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Ethical Challenges

Organizational Audit:

The Spokane Police Department

The Organization Selected

According to historians, the Spokane Police Department was founded in 1881 (Writer, 2010). Since the creation of the police force of Washington state's second largest city by population, Spokane, the SPD has become the third deadliest police force in the United States, after St. Louis Metropolitan and Oklahoma City PD, according to a study through a research collaboration done in partnership with Stanford University and Teach for America-Mapping Police Violence (Trau, 2021). The Spokane Police Department follows St. Louis Metropolitan and Oklahoma City PD for rate of police killings per population. The average annual rate of killings by police "must be contextualized by the fact that one additional death in Spokane may move SPD to the top of the list, despite not having as many deaths as larger cities" (Trau, 2021). The

population of Spokane is 229,071, and in comparison, St. Louis (neighboring Ferguson, Missouri) with a population of 293,390 and Oklahoma City with 687,725 (Census.gov, 2021).

Organizations Purpose and Mission

According to the mission statement on their website, “The Spokane Police Department is committed to providing excellence in policing, enhancing the safety and security of individuals, and building partnerships to better the lives of our community members as a whole” (City of Spokane, 2023). Additionally, the SPD states, “our vision is to serve every member of our community with professionalism, integrity and compassion so that with every interaction we continue to build trust, preserve safety and model ethical policing” (City of Spokane, 2023). In their own words, integrity means having ethical principles, character, and honesty. Professionalism means upholding the highest and effective standards. Lastly, compassion means concern, understanding, and the desire to help (City of Spokane, 2023).

Ethics Management Infrastructure

The Spokane Police Department conducts internal investigations for most cases that are brought against them by the public, state, and federal authorities. In certain cases that involve the conduct of specific Spokane Police officers, neighboring counties have been known to conduct third-party investigations. The Spokane City Council is the direct report for the police department.

Within the Spokane Police Department, there is the Office of Professional Accountability. The mission of the Office of Professional Accountability is to provide oversight of the complaint process, to promote public awareness of and full access to that process, and to advance reforms that increase police accountability by the Spokane Police Department (City of Spokane, 2023b). The Spokane Police Department chooses to utilize various line drawing methods (City of Spokane, 2023b) as flow-charts to navigate the auditing process of complaints and even possibly, crimes.

The Spokane Police Department makes these line drawings available to the public via their website. Their online platform features tabs such as the “accountability” section which houses sub-topics of Internal Affairs Complaints, Officer Involved Shootings, Use of Force, Commendations, Public Safety Briefings, and Bias-Based Policing (City of Spokane, 2023b). The Internal Affairs Complaints section offers the chart in Figure 1 to graph the investigation process when evaluating internal complaints.

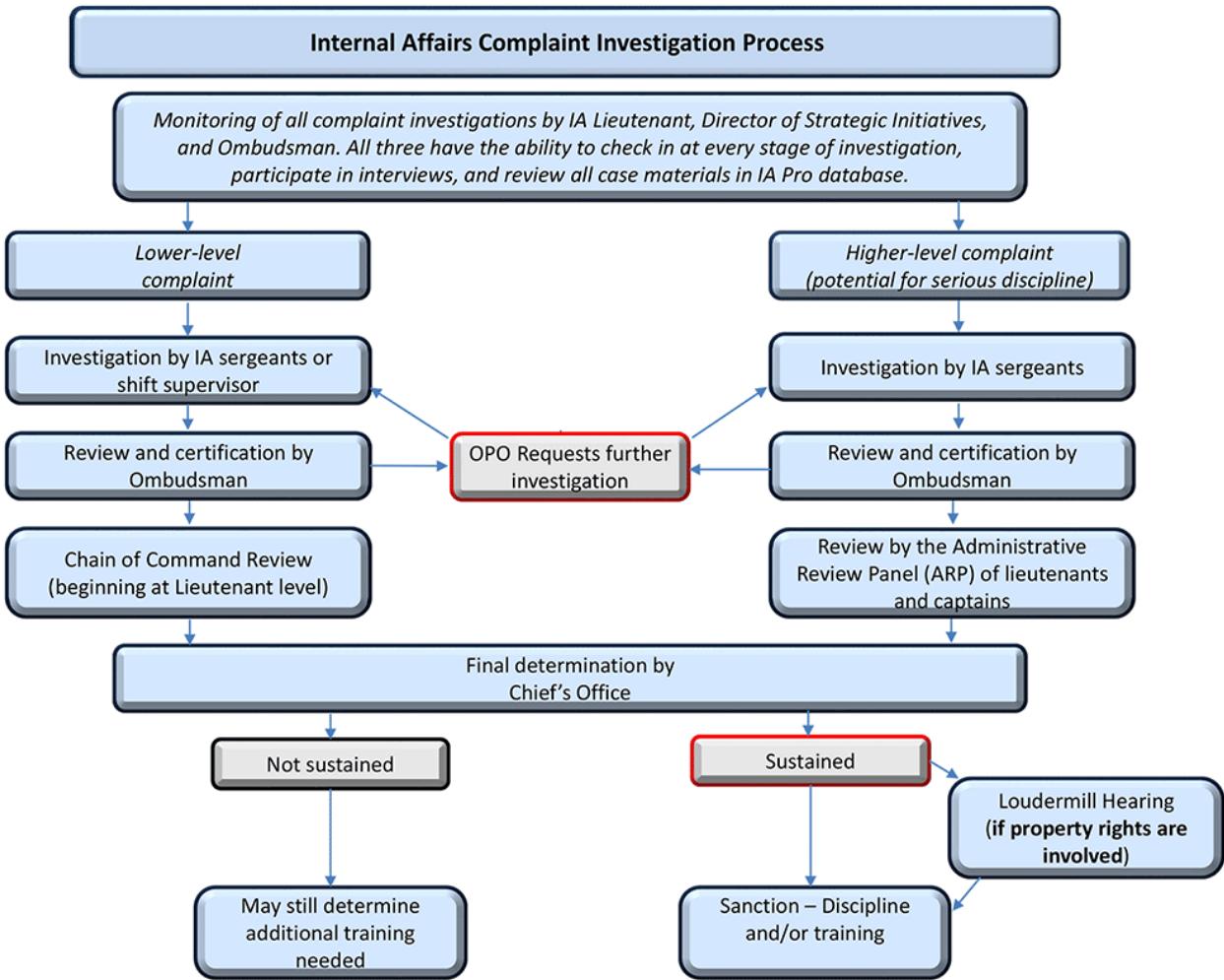


Figure 1 (City of Spokane, 2023a)

The next graph in Figure 2 that is available to the public is for charting non-deadly use of force investigations. Something to note with all investigation processes, is that at some point during the investigation, both the Chief of Police and the Ombudsman review and make a determination about the case, however, only the ombudsman has the ability to request further investigation if they find the final determination of the Chief of Police to be unsatisfactory (City of Spokane, 2023, June 12).

Non-Deadly Use of Force Investigation (no significant injuries, less complex investigation)

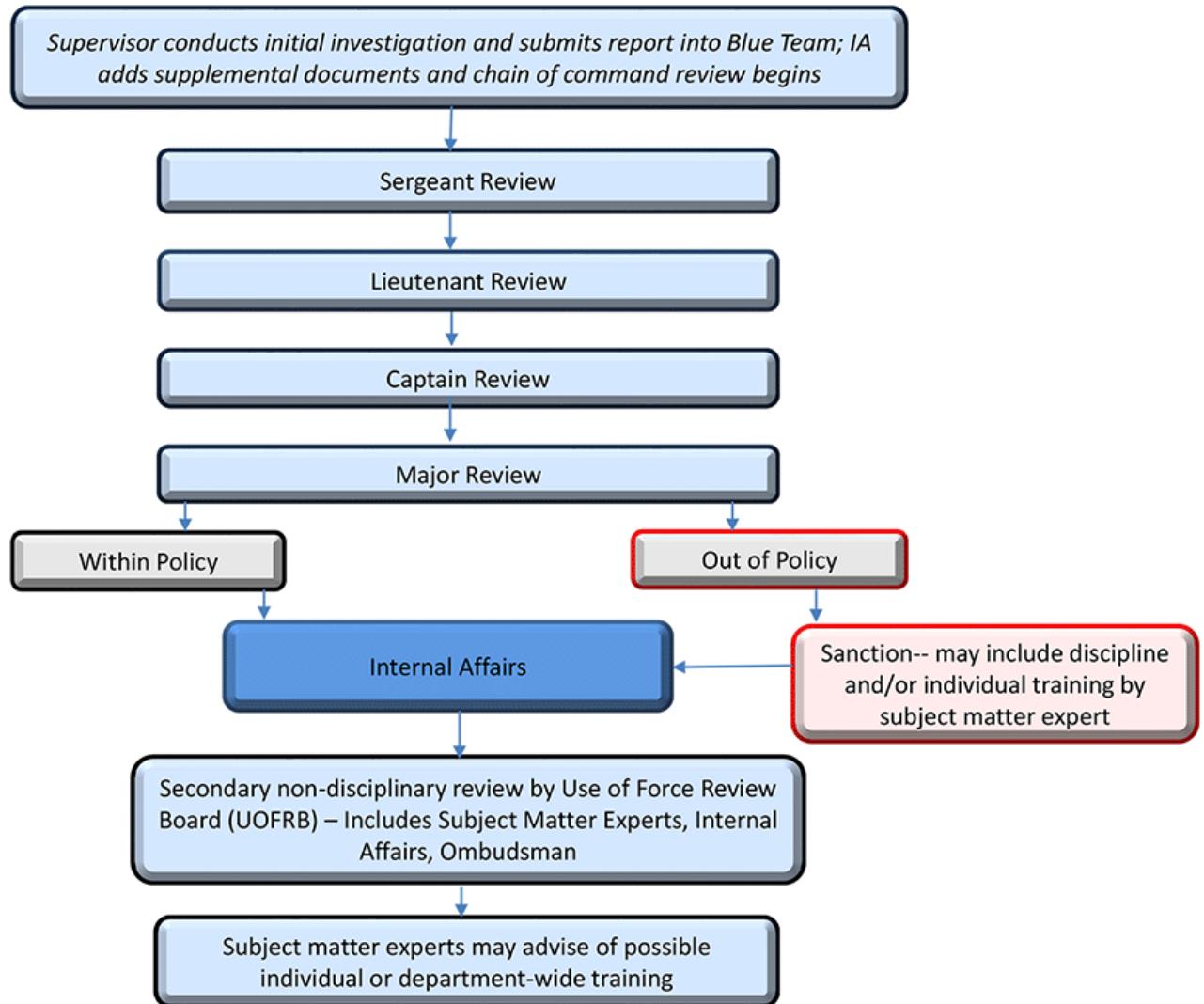


Figure 2 (City of Spokane, 2023f)

The following graph in Figure 3 is a representation of criteria when investigating a deadly use of force incident.

DEADLY USE OF FORCE INCIDENT

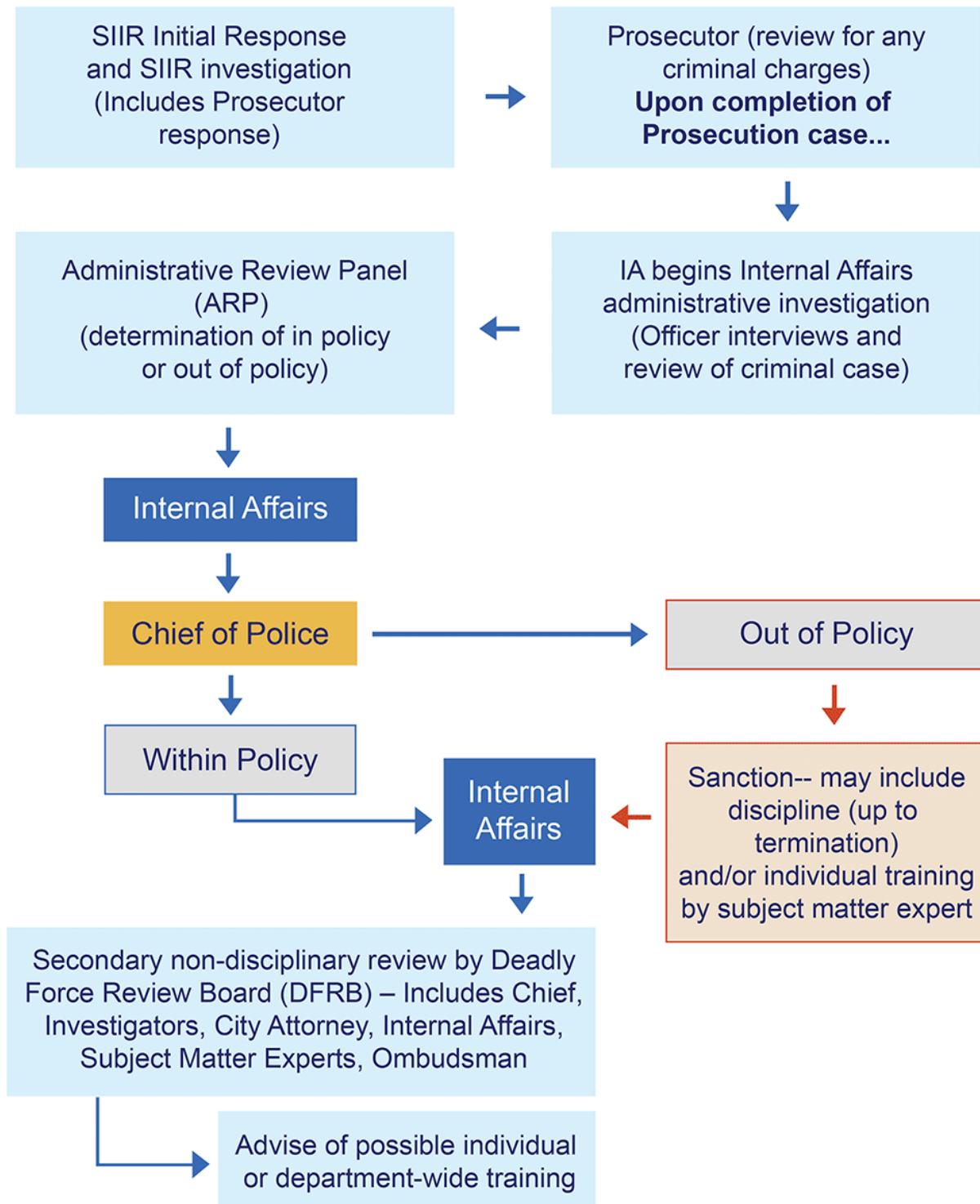


Figure 3 (City of Spokane, 2023d)

Brief Introduction to Ethical Misconduct Cases

Decades of ethical misconduct cases include the 2012 sentencing of Spokane officer Karl F. Thompson Jr. for the beating death of Otto Zehm. Thompson, convicted of excessive force, contributed to Zehm's death after mistaking him for an ATM thief. The case exposed a cover-up by the police, leading to Thompson's federal charges (Leibowitz, 2012).

In 2021, former SPD deputy Andrew Richmond filed a discrimination suit, citing a hostile environment after reporting racist comments by officer Jeff Thurman. Thurman's subsequent firing and Richmond's lawsuit highlighted issues within the Spokane County Sheriff's Office (Van Hyning, 2022).

Former officers Nathan Nash (Robinson, 2022) and Gordon Ennis (Lake, 2018) faced rape convictions in 2019 and 2018, respectively. Nash assaulted victims during follow-ups to reported cases, while Ennis raped an unconscious officer after a party.

A federal judge criticized Spokane officers for potential false statements during a 2021 drug investigation, raising concerns about the veracity of their actions (Epperly, 2023).

In 2023, a Spokane officer, Andrew Richmond, faces accusations of attempted sexual assault and unlawful imprisonment. An investigation revealed Richmond's alleged assault on a sheriff's deputy (Blume, 2023).

Police Chief Craig Meidl faced calls for resignation in 2023 after emails exposed favoritism towards certain groups. Meidl was accused of prioritizing police services based on political alignment, leading to community outrage and calls for accountability (Curtis, 2023).

In October 2023, Sergeant Clay Hilton was placed on leave for severely beating a 62-year-old man, Kevin Hinton, during an arrest for a minor infraction in a closed park. The incident further fueled concerns about excessive use of force within the Spokane Police Department (Al-Arshani, 2023).

The Cases of Misconduct

There is no shortage of misconduct cases involving the Spokane Police Department. For our auditing purposes, we will examine more closely cases involving internal investigations that did not involve sexual assault and cases involving the Chief of Police, Craig Meidle. There is a significant number of cases involving criminal activity, such as rape, which are handled in a criminal investigation and criminal court proceedings, not simply an internal investigation. This is why we are narrowing our focus.

The first case we examine involves a former deputy of the Spokane Police Department. In March 2021, Andrew Richmond filed a lawsuit in District Court against the Spokane County Sheriff's Office (SCSO), alleging retaliation, racial discrimination, and constructive discharge after he lodged a complaint about another deputy's racist behavior. Richmond, a black deputy, reported Sergeant Jeffrey Thurman in December 2016 after overhearing him ask another deputy if he was ready to 'kill some n*****' (Riordan, 2021). Thurman later explained to Richmond that he was referring to 'inner-city' Black people who 'riot and loot,' according to the lawsuit. Despite Richmond reporting the comments to three different sergeants between 2016 and 2018, including the only other Black officer at the Sheriff's office, none of the sergeants reported Thurman's comments.

By May 2019, Richmond filed a formal grievance with his union about Thurman's misconduct and the discrimination and retaliation he faced during his application and interview for the Air Support Unit. Richmond claimed that retaliation began when he first overheard Thurman's racist comments (Riordan, 2021).

The lawsuit also asserts that, during the Internal Affairs Investigation, it was revealed that Thurman frequently 'talked about killing African Americans' and used racial slurs when discussing the Black Lives Matter movement. The suit further claims that Sheriff Ozzie Knezovich prohibited former Undersheriff David Ellis from being interviewed during the Internal Affairs investigation into Thurman's misconduct. The Internal Affairs investigator informed Richmond that Knezovich had denied Ellis's interview and later terminated the investigation altogether.

The lawsuit goes on to state that, following Thurman's termination, members of the community made public accusations against Richmond, including a sexual assault allegation. The same day as the termination, the Spokane County Sheriff's Office circulated a memo identifying Richmond as the person who filed the complaint (Riordan, 2021).

Richmond, who was in a meeting with approximately 25 SCSO deputies on that day, heard Lieutenant Mike Zollars read the memo aloud and name him. Despite assurances during the IA investigation that his name would not be released, Richmond was questioned by coworkers about why he reported Thurman. A recovered text message thread between officers showed that some SCSO personnel used work phones to engage in communications that included inappropriate comments. Due to ongoing retaliation, Richmond quit his job at SCSO in July 2019 and took a position with the Spokane Police Department. It was during his time there that he faced allegations of sexually assaulting a former SCSO coworker (Van Hyning, 2022).

On March 20th, 2023, Chief of Police, Craig Meidl, received a letter calling for his immediate resignation after condemning his actions. The letter was signed by 21 representatives from the group, Spokane Community Against Racism (SCAR). This call for his removal follows the release of findings by the Spokane police ombudsman, who conducted an investigation revealing hundreds of emails exchanged between Chief Meidl and members of the Spokane Business and Commercial Property Owners Council (Curtis, 2023). SCAR representative Jac Archer issued a statement after evaluating the report's findings: "Things that concerned us were, firstly, what we believe to be a somewhat inappropriate prioritization of police services to

different parts of the community. According to these emails, the Spokane Police Department has been actively de-prioritizing calls in certain parts of the city and to certain spaces while providing a higher and better level of service to people that the chief is politically aligned with" (Curtis, 2023).

Meidl stands accused of unethically providing direction and resources to members of the Spokane Business and Commercial Property Owners Council, thereby granting the group more influence than the average Spokane resident. Local residents express dissatisfaction with the city council, citing a perceived lack of accountability in overseeing the police department (Perez, 2023). In April, some city council members called for an independent investigation into the complaints against Meidl, but former Mayor Nadine Woodward decided against proceeding with it. Woodward justified her decision by expressing concerns about the 'political' nature of the city council's calls for an investigation, stating that the SPD "had already undergone an independent investigation by the Office of the Police Ombudsman, and that was closed many, many months ago" (Moudy, 2023).

The investigation mentioned by Woodward was not initiated due to Meidl's alleged actions but was, in fact, an inquiry by the ombudsman into police actions following an August 2020 homicide. The resulting report incidentally included numerous emails sent by Meidl to the business owners' association. Adding complexity to the matter, Woodward asserted, 'I have the authority to investigate the police chief. The ombudsman does not; if the city council desires that, they will need to amend the city charter' (Moudy, 2023). The mention of the charter

change stems from a dispute over the ombudsman's authority to investigate the Chief of Police, despite the charter explicitly granting such authority following a 2013 voter-approved amendment. To address this discrepancy, the city council passed an emergency ordinance aligning the city code with the charter's language, eliminating any future uncertainty (Moudy, 2023).

Reflected Issues in Ethics Infrastructure

Based on findings of the OECD (Organization for Economic Co-operation and Development), the Spokane Police Department falls within the confines of a compliance-based ethics regime that is focused on discipline, or "low road compliance" (West & Bowman, p.145-147, 2014). Simply put, the SPD focuses on staying out of trouble versus personal responsibility and self-governance. We know this anecdotally but also due to the creation of the Office of Police Ombudsman, which was birthed due to the need for independent oversight of the SPD.

Typically, incidents involving Spokane Police Department officers are handled internally by the mentioned departments within the SPD and the OPO, except for cases that get moved out of investigative jurisdiction, which can only happen when the Chief of Police makes the call to do so. As noted in several misconduct cases, there is allegedly an issue within the department of intimidation and retaliation when an officer makes a complaint, as outlined in the case of Andrew Richmond versus the Spokane Police Department (Van Hyning, 2022).

A cultural environment that upholds the values of police camaraderie and what is commonly known as the "blue wall of silence" — an informal agreement among police officers in the United States not to disclose a colleague's mistakes, misconduct, or criminal activities, particularly concerning instances of police brutality. When confronted with inquiries about potential misconduct by a fellow officer (such as during an official investigation), adhering to this code compels the questioned officer to commit perjury by pretending to be unaware of the wrongdoing by another officer (Wikimedia Foundation, 2023).

The blue wall of silence undoubtedly hinders Internal Affairs investigations and likely gives pause to those that are considering submitting a formal complaint. After his complaint, Andrew Richmond was subject to various forms of retaliation for speaking out against his fellow officers. As noted in his case, he made numerous complaints to superior officers yet none of them acted. According to Richmond, the Spokane Police Department exists firmly behind a blue wall of silence.

The issue of the ethical infrastructure may not exist entirely due to the structure itself, but also because of the actors within the structure. For example, the Chief of Police, Craig Meidle. The Chief of Police holds significant authority over the entire Police Department and signs off on everything with final approval, other than when the OPO requests further investigation. Investigation will take place within the walls of the very organization that the Chief holds power over and when considering the environment that is fostered, it takes a person with moral courage to go against their fellow officers and department, especially knowing that there will be

retaliation. The “untutored human nature cannot be trusted to protect people from inhumane treatment at the direction of malevolent authority” (Bowman & West, 2014). What direction is the moral compass of an organization pointing when the leader is ensnared in numerous ethical misconduct cases themselves? - “People can become an instrument of organizational authority in the presence of an authority and may be unable to free themselves from it (the superior–subordinate relationship—and the control panel itself—overwhelms any other consideration)” (Bowman & West, p. 63, 2014).

Another lens to view the ethical struggles of the SPD would be through the Moral Foundations Theory, specifically the following foundations: loyalty/betrayal, authority/subversion, and sanctity/degradation (Bowman & West, p. 67, 2014). Loyalty/betrayal allows us to identify individuals as team players or not, enabling us to acknowledge and reward loyal team members while penalizing those who betray us or others. Authority/subversion aids in recognizing hierarchies or status, helping us assess whether people are conducting themselves appropriately. Sanctity/degradation heightens our sensitivity to symbolic objects or potential threats, enabling us to ascribe irrational values to objects. The blue wall of silence is built upon these very foundations. Officer’s view whistleblowing and complaints as an act of betrayal, while also viewing silence and ignoring misconduct as a metric of loyalty. The Chief of Police has an authoritative/subversive relationship with the sergeants and officers in the department and creates the environment that fosters a culture of secrecy and deceit. Lastly, we have the foundation of sanctity and degradation, which is displayed through the uniforms of

police and the badges that they wear. One might argue that this same irrational value is placed upon the weapons, vehicles and dogs that the officers' arm themselves with.

Spokane Police Department Response to Misconduct Cases

The Spokane Police Department has established a flowchart that moves through the investigation process of misconduct allegations or charges. A key part of any investigation is the Internal Affairs department and the relatively new Police Ombudsman. According to the City of Spokane website, the Office of Police Ombudsman was established on October 6, 2008, to offer autonomous civilian supervision for matters related to the conduct of the Spokane Police Department. The Police Ombudsman is responsible for guaranteeing that investigations are conducted promptly, comprehensively, and impartially. (City of Spokane, 2023c). The mission of the Office of Police Ombudsman (OPO), in their own words, is to “promote public confidence in the professionalism and accountability of the members of the Spokane Police Department by providing independent review of police actions, thoughtful policy recommendations and ongoing community outreach” (City of Spokane, 2023c).

The Office of Police Ombudsman is dedicated to providing equal, fair, and impartial access to its services, irrespective of age, race, gender, creed, color, nationality, sexual orientation, or socio-economic standing. The commitment extends to guaranteeing that all individuals, regardless of their attitude or demeanor, receive treatment that is courteous, dignified, and

respectful. The office endeavors to fulfill its mission by delivering services in a prompt, comprehensive, and objective manner (City of Spokane, 2023c).

The Office of Police Ombudsman is an incredibly important part of holding the Spokane Police Department accountable, because the OPO actively monitors all police department OPO involved investigations (City of Spokane, 2023, June 12). An Office of Police Ombudsman involved Investigation is defined as “an IA investigation where the complaint giving rise to the investigation, whether made to the Department or the OPO, is a complaint of a serious matter (complaints that could lead to suspension, demotion or discharge) involving allegations that an employee either improperly used force or improperly/inappropriately interacted with citizens” (City of Spokane, 2023, June 12). The Office of Police Ombudsman is made up of four individuals, the Police Ombudsman, the Deputy Ombudsman, an Administrative Specialist, and the Police Ombudsman Attorney (City of Spokane, 2023c).

Conclusion

The array of ethical misconduct cases within the Spokane Police Department highlights systemic issues, ranging from racial discrimination and sexual assault to potential abuse of authority. The existence of a compliance-based system, coupled with challenges within the ethical infrastructure and amplified by a culture of silence, contributes to a notable lack of accountability and an even greater lack of public trust. It is imperative to scrutinize efforts to address these issues, including the role of the OPO, to ensure genuine transparency and

accountability within the department. One small office to oversee an entire police force is not adequate. There needs to be three ombudsmen to divide the authority and diversify perspectives. When one person has control over the result it only takes one corrupt or benevolent person to ruin the entire accountability process.

The SPD's internal investigations, especially those related to racial discrimination, bring to light a culture marked by intimidation and retaliation. The case of Andrew Richmond uncovered a "blue wall of silence," impeding the reporting of misconduct and fostering an atmosphere of secrecy (Van Hyning, 2022). There must be an improved way to report misconduct and mitigate potential retaliation. Officers will not report misconduct when they know that they will not remain anonymous. When an officer is told that their information will remain confidential, it is an unforgivable act to publicize their information after the fact. There needs to be a contractual agreement to prohibit unnecessary disclosure.

The SPD's compliance-focused ethics regime, emphasizing discipline over personal responsibility, is evident in its Office of Professional Accountability. Chief Meidl's alleged ethical lapses prompt questions about the department's moral compass and leadership (West & Bowman, 2014). It may be worth exploring a division of power-possibly dividing the Chief of Police role into two or three separate roles with equal power. This division of power could potentially reduce the unethical exertion of influence over subordinates. As with the ombudsman, a shared authority should perpetuate an environment of trust and collaboration.

The ethical challenges within the SPD extend beyond organizational structure to include cultural norms, leadership influence, and the intricacies of internal investigations. The role of the OPO is crucial in providing external oversight and ensuring accountability. Resolving these ethical dilemmas necessitates a comprehensive approach, combining structural reforms with a commitment to cultivate a culture characterized by transparency, responsibility, and ethical conduct within the SPD.

The examined cases underscore the pressing need for comprehensive reform within the SPD. From internal investigations to ethical infrastructure, addressing these issues is crucial for rebuilding community trust and ensuring justice prevails within the Spokane Police Department.

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