

April 19, 2010

To: Tim Burns, Spokane Police Department Ombudsman

From: Tony Bamonte

Regarding: Organized crime involving Chief Kirkpatrick and numerous other appointed and elected officials.

Dear Mr. Burns:

On April 15, 2010, I mailed you a formal complaint against Chief Kirkpatrick for numerous criminal violations she has committed in disregard of the Revised Code of Washington. Among the evidence I provided was a criminal complaint I filed with the United States Attorney General (exhibit E-150) concerning organized crime, rendering criminal assistance, obstruction of justice and request for federal grand jury investigation. I provided you with this information to give you a broader picture of the corruption that is occurring in Spokane.

In the short time since I filed my complaint with you, three major events have occurred, all of which present excellent examples of Chief Kirkpatrick's involvement in organized crime, her lack of integrity and the bias reporting and cover-ups of her personal criminal and acts of incompetence by what appears to be writers for and owners of the *Spokesman-Review*:

1) On April 15, 2010, an article appeared in the *Spokesman-Review* stating "Union says members lack faith in police chief." This article went on to describe how the members of the Guild are "shaken to the core over this lack of trust," further stating "We're at an all-time low at this point." This article also stated, in reference to Chief Kirkpatrick, "She's going to do what she wants to do and she expects the guild to pick up the pieces."

This article went on to defend Chief Kirkpatrick stating: "Despite the vote, Kirkpatrick enjoys strong support from elected leaders, who credit her for holding employees to higher standards, and the departments lieutenants and captains, who gave her a vote of approval after learning of the unions vote." They also quoted Captain Steve Braun numerous times stating: "We have confidence in the leadership and the direction that it's going," . . . 'Braun said of the seven chiefs for whom he has worked, Kirkpatrick is the best.' "I just don't see a personal agenda in her." 'Braun said.'

2) In this same April 15, 2010, *Spokesman-Review* another article appeared titled "**Feds: Testimony altered.**" Basically, the crux of this article outlines the fact that the people who are supporting Chief Kirkpatrick and stand behind her negligent, arrogant and criminal actions (the majority of them command staff) have falsified reports, changed their stories, and lied to the federal investigators concerning the cover-up of Otto Zehm's death. Among these officers is Chief Kirkpatrick's second-in-command, Deputy Chief Jim Nicks, and her main champion against the guild's vote of no confidence, Steve Braun. Both of these officers, plus numerous other staff officers close to the chief are being investigated by the FBI for obstructing justice.

3) On April 18, 2010, a lead-off editorial appeared in the *Spokesman-Review* on the opinion page. This article took up an entire column the full length of the page stating: "**Police Guild complaint about chief rings hollow.**"

The crux of this editorial was the unconditional support of Chief Kirkpatrick. Most important, was the weight given to Captain Steve Braun's glowing assessment of the chief. This is significant because in the April 15, 2010 article titled "**Feds: Testimony altered,**" *Spokesman-Review* reporter Thomas Clouse identifies Captain Steve Braun as one of those being investigated for potentially "obstructing justice." This fact is not mentioned in the editorial.

In addition to the negative spin the writer of the editorial placed on the majority of the Spokane Police Departments guild membership, he (or she) made a considerable point of criticizing the guild president of not disclosing the tallies of the guild vote, yet at the same time the writer of this editorial failed to disclose his or her name. The chief has a reputation for being vindictive which probably has something to do with their failure to disclose this information. As a former member of that department, I know for fact that this is quite a serious charge to be made. Ironically her disrespect toward the rank and file officers under her command shows through in the comments she makes in the related news release and editorial.

In defense of the police guild there are some known facts that have been deliberately kept from the public by the owners of the *Spokesman-Review*. These facts corroborate the guild's concerns and allegations:

1) I am enclosing copies of my January 11, 2008, letter to Chief Kirkpatrick; her January 14, 2008, e-mail response to that letter; and another letter I sent to her dated January 15, 2008. I requested that she study all three of these letters and reconcile the actions she took versus the mandates of her office versus the following statement by U.S Attorney Westinghouse.

During a press release on September 5, 2008, Robert Westinghouse of the U.S. Attorney's Office stated:

There is no federal criminal statute available to address that particular matter [First Degree Manslaughter]. We pass no judgment as to whether it is in fact criminal in nature. There are, of course, various degrees of manslaughter that may be of some concern. We pass no judgment, again because, **that is outside our purview. It is outside our area of investigation. What we have decided is that it should be referred to the Spokane County prosecuting attorney office and through that office to the appropriate investigative agencies for their review and consideration. They are experts. They have jurisdiction and if any criminal charges are appropriate, we are confident that they will be pursued diligently.** . . . There will be no further federal involvement. . . .

In my January 11, 2008, letter to her, contained within the third paragraph, I stated: "First degree manslaughter is not the type of crime the FBI or United States Attorney General's Office typically investigates, and it is not within the realm of their prevalent experience or expertise. . . ."

This crime was committed in the city of Spokane, it was Chief Kirkpatrick's responsibility to thoroughly investigate my complaint or to refer it to a proper agency with the expertise and jurisdiction to conduct such an investigation.

In violation of the law and the duties of her office, chief Kirkpatrick knowing arranged and allowed the statute of limitations to expire. As a result of Chief Kirkpatrick's actions an official law enforcement investigation was never conducted and not one of the main suspects in my complaint were ever contacted. **Most important, testimony by the main suspects named in my complaint definitively provide evidence that incriminate Spokane public officials.** Based on the strong and abundant evidence I have uncovered and presented toto the chief, she appear to be providing a means to obstruct justice and conceal evidence concerning a Class A felony involving a tragic and unnecessary death.

2) On February 2, 2010, an article appeared in the *Spokesman-Review* editorial stating: “Law should allow firing officers for dishonesty.” This article concerned a police officer who was charged with drunk driving and hit and run. It was misleading to the public and intended to put Chief Kirkpatrick in a favorable light to the public at the expense of the justice system . If you obtain copies of the Spokane Police Department’s Rules and Regulations, and Policies and Procedures you will learn that police officers who commit crimes or dishonest acts can, in fact, be terminated. The department’s Rules and Regulations are, in fact, mandates and must be obeyed.

Chief Kirkpatrick’s recent firing of the officer involved in the drunk driving and hit-and-run was a problem because Kirkpatrick fired him for what, according to law, was a sickness. If she would have performed the duties of her position according to the department’s rules and regulations and the law, she would have had him charged for the crime he committed and then, if he were found guilty, disciplined or fired him for breaking the law. The Spokane Police Departments “Rules and Regulation/Policies and Procedures” have been in effect since the 1960s, yet the chief ignored those policies and rules and consequently, cause the city of Spokane (ie the taxpayers) to be sued for \$4 million.

The core of the February 2, 2010, *Spokesman-Review* editorial falsely denotes that Chief Kirkpatrick’s hands are tied and there is nothing she can do to clean up her office unless the state Judiciary Committee passes SB 6590. That is absolutely false information and a betrayal of the public trust. If Chief Kirkpatrick would have properly done her job there would never have been a basis for Mr. Dunn’s lawsuit.

3) On March 6, 2010, I filed a criminal complaint with Chief Kirkpatrick requesting a felony investigation concerning criminal conduct involving specific members of the Cowles family and Spokane County Assessor Ralph Brown. On March 19, 2010, I received the returned, unopened package, which I had mailed to Chief Kirkpatrick on March 9, 2010, containing my formal complaint of Rendering Criminal Assistance in the first degree against Spokane County Assessor Ralph Baker, which involved collusion with specific members of the Cowles family. Prior to mailing that complaint, I also e-mailed my cover letter, advising the chief of my complaint. Having proof that the package was received by the chief or someone in her office, I find this action to be a violation of RCW 9A.80.010, “Official Misconduct.” This inaction again has communicated the chief’s intentions to provide criminal assistance involving organized crime to specific members of the powerful Cowles media family and specific public officials who aid and protect them in the ongoing commission of their crimes.

In regards to the criminal complaint I filed against Mr. Baker and specific members of the Cowles family, I have been provided with the parcel numbers of 167 Cowles-owned properties. During Mr. Baker’s tenure as assessor, he reduced the assessed valuation of 99 of these by millions of dollars. Also, 61 of the 167 Cowles-owned properties have not been increased in value over the last two to four years and, during his tenure in office, only seven out of 167 Cowles-owned properties were increased in assessed valuation – these seven appear to be involved with new construction. This is concerning because Mr. Baker has consistently raised the assessed property valuation for the majority of property owners in Spokane County, which is corroborated by approximately 3000 property tax appeals he has received over the last year.

In conclusion I am greatly concerned that Chief Kirkpatrick, in concert with the owners of the *Spokesman-Review*, have attempted to impugn the integrity and public goodwill of the mainstream officers within her department. She appears to have done this in order to protect her own self-interest. Based on the conduct of Chief Kirkpatrick it clearly appears evident that the police guild’s lack of faith in both her and “the office of the chief” are well-founded. The office of the chief appears to be defined as those command staff mentioned as the suspects being investigated for “obstructing justice” by United States Assistant Attorney

Tim Durkin in the *Spokesman-Review's* April 15, 2010 article, among these being Captain Steve Braun and Deputy Chief Jim Nicks. It should also be noted that when the Otto Zehm case came to light, Deputy Chief Nicks got caught lying to the public concerning the circumstances. The Zehm case has now reached a point where he can no longer maintain that lie without incriminating himself, which is the only reason he is now telling the truth. The rank and file Spokane Police officers are aware of this, which may have something to do with their lack of confidence in the office of the chief.

Attachment: Evidence disk marked E-155. This disk was updated on April 19, 2010 and contains over 155 evidence exhibits.