



Office of Police Ombudsman Commission

Special Meeting Agenda¹

August 13, 2019

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 – 5:35pm	1) Welcome to Public	Commissioner Rose
	2) Agenda Approval	Commissioner Rose
	3) Approve July 16, 2019 Meeting Minutes	Commissioner Rose
	4) Text in your Questions	Commissioner Rose

Items:

5:36 – 6:45pm	1) Public Forum	Citizens Signed Up to Speak Luvimae Omana Bart Logue TBD
	2) Analyst Update	
	3) OPO Monthly Report	
	4) Guest Speaker	

Commission Business:

7:16 – 8:00pm	1) Annual Report Update	Commissioners Rose
	2) Community Events	Commissioners Rose
	3) Commissioner Speak Out	Commissioners
	4) Other Business	Commissioners
	5) Executive Session to Discuss Contract Renewal for the Police Ombudsman	Commissioners
	6) Formal Action on Police Ombudsman Contract	Commissioners
	7) Commissioner Photo at Huntington Park	Commissioners

Adjournment:

The next Ombudsman Commission meeting will be held on October 15, 2019.

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

Username: **COS Guest**

Password: **WF64d8tb**

Text Questions to **509-258-5941**

¹ Updated on August 12, 2019.

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Office of Police Ombudsman Commission Minutes

July 16, 2019

Meeting Minutes: 2:50
Meeting called to order at 6:00pm

Attendance

- OPOC Commissioners present: Ladd Smith, Jenny Rose, and James Wilburn
- OPO Commissioners absent: Elizabeth Kelley
- Legal Counsel: Dennis Hession
- OPO staff members present: Bart Logue, Luvimae Omana
- OPO staff member absent: Christina Coty

Items Session

- The Agenda approved after striking the item OPO recommendations.
- The May 21st minutes were approved.
- Texting questions – going forward you will be able to text questions to the OPOC real time, and they will be answered time permitting.

Public Forum

- Brian Breen
 - Handout to the OPOC and OPO. (See attached)
 - Confirmed the fact that he was the complainant in the Lucas Ellerman complaint.
 - He believes has clear and convincing evidence that this was a cover-up by SPD.
- Debra Hunt
 - Ms. Hunt described how she had been assaulted, she feels profiled by the police, she is repeatedly subjected to mental health evaluations and treated disrespectfully
 - Commissioner Rose recommended meeting with the OPO to file a complaint.
- Kurtis Robinson
 - Interesting time to be dealing with challenges as a community.
 - The NAACP is in support of the OPO's goal and drives.

Guest Speaker: Police Chief Meidl - SPD

- Updated Use of Force Policy discussion. (See attached presentation sheets)

Resume Public Comment

- Cam Zorrozuza – provided updated statistics on use of force and comment regarding ongoing use of force issues in the city.
- Liz Moore – low ready should be included in use of force, pay attention to use of force frequent fliers
- Brian Breen – recommended study UOF Commission report and the DOJ Collaborative Reform. SPD has not followed through on all recommendations.

OPO Report

- OPO Highlights for June
 - 208 contacts, 8 complaints, 18 referrals, 7 OPO interviews
 - 17 cases certified, 11 special cases reviewed

- 4 community events
- Discussed Use of Force issue

Commissioners' Business

- 2018 Annual Reports
 - Commissioner will present the Annual Report to the City Council this summer
 - Vote – motion for approval pending changes for OPO
 - Approved
 - Vote – motion for approval for the OPOC annual report
 - Approved
- Potential District 1 Commissioner Replacement
 - There is currently a candidate being interviewed and going through background check for this position.
- Open discussion regarding Guild letter
 - The letter from the Police Guild was sent to the Mayor, City Administrator, the Chief of Police, Major King, City Council, and the Ombudsman. The letter stated the Guild's objection to the Ombudsman contributing to the investigation, interviews, and certification of the Use of Force complaint submitted by the OPO. They demanded Mr. Logue step down from any part of the investigation.
 - Commissioner Rose shared her own personal feelings regarding the letter submitted by the Guild. (See attached
 - Commissioner Smith agrees with Commissioner Rose and thanked her for writing her statement.
 - Mr. Logue stated that he did not step down from the investigation
- OPO Recommendations
 - Tabled until further notice
- Commissioner Speak Out
 - No additional comments
- OPOC Meeting dates for August and September
 - Date Changes
 - Proposed August meeting be held on August 13th instead of August 20th.
Voted – Unanimously approved
 - September meeting is cancelled - Voted – Unanimously approved
 - Next meeting will be on October 15th
- Ombudsman requested contract renewal be discussed at the August meeting
- Executive Session
 - Personal matters

Motion Passes or Fails: 6

Meeting Adjourned at: 8:50PM

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

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

OPOC

From: Jenny Rose

Date: July 16, 2019

RE: Police Guild Letter (June 2019)

First of all, this is my opinion as a commissioner for the Office of Police Ombudsman.

Please know that I was a Union President for 8 years so I know how a union works. The Spokane Police Guild (one of SPD's Unions) is certainly entitled to their own opinion as we all are. However, when it comes to matters of the Office of the Police Ombudsman they are not entitled to object or demand certain requirements.

In the City Ordinance RE: Police Oversight-- that the citizens of Spokane voted on and clearly passed, it states:

One of the many duties of the office of police ombudsman (OPO) is to:

- Provide visible, professional, INDEPENDENT civilian oversight of police officers."

Another part of the ordinance states:

"The police ombudsman and any employee of the OPO must, at all times, be totally INDEPENDENT."

So, we have a theme here – INDEPENDENCE. The Office of Police Ombudsman and the Office of Police Ombudsman Commissioners are independent entities. No one can dictate to us on how to carry out our duties. The ordinance does that for us and our job is to follow this ordinance as professional and as transparent as we can.

Another part of the ordinance states:

"No person shall attempt to unduly influence or undermine the independence of the police ombudsman, or any employees of the OPO, in the performance of the duties and responsibilities.

We, OPOC, do not answer to the police guild. They can file all the grievances and potential unfair labor practices they want! But, they hold no rights over us, the commissioners, who oversee the Office of Police Ombudsman. We are independent!

This being said – I would be open and willing to discuss this issue and any other issues anytime with the police guild.

Thank you!

OPOC MEETING

July 16, 2019 6:00 PM

Brian R. Breen

I felt it was important that I be here today to offer my perspective on the issues you are dealing with today since I brought the issue regarding the Officer Dan and Scott Lesser arrest of Lucas Ellerman to the attention of the OPO and ended up being the complainant in the current ongoing IA Investigation of the arrest.

I want to be perfectly clear that I could not have brought the information forward if it were not for some outstanding SPD Officers who are extremely concerned about the culture that exists within SPD, a culture that hasn't changed since the Otto Zehm case which was the catalyst for the OPO and the OPOC coming into existence.

I also want to be perfectly clear that at no time has OPO Logue inappropriately provided me with any information with respect to this case or any other case, to the contrary the record is clear that I in fact provided him with the information necessary to bring this and other cases forward. It appears from the letter sent by the Spokane Police Guild that once again OPO Logue is being falsely accused. Members of the OPOC and the public should be thankful that unlike his predecessor Mr. Logue is willing to not only stand up to the SPD Command Staff but also the Spokane Police Guild.

In my view although the conduct of Officers Dan and Scott Lesser has been described as horrific, terrifying, criminal, along with several other adjectives I won't list here, I feel it is really important that the fact that there was a concerted effort to cover-up the conduct by circumventing the process is equally important.

The attempt to cover this incident up began in April of 2019 when I submitted a Public Records Request for all documents relating to the removal of Officer Dan Lesser from the SPD K9 Unit, and SPD responded that Dan Lesser was not removed from the K9 Unit. Most people would haven't gone any further once they received that information, but I was well aware that the arrest of Lucas Ellerman was the cause of Officer Dan Lesser no longer being a K9 Officer, so I pursued my efforts to get to the truth and that is why we are here today. Once the entire record becomes public it will show there was a meeting which was never documented or recorded between Officer Dan Lesser and a member of SPD Command Staff during which Officer Dan Lesser supposedly voluntarily resigned from his long involvement as an SPD K9 Officer. People will be able to decide for themselves if someone with his K9 history and relationship with his K9 would "voluntarily resign" that position.

Many people wonder why law enforcement officers come to me with information, the reason is quite simple if officers come forward at SPD they will be subject to some kind of retribution, which may well be present in this case as one of the two Officers who stood up against the culture and assessed the conduct of the Lessers as outside of SPD policy, Sgt. Sean Wheeler, was replaced in his K9 position and transferred back to Patrol. What is even more troubling about the transfer of Sgt. Wheeler is that according to a June 1, 2019 Spokesman Review article written by SR Reporter Kip Hill "*Spokane Police Chief Craig Meidl confirmed Friday that the video of an arrest of a 29-year old man (Lucas Ellerman) fleeing police contained evidence of "policy violations"...*" The question must be asked; Why was

Wheeler transferred and why did Wheeler direct Officer Buchmann to make a report documenting that witnesses heard Officers yelling "I'm gonna kill you".

Many of the people who provide me information, as am I, are seriously questioning the judgement of allowing Officer Dan Lesser after four previous Officer Involved Shootings, and the known conduct exhibited in the Lucas Ellerman arrest being allowed to remain in an assignment where he could likely once again become involved in a shooting incident like he was on July 6, 2019 near 6th and Maple.

It should be pretty obvious to the OPOC as well as members of the Community that every effort is being made despite the recommendations by the Use of Force Commission and the COPs/DOJ Review to circumvent by any available means SPD transparency. Those of us who studied the Otto Zehm case remember full well among other things the lie about Otto Zehm lunging at Karl Thompson the constant barrage of stonewalling the process by SPD must be stopped if the Department ever wants to gain the respect of the Community.

Although I have not viewed the video I trust my sources with respect to its horrific content and I'm sure Chief Meidl knows full well that once the video is made public most will perceive it as wrong, very wrong, and any effort to mitigate the conduct will only serve to prove the point that the culture at SPD has not changed.

Brian R. Breen

SR Story By Kip Hill June 1, 2019:

By Kip Hill 

kiph@spokesman.com

(509) 459-5429

Spokane city lawmakers and the police department are at an impasse over access to body camera footage of a February arrest that prompted the agency's civilian watchdog to urge a formal investigation.

The Spokane City Council declined on Thursday to sign a nondisclosure agreement that would have allowed them access to the video, multiple lawmakers said. Spokane Police Chief Craig Meidl confirmed Friday that the video of an arrest of a 29-year-old man fleeing police contained evidence of "policy violations" but denied suggestions his agency was attempting to downplay the incident.

"The mere insinuation that there's a cover-up, again, puts me in a position where I want to be able to address that, because that is inflammatory, and it does a lot of damage," said Meidl in an interview Friday. "It doesn't matter what I can say, until I can say, here's everything else."

Wheeler Transfer Document:



POLICE DIVISION
CHIEF OF POLICE
CRAIG N. MEIDL
- MEMORANDUM -

TO: All Police
FROM: Chief Meidl
DATE: July 9th, 2019
RE: Transfer order

The following transfers will occur on 7/14/19:

Sgt. Spiering from Team 6 to K-9, reporting to Lt. Boothe

Sgt. Wheeler from K-9 to Team 6, reporting to Lt. Waters



SPOKANE POLICE
FIELD CASE SUPPLEMENT

2019-20025950

NARRATIVE

additional to previous report:

When I spoke to Royce Fry, he stated that he heard Officers yelling "I'm gonna kill you" to the occupant of the pickup. At the time, I did not believe this to be accurate or pertinent, but after receiving more information, I felt his statement should be documented. Sgt. Wheeler was also advised.

It should also be noted that both Fry and Deone Bercier heard the pickup engine revving and saw the pickup rocking back and forth in an apparent attempt to get away.

See original report for additional information.

P. Buchmann #735
Spokane Police - K10

735 Buchmann

02/12/2019

Wheeler, Sean D

02/19/2019



Office of the Police Ombudsman

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 509.625.6742 / spdombudsman.org

August 20, 2019

Public Safety & Community Health Committee Report

Reporting Period: July 1-31, 2019

Snapshot of Activities		Monthly	Year to Date
Community Outreach			
OPO	Total community events and meetings	6	42
OPOC	Community outreach / activities	3	32
Commendations		1	2
Complaints			
	Received complaints	3	52
	Referred complaints	19	78
Contacts		107	875
Case Review			
	Request for further investigation	4	17
	Investigations certified / concurred	9	68
	Declined certifications	0	1
	Special cases reviewed	26	114
Interviews			
	OPO interviews	9	82
	Internal Affairs interviews	11	56
Training		2	14
Critical Incidents		1	3
Mediations			
	Recommended	0	3
	Conducted	0	3
	Declined	0	0
Recommendations		0	0
Other Activities			
SPD Related	Meetings / contacts	27	232
	Review boards	2	7
	Closing meetings	0	2

1. **Outreach**

a) **OPO**

- i. Community Assembly (7/11)
- ii. SPD Community Appreciation Day (7/13)
- iii. OPOC Meeting (7/16)
- iv. Jonah Project Board Meeting (7/18)
- v. Chief Garry Park Community Appreciation Day (7/27)
- vi. Coffee with a Cop, Downtown (7/30)

b) **OPOC Actions** – Commissioners attended the following event

- i. SPD Community Appreciation Day (7/13)
- ii. NAACP Meeting (7/17)
- iii. SPD Ride Along (7/23)

2. **Critical Incident**

a) **Officer Involved Shooting** – 7th Ave and Maple St.

3. **Commendations / Complaints**

a) **Received Complaints**

- i. **OPO 19-51 – Making False or Misleading Statements:** Complainant alleges that SPD along with CPS came into their home and stated they had black mold causing an unfit environment.
- ii. **OPO 19-52 – Inadequate Response:** Complainant alleges that the responding officer to a vehicle accident didn't include witness/driver statements to the police report. This has caused issues with the insurance claim because the other person involved is trying to amend the report.
- iii. **OPO 19-53 – Violation of Civil Rights:** Complainant alleges that the SPD violated their civil rights under the 1st amendment by preventing them from reporting on the Drag Queen Story hour at the South Hill Public Library.

b) **Referrals**

- i. **IR 19-60** – Citizen alleges their home is being broken into and they are being stalked by SPD. The citizen has reached out directly to the Chief with no response; SPD/IA
- ii. **ER 19-61** – Citizen had concerns regarding the Lime Scooters and Bikes; City Council (duplicate referral with ER 19-62)
- iii. **ER 19-62** Citizen had concerns regarding the Lime Scooters and Bikes; Code Enforcement (duplicate referral with ER 19-61)
- iv. **IR 19-63** – Citizen alleges their home is being broken into and they are being stalked by SPD. The citizen has reached out directly to the Chief with no response; SPD/IA
- v. **ER 19-64** – Citizen wanted to file a complaint against parking enforcement officers; Parking Enforcement
- vi. **IR 19-65** – Citizen alleges their home is being broken into and they are being stalked by SPD. The citizen has reached out directly to the Chief with no response; SPD/IA

- vii. **IR 19-66** – Citizen alleges their home is being broken into and they are being stalked by SPD. The citizen has reached out directly to the Chief with no response; SPD/IA
- viii. **IR 19-67** – Citizen alleges their home is being broken into and they are being stalked by SPD. The citizen has reached out directly to the Chief with no response; SPD/IA
- ix. **ER 19-68** – Citizen alleges they have an abandoned property with a lot of criminal activity over the past month. They want to know what is going on with the property; Code Enforcement (duplicate referral – IR 19-69)
- x. **IR 19-69** – Citizen alleges they have an abandoned property with a lot of criminal activity over the past month. They have reached out to Crime Check and the local NRO. They want to know what is going on with the property; SPD/IA (duplicate referral – ER 19-68)
- xi. **IR 19-70** – Citizen alleges their home is being broken into and they are being stalked by SPD. The citizen has reached out directly to the Chief with no response; SPD/IA
- xii. **IR 19-71** – Citizen has been trying to obtain their Driver License and SSN card back from property but has been unable to receive a response; SPD/IA
- xiii. **IR 19-72** – Citizen alleges their home is being broken into and they are being stalked by SPD. The citizen has reached out directly to the Chief with no response; SPD/IA
- xiv. **IR 19-73** – Citizen alleges their home is being broken into and they are being stalked by SPD. The citizen has reached out directly to the Chief with no response; SPD/IA
- xv. **IR 19-74** – Citizen alleges their home is being broken into and they are being stalked by SPD. The citizen has reached out directly to the Chief with no response; SPD/IA
- xvi. **IR 19-75** – Concerns regarding the handling of a homicide investigation, which led to a conviction. Out of OPO ordinance timeline; SPD/IA
- xvii. **IR 19-76** – Citizen alleges their home is being broken into and they are being stalked by SPD. The citizen has reached out directly to the Chief with no response; SPD/IA
- xviii. **IR 19-77** – Potential Shooting response concerns; SPD/IA
- xix. **ER 19-78** – When parking enforcement cited them, they asked inappropriate questions and were rude; Parking Enforcement

4. Case Review

- i. **C19-054 / OPO 19-46**– Requested further investigation
- ii. **C19-055 / OPO 19-47** – Investigation certified
- iii. **C19-059 / OPO 19-48** – Investigation certified
- iv. **C19-045 / OPO 19-39** – Requested further investigation
- v. **C19-050 / OPO 19-43** – Requested further investigation / Investigation certified
- vi. **C19-057** – Investigation certified

- vii. **C19-043** – Investigation certified
- viii. **C19-061 / OPO 19-51** – Investigation certified
- ix. **C19-063 / OPO 19-52** – Investigation certified
- x. **C19-045 / OPO 19-39** – Investigation certified
- xi. **C19-041** – Requested further investigation
- xii. **C19-030 / OPO 19-34** – Investigation certified

5. Special Cases Reviewed

- i. **14** Use of Force
- ii. **4** Pursuit
- iii. **4** Collision
- iv. **4** K9 Deployment

6. Activities

- a) OPO staff members participated/engaged in the following other activities:
 - i. PSCHC Meeting (7/1)
 - ii. NACOLE Strategic Planning Committee (7/1)
 - iii. Collision and Pursuit Review Board (7/9)
 - iv. Use of Force Review Board (7/9)
 - v. Community Assembly (7/11)
 - vi. Mayors Quarterly Meeting (7/16)
 - vii. Jonah Project Board Meeting (7/18)
 - viii. Training – Law Enforcement Interaction with Individuals with Developmental Disorders (7/18)
 - ix. Training – SPD Ride Along (7/22)
 - x. NACOLE Conference Call (7/24)
 - xi. IA Bi-Weekly Meeting (7/25)
- b) SPD related
 - i. **16** meetings/contacts with IA
 - ii. **11** meetings/contacts with SPD
- c) OPO met with/had contact with OPO Commissioners/staff:
 - i. Commissioner Rose on (7/9, 7/10, 7/11, 7/15, 7/16, 7/19, 7/23, 7/24)
 - ii. Commissioner Smith on (7/2, 7/9, 7/11, 7/16, 7/23, 7/29)
 - iii. Commissioner Wilburn (7/16, 7/24)
 - iv. Commissioner Kelley (7/15, 7/24)
 - v. Dennis Hession 7/16)
- d) OPO met with/had contact with City Council members/staff:
 - i. Council Member Burke (7/22)

7. Next Steps

- a. Presentation of annual reports to City Council
- b. Upcoming Training: United States Ombudsman Association (USOA) Annual Conference
- c. Upcoming Training: National Association for Civilians Oversight of Law Enforcement (NACOLE) Annual Conference