerns the report prepared by the Administrative Review Panel (ARP).
12 This 'summary' report should be prepared by the lead investigator, as discussed below.
13 It is appropriate for the ARP to prepare a report regarding their findings and
14 disciplinary recommendations.⁹ However, in this case, the report also discusses
15 potential violations which were not specifically investigated by the IA investigators, nor
16 were these potential violations returned to IA for further investigation. While these
17 potential violations are arguably suggested by the information obtained, any violations
18 should be addressed in the complaint documents or amended thereto, with subsequent
19 investigative consideration.

⁹ See also the recommendation regarding issuance of findings, below. According to information obtained in employee interviews, the disciplinary recommendation function of the ARP has not been consistent over time, but this is an appropriate function for this type of board.

Prepared for: Mayor Dennis Hession

Date: Oct 13, 2006

RE: Investigative Review and Recommendations

1 Report Organization

2 The investigative file appears to be a compendium of reports and reference documents,
3 with no apparent organizational structure. The report copy which I received had
4 several "Post-It"TM notes attached to various pages identifying certain documents, but
5 these did not appear to be a routine part of the file.¹⁰ As sample organizational
6 structure for IA reports is included in the appendices and discussed in the
7 recommendations later in this report.

8 The concern is that important information may be missed in any subsequent review,
9 since there is no index or reference to determine what information is present. An
10 example in the current case are two legal opinions. One regards the rationale for
11 whether criminal charges against the two officers was appropriate, and the other
12 discusses the legal authority to seize the camera. Both are highly salient to the outcome
13 of this investigation,¹¹ but the existence of either document is not readily apparent.¹²

¹⁰ Even if this method of tabbing pages is routine, it is far from the best way to achieve this process. See the recommendations for Report Organization, below.

¹¹ See the discussion of determination of criminal intent, above.

¹² This is another reason for an executive summary to be prepared by the lead internal investigator, as recommended later in this report. Such a summary would be more likely to include mention these opinions as they relate to the investigation.

1 **INTERNAL AFFAIRS POLICY AND PROCEDURES**

2 **Commentary**

3 In general, the policies, organization, and operation of the Internal Affairs unit are well
4 within "best practices" guidelines. Most important among these are:

- 5 • The unit reports directly to the Chief of Police, with no intermediate
6 supervisory involvement
- 7 • The unit tracks ALL complaints, regardless of who actually investigates
8 the allegations¹³
- 9 • The unit accepts anonymous and third party complaints
- 10 • There is no "blanket" requirement that complaints must be lodged under
11 oath
- 12 • The policy requires timely reporting of complaints
- 13 • The policy requires timely reporting of uses of force

14 There are some issues which should be addressed. Chief among these are an
15 intermediate assessment of a new complaint by an Assistant/Deputy Chief, and the
16 concept of the Administrative Review Panel (ARP).

¹³ In an interview with the current IA staff, it was determined that there is not complete compliance to this policy. If a complaint is received by a line supervisor and is resolved by that supervisor in a short time, there is no requirement or mechanism for reporting that complaint to IA.

RE: Investigative Review and Recommendations

1 **Policy Recommendations**

2 Initial Receipt of Complaint (§ VI-A)

3 Section VI - A states that "the Assistant/Deputy Chief will determine if the allegation is
4 criminal or administrative." The section goes on to state that the "Assistant/Deputy
5 Chief will decide if IA or the accused employee's supervisor will investigate."

6 **Recommendation: This section should be replaced with language which**
7 **directly provides for a more objective determination of the investigative**
8 **assignment. Given that there are currently three deputy chiefs within the**
9 **Spokane Police Department, the potential exists for one to assign a particular**
10 **case to IA for investigation, while another case of similar circumstances might**
11 **be assigned to a line supervisor. Cases should be classified by type, with**
12 **certain types designated for line supervisory investigation unless articulable**
13 **circumstances dictate that a particular case be investigated by IA.**

14 **For example, complaints might be classified as Type I or Type II, where in**
15 **Type I complaints are always investigated by IA, while Type II complaints are**
16 **investigated at the line level absent unusual circumstances. Under this type of**
17 **system, Type I complaints might include allegations of needless or excessive**
18 **force, brutality, violations of criminal law, corruption, breach of civil rights,**
19 **abuse of authority, false arrest, or bias policing. Type II complaints might**
20 **include demeanor complaints, inadequate services, minor performance issues,**
21 **improper procedure, or other less serious and non-criminal conduct. (Section**

1 VI-D-1 does somewhat address this type of distinction, but the previous
2 section makes the choice subjective by the Assistant/Deputy Chief.)

3 Criminal Investigations (§ VI-B)

4 The policy states "During or upon the completion of a criminal investigation, the Chief
5 of Police will decide as to the appropriateness of a parallel or subsequent administrative
6 investigation."

7 **Recommendation: This section should be changed in two ways. First,**
8 **administrative investigations should always follow a criminal investigation**
9 **rather than being conducted in parallel. The most conservative approach is**
10 **that, upon determination of potential criminal liability, any administrative**
11 **investigative work which has begun should immediately be placed on hold**
12 **pending a charging decision in the criminal issues. Less conservatively, it is**
13 **generally acceptable for interviews of witnesses in an administrative**
14 **investigation to proceed¹⁴, but the subject officer(s) should never be**
15 **interviewed by administrative investigators until a charging decision is**
16 **reached by prosecutorial authorities.**

17

¹⁴ A potential problem can arise when an employee thought to be a witness is interviewed under *Garrity* prior to the completion of the criminal investigation and turns out to be a participant in a criminal action. However, as indicated above for the firefighter case in particular, there were other, non-employee witnesses who could have, and should have, been interviewed in the early stages of the administrative investigation.

Prepared for: Mayor Dennis Hession

Date: Oct 13, 2006

RE: Investigative Review and Recommendations

1 All material derived from a criminal investigation is normally available for use
2 by administrative investigators. Therefore, it is normally recommended that
3 administrative investigators utilize interviews completed by criminal
4 investigators, calling for supplementary interviews of witness or involved
5 employees to address administrative issues which may not have been covered
6 in the criminal interview. This saves personnel time rather than covering the
7 same ground in a completely separate interview.

8
9 Additionally, as noted, the subject employee(s) should never be interviewed
10 by administrative investigators prior to a criminal charging decision. To do so
11 unnecessarily opens the door to *Garrity* challenges, should the subject
12 employee ultimately be criminally charged.

13
14 Second, an administrative investigation is always appropriate and should be
15 required by policy, even in cases where an employee is criminally charged.
16 Such investigation may uncover policy or procedural issues which may have
17 contributed to or facilitated the criminal conduct, including contributory
18 conduct by other employees whose actions do not, in themselves, rise to the
19 level of criminal conduct. Such investigation may also reveal systemic
20 problems which contributed to the employee's ability to engage in a criminal
21 act.

1 Administrative Review Panel (§ VI-B-3)

2 This section specifies that the Administrative Review Panel (ARP) has both
3 investigative and review/recommendation responsibilities. It also specifies the makeup
4 of the panel as the Assistant Chief, Deputy Chief, and four Division Captains.¹⁵ The
5 section specifies that this panel will make recommendations regarding finding and
6 disposition to the Chief. This is appropriate and is consistent with normally
7 recommended procedures.¹⁶ Likewise, the specification that the panel may refer the
8 case back to Internal Affairs for further investigation is appropriate and consistent.

9 **Recommendation: The composition of the ARP should be changed. Taking**
10 **responsibility for the conduct of subordinates is an important part of**
11 **supervision. The current makeup, either as specified by policy or as**
12 **apparently in actual current use, takes the employee's primary supervisory**
13 **chain "out of the loop."**

14 **In this regard, the ARP should be comprised of the chain of command for the**
15 **accused employee. Thus, if the accused employee is an officer, the panel**
16 **would consist of that officer's sergeant, lieutenant, and deputy chief. These**

¹⁵ Since the department eliminated the rank of captain, the actual makeup has changed. In the case reviewed for this report, the ARP was comprised of a number of lieutenants.

¹⁶ However, see the discussion following regarding recommendations of findings from investigators as opposed to the ARP.

1 are the people who should hold primary responsibility for recommending
2 disciplinary action and/or training needs.¹⁷

3 Procedurally, meetings of the ARP should include the Internal Affairs
4 commander. The commander's role is solely to provide consistency in
5 disciplinary action by presenting the panel with information regarding 1) the
6 accused officer's commendation and disciplinary history, and 2) the
7 disciplinary history of other employees found in violation of the same or
8 similar policies.¹⁸

9
10 The panel deliberations must encourage participation by all members.
11 However, when the time comes for a disciplinary recommendation, it is very
12 important that recommendations are made in ascending rank order, starting
13 with the accused employee's immediate supervisor. This places initial
14 responsibility in the hands of the supervisor most directly responsible for
15 employee development/retraining and also guards against a junior supervisor
16 merely "going along" with the recommendation of a higher-ranking
17 supervisor. It is also important that, upon the panel reaching a disciplinary
18 recommendation, only the panel consensus is reported. Individual

¹⁷ In one interview with a Spokane Police employee, it was indicated to me that there had been at least discussion in the past of intentionally excluding an employee's supervisors from the disciplinary process. This is a complete antithesis of the concept of supervisory accountability.

¹⁸ This information may be difficult for the Internal Affairs unit to obtain currently, given the state of their records systems. See the recommendation for automation of IA records, below.

1 recommendations are not recorded, and panel members are prohibited by
2 policy from revealing any details of the meeting.

3 The specification that authorizes the panel to summon employees or civilians
4 for questioning by the panel should be eliminated. Investigations should be
5 centralized in the Internal Affairs unit, or through controlled assignment to
6 first-line supervisors, as specified elsewhere in the policy. While it is entirely
7 appropriate that the panel return a case for more investigation if the panel
8 determines more work is needed, the varying makeup of the ARP and
9 potential conflicting responsibilities create unnecessary, and potentially
10 serious, procedural problems if they engage in 'investigation by committee.'

11 Security of Internal Investigative Case Files (§ VI-H-2)

12 This section contains appropriate and necessary guidance for the security of IA files.
13 The section requires that "all working and/or review copies of the case files will be
14 forwarded to the Internal Affairs Office."

15 In today's environment, most investigative reports are completed on a computer.
16 Therefore, the requirement that "working and/or review copies" be forwarded to the
17 IA office must take into account the electronic files generated.

18 **Recommendation: This section should go further in requiring that an**
19 **investigating supervisor, upon completion of an IA investigation, 1) create an**

Prepared for: Mayor Dennis Hession

Date: Oct 13, 2006

RE: Investigative Review and Recommendations

1 electronic copy of all reports by copying relevant files from his/her working
2 computer to a CD or diskette, which is forwarded with any printed copies to
3 the IA office, and 2) delete those files from his/her computer.¹⁹

4 Administrative Investigations - Tape Recording (§ VII-B-2-b)

5 This section states that administrative interviews will “normally be tape recorded
6 unless the employee specifically objects.”

7 **Recommendation: Administrative interviews with employees should *always***
8 **be tape recorded²⁰ and this provision should be specified in policy.²¹ Allowing**
9 **either party to arbitrarily determine that the interview should not be**
10 **documented in a standard manner raises the possibility that the veracity of the**
11 **interview can be questioned in the future. This does not mean that every**
12 **interview needs to be transcribed, but the recording of every interview should**
13 **be maintained as a part of the investigative file.**

¹⁹ It is acknowledged that “deleted” files remain on a computer drive, but the recovery process is onerous enough that it precludes “casual” release of confidential information.

²⁰ The provisions of Washington law require that all parties give consent to being recorded, but this does not preclude the Department from setting an investigative standard, and that refusal by an employee be noted as part of the investigation.

²¹ Non-employee witnesses may object to being tape recorded, and these wishes must be honored, but the reason for lack of recording should be noted in the investigative report.

1 It is also important that it be made clear in policy that recording of
2 administrative interviews shall not be surreptitious. There is no good reason
3 that IA interviews of employees need to be secretly recorded and this should
4 not be done.²²

5 Findings Classification (§ X)

6 This section specifies a number of findings which may be assigned upon completion of
7 the investigation.

8 **Recommendation:** This section should be modified to specify that a finding
9 will be issued for each allegation of the case, as opposed to a finding for the
10 investigation as a whole.²³

11 Further, the specified findings should be changed to conform to the
12 standardized findings in use by most administrative investigative units and as
13 specified in relevant reference literature.²⁴

²² This is not to imply that investigative conversations, such as sting operations, may not be surreptitiously recorded, consistent with State and Federal laws and investigative needs.

²³ In the Firefighter ARP report, the panel issued a single "improper conduct" finding for each accused officer, but enumerated three violations for each. A finding should be issued for each violation alleged.

²⁴ Reiter, Lou. Law Enforcement Administrative Investigations. 2nd ed. Indianapolis: Public Agency Training Council, 1998. 12-2.

Prepared for: Mayor Dennis Hession

Date: Oct 13, 2006

RE: Investigative Review and Recommendations

1 **NOT SUSTAINED:** The investigation failed to produce a
2 preponderance of evidence to either prove or disprove the allegation.

3
4 **EXONERATED:** The allegation (or alleged conduct) in fact did occur but
5 the actions of the employee were legal, justified, proper, and in
6 conformance with the law and the agency's policy and procedure.

7
8 **UNFOUNDED:** The allegation concerned an act by an employee which
9 did not occur. (This finding would also be applied in a case where the
10 improper conduct alleged did, in fact occur, but was performed by an
11 employee other than the one originally alleged. In this case, the finding
12 against the *originally accused* employee would be *unfounded*.)

13 **SUSTAINED:** The investigation produced a preponderance of evidence
14 to prove the allegation of an act which was determined to be
15 misconduct.

16 Some agencies also include the following as a finding, which is somewhat analogous to
17 the "insufficient evidence" finding specified in current policy § X-C.

18 **NO FINDING:** The investigation cannot proceed, because the
19 complainant failed to disclose promised information to further the
20 investigation, the complainant wishes to withdraw the complaint, or the
21 complainant is no longer available for clarification. This finding may

1 also be used when the information provided is not sufficient to
2 determine the identity of the employee involved.

3 Current policy also includes three sections which are not in fact "findings" as usually
4 specified. These are "Policy/Equipment/Training Failure" (§ X-D), "Misconduct Not
5 Based on Original Complaint" (§ X-E), and "Inquiry" (§ X-G).

6 **"Inquiry" is a classification of complaint, rather than a finding. The definition**
7 **listed is appropriate, however, the IA commander should be empowered to**
8 **make this classification, as opposed requiring it be done by the Chief of**
9 **Police.**

10 **"Policy/Equipment/Training Failure" is more properly a mitigation factor,**
11 **rather than a finding. If an officer is found to have violated policy, but that**
12 **violation is a result of an equipment failure, for example, the finding should**
13 **still be a finding of "sustained" but with a notation of mitigation. It is a**
14 **matter of determination whether the equipment or training failure was**
15 **sufficient to relieve the offending officer of responsibility for the policy**
16 **violation, and to what extent.**

17 **If the violation is a "policy failure," then the finding would be *unfounded*,**
18 **since it is inappropriate for an employee to be held accountable to a policy**
19 **which does not exist or does not provide appropriate guidance. It would be**
20 **entirely appropriate for the investigators and/or the ARP to recommend that**

Prepared for: Mayor Dennis Hession

Date: Oct 13, 2006

RE: Investigative Review and Recommendations

1 the department address the policy deficiency, but this should be an action
2 separate from the complaint investigation.

3 "Misconduct Not Based on Original Complaint" (MNBC) is not a finding, but
4 rather a classification related to new allegations, which are treated as separate
5 and require separate findings. Thus, the findings from these allegations
6 would be:

7 MNBC - NOT SUSTAINED

8 MNBC - EXONERATED

9 MNBC - UNFOUNDED

10 MNBC - SUSTAINED

11 The additional potential violations identified in the *Firefighter* ARP report would fall
12 under this classification, had they been returned for proper investigation.

13 Other Recommendations

14 Tracking All Complaints

15 As noted above, it came to my attention during the on-site interviews that some
16 complaints lodged against Spokane Police employees by citizens are not tracked. This
17 circumstance arises most commonly when a citizen makes a complaint to a line
18 supervisor, but accepts the supervisor's offer to "handle" the complaint by counseling

Prepared for: Mayor Dennis Hession

Date: Oct 13, 2006

RE: Investigative Review and Recommendations

1 the officer. The citizen accepts the supervisor's resolution to the matter and nothing
2 further is recorded.

3 An agreement between the complainant and the supervisor to informally "counsel" the
4 accused officer rather than pursuing a formal investigation is not, in itself, improper. In
5 many cases, the complaining citizen only wants someone to listen to their concern and
6 to assure them that their perceived issue will not be repeated. In those cases, informal
7 counseling is appropriate. However, it is still in the best interests of the department as a
8 whole, and the community, that such actions be tracked. An historical record of several
9 instances of minor confrontations by a particular officer may indicate a pattern of
10 behavior of which the officer might not consciously be aware. Such behavior, while not
11 in keeping with the best interests of the department's presentation to the community,
12 can often be rectified through training or other means.

13 **Recommendation: All complaints brought to the attention of any member of**
14 **the department should be reported to Internal Affairs for tracking. This is not**
15 **to imply that every complaint requires an investigation. Some complaints can**
16 **legitimately be handled through more informal means, but it is incumbent on**
17 **the department's management to track all complaints. Such matters,**
18 **characterized as "Resolved Complaints", are reported to Internal Affairs on a**
19 **simple form.²⁵ Some departments have also used an email format to report**
20 **such resolved complaints. Note, however, that this option is only used when a**

²⁵ Appendix B shows a sample format for a Resolved Complaint.

Prepared for: Mayor Dennis Hession

Date: Oct 13, 2006

RE: Investigative Review and Recommendations

1 complaint is resolved during the current duty shift. The policy should state
2 that, if the investigation and findings of a complaint will take longer than the
3 current shift, the complaint must be reported and assigned as an investigation.

4 Additionally, it came to my attention during my on-site interviews that Internal Affairs
5 investigators at times conduct "inquiries" at the direction of the Chief of Police or other
6 commanders. The purpose of these inquiries is to make an initial determination
7 whether a violation of policy may have occurred in a particular case. According to the
8 information obtained, these inquiries are not logged or tracked unless they result in an
9 investigation being opened.

10 **Recommendation: All administrative investigations, regardless of the scope,**
11 **should be tracked. The nature of the investigation, from inquiry to major**
12 **policy investigation, can be classified as noted in the next section, but the**
13 **activity should be accounted for.**

14 Additionally, I learned that the current practice of the Internal Affairs unit is to report
15 the complainant of any complaint generated by a member of the Spokane Police
16 Department as "SPD." The actual name of the complainant is not listed on the report.
17 While this is understandable from an employee-relations standpoint, the unit should be
18 able to track complainants specifically within its internal record keeping system.
19 Otherwise, abuse of the system through filing of unfounded complaints, when it does

1 occur, usually occurs over a period of time and may not be readily apparent,
2 particularly when the unit staff changes over time.

3 **Recommendation: The internal record keeping system of the Internal Affairs**
4 **unit should specifically list the name and identifying information of every**
5 **known complainant, regardless of how that information might be recorded on**
6 **the investigative report.**

7 Classification of Investigations

8 As noted above, all administrative investigations should be tracked by Internal Affairs.
9 The purpose of this tracking is three-fold: 1) to ensure that the department is adequately
10 addressing citizen concerns; 2) to provide department-wide consistency in discipline by
11 comparing proposed disciplinary action to that taken in past similar cases; and 3) to aid
12 in identifying behavior trends and policy deficiencies.

13 **Recommendation: The following classification system, or similar designations,**
14 **should be used for administrative investigations. The recommended list can**
15 **be expanded to fit the particular needs of the Spokane Police Department, but**
16 **this list should serve as a minimum for classification options:**

17 **Type I: The most serious allegations of misconduct. When an allegation**
18 **of this type of misconduct is received, it will immediately be forwarded**
19 **to Internal Affairs for investigation. No preliminary investigation will**

1 be conducted at the line level. This type of complaint includes
2 allegations of needless or excessive force, brutality, violations of
3 criminal law, corruption, breach of civil rights, abuse of authority, false
4 arrest, or biased policing. It may also include investigation of multiple
5 or repeated allegations of more minor violations, as directed by the
6 Chief of Police.

7 **Type II:** This classification includes allegations including inadequate
8 services, discourtesy, minor performance issues, improper procedure, or
9 other less serious and non-criminal conduct. A line supervisor receiving
10 this type of complaint may initiate an investigation, with timely
11 notification to Internal Affairs of his/her actions. When this type of
12 complaint is received by Internal Affairs, it will normally be assigned to
13 the accused's first line supervisor for investigation, with monitoring by
14 Internal Affairs, unless circumstances suggest investigation by the
15 Internal Affairs staff.

16 **Citizen Inquiry:** Not a complaint in the strict sense, this classification is
17 provided for those situations when a citizen complains about a police
18 action that is a result of adherence to standard procedure. In this case,
19 the normal finding would be "exonerated" since the officer is following
20 policy, but the complaint is recorded for potential review of the
21 procedure.

Prepared for: Mayor Dennis Hession

Date: Oct 13, 2006

RE: Investigative Review and Recommendations

1 **Administrative Inquiry: An inquiry initiated by the Chief of Police or a**
2 **member of the command staff. This inquiry directs the Internal Affairs**
3 **staff to "look into" a matter for possible violations. If a potential**
4 **violation is found, a Type I or Type II investigation is launched. If no**
5 **violation is found, the investigation is classified as an Administrative**
6 **Inquiry.**

7 Investigative Findings

8 Although I support the recommendations of the contemporary literature, including
9 *Reiter*, in most areas of the conduct of internal investigations, I take an alternate position
10 in the area of investigative findings. Much of the literature recommends that the
11 internal investigators not reach a conclusion on findings, but defer that responsibility to
12 higher command. I find this recommendation to be incongruous with the normal
13 responsibilities of investigators in general. The usual reasoning cited for this position is
14 that it places the internal investigator in an uncomfortable position of making
15 judgments about the conduct of fellow employees and then leaving the assignment to
16 Internal Affairs and returning to work with those same individuals.

17 In virtually all other investigations, the primary investigator makes a judgment as to the
18 culpability of the accused. In any criminal investigation, the investigator does not
19 merely compile interviews and evidence and then leave the prosecutor to sort out the
20 meaning. The investigator draws a conclusion, although the prosecutor may choose to
21 follow another course. Likewise, internal investigators should recommend findings

Prepared for: Mayor Dennis Hession

Date: Oct 13, 2006

RE: Investigative Review and Recommendations

1 based on their investigation. Those findings are always reviewable by the Chief, just as
2 investigative findings in a criminal case are reviewable by the prosecutor.

3 The notion that an investigator of administrative matters should not draw conclusions
4 about the conduct of those employees s/he is investigating, out of concern for later
5 working directly with those same employees, is contrary to the whole concept of
6 supervisory accountability. The Internal Affairs unit is staffed by investigators who
7 hold supervisory rank. If those individuals need to be shielded from making calls
8 about employee conduct in an internal investigative role, how can the department feel
9 confident that those same supervisors can make calls about employee conduct as a line
10 supervisor? The notion is simply antithetical to the most basic of supervisory
11 responsibilities.²⁶

12 **Recommendation: Policy should require that the lead internal investigator**
13 **include a finding for each alleged policy violation, for each accused employee,**
14 **in the investigative report, including findings for misconduct uncovered**
15 **during the investigation. The lead investigator's findings serve only as a**

²⁶ It may be argued that internal investigators should not make findings recommendations in cases where they are investigating higher-ranking officers than themselves. However, for the Spokane Police Department, this would be a rare occurrence, since the command officer of Internal Affairs is a lieutenant, who is outranked only by the three Deputy Chiefs. (IA would not normally investigate the Chief of Police in any case.) This is a judgment call for the Chief, although I have seen several examples of internal investigators making findings recommendations regarding higher-ranking officers, and have done so myself. The key factor is that the investigator's findings are *recommendations*, and that the final determination in all policy matters lies with the Chief of Police.

1 recommendation to the Chief, but nevertheless are a logical and basic
2 conclusion to every investigation.

3 Internal Affairs Staffing

4 The current Internal Affairs unit of the Spokane Police Department operates with very
5 limited staffing, considering the size of the agency. The unit currently has two full time
6 investigators, a sergeant and a lieutenant, but only a part-time clerical assistant. This, in
7 my opinion, is not sufficient, particularly in light of the increases in tracking and
8 accountability measures recommended in this report.

9 **Recommendation: At a minimum, the department should assign a full-time**
10 **clerical assistant to the Internal Affairs unit. In addition to providing clerical**
11 **support and case tracking, this person can also assist by taking initial**
12 **complaints from citizens. The department should monitor the workload of the**
13 **investigators and consider assigning an additional investigator.²⁷**

14
15 Automated Record Keeping

16 The Internal Affairs unit currently logs complaints manually in a ledger-type book.
17 This is simply insufficient for the kinds of documentation and reporting which should
18 be carried out by the unit. In discussion with the current staff, I learned that
19 computerized record keeping had been discussed, but a commercially available
20 software package which was considered was prohibitively expensive. I am familiar

²⁷ See Appendix C for additional commentary on this issue.

Prepared for: Mayor Dennis Hession

Date: Oct 13, 2006

RE: Investigative Review and Recommendations

1 with some of the available commercial packages and agree that, not only are they
2 generally expensive, but they do not always meet the needs of a particular agency.
3 Nevertheless, some automation is essential to the duties of a well-run Internal Affairs
4 unit.

5 **Recommendation: The Spokane Police Department should research tracking**
6 **options used by similar sized agencies and move toward timely automation of**
7 **the department's IA records. The department might consider purchasing a**
8 **good database package such as Microsoft Access™ and utilize a university**
9 **intern or knowledgeable community volunteer to develop a tracking system.**
10 **Basic to the reporting function is the ability to readily determine findings and**
11 **disciplinary actions taken by type of case and by involved officer. Equally**
12 **important is the ability to determine complaint trends as well as investigative**
13 **workload statistics for the unit and for line supervisors.**

14 Training for Internal Affairs Investigators

15 While, on the surface, internal investigations employ the same techniques as criminal
16 investigations, there are important differences which are critical for the internal
17 investigator to understand. For an investigator to be effective, s/he must have a good
18 understanding of these differences and their application to an investigation, not only
19 the internal investigation, but also to potential criminal and termination actions.

Prepared for: Mayor Dennis Hession

Date: Oct 13, 2006

RE: Investigative Review and Recommendations

1 **Recommendation: The Chief of Police, to the extent possible, should select**
2 **individuals for assignment to Internal Affairs with sufficient lead time for the**
3 **individual to attend specialized administrative investigations training *prior to***
4 **assignment to Internal Affairs. While there are several courses offered across**
5 **the country, the department should give high consideration to training offered**
6 **by AELE²⁸ or Randy Means²⁹. In my experience with several training courses,**
7 **the ones offered by these trainers are consistently the most up-to-date.**

8 Legal Counsel for Internal Affairs

9 In my interviews conducted during my on-site visit to Spokane, I was told that an
10 assistant city attorney is assigned to the police department as a legal advisor. This
11 attorney's duties run the gamut from providing legal opinions and guidance to police
12 officers to conducting legal training for officers to providing legal advice and review for
13 internal investigations. It is the last part of the assignment that is of concern.

14 In my opinion, there are two conflicts in this arrangement. First, officers need to feel
15 confident that they can go to the department's legal advisor for guidance. This is
16 virtually impossible when the same attorney is one day advising an officer and the
17 following day advising investigators who may be reviewing the conduct of that officer.

²⁸ AELE Law Enforcement Legal Center, 841 W. Touhy Ave., Park Ridge IL 60068, 847-685-0700,
www.aele.org

²⁹ Thomas & Means, LLP, P.O. Box 2039, Huntersville, NC 28070, 704-895-5694,
www.thomasandmeans.com

Prepared for: Mayor Dennis Hession

Date: Oct 13, 2006

RE: Investigative Review and Recommendations

1 Second, it is possible that an officer under internal investigation may claim, correctly or
2 not, that s/he was acting pursuant to advice from the legal advisor.

3 The position of legal advisor to a police department is a very important one in today's
4 environment. The best solution to the issue raised is to have another attorney act as the
5 legal advisor for Internal Affairs and the Chief of Police.

6 **Recommendation: A separate attorney should be assigned from the City**
7 **Attorney's Office to serve as legal advisor for Internal Affairs and the Chief of**
8 **Police, separate from the legal advisor for the police department as a whole.**
9 **Further, given the current climate in Spokane, I recommend, for the near term,**
10 **that the attorney assigned to this function be the City Attorney himself.**

11 Report Organization

12 The review of the Firefighter administrative investigation was made more difficult by
13 the lack of apparent organization of the report. The report, as I received it, had some
14 sections or documents identified by "Post-It"™ notes, but it appeared that these were
15 affixed for my information, as opposed to being a standard feature.

16 **Recommendation: While there is no "right" organizational standard, some**
17 **standard should be adopted for the organization of administrative**
18 **investigation reports. Appendix A is an example of one organizational**

1 concept, which uses Avery™ 8-tab indexes, available at most office supply
2 outlets.

3 Report Executive Summary

4 The only 'executive summary' of the *Firefighter* report is one prepared by the ARP. The
5 person best able to prepare a comprehensive summary is the person most directly
6 familiar with the information derived by the investigation - the lead investigator.

7 **Recommendation: An executive summary of every investigation, where the**
8 **investigative report numbers more than 12-15 pages, should be prepared by**
9 **the lead investigator. This summary should appear at the beginning of the**
10 **report package for ready reference. The ARP should only prepare a**
11 **disciplinary recommendation document, as specified above.**

12 **CRITICAL INCIDENT PROTOCOL**

13 **Commentary**

14 The Spokane Police Department is a signatory to an interagency protocol for the
15 criminal investigation of officer-involved critical incidents. The protocol was based on a
16 protocol used by the law enforcement agencies in Contra Costa County, California,
17 which has been used as a model by many agencies. The Spokane area protocol is
18 relatively current, having been updated in April, 2003.

Prepared for: Mayor Dennis Hession

Date: Oct 13, 2006

RE: Investigative Review and Recommendations

1 **Recommendations**

2 Since this protocol involves fourteen agencies, it contains some language which likely
3 results from compromise. The signatory agencies may wish to consider changes to the
4 protocol which are recommended for the Spokane Police Department. Regardless, the
5 following recommendations regarding invocation and assignment within the protocol
6 are recommended for the Spokane Police Department.

7 Invocation of Protocol

8 The Spokane area protocol allows an agency which is both the venue and employing
9 agency to elect to investigate an officer-involved fatal incident without invoking the
10 protocol (§ II-A).

11 **Recommendation: The Spokane Police Department should adopt a policy**
12 **which requires that the protocol will be invoked in all fatal incidents**
13 **involving Spokane Police Officers.**

14 The protocol further specifies that the protocol need not be invoked if an officer-
15 involved incident does not result in a fatality (§ II-B).

16 **Recommendation: The Spokane Police Department should adopt a policy**
17 **which requires that the protocol be invoked in any incident in which an officer**
18 **uses deadly force, regardless of whether someone is killed. This would**

1 include incidents which do not even result in injury, such as a circumstance
2 where an officer fires his weapon at a suspect but misses.

3 Certain exceptions to invocation of the protocol would apply, but these
4 exceptions should be specifically spelled out in policy. An example of an
5 exception to invocation would be a circumstance where an officer discharges
6 his firearm to dispatch an animal.

7 Investigative Lead

8 The protocol places primary investigative responsibility with the venue agency, that
9 agency having jurisdiction over the geographical area where an incident occurs. In
10 most cases, the venue agency and the employing agency will be the same, placing
11 investigative responsibility with the employing agency. Even in cases where the venue
12 and employing agency are different, the protocol specifies that investigators from both
13 agencies may investigate and are "co-equal" within the investigation, except where
14 irreconcilable investigative issues arise. In that case, the protocol specifies that the
15 venue agency shall have the final authority (§ III-A-2).

16 This procedure, while honoring jurisdictional authority, is inconsistent with the usual
17 goals of a critical incident task force. The overall goal for such a group, particularly as
18 specifically applied to larger agencies, is to provide an "outside" investigative
19 perspective to a criminal investigation. This is critical to counter perceptions of conflicts
20 of interest. Therefore, even though the Spokane Police Department has some of the

1 more experienced investigators in the region, overall control of a criminal investigation
2 into an officer-involved incident involving Spokane Police officers must consistently be
3 ceded to another agency.

4 That is not to imply that the resources of Spokane or other large agencies should not be
5 utilized. It simply means that investigative command and control should rest with
6 another agency.³⁰

7 **Recommendation: At any time the interagency protocol is invoked due to**
8 **involvement of a Spokane Police Department officer, that the lead**
9 **investigative role should be assigned to another member agency, and that**
10 **Spokane Police investigators assigned to the investigation should always take**
11 **a support role. The lead agency should actually control decisions regarding**
12 **the order of the investigation.**

³⁰ In such cases, there is often a tendency on the part of a large city to utilize the Sheriff's Department as the lead agency, particularly when the Sheriff's Department is, itself, a large agency. The Spokane Police Department reportedly has a close ongoing working relationship with the Spokane County Sheriff's Department, and therefore should consider requesting other agencies in the protocol group to take the lead investigative role.

Prepared for: Mayor Dennis Hession

Date: Oct 13, 2006

RE: Investigative Review and Recommendations

Appendix A - Sample Case Index

<p>Spokane Police Internal Affairs</p> <p>[Case Number]</p> <p>[Classification]</p> <p>[Officer Name]</p> <p>[Allegation(s)]</p> <p>Primary Investigator Lieutenant John Jones</p>	Case Summary and Findings
	Document and Legal Review
	Conduct and Supervisory Review
	Investigation
	Notifications
	Transcripts
	Other Supporting Documentation
	Criminal Investigation Report

Prepared for: Mayor Dennis Hession

Date: Oct 13, 2006

RE: Investigative Review and Recommendations

Appendix B - Resolved Complaint Form

Spokane Police Department
Supervisor's Report of Resolved Complaint
This form must be transmitted to Internal Affairs no more than 24 hours after complaint is received.

Supervisor: _____ Personnel #: _____ Date of Complaint: _____

Complainant Name: _____ Phone: _____

Complainant Address: _____

Officer(s) Complained Against: _____

ALLEGATIONS: (include policy sections, location, date and time of incident, and description of alleged conduct)

RESOLUTION: (Describe supervisory action to resolve complaint)

FOR INTERNAL AFFAIRS USE ONLY

IA Tracking Number: _____ Classification: _____ Date Logged: _____

Prepared for: Mayor Dennis Hession

Date: Oct 13, 2006

RE: Investigative Review and Recommendations

Appendix C - Alternate Consideration for Internal Affairs Staffing

1 A number of agencies across the country have implemented various types of non-sworn
2 investigator positions into the Internal Affairs process. This is not to be confused with civilian
3 review or outside investigation of the police department. Rather, non-sworn personnel,
4 employed by the police department, are assigned as administrative investigators. Their non-
5 sworn status does not imply that citizens are simply brought in to investigate police conduct. The
6 most common application is the use of trained investigators, often with experience as sworn
7 officers in other police jurisdictions.

8 This concept addresses an issue which is often of significant concern to police employees and
9 agencies, that of personnel assigned to internal investigations facing return to line assignments
10 after a period of time. Non-sworn investigators are hired specifically for assignment to Internal
11 Affairs, and have no expectation of a line assignment. Therefore, they can concentrate on
12 performing the administrative investigative function for the long term.

13 The author implemented this system in the Boise Police Department Office of Internal Affairs in
14 2001. Recent conversations with the current commander of that division show that the
15 investigators, one of whom was an original member and the other who came a few months later,
16 have enjoyed wide acceptance among the line officers for their impartial investigations.
17 Specifically, one of the investigators was formerly an internal investigator for a large Southern
18 California police agency, and the other was previously a criminal investigator for a smaller
19 jurisdiction in Idaho, outside the Boise area.

Prepared for: Mayor Dennis Hession

Date: Oct 13, 2006

RE: Investigative Review and Recommendations

1 Command of the unit still rests with a sworn commander, in Boise's case, a police captain who
2 also oversees the department training and policy development sections. The commander, who
3 reports directly to the Chief of Police, may change, but the investigators and support staff of
4 Internal Affairs remain in place, providing stability and consistency to the unit. The commander
5 receives training in internal investigations management, and takes an active role in major internal
6 investigations, although the bulk of the investigation is still performed by the non-sworn
7 investigators.

