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6 CITY OF SPOKANE ETHICS COMMISSION

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8 SPOKANE AREA NOW,

9 Plaintiff,

10 vs.

11 DAVID CONDON, MAYOR,

12 Defendant
13

RESPONDENT MAYOR DAVID
CONDON 'S MOTION TO DISMISS
ETHICS COMPLAINT – SPOKANE
CHAPTER OF NATIONAL
ORGANIZATION OF WOMEN

14
15 COMES NOW, Respondent, by and through his undersigned attorneys and moves to
16 dismiss, pursuant to SMC 1.04A.110(d). The complaint of the Spokane Chapter of the
17 National Organization of Women dated December 22, 2015. This motion is based upon the
18 following undisputed facts as well as the Declaration of James King and the attachments
19 thereto.
20

21 **ALLEGATIONS CONCERNING SEPTEMBER 22, 2015, PRESS**
22 **CONFERENCE**

23 The Complaint alleges that Respondent was dishonest at a September 22, 2015, press
24 conference following the resignation of Chief Frank Straub. The Complaint alleges that at the
25 press conference Respondent was asked if sexual harassment complaint had been lodged
26 against Chief Straub. The Mayor responded in the negative. That answer was true. No one
27 filed or made any formal claim of sexual harassment against Straub prior to his resignation.
28

29 MOTION TO DISMISS- page 1
30

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1 Monique Cotton still has not filed a formal claim and has specifically disclaimed any intent to
2 file a formal claim.

3 The Mayor was also asked if a rumor of an inappropriate relationship between Chief
4 Straub and another female was involved in the Straub resignation and the Mayor responded
5 that the resignation was due to management style issues and that there had been no official
6 filings of anything. Accordingly, giving the complainant every benefit of the doubt, the
7 question asked of Mayor Condon on September 22, 2015, was whether there had been any
8 sexual harassment complaints lodged against Chief Straub. Mayor Condon responded by
9 saying, "No," and that there had been "no official filings of anything." It was and is the case
10 that Monique Cotton has never filed a formal claim against the City of Spokane alleging
11 workplace misbehavior by Chief Straub. The Respondent's truthful statement on September
12 22, 2015, that there had been "no official filings of anything is unassailable.

13 In fact, as the Mayor disclosed at the September 22, 2015, press conference, Chief
14 Straub's management style had something to do with Ms. Cotton's transfer to the Parks
15 Department.

16 The Commission has already dismissed two complaints involving the same response
17 and conduct (Pendleton and Spitzer) at its meeting of January 13, 2016, because it is
18 undisputed that the statement by Mayor Condon on September 22 that no official complaints
19 had been filed was true. Accordingly, this aspect of the NOW Complaint is subject to
20 dismissal under §01.04A.110(d) in that even if NOW were to prove that Mayor Condon made
21 the cited remark at the time of the September 22, 2015, press conference, the statement is a
22 true summary of the existing status of Ms. Cotton as an employee of the City. (Attached as

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30 MOTION TO DISMISS- page 2

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1 Exhibit A is a certified copy of the transcript of the press conference held September 22,
2 2015.) Without evidence that the Mayor was asked further follow up questions regarding any
3 complaints of any kind, formal or informal, written or verbal, this matter must be dismissed.

4 Under general principles of collateral estoppel and res judicata and given the prior
5 dismissal of the factually indistinguishable Pendleton and Spitzer complaints, this aspect of the
6 NOW Complaint is likewise subject to dismissal. The doctrine of res judicata is applicable in
7 quasi-judicial administrative matters. *Davidson v. Kitsap County*, 86 Wn.App. 673, 937 P.2d
8 1309 (1997). When an administrative proceeding is quasi-judicial and a final decision has
9 been made, the judicial doctrines of preclusion apply. *Hilltop Terrace Home Owners Assoc. v.*
10 *Island County*, 72 Wn.App. 91, 863 P.2d 604 (1993). The decisions of an administrative
11 tribunal are given preclusive effect under collateral estoppel principals when the agency acted
12 within its confidence to make a factual decision; when agency and court procedural
13 differences are minimal, and when policy considerations support application of the doctrine.
14 *City of Bremerton v. Sesko*, 100 Wn.App. 158, 995 P.2d 1257 (2000).

15 Here the Ethics Commission has concluded in the Spitzer and Pendleton complaints
16 that the Mayor did not speak dishonestly. Since the first allegation by NOW against Mayor
17 Condon is simply a rehash of that same press conference. Judicial principals of res judicata
18 and collateral estoppel justify the Ethics Commission dismissal of this matter.

19 In fact, should the Respondent have disclosed information conveyed to him by
20 Ms. Cotton in April of 2013, with her specific request for confidentiality, the Respondent
21 would have been in jeopardy of violating §01.04A.030I of the Code of Ethics which prohibits
22 the disclosure of confidential information gained by reason of an official position

23 MOTION TO DISMISS- page 3

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1 No City officer or employee shall, except as required or
2 reasonably believed to be required for the performance of his/her
3 duties, disclose confidential information gained by reason of
4 his/her official position or use such information for his/her own
5 personal interest. "Confidential information" is all information,
6 whether transmitted orally or in writing, that the employee has
7 been informed, is aware of, or has reason to believe is intended
8 to be used only for City purposes, is not intended for public
9 disclosure, or is otherwise of such a nature that it is not, at the
10 time, a matter of public record or public knowledge.

11 Confidential information includes, but is not limited to, personal
12 information regarding City officials and employees; private
13 financial and other personal information provided by City
14 taxpayers, licensors, contractors, and customers; intelligence and
15 investigative information, including the identity of persons filing
16 complaints; formulas, designs, drawings, and research data
17 obtained or produced by the City and preliminary, nonfinal
18 assessments, opinions, and recommendations concerning City
19 policies and actions. . .

20 Confronted by the inalterable fact that Mayor Condon spoke truthfully at the
21 September 22 press conference when he stated no official complaints had been filed
22 concerning Chief Straub, NOW continues that the Respondent's statement "amounts to a lie of
23 omission or continuing misrepresentation." As discussed by the Commission at its last
24 meeting, in the absence of any common law or statutory or legislative definition of the term
25 "dishonesty" in the Code of Ethics, what NOW argues is that any time the Mayor is asked a
26 question, he must respond by providing all information known or possessed by him
27 concerning the subject, regardless of whether the information in his possession has been
28 relayed to him subject to the information remaining confidential, in order to prevent "a
29 misconception." Contorting the Code of Ethics into a vehicle by which every city employee is
30 obligated to answer any question put to them by disclosing all information of any kind bearing

MOTION TO DISMISS- page 4

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1 on the subject imposes an intolerable burden on employees and officers of the City of
2 Spokane, is not contemplated by, proscribed or prohibited by the Code of Ethics, and is a
3 stunningly intolerable burden to impose as a condition of public employment.

4
5 DATED at Spokane, Washington this 19 day of January, 2016.

6 EVANS, CRAVEN & LACKIE, P.S.

7 By

8 James B. King, WSBA #8723
9 Attorney for Respondent
10 David Condon

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CERTIFICATE OF SERVICE

Pursuant to RCW 9A.72.085, the undersigned hereby certifies under penalty of perjury under the laws of the State of Washington, that on the 19 day of January 2016, the foregoing was delivered to the following persons in the manner indicated:

Rick Eichestaedt
Center for Justice
35 W. Main, Ste. 300
Spokane, WA 99201

VIA REGULAR MAIL ☒
VIA CERTIFIED MAIL ☐
VIA FACSIMILE ☐
HAND DELIVERED ☐
VIA EMAIL ☒

1-19-16 / Spokane, WA
(Date/Place)





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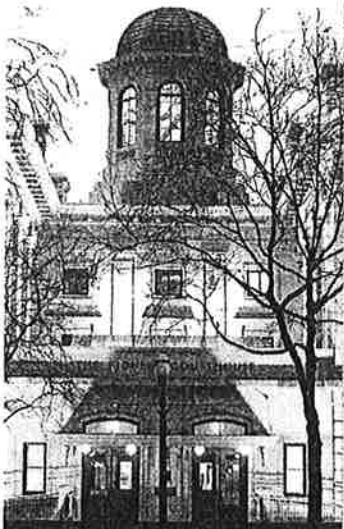
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**MAYOR OF SPOKANE DAVID CONDON
AND CITY COUNCIL PRESIDENT BEN STUCKART**

**PRESS CONFERENCE
HELD ON
TUESDAY, SEPTEMBER 22, 2015**

**TRANSCRIBED BY
NAEGELI DEPOSITION AND TRIAL
25 SOUTH ALTAMONT STREET
SPOKANE, WASHINGTON 99202**

<p>2</p> <p>1 MAYOR OF SPOKANE DAVID CONDON 2 AND CITY COUNCIL PRESIDENT BEN STUCKART 3 PRESS CONFERENCE HELD ON 4 TUESDAY, SEPTEMBER 22, 2015</p> <p>5 6 MAYOR CONDON: I'm with Council president. 7 Commanding a police department is difficult work. 8 The environment is demanding, and sometimes the time comes 9 to move in a different direction. Today I accepted Frank 10 Straub's resignation. He will be reassigned to City 11 Attorney to ensure important strategic criminal justice 12 initiatives and ensure a seamless transition as we pursue 13 those. His last day of city employment will be January 1st, 14 2016. Rick Dobrow will serve as the interim chief. 15 The Spokane Police Division has come a long way 16 under Frank's leadership. Crime has decreased by double 17 digits last year and is again down double digits through the 18 first three quarters of this year. The use of force 19 incidents have also declined significantly as officer 20 training has emphasized new crisis intervention and de- 21 escalation techniques. Staffing has risen to just over 300 22 officers with a plan in place to keep that level consistent. 23 Transparency, including the use of body cameras, 24 is at an all-time high and will continue. Officers are 25 building new relationships with neighborhoods they serve.</p>	<p>4</p> <p>1 MAYOR CONDON: You know, after receiving some 2 concerns over the last few weeks, several weeks of his 3 management style, it was clear that we needed to move in a 4 direction. Change management is different as we implement 5 some of these, and I think it's critical, as we moved 6 forward, it was mutually agreed that this is the best way to 7 do that. 8 REPORTER: That Monique Cotton was transferred to 9 the Parks Department related to this any way? 10 MAYOR CONDON: The -- it's definitely part of the 11 -- the management process, but also as we sought to look for 12 the -- the background in someone we had in this organization 13 for our parks, and particularly the capability of marketing, 14 a capability of very proactive public information and taking 15 it beyond as public information, but also as we -- we 16 implement the new park strategy, she will continue to be 17 there and is serving very well there as we roll out the new 18 Riverfront Park and other major initiatives in the Parks 19 Department. 20 REPORTER 1: But has that had something to do with 21 her transfer? 22 MAYOR CONDON: It was -- she definitely was part 23 of this discussion. 24 REPORTER 1: Were there any sexual harassment 25 complaints lodged against Frank?</p>
<p>3</p> <p>1 Public trust and confidence in our police officers has risen 2 dramatically. We have been fortunate to collaborate with 3 the Independent Citizen Use of Force Commission and the U.S. 4 Department of Justice COPS program, as we set out to 5 reintroduce our officers to the community and improve law 6 enforcement service citywide. 7 We appreciate very much Frank's service and the 8 work he has done to help us get to this point. He gave us 9 great momentum to build from law enforcement organizations, 10 city and community, and we remain committed to those 11 efforts. 12 The men and women of the Spokane Police Division 13 have done outstanding work over the past four years. Their 14 commitment to serving this community and their tireless 15 efforts in delivering Spokane to us is well down the road to 16 becoming the safest city of our size. 17 There is still work to be done, and the Spokane 18 Police Division is up to that challenge. The Division is 19 under the leadership of Chief Rick Dobrow, who will continue 20 driving down crime and building relationships with our 21 community as we go. With that, I'll be followed by Council 22 President. 23 MR. STUCKART: We are open for questions. 24 REPORTER: Was Frank forced to resign, or was this 25 on his own?</p>	<p>5</p> <p>1 MAYOR CONDON: No. 2 REPORTER 2: There have been rumors of an 3 inappropriate relationship between the Chief and Ms. DeGaff 4 (phonetic). Has that been brought up at all? Was that made 5 any part of this as well? 6 MAYOR CONDON: The critical thing is the 7 management style. The issue with -- that you speak of, but 8 there has been no official filing of anything. 9 REPORTER 3: When you say management style, can 10 you elaborate? 11 MAYOR CONDON: You know, I spoke about this, you 12 know, a few moments ago. I think it's critical, as -- as we 13 implement a significant change, and I think you'll probably 14 be seeing that, and making sure that we stayed on that 15 course and -- and held people accountable. There's ways to 16 do that. And it then become evident more and more that the 17 -- that the management style of Chief Straub was not 18 consistent with his senior management. 19 And they -- they expressed that over the last 20 several weeks. And then -- and we have been doing -- I have 21 been interviewing many of them, and so the City 22 Administrator -- but culminated in a memorandum that I 23 believe you have that memorialized those needs. 24 REPORTER 4: Can you talk a little bit about some 25 of those complaints that they had with the Chief?</p>

<p>6</p> <p>1 MAYOR CONDON: I think they're in front of you.</p> <p>2 You can see those. And -- and really, it was a -- you can</p> <p>3 see them in front of you.</p> <p>4 REPORTER 4: Senior staff letters, kind of, pull</p> <p>5 this out, some of the concerns, outbursts, inappropriate use</p> <p>6 of language, retaliation.</p> <p>7 REPORTER 5: I think -- you know, that you said</p> <p>8 the Chief put in some pretty strict reforms. Do you think</p> <p>9 this could just be outbreaks among the rank and file trying</p> <p>10 to get out a police chief who was making changes within the</p> <p>11 Department?</p> <p>12 MAYOR CONDON: You know, I think that you -- you</p> <p>13 drive at an issue of how do we continue to move us forward</p> <p>14 in a culture change. But -- and that's why -- I mean, this</p> <p>15 is -- this is not a decision that we make lightly, meaning</p> <p>16 the progress that our Police Division has made is -- is now</p> <p>17 being nationally recognized. But that being said, that's</p> <p>18 why we needed to -- to do firsthand interviews with those</p> <p>19 folks and really substantiate them.</p> <p>20 And I think as you -- as you look at these, and</p> <p>21 yes, we needed to make sure we had the right people in</p> <p>22 place. We have an excellent senior management team in the</p> <p>23 Police Division. Many of them were selected by Frank</p> <p>24 Straub, and they will continue in those positions with Rick</p> <p>25 Dobrow. Rick Dobrow was selected by Chief Straub.</p>	<p>8</p> <p>1 REPORTER 6: And when you sought out Chief Straub</p> <p>2 for this job and that went through a process, what is the</p> <p>3 process going to look like for his replacement? Is Dobrow</p> <p>4 going to stay? Is he an interim? Are you going to go out</p> <p>5 for a national search for a new chief?</p> <p>6 MAYOR CONDON: You know, at this point, it's --</p> <p>7 Chief Dobrow will serve in an interim capacity, but there is</p> <p>8 no immediate steps to be taken for a national search,</p> <p>9 although I think his -- his role as the Assistant Chief has</p> <p>10 -- well, his role will serve us well as we implement many of</p> <p>11 these programs and procedures and pilot programs. We've</p> <p>12 seen great success in them, and so my opinion is to stay</p> <p>13 that course. Rick Dobrow is committed to -- to these</p> <p>14 programs that have been brought to Spokane, so there is no</p> <p>15 immediate steps to do anything except to have Rick Dobrow as</p> <p>16 the Chief and the senior management team to stay in place.</p> <p>17 REPORTER: And just real quick. Council has</p> <p>18 really high confidence in Chief Dobrow. I have never dealt</p> <p>19 with anybody in the police force that has answered any</p> <p>20 question or concern I have faster or more thoroughly, and</p> <p>21 you can do exactly your job (phonetic).</p> <p>22 REPORTER: Mayor, he was your choice for police</p> <p>23 chief. Do you think this will have any sort of effect of</p> <p>24 your re-election?</p> <p>25 MAYOR CONDON: You know, let's remember how this</p>
<p>7</p> <p>1 And so we will -- we are committed to the</p> <p>2 programs, whether it be the Youth Engagement programs, to</p> <p>3 the -- the management and utilizing the tools of comp staff,</p> <p>4 those have proven to be highly regarded and useful in</p> <p>5 bringing down our crime rate and -- and really having the</p> <p>6 best officers that we've had in years, both trained and</p> <p>7 automobile (phonetic).</p> <p>8 MR. STUCKART: Time for two more questions.</p> <p>9 REPORTER 5: When did you guys first hear about</p> <p>10 these complaints, how long ago, and can we expect any other</p> <p>11 shakeups within the Police Department, any other</p> <p>12 resignations at this point?</p> <p>13 MAYOR CONDON: You know, it's been -- over the</p> <p>14 last several weeks, as we have been, you know, starting to</p> <p>15 hear of some of these -- these issues that maybe rise above</p> <p>16 folks, you know, just complaining about those changes and</p> <p>17 there's new ways of doing things, which I suggest would be</p> <p>18 in any organization as you -- as you make major changes. I</p> <p>19 see a very steady senior leadership in at least in the</p> <p>20 interim (phonetic). I have full confidence in -- in Rick</p> <p>21 Dobrow. He has been with the Police Division for 21 years.</p> <p>22 He is very steady. And there's no initial plans to do any</p> <p>23 type of changes in the -- in the senior management.</p> <p>24 REPORTER 5: So no other resignations, either</p> <p>25 within the Police Department or outside of it.</p>	<p>9</p> <p>1 process went. It was a national search. All of the senior</p> <p>2 positions are ultimately appointed by me and confirmed by</p> <p>3 the Council. This was probably one of the most engaged</p> <p>4 citizens' election process, if, well not, it was the most.</p> <p>5 And so it went through five different selections mates.</p> <p>6 He was the overwhelming choice by those selection</p> <p>7 committees, especially the -- the community-based committees</p> <p>8 that met that day. And so I think as we see this, yes, all</p> <p>9 these positions are appointed by the mayor and confirmed by</p> <p>10 the Council. But this is the selection that was made by</p> <p>11 this community.</p> <p>12 And let's remember where we've come in the last</p> <p>13 four years. This -- the national expertise that Frank</p> <p>14 Straub brought to our community, the programs, the</p> <p>15 facilitation of the education and training of our senior</p> <p>16 officers had never been at this level before. And so those</p> <p>17 will continue.</p> <p>18 And what's -- and what is exciting is just that</p> <p>19 was an investment in our officers that we have not seen.</p> <p>20 With the -- with the full allocation by the City Council, we</p> <p>21 -- we allocated budget resources to the Police Division that</p> <p>22 we hadn't seen in years that allowed us to invest in our</p> <p>23 officers and allowed us -- you know, we're the only one that</p> <p>24 we know of, maybe in the country, that's 40 hours of</p> <p>25 critical incident training. And you've seen the dividends</p>

<p style="text-align: right;">10</p> <p>1 that they've been paid. You know, we have had reduction in 2 use of force. We have better-trained officers to deal with 3 those that are in mental crisis. The story continues. The 4 youth programs that we've had. We were recognized by the 5 White House just a month ago. 6 As I traveled there with members of our community 7 and with the Chief and presented on some of those, of how we 8 were making true changes and -- and really growing those 9 programs, whether it be WPI or whether it be other 10 initiatives of engaging our youth. And I think our 11 community has seen that and will continue to see that 12 because that has spread throughout the entire Police 13 Division. Thank you very much. 14 REPORTER: Frank, can you answer some questions? 15 MR. STUCKART: Sure. 16 REPORTER: Who will be paying the Chief's salary 17 at the Attorney's Office? Will it still come from the 18 Police Department or the City Attorney's Office? 19 MR. STUCKART: Those details are still being 20 worked out at this point. We've really just gotten together 21 today, so we've got some work to do in figuring out the 22 details. 23 REPORTER: And also, you didn't really speak of 24 why the sudden adjournments, why did it just come together 25 today and why are we all gathered here with ten minutes'</p>	<p style="text-align: right;">12</p> <p>1 sure that for Monique's sake, that she was taking another 2 career advancement and moving forward in her career, taking 3 a job that was -- we just wanted to be sure that that would 4 be a good for her. 5 REPORTER: So there was other factors in her 6 \$10,000 pay increase and -- 7 MR. STUCKART: No. 8 REPORTER: -- move to Parks? 9 MR. STUCKART: No. 10 (End of September 22, 2015 Press Conference) 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">11</p> <p>1 warning? 2 MR. STUCKART: Well, I think it may feel sudden to 3 you, but this is something that's been going on and being 4 discussed. As we talked about, there have been some 5 conversations that have been going on for the past couple of 6 weeks that have occurred, and it came to a point where there 7 was a mutually-agreed upon decision that it was time for 8 everybody to move forward. 9 REPORTER: And Theresa Sanders described to me the 10 \$10,000 pay increase that Monique Cotton got as enticement, 11 to entice her to Rec and Parks, and the Mayor said it didn't 12 sound like it was an enticement. How do you reconcile what 13 Theresa Sanders says a month ago? 14 MR. STUCKART: So you're familiar with the step 15 system we have. Since she was close to the step -- to the 16 step increase, she was weeks away from her, you know, being 17 in a step increase. So that was factored in there. 18 Ms. Nadrich (phonetic) reported on -- I believe 19 also it included a bump that had been heard with the 20 resolution of the -- a contract, and a contract that got 21 ultimate -- everybody bumped in -- 22 REPORTER: Why did she describe that as an 23 enticement, then? 24 MR. STUCKART: To me, it was part a step increase 25 to move her forward so she -- you know, she wanted to be</p>	<p style="text-align: right;">13</p> <p>1 CERTIFICATE 2 3 I, Marilyn J. Broyles, do hereby certify that I 4 reported all proceedings adduced in the foregoing matter 5 and that the foregoing transcript pages constitutes a full, 6 true, and accurate record of said proceedings to the best 7 of my ability. 8 9 I further certify that I am neither related to 10 counsel or any part to the proceedings nor have any 11 interest in the outcome of the proceedings. 12 13 IN WITNESS WHEREOF, I have hereunto set my hand this 14 19th day of January, 2016. 15 16 17 18 19 20 /S/ Marilyn J. Broyles 21 22 23 24 25</p>

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1 CORRECTION SHEET

2 Transcript of: Transcription Date: 09/22/15

3 Regarding: Press Conference

4 Transcriber: Broyles

5 _____

6 Please make all corrections, changes or clarifications

7 to your testimony on this sheet, showing page and line

8 number. If there are no changes, write "none" across

9 the page. Sign this sheet on the line provided.

10 Page Line Reason for Change

11 _____

12 _____

13 _____

14 _____

15 _____

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17 _____

18 _____

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20 _____

21 _____

22 Print Name _____

23 _____

24 Signature _____

25

15

1 DECLARATION

2 Transcript of: Transcription Date: 09/22/15

3 Regarding: Press Conference

4 Transcriber: Broyles

5 _____

6

7 I declare under penalty of perjury the following to

8 be true:

9

10 I have read my deposition and the same is true and

11 accurate save and except for any corrections as made

12 by me on the Correction Page herein.

13

14 Signed at _____

15 on the _____ day of _____, 2016.

16

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20

21

22 Print Name _____

23

24 Signature _____

25

CONFIDENTIAL ATTORNEY-CLIENT PRIVILEGED COMMUNICATIONS

To: Nancy Isserlis, City Attorney's Office

From: Assistant Chief Rick Dobrow, Assistant Chief Selby Smith, Director Tim Schwering, and Deputy Director Sarah Lynds

RE: Confidential Attorney-Client Privileged material

Date: September 18, 2015

This confidential communication is to advise you that on September 17, 2015, we had a Labor Management meeting with the Lieutenants and Captains Association and the Police Guild. There were many issues brought up, mainly concerns regarding treatment of members. Please see attached notes.

In addition to this meeting, we met with the Mayor and City Administrator on September 10, 2015 at their request. We spoke about the budget but we were also asked additional questions as a result of a meeting that the Mayor and City Administrator had with the Lieutenants and Captains Association and Police Guild on September 8, 2015.

The Mayor and City Administrator sought clarification surrounding topics discussed at the meeting with the Lieutenants and Captains Association, involving Chief Frank Straub's behavior. We confirmed the validity of some of the issues that had been raised by the lieutenants and captains and expressed our own concerns regarding the behavior. We have witnessed multiple instances of communication and management tactics that could constitute a hostile work environment. We believe there is a pattern and practice of inappropriate behavior and we confirmed the concerns of the members of the Lieutenants and Captains Association.

We have witnessed and/or experienced:

- Unreasonable emotional outbursts
- Personal attacks
- Threats regarding our employment and position
- Scare tactics
- Retaliation
- Degradation of character
- Demeaning and condescending treatment
- Profane and highly inappropriate language

CONFIDENTIAL ATTORNEY-CLIENT PRIVILEGED COMMUNICATIONS

- Untruthfulness
- Misrepresentation of the Mayor, City Administrator, and others

Regardless of personality, rank, or status, we have a duty to protect our employees and the citizens of Spokane and to move SPD forward. We want to keep the organization healthy, functional, and professional.

Please advise.

A handwritten signature in dark ink, appearing to read "Rick Dobrow", written over a horizontal line.

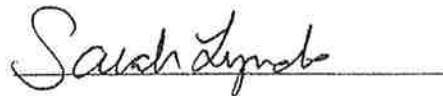
Assistant Chief Rick Dobrow

A handwritten signature in dark ink, appearing to read "Selby Smith", written over a horizontal line.

Assistant Chief Selby Smith

A handwritten signature in dark ink, appearing to read "Tim Schwering", written over a horizontal line.

Director Tim Schwering

A handwritten signature in dark ink, appearing to read "Sarah Lynds", written over a horizontal line.

Deputy Director Sarah Lynds

**CONFIDENTIAL ATTORNEY-CLIENT PRIVILEGED
COMMUNICATIONS**

To: City Attorney's Office
From: The Executive Board of the Lieutenants and Captains Association
RE: Confidential Attorney-Client Privileged material
Date: September 18th, 2015

On September 8th, 2015 several members of the Spokane Police Department Lieutenants and Captains Association met with City Administrator Theresa Sanders and Mayor David Condon. This meeting was at the invitation of the Mayor to discuss the 2016 City Budget and any other "areas of interest."

During the meeting many members discussed their concerns with the performance of Police Chief Frank Straub. Members of this Association reported several specific examples of unprofessional and even hostile behavior directed toward themselves or other members by Chief Straub. These actions taken by the Chief of Police, in his official capacity, against subordinate members of this agency constituted a pattern of behavior dating back over two years. It often included profanity, personal degradation, or other behavior not becoming the office of the Spokane Police Chief. His behavior has created a workplace environment inconsistent with collaboration and contrary to effective leadership.

Several other concerns were shared about the lack of communication by Chief Straub to the members of his Command and Senior Staff tasked with carrying out the daily operations of the Spokane Police Department. This behavior has resulted in inefficient resource allocation, duplication of efforts, wasted time, unnecessary overtime, and general frustration. When the Chief fails in these initiatives he often blames the result on the very people he failed to include in the planning process.

During the meeting, our membership provided full support in continuing to move the Spokane Police Department forward. We also avowed it was our interest and intention to avoid any embarrassment or negative publicity directed toward the Spokane Police Department as a result of the Chief's actions.

On September 17th, 2015, members of the Lieutenants and Captains Association executive board met with Assistant Chief Rick Dobrow, Assistant Chief Selby Smith, Director Tim

Schwering, Deputy Director Sarah Lynds, members of the Spokane Police Guild, and Human Resources Representative Meghann Steinolfson for a scheduled Labor-Management meeting. During that meeting, members of the Executive Board summarized the concerns of the Lieutenants and Captains Association with the behavior of the Chief of Police as discussed at the September 8th meeting with the Mayor and City Administrator. We respectfully advised those present of the issues discussed and to advise we, as an Association, would not tolerate any further unprofessional behavior by the Chief of Police directed at our members or other members of the agency. We also reiterated our commitment to the future success of the Spokane Police Department.

Respectfully Submitted,

Out of town
Dave McCabe, President

Eric Olsen
Eric Olsen, Conductor

Mark Griffiths
Mark Griffiths, Vice President

Justin Lundgren
Justin Lundgren, Member at Large

Dave Richards
Dave Richards, Treasurer-Secretary