



Office of Police Ombudsman Commission

Agenda
September 18, 2018
5:30PM – 8:00PM
Council Chambers
Lower Level, City Hall

TIMES GIVEN ARE AN ESTIMATE AND ARE SUBJECT TO CHANGE

Commission Briefing Session:

5:30 - 5:45	1) Welcome to Public	Commissioner Smith
	2) Agenda Approval	Commissioner Smith
	3) Approve <u>August 21, 2018</u> meeting minutes	

Items:

5:46 – 6:30	1) Report from OPO	Ombudsman Logue
	2) Analyst Brief	Luvimae Omana
	3) Administrative Specialist Brief	Christina Coty
	4) Public Forum	Citizens signed up to speak

Commission Business:

6:31 – 7:30	1) OPOC Legal Counsel Update	Dennis Hession
	2) Updates to Policy & Procedure	Commissioner Smith
	3) OPOC Retreat Update	Commissioner Rose
	4) Recommendation	Commissioner Smith
	5) Vice Chair Election	Commissioner Smith
	6) October OPOC Meeting Discussion	Commissioner Smith
	7) Commissioners Speak Out	Commissioners

Adjournment:

Next Ombudsman Commission meeting will be held on October 16, 2018

The password for City of Spokane Guest Wireless access has been changed:

Username: **COS Guest** Password: **y38VETnT**

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Office of Police Ombudsman Commission

August 21, 2018

Meeting Minutes: 2:15

Meeting called to order at 5:31 pm

Attendance:

- OPOC Commissioners present: Jenny Rose – Acting Chair, James Wilburn, Elizabeth Kelley
- Legal Counsel: Dennis Hession
- OPOC Commissioners not present: Ladd Smith
- OPO staff members present: Bart Logue, Luvimae Omana, Christina Coty

Items Session:

- The Agenda was unanimously approved
- The June 12, 2018 meeting minutes were unanimously approved
- OPO Report Highlights
 - All numbers are combined June and July 260 contacts, 21 Complaints, 7 Referrals, 46 OPO Interviews & 13 IA Interviews
 - 9 cases came to OPO for certification
 - The Ombudsman believes that the SPD is in violation regarding the OPO ordinance, Spokane Municipal Code SMC 04.32.010 (C) and SMC 04.32.030 (M). Bart has requested numerous times for Ms. Coty to obtain access to IAPro and continues to be denied. In the past, SPD has provided IAPro access to OPO administrative assistants without issue
 - Police Strategies, Police Force Analysis Systems dashboards are on hold due to the SPD's stance that all files must be redacted prior to release
 - Request to have the Ombudsman and Mr. Hession spearhead legal discussions regarding the SPD's violation of the ordinance with Mary Muramatsu, SPD's legal advisor and Tim Szambelan, OPO's legal advisor
 - Director of Strategic Initiative declined to investigate an official complaint request from the Ombudsman. This involved a leak of information to journalist of ongoing cases
 - The Ombudsman read SMC 04.32.010 (M), in addition to investigative process, the OPO will have unimpeded access to all complaint investigative files from OPO investigations for auditing and reporting purposes.
- Analyst Brief
 - Racial equity committee by the SRLJC, is looking for an OPOC Commissioner to attend their September meeting – Commissioner Rose will be in attendance
 - Budget Audit – The Accounting department debited all OPO and OPOC expenses from the OPO, which skewed remaining funds in the budget. The Analyst reviewed recent transactions and has ensured they are properly classified. Both OPO and OPOC have sufficient funds for upcoming travel
 - OPO Recommendations –
 - R18-4 – Review of 2016 Use of Force cases requested by the Ombudsman raised records retention concerns. Some of the videos have already been purged. This is well under the required retention period of 6 years. Retention under SPD's

policy states that BWC evidence will be stored for 12 months, which is 5 years short of the required retention schedule. IA has already started to address this issue

- Chicago Consent Decree- The Analyst reviewed looking for best practices that may be applicable to SPD
- Administrative Specialist Brief
 - Social Media Update – The OPOC’s Facebook’s weekly reach grew from 87 people to over 20,200. Since spearheading the OPO/OPOC’s social media it has gained 102 new likes. The Admin Specialist requested the OPOC to like the page and invite their friends to like it and follow the OPO on Twitter. The Administrative Specialist requested Commissioners to provide articles to share and a Bio for an OPOC Commissioner Spotlight
 - Weekly Social Media Engagement Report – The report will show a few posts along with some data to illustrate how we are engaging the community
 - Social Media Complaints/Comments – 1 complaint and multiple suggestions were received through Facebook page and Messenger. In addition, the OPO has received a media request to speak about property crime in Spokane through our Twitter page
 - Complaints – The OPO has seen a significant increase in complaints. We filed 13 complaints and made 3 referrals last month alone. The most common type of complaints received were in the categories of Inadequate Response and Demeanor

Public Forum:

- None

Commissioners’ Business:

- OPOC Legal Counsel Update
 - Gordon Ennis Trial – The Human Resources issues of Mr. Ennis is outside our governing ordinance. Counsel is concerned with the OPOC’s responsibility with the 2 officers accused of impeding the investigation of the case. As the Commissioners approach their retreat, please consider how to approach these types of situations
 - I940 – The most dramatic thing that it proposes is to change the burden of proof regarding Use of Force from malice to good faith. Malice is very difficult to prove compared to good faith. Training requirements for Police Departments will be dictated on a state level and it will mandate first aid treatment of people involved in crimes.
 - PRR Ordinance – CM Beggs has led efforts to make PRRs more accessible for citizens. He believes his proposed ordinance will significantly reduce the labor intensive work if they were posted online after the first request and available for download to any citizen subsequently interested in the same records. This ordinance is currently tabled indefinitely
- OPOC Retreat – Commissioner Rose
 - The Admin Specialist has sent potential dates to the OPOC for consideration
 - Commissioner Kelley is waiting on 2 out of state trial dates before committing
 - Commissioner Wilburn has blocked both dates in October

- The Admin Specialist is researching whether there should be a facilitator at the retreat
- OPO Recommendation – R18-04
 - Safeguarding body worn camera footage on Evidence.com – See Analyst Brief
 - Commissioner Kelley moved, Commissioner Wilburn seconded – The recommendation was unanimously approved
- Commissioner Speak Out
 - Commissioner Kelley –
 - Attended the American Bar Association Annual Conference in Chicago and provided the OPO with a thumb drive of documents from it
 - She also recommended articles from Christian Science Monitor, regarding Crisis Intervention
 - Commissioner Rose – Staffed the OPO booth at Unity in the Community
 - Commissioner Wilburn – Read the DOJ Investigation Report of the Baltimore Police Department. He noted many issues cited which gave him several ideas of what to look for in Use of Force cases
- PAR's for the Analyst and the Admin Specialist – Executive Session
 - Session started 7:42pm, session ended 8:10pm

Motion Passes or Fails: 3

Meeting Adjourned at: 8:10PM

Note: Minutes are summarized by staff. A video of the meeting is on file - Spokane Office of Police Ombudsman Commission

<https://my.spokanecity.org/bcc/commissions/ombudsman-commission/>



Office of the Police Ombudsman

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September 18, 2018

Public Safety & Community Health Committee Report

Reporting Period: August 1-31, 2018

Snapshot of Activities		Monthly	Year to Date
Community Outreach			
OPO	Total Community Events and Meetings	8	83
OPOC	Community Outreach / Activities	9	65
Commendations		0	2
Complaints			
	Received Complaints	10	43
	Referred Complaints	5	28
Contacts		200	1094
Case Review			
	Request for Further Investigation	2	5
	Investigations Certified / Concurred	12	30
	Closed Investigations	1	2
	Declined Certifications	2	3
	Special Cases Reviewed	32	131
Interviews			
	OPO Interviews	16	130
	IA Interviews	12	86
Training		0	24
Critical Incidents		0	1
Mediations		0	1
	Conducted	0	0
	Declined	0	1
Recommendations		1	4
Other Activities			
SPD Related	Meetings / Contacts	48	190
	Review Boards	3	26

1. Outreach

a. Community Events

- i. Frontier Behavioral Health 2nd Annual Mental Health Fair (8/4)
- ii. Unity in the Community (8/18)
- iii. OPOC Meeting (8/21)
- iv. Catholic Charities Dig In (8/23)
- v. Excelsior Fundraiser, Play on the Patio (8/23)
- vi. Gathering at the Falls Powwow (8/24 & 8/25)

b. Other

- i. Meeting with Walter Kendricks – SCAR (8/7)
- ii. Meeting with Cam Zorroza – Center for Justice (8/29)

OPOC Actions – Commissioners attended the following events, some events were attended by multiple Commissioners:

- c. Chair Mentorship Meeting (8/1)
- d. Unity in the Community (8/18)
- e. Conducted Cultural Training for the City of Spokane Managers & Supervisors (8/20)
- f. Gathering at the Falls Powwow (8/25)
- g. Spokane International Academy Meeting (8/27)

2. Commendations / Complaints

a. **Received**

- i. **OPO 18-35 – Inadequate response:** Complainant called Crime Check to report a theft from his yard. Crime Check explained that SPD will not respond to property crime.
- ii. **OPO 18-36 – Inadequate Response/Demeanor:** Complainant called about the violation of a no protection order. Upon reporting to his NRO, the complainant alleges his requests for assistance have been ignored.
- iii. **OPO 18-37 – Inadequate Response/Demeanor:** Complainant and roommate involved in altercation. During the officers interaction the complainant alleges he was yelled at and the matter was not investigated.
- iv. **OPO 18-38 – Inadequate response:** Complainant called 911 and was not satisfied with the SPD's response time. Complainant alleges the officer was untruthful.
- v. **OPO 18-39 – Demeanor/Unlawful-Improper Search and Seizure:** Complainant was pulled over and questioned about a vehicle theft and her vehicle was seized as evidence. Complainant has reached out to the Sgt assigned to her case to try and get her belongings, who allegedly has been rude in their conversations.
- vi. **OPO 18-40 – Inadequate Response/Demeanor:** Complainant requested police assistance during an active theft and is frustrated that the police didn't arrive until hours later. When the officer arrived he approached the situation with attitude and let a squatter remain on the property.

- vii. **OPO 18-41 – Inadequate response:** Complainant was being attacked by a relative and called 911. The police did not show up until the following day.
- viii. **OPO 18-42 – Inadequate response:** Complainant’s gun was stolen and pawned. When the complainant reported this theft to police, he was told the gun had been returned to the person who stole it. The Detective assigned to the case has not returned calls and there has been no resolution.
- ix. **OPO 18-43 – Inadequate response:** Complainant stated that responding officers to her car accident did not detail the witness accounts accurately and the wording on the report was vague.

b. Referred

- i. **ER 18-26 – Ambulance Dispatch/Response issue – AMR**
- ii. **IR 18-27 – Property Recovery Inquiry – Property Room**
- iii. **ER 18-28 – Complaint regarding the Benton County Jail – WA Dept of Corrections**
- iv. **ER 18-29 – Making an incident report – Crime Check**
- v. **ER 18-30 – Assistance needed in the City of Milton – City of Milton PD**

3. Case Review

- a. C18-022 / OPO 18-05 – Certified
- b. C18-027 – Certified
- c. C18-026 – Request for further information / investigation - Certified
- d. C18-030 / OPO 18-30 – Certified
- e. C18-042 / OPO 18-23 – Certified
- f. C18-046 / OPO 18-27 – Certified
- g. C18-019 / OPO 18-11 – Certified
- h. C18-041 / OPO 18-22 – Closed due to Mediation
- i. C18-025 – Certified
- j. C18-058 / OPO 18-31 – Certified
- k. C18-054 / OPO 18-33 – Certified
- l. C18-037 / OPO 18-16 – Certified
- m. C18-014 – Declined to Certify – Not routed properly to OPO for certification
- n. C18-015 – Declined to Certify – Not routed properly to OPO for certification
- o. C18-036 / OPO 18-06 – Certified
- p. C18-066 – Request for further information / investigation - Certified

4. Special Cases Reviewed

- i. **16** Use of Force
- ii. **4** Pursuit
- iii. **5** Collision
- iv. **7** K9 Deployment

5. Other Activities

- a. OPO staff members participated/engaged in the following other activities:
 - i. Police Strategies, SPD and OPO Meeting (8/6)
 - ii. Mayor's Spokane Performs (8/7)
 - iii. Mayor Department/Division Head Meeting (8/9)
 - iv. Leadership training discussion with Chief Meidl and JR Flatter (8/13 & 8/14)
 - v. Legal meeting with OPO and OPO Legal Counsel (8/23)
 - vi. OPO Staff Meeting (8/29)
 - vii. Leadership Spokane Gala Planning (8/29)
- b. SPD related
 - i. 26 meetings/contacts with IA
 - ii. 47 meetings/contacts with SPD
- c. OPO met with/had contact with OPO Commissioners/Staff:
 - i. OPOC via text message on 8/1
 - ii. Commissioner Rose on 8/1
 - iii. Commissioner Smith on 8/8
 - iv. Commissioner Wilburn on 8/8
 - v. Commissioner Smith on 8/9
 - vi. Commissioner Smith on 8/13
 - vii. Commissioner Rose on 8/15
 - viii. Commissioner Kelley on 8/21
 - ix. Commissioner Wilburn on 8/22
 - x. Commissioner Smith on 8/22
 - xi. Commissioner Smith on 8/27
 - xii. Legal Counsel Hession on 8/30
- d. OPO met with/had contact with City Council members/staff:
 - i. Council Staff Oberst 8/2
 - ii. Council Staff Oberst 8/6
 - iii. Council Staff Fraley 8/29

6. Next Steps

- a. United States Ombudsman Association Annual Conference – Portland, OR 9/24-9/28
- b. NACOLE Annual Conference – Tampa, FL 9/30-10/4
- c. International Association of Chief of Police Annual Conference – Orlando, FL 10/5-10/10



Office of the Police Ombudsman Commission

Policies and Procedures

Name: Office of the Police Ombudsman Commission (subsequently referred to as "OPOC" or Commission)

Statement of Purpose:

The OPOC supervises and provides direction to the Office of the Police Ombudsman (further referred to as OPO). The OPO and the OPOC provide impartial oversight of the Spokane Police Department. In that capacity, the OPOC evaluates police policies, training, and promotes best practices, and is the independent voice of the Citizens of Spokane to facilitate public confidence in the professionalism and accountability of the employees of the Spokane Police Department.

Roberts Rules of Order:

Matters of procedure not otherwise provided for herein shall, insofar as practical, be determined by reference to Robert's Rules of Order, Newly Revised.

Article I

Selection of Members: (Pursuant to: SMC 04.32.150, Section C)

1. Two members shall be nominated by the mayor and appointed by city council; and,
2. One member from each of the three city council districts nominated and appointed by city council.
3. The commission may, at any time, determine that more members are necessary to carry out the duties of the commission. Upon unanimous vote of all commission members and majority approval by the city council pursuant to an amendment to this section, additional members may be added to the commission two members at a time:
 - a. One additional member nominated by the mayor and appointed by city council; and,
 - b. One additional member nominated appointed by city council.

Article II

Membership terms: (Pursuant to: SMC 04.32.150, Section F)

1. Each commission member shall serve a three-year term and is eligible for re-appointment, except that no member shall be re-appointed after serving three consecutive full three-year terms.

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2. The initial commission members will have staggered terms, with three members serving three years and two members serving two years.
3. A vacancy that occurs during the term of a member shall be filled in the same manner as the original appointment, and the appointee shall serve for the remainder of the expired term.
4. Each member shall continue to serve in such capacity until the member's successor has been duly appointed and is acting, provided, however, that the period shall not exceed ninety days past the expiration of the member's term.

Article III

Officers: (Pursuant to: SMC 04.32.150, Section D)

The Commission shall annually choose their own Chair and Vice-Chair, who will serve from January 1 through December 31, and shall serve in that position for no more than three consecutive one-year terms. The Chair (and Vice-Chair in the absence of the Chair) will set the agenda for meetings, facilitate the meetings, speak on behalf of the OPOC, and call special meetings.

Article IV

Duties/Functions: (Pursuant to: SMC 4.32.150, Section B)

In addition to other duties enumerated in this chapter, the OPOC shall:

1. Appoint, reappoint and potentially remove the police ombudsman pursuant to SMC 4.32.080 through 4.32.110;
2. Approve annual and long term goals of the OPO;
3. Approve OPO procedures and best practices;
4. Approve the OPO annual report;
5. Approve OPO recommendations regarding changes in police department policies and training;
6. Approve OPO rules and procedures required for the discharge of OPO duties, including policies and procedures for receiving and processing complaints, monitoring investigations, and reporting findings, conclusions and recommendations. The rules and procedures approved by the commission shall be consistent with Washington state law and comply with the collective bargaining agreement between the city and the police guild.
7. Conduct and approve evaluations of the OPO and OPO personnel;
8. Request that the OPO examine or re-examine specific non-disciplinary policy or procedure issues and confirm or reject OPO requests for additional investigation by IA;

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9. Assist OPO personnel in communicating with Spokane's diverse communities and the general public about the complaint filing and investigation process;
10. Make readily available to the public all commission reports, recommendations, and evaluations; and
11. Prepare and present an annual report to the city council.

Article V

Meetings:

The regularly scheduled meeting will be held the 3rd Tuesday of each month, 5:30-8:00pm in Council chambers. Meeting dates and time may vary on an as needed basis, by a majority vote of the OPOC at a regular scheduled meeting. A special meeting may be called by the Chair providing that at least 24 hours notice is given to the public.

1. The commission may appoint from its membership committees as necessary to perform its duties.
2. Commission members are expected to maintain a minimum of seventy-five percent meeting attendance on an annual basis.
3. The commission shall hold regular meetings with an opportunity for public comment at least quarterly, and the commission and its committees may hold additional meetings as necessary.
4. No business of the commission shall be conducted at a meeting without at least a quorum of three members.
5. All actions of the commission shall be made upon a simple majority vote of the members present.
6. Meetings of the commission shall be open to the public except when the commission has determined a closed executive session, in accordance with RCW 42.30.110, is necessary in order to carry out its business.

Article VI

Open Forum/Public Comment:

The open forum period shall be no longer than 20 minutes for each regularly scheduled meeting. The amount of time for each speaker will be determined by the number of individuals who sign up, but no speaker will be allowed more than 5 minutes per opportunity.

1. Speakers initiated by the OPOC will have a time frame of 20 minutes.
2. Speakers that request time on the OPOC agenda outside the community forum guidelines will be granted a 15 minute time frame to address the OPOC. These requests will be granted by the Chair at his/her discretion.

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Article VII

Document Retention: (Pursuant to City Policy ADMIN 0260-17-05, LGL 2012-0061)

Any and all documentation whether it is written, copies, or typed shall be maintained as a public record. This includes all text messages, voicemails, and hand written notes taken by a Commissioner in general/special meetings, training, events, or other communications taken in the course of his/her role as a member of the OPOC.

Article VIII

OPO Correspondence: (Pursuant to SMC 4.32.150, Sections B, 5)

The OPOC approves all recommendations from the OPO to the Spokane Police Department regarding changes in police department policies and training. In order to expedite this process, the OPOC shall make every effort to respond to the OPO within two (2) weeks of request for input, concerns, questions, or comments. The OPO will then present the final draft of the recommendation to the Commission at their next regularly scheduled meeting. If no response is received by the OPO within the allotted time frame, the OPO will proceed as directed by the Chair.

Article IX

Rules of Order:

1. Policies and procedure are reviewed biannually or on an as needed basis by the OPOC. Any revisions and/or amendments to the Policies/Procedures will be provided to the OPOC two (2) weeks prior to the regularly scheduled monthly meeting. All revisions or amendments will subsequently be added to the existing document once a quorum of the Commission has approved.
2. A copy of the approved Policy/Procedures will be sent, as a courtesy to: the Mayor's office, City Council, Spokane Police Department, OPO, the OPOC Attorney, and made available to the public via the OPOC website and Facebook no later than one month after approval.