



December 22, 2015

City of Spokane Ethics Commission  
Attention: Rebecca Riedinger  
Office of the City Attorney  
5th Floor Municipal Building  
W. 808 Spokane Falls Blvd.  
Spokane, Washington 99201

**FILED VIA EMAIL**

**RE: Ethics Complaints of the Spokane Chapter of the National Organization of Women  
against Mayor David Condon**

Dear Members of the Spokane Ethics Commission:

Please accept the attached complaint with attachments filed on behalf of the Spokane Chapter of the National Organization of Women ("Spokane Area NOW") alleging ethics violations against Mayor David Condon for actions surrounding the "resignation" of former police chief Frank Straub.

The National Organization for Women is the largest organization of feminist activists in the United States. NOW has hundreds of thousands of contributing members and more than 500 local and campus affiliates in all 50 states and the District of Columbia. The Spokane Area NOW chapter falls under the umbrella of the National Organization for Women.

Spokane Area NOW's purpose is to advocate on behalf of the rights of women and girls, and civil rights, in the greater Spokane area, in partnership with like-minded organizations, when appropriate. Spokane Area NOW's key focus areas include:

- Supporting the Equal Rights Amendment ("ERA");
- Supporting reproductive and women's health-care rights, including Planned Parenthood;
- Providing education to dispel the stigma around feminism;
- Supporting LGBTQIA rights and anti-racism initiatives including Black Lives Matter;
- Supporting economic equality, including initiatives in favor of pay equity, a living wage, and paid sick leave; and
- Supporting initiatives that combat sexual violence, gun violence, police brutality, domestic violence, harassment of women, and gender discrimination.

Spokane Area NOW is deeply concerned about Mayor Condon's failure to investigate allegations of sexual harassment and assault against the City's former chief of police. Spokane's citizens rely on our City's leaders to provide a safe work environment for all employees. By opting not to investigate these

serious allegations as the City's sexual harassment policy requires and instead mischaracterizing the facts surrounding the harassment and resulting City actions, Mayor Condon failed in his responsibility to provide a safe work environment for the women of the Spokane Police Department and, by extension, all women who work for the City of Spokane.

Sincerely,

CENTER FOR JUSTICE

A handwritten signature in black ink, appearing to be 'RIS' with a long horizontal stroke extending from the 'S'.

Rick Eichstaedt  
Attorney

# CITY OF SPOKANE ETHICS COMMISSION

## ETHICS COMPLAINT FORM

Please review the City of Spokane's Code of Ethics – Chapter 1.04A SMC – before completing this complaint form. When you have completed this form, submit it to:

City of Spokane Ethics Commission  
Attention: Rebecca Riedinger  
Office of the City Attorney  
5<sup>th</sup> Floor Municipal Building  
W. 808 Spokane Falls Blvd.  
Spokane, WA 99201

or at: [riedinger@spokanecity.org](mailto:riedinger@spokanecity.org)

Pursuant to the City of Spokane's Code of Ethics, I am filing a complaint regarding conduct which I believe constitutes a violation of the City's Code of Ethics.

**Name, position, and department of person(s) I believe to have violated the Code of Ethics:**

Name: David Condon

Position/Title: Mayor

**Nature of Code of Ethics violation:**

*What specific provision of SMC 1.04A.030 do you believe has been violated?*

Subsection N – “No City officer or employee shall commit any act of ... dishonesty relating to his or her duties or position as a City officer or employee or arising from business with the City.”

“Dishonesty” is not defined in the Spokane Municipal Code. Unless contrary legislative intent is indicated, words are given their ordinary, dictionary meaning. See *State v. McDougal*, 120 Wash.2d 334, 350, 841 P.2d 1232 (1992). “Dishonesty” is defined by Merriam-Webster's Dictionary as “lack of honesty: the quality of being untruthful or deceitful.”<sup>1</sup>

---

<sup>1</sup> See <http://www.merriam-webster.com/dictionary/dishonesty>.



*Describe in as much detail as possible the alleged Code of Ethics violation conduct. Attach additional sheets of paper, if necessary. Please include all documentation you believe demonstrates a violation. Your description should include the date, location and frequency of the alleged violation.*

This complaint involved the events surrounding the “resignation” of former police Chief Frank Straub and alleged sexual misconduct, specifically statements made at a September 22, 2015 press conference and in a December 11, 2015 letter to City Council.

#### *1. Dishonesty at September 22, 2015 Press Conference*

During a press conference on September 22, 2015 announcing Straub’s “resignation”, Mayor Condon was dishonest about allegations of sexual misconduct.<sup>2</sup> When asked if there were sexual harassment complaints lodged or whether Straub was involved in an inappropriate relationship, Mayor Condon responded “no” and that there were “[n]o official filings of anything.”

Records from the City (included as Attachment A) indicate that complaints involving Straub’s behavior were received as early as April 13, 2015 regarding allegations that Straub groped and forcibly kissed one of his female employees. Moreover, records from the City (included as Attachment B) document a March 31, 2015 meeting involving Straub where he berated the same female employee utilizing sexually charged language stating that “she ‘fucked’ him” and “fucked him in the ass and broke the dick off.” The female employee cried and was distressed as a result of the language.

Spokane’s Sexual Harassment Policy<sup>3</sup> § 4.1 defines “sexual harassment” as “any verbal, non-verbal, or physical behavior which is unwelcomes, uninvited, and offensive to a reasonable person in the recipient’s position and alters the condition of the recipient’s employment.” The physical and verbal incidents meet the definition of sexual harassment.

While city records indicate that the complainant did not desire any investigation of the improper physical actions (groping and kissing) and no “formal” complaint was filed, it is clear that the City was aware of the complaints of unwanted sexual conduct. See Attachment A.<sup>4</sup> Such notification requires an investigation under § 6.1.6(b) of the City’s policies. Moreover, the complainant did indicate a desire to assist in the investigation of

---

<sup>2</sup> A video of the press conference is available at <http://www.khq.com/clip/11865304/chief-straub-resignation-press-conference>.

<sup>3</sup> Available at <https://static.spokanecity.org/documents/opendata/policies/admin-0620-05-35.pdf>.

<sup>4</sup> It should also be noted that the physical actions Straub alleged committed are potentially criminal in nature violated RCW 9A.80.010 (Official misconduct), RCW 9A.44.100 (Indecent liberties), RCW 9A.35.031 (Assault in the third degree), and RCW 9A.36.041 (Assault in the fourth degree).

the improper verbal actions that occurred at the March 31, 2015 meeting with Straub. *Id.*

The record supports that the Mayor's response at the September 22, 2015 press conference was dishonest. The record indicates that complaints were received by the City of both physical and verbal sexual harassment, including an offer to assist in the investigation of the incident involving verbal harassment. See Attachments A&B.

Despite this the Mayor chose to give a narrow answer that withheld key facts described above. Complaints had been received and an inappropriate relationship (that of an abuser and his victim) allegedly existed between Straub and his employee. At a minimum, these actions amount to a lie of omission or continuing misrepresentation. The Mayor's actions left out critical facts in order to foster a misconception. These actions amount to a violation of SMC 1.04A.030(N).

## *2. Dishonesty in December 11, 2015 Letter to City Council*

In a December 11, 2015 letter from Mayor Condon to City Council (included as Attachment C), the Mayor indicated that the City employee involved in the harassment was selected to "fit an existing need in the Parks and Recreation Division." Attachment C at 4. This statement is dishonest.

First, the Parks Department already had a spokesperson, Nancy Goodspeed. See Attachment D. Park board members indicated that they were informed of the transfer only after the decision was made, even though the board controls park spending and is charged with managing the department. *Id.* The decision "raised questions among some park board and City Council members." *Id.*

Second, the statement omits the fact that efforts were made to transfer the employee first to the Spokane Fire Department. In an email dated August 28, 2015, it was revealed, contrary to the Mayor's statements, that city officials first attempted to create a position in the Spokane Fire Department in April 2015, an effort rebuffed by fire officials. See Attachment E. Assistant Fire Chief Brian Schaeffer said in the email that city administration officials approached him in April about transferring Cotton. *Id.* The email states, "The discussion of creating a public safety [public information officer] position and assigning Cotton in there was discussed ... We did have a meeting and decided that we would prefer to do recruitment for someone that was better fitted for fire." *Id.*

Mayor Condon's conduct amounts to a violation of SMC § 1.04.030(N) by his statements in the December letter that were dishonest. The Mayor indicated that the decision to transfer the city employee was motivated by factors involving the needs of the Park Department – a statement that is contradicted by the email from the Fire Department indicating that the City first attempted to transfer to that Department, that

Parks already had a communications staff person, and that the Parks Board was not included in the decision.

**Names and positions of the persons who may have witnessed the event:**

1. Ben Stuckart, City Council President
2. Mark Griffiths, Spokane Police Department
3. Nick Deshais, Spokesman Review
4. Brian Schaffer, Spokane Fire Department
5. Spokane Parks Board members
6. Monique Cotton, Spokane Park spokesperson

**Evidence or documentation**

*Please list any evidence or documentation that would support your allegation of a Code of Ethics violation. Indicate whether you can personally provide that information.*

Copies of relevant documents or links thereto (including a link to the September 22, 2015 press conference) are included in this complaint.

## Complainant Declaration

I declare under penalty of perjury of the laws of the State of Washington that to the best of my knowledge, information, and belief formed after reasonable reflection, the information in the complaint is true and correct.

  
Complainant's Signature

12/22/15  
Date

Date and Place (e.g. City, State)

Spokane, WA

Name (please print): Sheron L. Jones on behalf of Spokane  
Area NOW

Address: 2409 W Mission Ave. Spokane, WA 99201

Phone Number(s): 509-869-2524

E-Mail Address: jewelofmedina@gmail.com

## **ATTACHMENT A**



Phone: 509850 [REDACTED] (509850 [REDACTED])

Sent at Date: 04-13-2015 13:48:51

Do you have a moment for a quick call?

Received at Date: 04-13-2015 13:55:38

Yes I do

Received at Date: 04-13-2015 16:28:44

Theresa—Thank you for meeting with me this morning to discuss this situation. I truly appreciate it. But our meeting and subsequent phone call has left me unsettled based on how inconclusive things have been left. I never wanted to be in this situation of having to come forward to you or the the Mayor in strict confidence. I am not the one who did anything wrong. I don't understand how you can involve the party who engaged in misconduct regarding any decision about where I am to be re-assigned and if he can work with me. My transfer into a new position has to be viewed as advancement; without any hint that it is for any reason other than as a promotion for my past performance. I'm happy to participate in an investigation regarding the way I was berated on 3/31, and other times I was berated however cannot cooperate with any investigation regarding the matters I presented confidentially to the Mayor and you because of the inevitable publicity and disclosures that will impact me and my life in every way--physically, emotionally, and professionally. I never intended to assert a claim and did not do so specifically to avoid becoming part of any investigation into confidential matters and be victimized all over; I just wanted assistance to be placed in an environment free from that kind of conduct, while not impacting my career and drawing negative attention. I want and need this ugliness behind me. If the City is unable to accommodate my request for confidential assistance along the lines we discussed and to ensure future confidentiality without my privacy and reputation impacted, then I feel I'm left with few options. Please let me know how you can help me as soon as possible. Thank you, Theresa. Monique

Sent at Date: 04-13-2015 16:46:23

Will need to discuss in person. I'll ask Brandy to find a slot tomorrow soonest.

Received at Date: 04-13-2015 20:06:36

Ok thank you.

Received at Date: 04-14-2015 10:28:46

Hi Theresa. I'm confirming our phone conversation today at noon will be just you and me and confidential?

Sent at Date: 04-14-2015 11:06:12

Yes - want to reiterate some comments from yesterday as there seems to be some confusion.

Received at Date: 04-14-2015 11:16:27

Ok thank you

Sent at Date: 04-14-2015 12:00:58

Do you want me to call on personal or work phone?

Received at Date: 04-14-2015 12:01:25

Personal phone is great.

Received at Date: 04-14-2015 12:01:37

850 [REDACTED]

Received at Date: 04-14-2015 17:35:49

Hi Theresa,

Thank you for your phone call today.

I'm placing my trust in you to respect the confidential nature of the situation and your assurance it will remain confidential.

I'm still pretty concerned and distraught over these circumstances. Because of that I respectfully request to stay at home and work from home tomorrow.

I trust you will update me as soon as possible.

I want to make sure I am very clear that I do not want an investigation into harassment and do not feel an investigation into this subject is necessary because I have not filed a claim. I want my reassignment and advancement to be one based on merit.

I will assist in an investigation regarding yelling, berating of employees and berating of me.

Thank you for your ongoing support.

Sent at Date: 04-14-2015 17:38:15

Was just in the middle of a quick text to you. Yes please feel free to be at home tomorrow. Will follow up with you in the morning.

Received at Date: 04-14-2015 17:52:29

Thank you very much

Received at Date: 04-15-2015 15:36:13

Hi Theresa. I just responded to Brandy regarding a meeting at 10 am. That works for me. Thank you.

I am hoping you will consider meeting me someplace other than City Hall. I'm still pretty upset about this whole thing, having some issues sleeping and just exhausted. It would make me feel more comfortable to meet off site if you are open to that.

Sent at Date: 04-15-2015 17:28:06

Hi Monique - we need to meet here as I've asked Meghann from HR to join us. We need to talk about placing you. Make sense? See you in the morning. We have no cabinet mtg tomorrow if you're concerned about running into people. Should be quiet up here.

Received at Date: 04-15-2015 17:39:17

Hi Theresa. Please tell me Meghann doesn't know anything about the information I told you and the mayor in confidence.

Sent at Date: 04-15-2015 17:43:24

she does not.

Received at Date: 04-15-2015 17:55:03

Ok. I appreciate that. Theresa I'm not trying to be difficult but would it be possible for me to talk with you over the phone at 10? I'm still having a really hard time with this whole thing.

Sent at Date: 04-15-2015 18:17:01

That's fine. I'll call you at 10.

Received at Date: 04-15-2015 18:21:13

I appreciate it very much. Thank you.

4/14 phone call to Monique

"Cannot be party to a complaint regarding  
sexual harassment"

"This person has hurt me enough (Frank)  
I don't want to be party to him anymore."  
Would weigh in on the complaint about  
Frank's abusive behavior

"Don't want it to be just me"

Provides characterization that I, not Frank,  
would determine whether she lands

Offered to be a sponsor on 2<sup>nd</sup> floor

Monique characterized her conveying "confidential  
information" regarding sexual harassment was  
meant to provide "context" for Frank's recent  
outburst

Call was 4/16 (to "drag" to come to City Hall)

Offered Pikes-Simon for (discretion) Simon  
pay. Some level of reporting. Will do  
really positive messaging.

Said she'd talk about it. If there  
was opportunity for administration. She said that  
would be up to Pikes Director at Simon  
Point in the future.

She will work w/Bar on future  
communication

H/B

Met w/ Monique informed her the  
Mayor put the matter in her  
hands to investigate.

She was distraught - retreated claim  
Frank Struble grabbed her and tried  
to kiss her. Stated she has texted  
told her I would look into the  
matter and that she would have a  
job.

Asked her if she'd like to work in  
office here or from home. She wanted  
to work from home.

Called Monique. Asked for another  
day while we speak w/ Frank.  
She said she'd take another  
sick day.

Monique texted (will print & attach)  
Concerns about looking into her allegation.  
Seems to perceive Frank will decide when  
she leaves. Will follow up with phone call.

4/14 text relates to setup of phone call.  
Monique asked if call is setup or not.

## **ATTACHMENT B**



On 3-31-15 at approximately 0805 hours, following a compstat meeting, I was contacted by Capt. Olsen in my office. He said he was having an impromptu, "unpleasant meeting with the Chief" regarding my overtime issue and asked that I join. As we walked into Asst Chief Smith's office, I asked Asst Chief Smith, more in jest than anything, "if I needed a union rep," he laughed and answered "no."

I then walked in Asst Chief Smith's office.

Chief Smith sat at his desk, Chief Straub to his right and Chief Dobrow to his right. Across from them sat me, with Director Cotton to my right and Capt Olsen to my left.

Chief Straub started the conversation by saying he was very disappointed in the 3 of us. He started specifically addressing Director Cotton, saying that she had information yesterday that she withheld from him yesterday.

Then turned to me and said he was disappointed in me and that it was "my fault" that I had not contacted him sooner about this matter and that I should not have used my chain of command. Later in the conversation he said I "hid behind my chain of command."

He then turned to Capt Olsen and said he had an obligation to talk to him sooner and not let him, the Chief, make a bad decision without more information.

This conversation was approximately 10 minutes and Chief Straub began to raise his voice and become more agitated. He said we all made him look like a "fucking asshole" by not going to him sooner.

I finally spoke and said, I took offense to being blamed for his decision making and disagreed. I told him I had talked to Capt Olsen and Chief Smith on Thursday and they were fully informed.

He said he had been misinformed by Capt Torok and that if he knew the truth he would have made a different decision.

I told him I found it offensive that I was getting yelled at for doing my job, being told this was my fault, when I was not the one to misinform him and that Capt Torok should be getting this talk and he was not being addressed.

When I told the Chief I disagreed, he began to get more and more angry. He went on to tell me he had been the Chief of several large departments and had done many things in his career. I told him, I of course had not been the Chief of any department, but I felt he was wrong. When I said he was wrong, the Chief completely lost his temper. He stood up and began to yell at me directly. He was screaming and his face was beat red. He seemed to have a hard time speaking due to his emotions.

At this time he was yelling with profanity. I told him I did not feel that I had to sit here and be yelled at and told him I was leaving. He told me I had better sit down and that he "was playing the Chief card", "to be careful" and that he would consider "insubordination discipline on all of us." He told me I was "going nowhere" and I had to "sit and listen." I told him, "Yes sir" and remained seated, as did everyone else, but him. Chief Straub then said, "Wipe that fucking smirk off your face" as he addressed me. At this point I looked straight at the ground in front of me. I was being told I could not leave, I was being threatened with insubordination, a fire-able offense and now he was interpreting my expression as an inappropriate smirk. Chief Straub yelled for another few minutes at me as I looked at the ground.

He then turned his attention to Director Cotton and told her he blamed her for not telling him yesterday. He said that she knew more and she should have told him. She said that Chief Smith told her that the issue between Griffiths and Torok was being handled. She also said she did not have all the facts and that she was not in my chain of command so it was not appropriate for her to get involved. She said that she had suggested to Chief Straub that he follow up with Lt. Griffiths because she thought there was more to the story regarding Capt Torok's disapproval of my overtime. He continued to yell at her, saying that she "fucked him", made him "look like a fucking asshole" and that she "fucked him in the ass and broke the dick off." Director Cotton was tearing up and it appeared that she was fighting back from crying at this point and he continued to yell at her. Twice she motioned with her hands in a "time out motion" and said "why am I even here?"

Chief Straub appeared irritated that she was beginning to cry and he then began yelling at Capt Olsen. He said that "he sat on this information" and he had an obligation to tell the Chief and "didn't do shit." He continued to berate Capt Olsen. Capt. Olsen tried to speak and explain, but was continuously cut off.

During the remainder of the conversation, Chief Straub was standing, while all the rest of us remained seated.

Chief Dobrow and Chief Smith offered nothing to the conversation.

At this point, I said I find it incredible, that Capt Olsen and Director Cotton are being blamed, but Chief Smith says nothing and bears no responsibility.

I addressed Chief Smith directly and said you were CC'ed yesterday on this same email that Capt Olsen is getting attacked for not sending. I also said that I did not keep either you (Chief Smith) or Capt Olsen in the dark yesterday or Thursday in any way.

\*\*\*If should be noted, that Director Cotton, who is not in my chain of command, was getting reprimanded for not telling Chief Straub yesterday, when I had met with Chief Smith yesterday morning at 0830 hours and told him about all of my concerns. During that conversation he said that he was meeting with Chief Straub at 1100 hours later this morning about this. I sent the CC'd email regarding my concerns to Chief Smith at 1033 hours. I had also sent him an email at 0819 hours asking for any other communication he had received questioning my overtime. When I spoke with Chief Smith at 0830 hours, he volunteered that he had received the 0819 hours email. When I had met with Chief Smith and Capt Olsen on Monday 3-30-15 at 1500 hours he told us that Capt Torok was going to be "reigned in." I told him I was completely unsatisfied with that resolution. That I liken Capt Torok's behavior to that of a school yard bully and that I had complained to the School Principle and this was not a satisfactory resolution.

When I spoke about Chief Smith, he acted like he was knocked out of a daze. Chief Smith then said in the meeting, "this is on me", and that he had intended to approach me today and ask my permission to forward my email to the Chief and that he has not sent the email to the Chief.

Chief Straub seemed irritated that Chief Smith was taking responsibility and then said "I will look at your email and address it then." He stormed out of the room and Chief Dobrow followed him out of the office. I then addressed Capt Olsen and asked if I could be excused. He said yes.

I left the office, returned to my office and documented my recollection of the conversation.

It should be noted in 22 years of police service, I have never been addressed in such a disrespectful and colorful manner by any SPD supervisor, much less the Chief of Police.

Mark Griffiths

## Griffiths, Mark

---

**From:** Smith, Selby L.  
**Sent:** Tuesday, March 31, 2015 3:31 PM  
**To:** Straub, Frank  
**Cc:** Dobrow, Rick; Cotton, Monique; Olsen, Eric; Griffiths, Mark  
**Subject:** RE: Overtime

Chief; I accept FULL responsibility for the lack of information that was not conveyed to you, to include Capt. Olsen's prior approval of this OT. My understanding is that this prior approval was discussed with Capt. Torok the day of the initial discussion. I sincerely apologize to you, my own staff and AC Dobrow and Dir. Cotton. This will not happen again...I will work with Capt. Olsen and Lt. Griffiths to resubmit for his overtime for the time that he spent on those days. I will work with Capt. Olsen and AC Dobrow on all our overtime and ensure that this does not occur again. Selby

Selby L. Smith  
Assistant Chief  
Director of Investigations  
Spokane Police Department  
Cell – 509-368-4238

---

**From:** Straub, Frank  
**Sent:** Tuesday, March 31, 2015 2:29 PM  
**To:** Smith, Selby L.  
**Cc:** Dobrow, Rick; Cotton, Monique; Olsen, Eric; Griffiths, Mark  
**Subject:** Overtime

Selby:

I am in receipt of your email as well as the related documents. I have reviewed all them and reach the following conclusions:

- 1) It appears, according to the documentation provided by Lt. Griffiths that he made a series of phone calls, 17, regarding two major scenes on March 19, 2015. Lt. Griffiths is in my opinion entitled to an hour of overtime. If those phone calls extended beyond an hour, Lt. Griffiths should be compensated accordingly.
- 2) It appears, according to the documentation provided by Lt. Griffiths that he made, and received, a series of phone calls, 23, during two days (March 20-March 21, 2015). Lt. Griffiths requested one hour of overtime. In my opinion, Lt. Griffiths is entitled to an hour of overtime. If, in fact, those phone calls extended beyond an hour, Lt. Griffiths should be compensated accordingly.
- 3) Captain Olsen approved Lt. Griffiths' overtime for the days in question. Therefore, Captain Olsen owned his decision and should have conveyed his authorization to Captain Torok. Had he done so the issue would have been resolved or it could have been "bumped up" to Assistant Chiefs Smith and Dobrow for resolution.
- 4) Although individuals copied on this email were aware of the specific details regarding Lt. Griffiths' overtime request (eg. the number of calls and/or amount of time involved) the information was not conveyed to Assistant Chief Dobrow or me. Without this information, we made our decision to deny the hour of overtime as we believed it was one phone call, made on one day. We were totally in the dark about the number of calls, two instances, and multiple days, until we read the email from Assistant .

I consider this failure to bring all of the information that each of you had, in parts or in total, to my attention. Your failure to resolve the situation at the appropriate level as well as your failure to convey accurate information in a timely manner caused me to make an erroneous decision and contributed to several days of unnecessary and inappropriate bad feelings, comments and angst. It flies in the face of my repeated discussions with members of the department concerning "my open door policy, that things should not fester in the locker room, and that I can only fix what I know about." I expect more, and better, from all of you regarding the conveyance of information.

- 5) Regarding the conduct of the Association, and or officers thereof -- it seems that this is a matter the Chief should not be engaged in. I am disappointed that this is one of several instances that I have become aware of where individual members feel inappropriately or improperly represented by their Association. I would hope that if the Association, or members thereof have current or unresolved issues with my leadership, that they bring them to my attention so that we can work through them.

I would hope that we have all learned some valuable lessons from this event and that it does not occur again. Please advise me of the final compensation to be given to Lt. Griffiths so that he is compensated appropriately for his time on March 19, 20 and 21<sup>st</sup>.

Frank

## **ATTACHMENT C**





CITY OF SPOKANE  
808 W. SPOKANE FALLS BLVD.  
SPOKANE, WASHINGTON 99201-3327  
509.625.6250

December 11, 2015

Spokane City Council  
808 W. Spokane Falls Blvd.  
Spokane, WA 99201

Members of the City Council,

Before I address each question individually, let me apologize to the community and City Council for any confusion that has been created by the way the events have unfolded. It was never my intention, nor that of my Administration, to inaccurately portray the recent personnel moves. The statements made were made out of respect for our employees, but do require some additional background to gain a fuller understanding of the situation.

The steps that have been taken have been singularly driven by the care, concern and wellbeing of our employees to ensure they were treated fairly and appropriately. If any mistakes were made, no matter how well-intended the actions behind them, we need to learn from them and improve as a City.

There has been much discussion about recent personnel matters associated with the Spokane Police Division. Questions have been raised about the process, decisions and timelines regarding two city employees in particular.

You as a City Council have asked legitimate questions. Thank you for the opportunity to address each of those with you directly. I have answered each of those questions (Attachment A) to the best of my ability. In cases where I do not have first-hand knowledge I believe the joint inquiry process we have agreed to is the best way to validate what transpired.

I have also attached a timeline of events (Attachment B) that have relevance to the discussion we are having with the community. It is my goal that we work together to move Spokane forward.

I agree with the City Council that we need the objective lens of an independent inquiry to examine the process, policy and timelines associated with the recent Spokane Police Division personnel matters and release of public information. I am committed to that process so that we may achieve the best outcome for the community we all serve.

Sincerely,

David A. Condon,  
Mayor

## **ATTACHMENT A – RESPONSES TO CITY COUNCIL QUESTION**

Following below please find my responses to your individual questions. The statements and questions from your letter are in italics. My responses follow immediately below.

- *In October 2013, a female Spokane Police employee transferred to another department after reporting “constant negative feedback and belittling” from Chief Straub. This and more recent episodes give rise to a number of specific questions:*

1. *When were you and/or City Administrator Sanders first aware of similar hostile working environment allegations against Chief Straub by former Police Spokesperson Monique Cotton?*

We first became aware of the allegations on April 3. Ms. Cotton’s attorney, Bob Dunn, contacted my office to arrange a meeting with his client. I agreed to the meeting and met with Ms. Cotton only in Mr. Dunn’s office. Ms. Cotton raised concerns about Mr. Straub’s behavior during that discussion and during subsequent discussions with Ms. Sanders. Ms. Cotton talked, in confidence, about behavior she believed constituted sexual harassment of her and was adamant that she did not want to make a formal complaint nor would she participate in any investigation. Ms. Cotton’s concern about sexual harassment is the only one of that nature that came to our attention from a city employee about Mr. Straub.

During those discussions, Ms. Cotton also expressed concerns about Mr. Straub’s behavior as a supervisor that was separate and distinct from the sexual harassment concern. She indicated that she would be comfortable speaking about the latter allegations if others cooperated as well.

Ms. Sanders and I directed the City Attorney’s Office to look into concerns raised about Mr. Straub’s management style, specifically concerns expressed about his behavior during a meeting on March 31. From April 14 to April 16, the City Attorney’s Office interviewed those in attendance at the March 31 meeting and determined that concerns about Mr. Straub’s management style, use of inappropriate language, and offensive demeanor existed.

Following the interviews conducted by the City Attorney’s Office, Ms. Sanders and I met with Mr. Straub in my office on April 21. We discussed and addressed with Mr. Straub the concerns about his behavior during the March 31 meeting. We made it clear that type of behavior would not be tolerated and that Mr. Straub needed to adapt his management

style to continue making the positive changes to the Spokane Police Division and manage his people in a way that did not raise concerns about the work environment.

Mr. Straub agreed, and for a period of few months as we continued to monitor the environment, things seemed to improve. By August, concerns about Mr. Straub's management style began to reemerge. At that point, Ms. Sanders began meeting periodically with individuals who were expressing concern.

2. *Why didn't HR investigate Chief Straub and create written documentation when the administration first became aware of Ms. Cotton's concerns?*

The approach we took was guided by City policy and Ms. Cotton's refusal to file a formal complaint. If the City Council is asking specifically about Ms. Cotton's concern of sexual harassment, it's important to understand City policy regarding sexual harassment. The City's policy (Admin 0620-05-35) on sexual harassment states in section 6.1.4 that "violations of this policy will ideally be resolved at the lowest appropriate level, informally and effectively." Further, section 6.1.5 states that, "An employee who experiences unwelcome sexual behavior may assertively tell the offending person that the conduct is unwelcome and must cease immediately." Finally, section 6.1.6 states, "If the above step 6.1.5 is not effective or feasible and the employee desires an internal resolution of the complaint, the process outlined below shall be followed..."

While Ms. Cotton expressed concern, she was adamant that those concerns be kept in confidence and that she did not want to make a sexual harassment complaint or participate in an investigation, a stance she reiterated in a text message to Ms. Sanders on April 14, 2015, which said, "I want to make sure I am very clear that I do not want an investigation into harassment and do not feel an investigation into this subject is necessary because I have not filed a claim." Ms. Cotton continued to repeat that stance during several subsequent contacts.

Ms. Cotton indicated that she made it known to Mr. Straub that any physical contact from Mr. Straub was inappropriate and unwelcomed. While the veracity of the sexual harassment concern was not able to be established, it was determined by the individual admissions of Mr. Straub and Ms. Cotton that the professional working relationship had deteriorated.

Absent a complaint and a willing participant in an investigation and given Mr. Straub's denial that such an incident occurred, the guidance in section 6.1.4 of the policy tells us to resolve the situation "at the lowest appropriate level, informally and effectively." That

is what occurred, but I welcome the independent inquiry to review the process and the policy.

Ms. Cotton's skills as a communications manager fit an existing need in the Parks and Recreation Division. A \$64 million renovation of Riverfront Park, the City's most recognizable asset, was under way and the division was the only one of its size without a communications manager. Further exacerbating the need, the division's community affairs coordinator was on extended and indeterminate leave.

The Parks and Recreation Division already identified a need for a communications manager. At the recommendation of Ms. Sanders, Ms. Cotton was interviewed by Parks and Recreation Division Director Leroy Eadie and Parks and Recreation Executive Officer Jason Conley on April 27, 2015 to determine if her skills fit the need. Based on that interview, Ms. Cotton was offered the opportunity to move to the Parks and Recreation communications manager position. Ms. Cotton accepted the position on May 4, 2015 and moved to the Parks and Recreation Division.

A prerequisite for triggering section 6.1.6 is that "step 6.1.5 is not effective or feasible." The combination of Ms. Cotton telling Mr. Straub that his actions were unwanted and her satisfaction with the move to the Parks and Recreation communications manager position satisfied sections 6.1.4 and 6.1.5 of the policy.

Personnel matters are difficult and can have far-reaching impacts on those directly involved and well beyond. In this case, there have certainly been impacts to those who have expressed concerns, those who have been the subject of the concerns and potentially to each of our 2,000 City employees who are affected by policy decisions that emerge from this discussion.

I often say that we are a people business. As an employer, our job is to create the best work environment possible for all employees to successfully deliver the level of service our community expects. As City leaders, our jobs are to do that in a manner that is most transparent to that same community.

Sometimes those interests collide and create challenges that place the best-interest of the employees at odds with the expectation for information by members of the public. That has happened here.

3. *Must a city employee hire outside legal counsel, as did Ms. Cotton, in order to properly address hostile working environment claims?*

No. Ms. Cotton made the decision independently and retained counsel before coming to us. A City employee has access to a large array of resources when he or she believes him or herself to have been a victim of sexual harassment, including whether or not to file a formal complaint. City Policy 0620-05-35 has specific complaint procedures, beginning with the alleged victim contacting the alleged harasser's supervisor, in this instance, Ms. Sanders and myself, or the Director of Human Resources. The policy specifically reminds an employee that she or he may be accompanied by an attorney or union representative.

4. *Are exempt employees being treated differently than non-exempt employees in regards to Human Resources investigations?*

No. Every personnel issue is treated based upon the individual merits of the situation. Further, there is no provision for any different treatment in union contracts or city policies. There was no investigation of a sexual harassment allegation because there was no official complaint or willing complainant. The City Attorney's Office did review the complaints about Mr. Straub's management style.

• *Why did it take three months for the release of documents responsive to a media public records request regarding Ms. Cotton?*

1. *When were the documents released by the City on Nov. 24 actually discovered?*

As mayor, my involvement in the public records process is limited to turning documents over to the City Clerk's Office when asked as part of a public records request. To answer this question as thoroughly as possible, I asked the City Attorney's Office for an explanation of the process. Following is a summary of the information I received.

Presumably the City Council's question refers to the City Clerk's release of the following records: a letter from Mr. Dunn to the City, email between the City Attorney and Mr. Dunn, notes from Ms. Sanders' meeting with Monique Cotton, cell records extracted from Ms. Cotton's phone, notes from Capt. Olson and Lt. Griffiths, a CD of emails, and an exemption log.

As you know, public records are not so much "discovered" as they are tediously collected and compiled, reviewed for relevancy to the request, and then reviewed for appropriate redaction or exemption. It is a time-consuming process, ably managed by long-time City Clerk Terri Pfister and her staff. The City received 35 public records requests made on this topic prior to November 24, 2015, and each time, the City Clerk has promptly

notified all relevant employees and departments to collect and provide records that could be responsive to those requests.

These are expansive requests. The initial request from Nicholas Deshais, City Hall Reporter for *The Spokesman-Review*, was received August 18, 2015. In that request, Mr. Deshais asked for eight categories of records, including phone records, budgets, payroll information and "Any and all records, documents or emails related to complaints made by Monique Cotton," and "Any and all records, documents or emails related to complaints made against Chief Frank Straub." Staff members got to work on gathering records upon request from the Clerk's Office.

Those records were then reviewed and, if relevant, either provided to Mr. Deshais in whole or were redacted and provided in that form. Often, if records may need redacting, the Clerk's Office contacts this Office for assistance. That happened in this case.

So far, the City Clerk's Office has produced a letter from Mr. Dunn to the City, email between the City Attorney and Mr. Dunn, notes from Ms. Sanders' meeting with Ms. Cotton, cell records extracted from Ms. Cotton's phone, notes from Capt. Olson and Lt. Griffiths, a CD of other emails, and an exemption log. The City Clerk's Office still has to complete a review of emails to see if there are other responsive documents.

2. *If these documents were discovered prior to November 24, why were these documents not released when they were discovered?*

Public records production is a process. The City Clerk's Office has to complete all the steps before releasing documents. But, I welcome the independent look at the timeline and process of responding to records requests in this manner that we have jointly agreed to so that we may learn and improve.

Part of the request remains unfilled – the email request returned more than 2,000 emails which must be individually reviewed for relevance and redaction. Some of the records were provided shortly after they were collected by the Clerk's Office. The records that were released on November 24 were the last of those requested to be released (except for the email search, which is ongoing).

3. *In this regard, please explain when responsive documents were provided to the City Clerk for review and release?*



I am not aware of the specific dates that all of the records were provided to the Clerk's Office. I'm sure that some documents were collected and provided to the City Clerk in this matter rather quickly, but as I've mentioned, that's only one step in the process, which will be reviewed in our inquiry.

In this case, the ability to respond also was impacted by the large number of requests already in process. The Public Records Act forbids us from discriminating among requestors. We cannot generally move existing requests to the back of the queue to accommodate new requests. The assumption is that all requests are equally important. The Clerk's Office received 994 public records requests through the end of the third quarter of the year and 1,406 through December 8. Those totals included 35 requests on this topic alone prior to November 24, including 28 from media, many of which contained multiple sub-parts for information with the individual request. The attached timeline includes major records requests received through the summer and fall that have kept us very busy.

Three examples of public records requests filed by members of the local media, which were active during the period when public records requests began coming in on the current topic, illustrate this point.

- On June 17, 2015, KXLY-TV filed a public records request for "all city emails sent by, received by Rachel Dolezal, or referencing her name, from January 1, 2014 to present." That request was filled on October 30, 2015 due to the volume of records sought.
- On June 22, 2015, The Inlander filed a public records request for "the names of every individual who died as a result of use of force of any kind by the Spokane Police Department from 1980 until present. Please include the name, age, race of each individual, as well as the type of use of force." That request was filled on October 12, 2015 due to the volume of records sought.
- On June 23, 2015, The Spokesman-Review filed a public records request seeking "emails relating to the Police Ombudsman Commission." That request was filled on October 26, 2015 due to the volume of records sought.

The records released on November 24 in response to Mr. Deshais' request were not initially determined to be responsive. Mr. Deshais had asked for records "related to complaints" made by Ms. Cotton or against Mr. Straub. Neither the Human Resources Department nor the Spokane Police Division had any record of any "complaints" by Ms. Cotton or against Mr. Straub. To the best of our understanding, no "complaint" was ever filed by Ms. Cotton or against Mr. Straub. It was only when "all records" relating to any

communications about Mr. Straub or Ms. Cotton were sought that those records became relevant and responsive. All records were collected, reviewed by the Clerk's Office and the City Attorney's Office, and released.

Adding to the time for response, the City took the required step of giving a "10-day" letter to various City employees; that letter holds any release of records in abeyance for 10 days, during which the City employees had time to consult with their own attorneys to determine if they wanted to seek a court injunction to prohibit the release of the records. This process is endorsed by the courts as a way for employees to seek review by a court to assure that potentially damaging documents are not inadvertently released. Here, the City received waivers from the City employees before the 10 days had expired. The waivers asserted that the employees would not seek to enjoin the release, thus allowing release of the documents earlier than would have been possible otherwise.

- *Recently released documents strongly suggest that you and/or City Administrator Theresa Sanders either mislead or withheld information from the Council, in individual conversations and in executive session, regarding City personnel matters.*
  1. *Please explain why you believe the information conveyed by you and Ms. Sanders is consistent with the state of affairs evident from the recently released documents. Please be aware if there is any dispute about the content of executive session in which both you and City Administrator Sanders delivered potentially inaccurate information, the City Council may, at its discretion, choose to waive the attorney-client privilege and any privilege attaching to executive session in order for the public to finally understand the truth of this matter.*

Mr. Straub was an at-will employee appointed to run the Spokane Police Division. The decision to accept Mr. Straub's resignation was based on the loss of confidence by members of his command staff and the Lieutenants and Captains Association in his leadership of the Spokane Police Division. Simply stated, while Mr. Straub's direct reports believed in the mission and programs of the Spokane Police Division, they could no longer tolerate "multiple instances of communication and management tactics that could constitute a hostile work environment" and what they believe was "a pattern and practice of inappropriate behavior," according to members of the leadership team Mr. Straub selected.

That loss of confidence by those who worked closest with him was ultimately what made me realize it was time for a change. The information known about Mr. Straub's behavior was disclosed in the two letters immediately upon his decision to resign. The City

Council was briefed on Sept. 21 of the allegation contained in the letters received from the command staff and the Lieutenants and Captains Association, which was the only information relevant to my decision to accept Mr. Straub's resignation.

- *It is our understanding the Park Board only approved the inclusion of a new exempt Communications Manager position in its 2016 Budget on the promise that the position would be opened up for a competitive hiring process in which the Park Board has an opportunity to participate, as it has in other recent exempt hirings in Parks. This position ostensibly is currently held by Ms. Cotton.*

1. *Please confirm that you will open the position to such a competitive hiring process. Such positions, even if they are exempt, should be subject to open hiring.*

The Parks and Recreation Division communications manager position has been included in the recently passed 2016 budget. A requisition has been submitted for the position and recruitment will open shortly.

## **ATTACHMENT B – TIMELINE OF KEY EVENTS**

### **March 31, 2015**

- Frank Straub meets with Selby Smith, Rick Dobrow, Mark Griffiths, Monique Cotton and Eric Olsen regarding overtime reporting.

### **April 3, 2015**

- Attorney Bob Dunn requests meeting with Mayor David Condon to discuss a concern expressed by a client, who he later identifies as Monique Cotton. Mayor David Condon meets with Monique Cotton at Bob Dunn's office without her attorney present.

### **April 13, 2015**

- Monique Cotton meets with Theresa Sanders and expresses sexual harassment concerns, makes it clear she does not want an investigation or to file a complaint, and follows up with a text message.

### **April 14, 2015**

- Monique Cotton and Theresa Sanders have follow-up phone conversation and text message exchange. Monique Cotton writes in a text message, "I want to make sure I am very clear that I do not want an investigation into harassment and do not feel an investigation into this subject is necessary because I have not filed a claim."

### **April 14-16, 2015**

- City Attorney's Office interviews all parties present at the March 31 meeting, except Monique Cotton.

### **April 17, 2015**

- City Attorney's Office reports findings to Mayor David Condon and Theresa Sanders.

### **April 20, 2015**

- Monique Cotton and Theresa Sanders have a follow-up phone conversation, which includes Human Resources representative Meghann Steinolfson, regarding transfer to Parks and Recreation Division.

### **April 21, 2015**

- Mayor David Condon and Theresa Sanders meet with Frank Straub to discuss the City Attorney's Office findings.

### **April 27, 2015**

- Leroy Eadie and Jason Conley interview Monique Cotton for Parks and Recreation communications manager.

**May 4, 2015**

- City announces that Monique Cotton has been appointed to manage communications, outreach and public relations for the Riverfront Park and other Parks and Recreation Division initiatives.

**June 2015**

- Leroy Eadie discusses need for a permanent communications manager with the Park Board.

**June 8, 2015**

- Attorney Bob Dunn sends first letter on behalf of Monique Cotton to City Attorney's Office requesting reimbursement for fees and expenses.

**June 17, 2015**

- Attorney Bob Dunn sends second letter on behalf of Monique Cotton to City Attorney's Office seeking reimbursement for fees and expenses.
- *KXLY-TV* files public records request for "all city emails sent by, received by Rachel Dolezal, or referencing her name, from January 1, 2014 to present."

**June 22, 2015**

- *The Inlander* files public records request for "the names of every individual who died as a result of use of force of any kind by the Spokane Police Department from 1980 until present. Please include the name, age, race of each individual, as well as the type of use of force."

**June 23, 2015**

- *The Spokesman-Review* files public records request seeking "emails relating to the Police Ombudsman Commission."

**August 17, 2015**

- Parks and Recreation community affairs coordinator returns to work on a limited basis.

**August 18, 2015**

- *The Spokesman-Review* files public records request seeking a letter from Bob Dunn to the City, email between the City Attorney and Bob Dunn, notes from Theresa Sanders'

meeting with Monique Cotton, cell records extracted from Monique Cotton's phone, and notes from Capt. Eric Olson and Lt. Mark Griffiths.

**August 19, 2015**

- Nick Deshais of *The Spokesman-Review* interviews Theresa Sanders for a story about Monique Cotton's transfer to the Parks and Recreation Division.

**August 20, 2015**

- *The Spokesman-Review* files public records request for "Any and all records, documents or emails related to complaints made by Monique Cotton."

**August 21, 2015**

- *The Spokesman-Review* files public records request for "any and all records, documents or emails related to or discussing any interviews, conversations and any other type of communication that took place between March 1, 2015 and August 1, 2015 between City Attorney Nancy Isserlis and any member or personnel of the Spokane Police Department" AND "any and all records, documents or emails related to or discussing Monique Cotton's transfer from the Spokane Police Department, involving Gavin Cooley, Erin Jacobson or Heather Lowe."

**September 5, 2015**

- Brian Breen files public records request for any and all documents to include emails and text messages relating to any and all complaints or allegations made against Frank Straub or Monique Cotton as well as any and all documents from third parties related to transfer of Monique Cotton between January 1, 2015 and September 5, 2015

**September 8, 2015**

- Mayor David Condon meets with members of the Lieutenants and Captains Association to discuss concerns about behavior of Frank Straub.

**September 10, 2015**

- Mayor David Condon meets with members of the Spokane Police Division command staff to discuss concerns about behavior of Frank Straub.
- Mayor David Condon meets with members of the Spokane Police Guild to discuss concerns about behavior of Frank Straub.

**September 15, 2015**



- Theresa Sanders meets with Assistant Chief Selby Smith to discuss concerns about behavior of Frank Straub.

**September 16, 2015**

- Jon Snyder files public records request seeking records released to Brian Breen.
- *The Inlander* files public records request for any investigative materials and findings from the Internal Affairs Investigation regarding any police misconduct and Monique Cotton.
- Theresa Sanders meets with Capt. Eric Olson to discuss concerns about behavior of Frank Straub.

**September 17, 2015**

- *The Inlander* files public records request seeking any complaints filed by Monique Cotton against the city of Spokane.

**September 18, 2015**

- Theresa Sanders meets with Lt. Steve Wohl to discuss concerns about behavior of Frank Straub.
- Assistant Chief Rick Dobrow, Assistant Chief Selby Smith, Director Tim Schwering and Deputy Director Sarah Lynds send letter to Nancy Isserlis detailing concerns about the behavior of the police chief.
- The Executive Board of the Lieutenants and Captains Association sends letter to the City Attorney's Office detailing concerns about the behavior of the police chief.

**September 21, 2015**

- Mayor David Condon and Theresa Sanders meet with Frank Straub to discuss signed written complaints received from the Spokane Police Division command staff and the Lieutenants and Captains Association.
- City staff meets with City Council in executive session to discuss personnel issue and inform them that two letters were received.

**September 22, 2015**

- Mayor David Condon and Council President Ben Stuckart announce Frank Straub's resignation.
- Alan McDowell files public records request for Frank Straub vetting process.
- *KHQ-TV* files public records request for internal affairs investigations involving Frank Straub between Jan. 1, 2014 and Sep. 22, 2015.

**September 23, 2015**

- *The Inlander* files public records request seeking same records as requested under The Spokesman-Review request and eight additional requests.
- *KHQ-TV* files public records request seeking same records as requested under The Spokesman-Review request and eight additional requests.
- *KHQ-TV* files public records request seeking any phone records including calls and text messages between Mayor David Condon and Police Chief Frank Straub and any phone records including calls and text messages between Monique Cotton and Mayor David Condon.
- *The Inlander* files public records request seeking all text messages between Frank Straub and Monique Cotton.
- *KREM-TV* files public records request of all of Mayor Condon's texts and emails regarding Frank Straub from January 2015 to present.
- *KREM-TV* requests notes and minutes of meeting held on September 8, 2015 where several members of the Spokane Police Department Lieutenants and Captains Association met with City Administrator Theresa Sanders and Mayor David Condon.
- *KREM-TV* files public records request for notes and minutes of meeting held on September 17, 2015 where several members of the Lieutenants and Captains executive board met with Assistant Chief Rick Dobrow, Assistant Chief Selby Smith, Director Tim Schwering, Deputy Director Sarah Lynds, members of the Police Guild, and Human Resources Representative Meghann Steinolfson for Labor-Management meeting.
- *KREM-TV* files public records request seeking notes and minutes from the meeting held on September 10, 2015 with the Mayor and City Administrator and members of the Police Guild and Lieutenants Association.
- *KREM-TV* files public records request for a copy of Police Chief Frank Straub's letter of resignation, along with any response from the City, Mayor, or Human Resources Department.
- *KREM-TV* files public records request for copies of emails to and from Carly Cortright regarding her move out of the Spokane Police Department and into her new position.
- *KREM-TV* files public records request seeking copies of emails and text messages between Frank Straub and Monique Cotton from January 2015 to present.
- *KREM-TV* files public records request seeking copy of all complaints filed against Frank Straub.
- *KREM-TV* files public records request seeking internal affairs investigations against Frank Straub hire to present.

#### **September 24, 2015**

- Parks and Recreation community affairs coordinator returns to a more full-time schedule.
- *KHQ-TV* files public records request seeking the yearly budget and actual spending for the Spokane Police Department for 2011, 2012, 2013, 2014 and 2015.

- *KREM-TV* files public records request seeking same records *The Spokesman-Review* with an extension of the date through September 23.

#### **September 25, 2015**

- *The Inlander* files public records request seeking all record requests made by Dave Cotton from 2011 to present.
- *The Inlander* files second public records request seeking documents referenced in an article.

#### **October 2, 2015**

- Rick Eichstaedt files public records request for August 28, 2015 email from Assistant Fire Chief Brian Schaeffer to Nick Deshais discussing Monique Cotton.
- Attorney Mary Schultz responds to letter from City legal seeking resignation letter from Frank Straub.

#### **October 6, 2015**

- Frank Straub signs and submits resignation letter.

#### **October 8, 2015**

- Frank Straub files claim against City of Spokane.
- *KXLY-TV* files public records request seeking tort claim.

#### **October 9, 2015**

- *KHQ-TV* files public records request seeking Frank Straub offer letter.
- *KXLY-TV* files public records request seeking Frank Straub's resignation letter.

#### **October 12, 2015**

- *The Spokesman-Review* files public records request seeking copies of documents provided to *The Inlander* surrounding a human resources complaint, and the resolution of that complaint, against Monique Cotton by Lt. Dave McCabe.
- Documents released relate to the public records request filed on June 22, 2015 by the Inlander for "the names of every individual who died as a result of use of force of any kind by the Spokane Police Department from 1980 until present. Please include the name, age, race of each individual, as well as the type of use of force."
- Mayoral candidate Shar Lichty files complaints with the Ethics Commission against Theresa Sanders and Brian Coddington.

#### **October 19, 2015**

- Alan McDowell files public records request seeking Frank Straub's personnel file.

**October 20, 2015**

- Attorney Mary Schultz files records request for Frank Straub's entire personnel file

**October 21, 2015**

- *The Spokesman-Review* requests "any records requests related to Frank Straub and Monique Cotton after Aug. 18, 2015"

**October 26, 2015**

- Documents released related to the public records request filed on June 23, 2015 by *The Spokesman-Review* seeking "emails relating to the Police Ombudsman Commission."

**October 27, 2015**

- Theresa Sanders and Brian Coddington submit written responses to the Ethics Commission.

**October 30, 2015**

- Documents released related to the public records requested filed on June 17, 2015 by *KXLY-TV* for "all city emails sent by, received by Rachel Dolezal, or referencing her name, from January 1, 2014 to present."

**November 10, 2015**

- Letters sent to Mary Schultz, Bob Dunn, Monique Cotton, Theresa Sanders and Lieutenants and Captains notifying them of intended records release on November 24.

**November 11, 2015**

- Theresa Sanders stipulates to the Ethics Commission that she withheld information to *The Spokesman-Review* when asked about the circumstances surrounding Monique Cotton's transfer. Ethics Commission fines her \$75 and orders her not to speak to the media about personnel matters regarding Frank Straub and Monique Cotton.
- Ethics Commission dismisses complaint against Brian Coddington as unfounded.

**November 13, 2015**

- Cell phone records between Frank Straub and Monique Cotton released.

**November 18, 2015**

- Lt. Mark Griffiths and Capt. Eric Olsen forward notes from March 31 meeting to City Clerk's Office.

**November 19, 2015**

- Parks and Recreation community affairs coordinator announces she will retire from the City effective Dec. 3.

**November 20, 2015**

- Letter sent to Capt. Eric Olsen, Lt. Mark Griffiths, Monique Cotton, Bob Dunn and Lieutenants and Captains Association requesting injunction waiver for records release

**November 24, 2015**

- Dunn letters, Sanders notes, Olsen notes, Griffith notes released to media.

## **ATTACHMENT D**

## THE SPOKESMAN-REVIEW

August 20, 2015

# Spokane city administrator defends transfer of spokeswoman Monique Cotton

Nicholas Deshais

The Spokesman-Review

---

**Tags:** 2015 Washington election David Condon Monique Cotton Shar Lichty Spokane City Hall Spokane Police Department Theresa Sanders

Spokane City Administrator Theresa Sanders said Wednesday she takes responsibility for the decision to transfer a police department spokeswoman to the parks department, a move that raised questions among some park board and City Council members.

Monique Cotton left her position as the Spokane Police Department's spokeswoman in May to join the parks department, but her salary is still funded through the police budget.

As a police spokeswoman, Cotton earned \$80,900 in 2014. With parks, she was given a nearly \$10,000 pay increase for a salary of \$90,000, which is scheduled to rise to \$96,000 in 2016.

Sanders called the pay increase an "enticement."

She acknowledged the decision likely came as a surprise to park board members.

"That's the way I work. I move quick," said Sanders, noting that she spoke with parks Director Leroy Eadie before moving Cotton. She said the pay increase was necessary to convince Cotton.

"It's mostly an enticement. I was bringing her into an uncertain environment," said Sanders, noting that Cotton is not protected by a union.

Sanders said the decision to move Cotton came as part of a larger city endeavor to "tell the story" of Riverfront Park, which will undergo a vast transformation in coming years as part of the \$64 million park bond passed by voters last year.

Shar Lichty, who has mounted an underdog challenge to Spokane Mayor David Condon's re-election bid, called the move "shady," and said it came at the expense of public safety. She also called for greater transparency in City Hall.

Lichty, who came in a distant second to Condon in this month's primary election, said the position's salary would be "better used to hire another police officer."

"It should raise questions to the public," she said. "It just does not make sense. Why isn't council more aware of what's going on? What are they hiding? What's the real story behind it?"

Condon told Mike Fitzsimmons on KXLY radio that Cotton was needed in parks because Nancy Goodspeed, another parks spokeswoman, "is going through a significant medical issue that is chronic. ... We needed an immediate communications person in that position."

Park board members say they were informed of the move only after the decision was made, even though the board controls park spending and is charged with managing the department. City Council members did not know of the move until Cotton already was working in the parks department.

"It is glaring that there's a lack of transparency coming from that administration," Lichty said. "I think whenever there's lack of transparency, people should be asking questions."

Attempts made to reach Condon on Tuesday and Wednesday were unsuccessful, but he emailed a statement to The Spokesman-Review Wednesday evening.

"Ms. Cotton is a talented communications professional who does great work for the City," the statement said. "She is filling a critical need in our Parks Department during a time we need additional public engagement with our citizens."

Lichty dismissed Sanders' taking responsibility for Cotton's transfer, raise and source of her salary. She said all decisions and their repercussions belonged to Condon.

"It happened under his supposed leadership. He's the one in charge of City Hall," she said.

---

**Get more news and information at [Spokesman.com](http://www.spokesman.com)**



## **ATTACHMENT E**

**Rick Eichstaedt**

---

**Subject:**

FW: FW: Cotton question

----- Forwarded message -----

From: **Nicholas Deshais** <[nickd@spokesman.com](mailto:nickd@spokesman.com)>

Date: Tuesday, December 22, 2015

Subject: FW: Cotton question

To: "[nicholas.deshais@gmail.com](mailto:nicholas.deshais@gmail.com)" <[nicholas.deshais@gmail.com](mailto:nicholas.deshais@gmail.com)>

-----Original Message-----

From: Schaeffer, Brian [<mailto:bschaeffer@spokanecity.org>]

Sent: Friday, August 28, 2015 11:36 AM

To: Nicholas Deshais

Subject: Re: Cotton question

Yes it was in April, I'm pretty sure.

Please ignore typos, the message was sent from my iPhone

> On Aug 28, 2015, at 11:28, Nicholas Deshais <[nickd@SPOKESMAN.com](mailto:nickd@SPOKESMAN.com)> wrote:

>

> Thanks Brian. Was the discussion in the spring, or do you believe it took place before then?

>

> -----Original Message-----

> From: Schaeffer, Brian [<mailto:bschaeffer@spokanecity.org>]

> Sent: Friday, August 28, 2015 11:11 AM

> To: Nicholas Deshais

> Subject: Re: Cotton question

>

> The discussion of creating a public safety PIO position and assigning Cotton in there was discussed. I don't remember when, exactly, but we did have a meeting and decided that we would prefer to do a recruitment for someone that was better fitted for fire.

>

> Please ignore typos, the message was sent from my iPhone

>

>> On Aug 28, 2015, at 10:12, Nicholas Deshais <[nickd@SPOKESMAN.com](mailto:nickd@SPOKESMAN.com)> wrote:

>>

>> Hey Brian,

>>

>> In my reporting, I have heard that the city administration asked the Spokane Fire Department if Monique Cotton could join the department as a spokesperson. Is this true? Also, do you recall if this took place in April of this year?

>>

>> Thanks,  
>>  
>> Nicholas Deshais  
>> City Hall reporter  
>> The Spokesman-Review  
>> 509-459-5440  
>> @NickDeshais  
>