

City of Spokane Office of Police Ombudsman Commission (OPOC)

Regular Meeting Minutes December 1, 2015

Welcome to public by Commissioner Deb Conklin at 5:30pm.

Welcome to the members of the Interim Ombudsman Selection Committee. Introductions of OPOC Commissioner Scott Richter, Spokane Police Department (SPD) Lieutenant Justin Lundgren, SPD Sergeant John Griffin, and former Spokane Mayor Dennis Hession.

Richter moved to approve the agenda. Commissioner Rose seconded. Motion approved.

A discussion took place regarding the Selection Committee. Conklin said her hope is that the committee will come up with the interim for the Ombudsman's office, as the ombudsman will not be in place until sometime next year. She's very excited that the committee was assembled quickly and moving forward.

Commissioner VanderPol said he is grateful the committee came together relatively quickly, and is glad they are here. He said it's not just about selecting this candidate, but to help with the process in the future, and have a nice, healthy pool of candidates in case of a vacancy.

Commissioner Smith said he was excited to feel like OPOC is on forward movement, and it's exciting to see where we're going. He'd like to see an Interim in place as soon as possible, and would like to see the past left behind and forgotten, and we can actually do something this time around. The citizens of Spokane deserve that and expect that.

Rose said transparency is very important as we go forward. We have such a backlog of complaints that it really worries me as we keep waiting and waiting and waiting. The faster and more transparent we can be, and yet take our time because we don't want to do anything incorrectly, is so important here. She thanked them for being here, and said this is very important work to us as the commission, and important to the people who live in Spokane.

Richter said his initial reason to want to be on the Commission was because of the lull in the action from the commission requesting that the selection committee be re-formed, and then nothing really happening.

Lieutenant Lundgren, Sergeant Griffin, and Dennis Hession expressed appreciation at being part of the Selection Committee and look forward to accomplishing their task.

Conklin said if you have recommendations for how the process might work better, that would be helpful. We are tasked annually to do a report for the Council and talk about whether there are improvements we could have. There are conversations about having the office staffed in such a way, that when the Ombudsperson steps down, there is already someone in the office who is up to speed, ready to go and can step in.

Breean Beggs said the purpose of a list of potential 5th committee member candidates is to give the committee something to work with; they can bring their own names to it. Marty has emailed all the potential suggestions, and they're just starting to come back now.

Conklin said one of the things that will be different this time is that the Mayor wrote a letter, tasking us with moving this process forward. So one of the things we're offering is Marty's time to staff your work, keep minutes, do whatever is needed to make it work efficiently and move it forward as soon as possible. She invited the Committee to meet with the Commission any time, and invited them to come to Commission meetings. We're going to make ourselves available as much as we can to move this forward as quickly as possible.

Conklin adjourned the joint meeting at 5:52pm, and welcomed the committee members to stay if they wished.

Re: the June minutes, Conklin has some concerns about the minutes being accurate, and reflecting everyone's positions. Conklin and Richter did not recall voting on all 8 policies. Conklin said that someone will review the meeting video and re-do the minutes.

Richter moved to approve the minutes from November 3, 2015, with the correction of the spelling error. VanderPol seconded. Motion approved.

Smith moved to approve the November 18, 2015 minutes with a name correction. VanderPol seconded. Motion approved.

VanderPol and Smith will do ride-alongs with the police department over winter break, and Conklin and Richter will do another one. Conklin has not heard yet if the January 22 Use of Force training is on as Lt. King has been deciding whether to have it since there hasn't been a lot of interest in it. She said she is very interested in it, and if it was a matter of having enough interested people, she would be willing to start recruiting people in the community for whom civilian oversight is an important function. Richter said he is willing to attend. Conklin said this is the Deadly Force review, and described it for the audience. She asked if anyone was interested to contact the commission, and gave her email address. Richter said the 3 day training was excellent. If he could recommend one training, that would be it. The biology and psychology of what officers have to go through in critical incidents. It was pretty eye-opening. He would extend the invitation to the media as well to go to it because it's very insightful.

Regarding reports on meetings attended, many were cancelled due to the power outage.

Conklin said one meeting she went to was the monthly city council public safety committee meeting. They were excited that Humayun has accepted the job. We continue to have a very helpful and cooperative conversation about moving forward and working on the ordinance to help make changes that will make our work in the Ombudsman office better. She, Breean, Marty, and A.J. met with Councilman Jon Snyder last Wednesday morning. We had some specific suggestions about the ordinance that Jon was happy to hear. In fact last night at City Council we made a couple of amendments and passed the ordinance that takes the search

committee out of the Interim process. The ordinance was passed with the caveat that it will go into effect when it is clear that the Guild will not object to any of the provisions in it, or has made whatever objections they may have and it is ruled that the ordinance can go forward.

She said at City Council last night, there was someone who made remarks she considered inappropriate about the candidate that we offered the job to, and who has accepted the job. And in particular, the suggestion that someone from Canada would not be effective in the role because they couldn't possibly understand our American ways. She made a very pointed response that in fact Mr. Humayun is eminently well-qualified and we're very pleased and impressed with his qualifications and his years of experience as a consultant for the Royal Canadian Mounted Police along with his work of actually being an ombudsperson for the entire range of departments in the Province. That makes him eminently well-qualified. She thinks it's important that we do not allow people to diminish the qualifications of our new Ombudsperson. It's important that we make it clear that we have absolute confidence in this person. We expect the community to find him eminently qualified.

Conklin invited interested community members to speak during the public forum.

Bob West introduced himself as the Vice Chair of the Spokane County Citizen Advisory Board, the Commission's counterparts on the other side of the river, and wanted to bring greetings from them. He said these are exciting times for both organizations, and that the Board will offer any assistance they can to help make the transition of getting the new Ombudsman on board. He left some brochures and business cards with Marty. He thanked the commission for the work they do, and that they understand how difficult it is.

Tim Connor spoke about an issue that's been with him for over a year. It has to do with a complaint he filed, actually with the OPO last year, concerning a complaint against chief Straub. He was appearing in front of use of force commission, and told what Connor thought was a lie. Connor was looking around at the surprised faces of the other people he worked with, because it had to do with the chief testifying, saying he had consulted with citizen organizations including the Center for Justice in the development of the draft body camera policy. The fact is the chief just flat out lied. There was no consultation with these groups. Connor filed a complaint; in his mind it showed a lack of integrity.

Connor said that item Q in the ordinance says the Ombudsman can investigate a complaint against any officer of the police department, except the chief, who is exempt. He talked to Tim Burns about how to do this, and he made it clear that said he (Connor) couldn't do it, but he could at least usher it through the process. It was supposed to go to Human Resources, but it went to Teresa Sanders who is the woman implicated in protecting the chief from the press, in terms of what actually happened, or what was alleged, between the chief and Ms. Cotton. I want this to change, and I want the Commission to be aware of it. If you can't insist on the change to the ordinance, I recommend that you at least join me in insisting that the standard

that you would evaluate the Ombudsman's conduct on, which is to evaluate whether a complaint, is thorough, timely, and objective.

Connor said that he gave Ms. Sanders 3 witnesses and she talked with none of them. He said it makes a mockery of the ordinance and the professional standards that are implicit in the ordinance, but are also part of a very rich discussion between citizen groups and the office of the Ombudsman, to try to improve the professional standards under which the complaints and investigations are done.

He thanked the Commission, and said he'll leave copies of his correspondence with Ms. Sanders. He'd like to follow up and see that there are changes to the ordinance, and ideally that the Ombudsman would be responsible for investigating the chief of police.

Conklin asked if there was anything about his complaint that could have been done differently within the current ordinance. He said that Ms. Sanders could have actually done the investigation and she didn't. Conklin said unless the ordinance is changed, it's unclear what the Commission can do differently. Connor said he gets where she is on the ordinance, but encouraged her to work for this change to the ordinance if it's felt it is within the purview of the Commission, and that the Commission can support him and other citizens to insist on the utmost professional standards on the investigations.

Dave Plemmons introduced himself. He offered the Commission congratulations. He said the Commission has made a choice, and someone has accepted their choice, Mr. Humayun. It disturbs him greatly that some members of the community do not understand that the Commission's purpose and the purpose of the Ombudsman is not to tear down the police department; it's to make the police department more respected, stronger, by seeing that each individual officer adheres to his professional responsibilities. It disturbs him that some of our community don't understand that the vast majority of the public wants the Commission to succeed. He wants the Commission to know that he appreciates the work they are doing, and to keep it up.

Beggs gave an update on the hiring of the Ombudsman, saying Mr. Humayun accepted. We don't have an estimated date of arrival. Human Resources gave the Commission 23 applications for the Interim position. 15 are still interested, and it seems from looking at them that some of them are well qualified.

A discussion took place about the review of rules 1 and 2 (see separate document). At the end of each meeting, a vote will be taken on the changes that were discussed. A final vote will be taken on the entire document. VanderPol moved to accept the evening's changes as tentative. Smith seconded. Motion passed. During the next meeting, work will continue on the rest of 2, and 3.

Conklin said we may need to go back into the document and define what the secretary does.

A discussion occurred re: training for the Coordinator. The Commission agreed that the Chair will determine when the Coordinator will be trained on our time, and if the Chair + Coordinator disagree, it can be brought to the Commission.

Conklin said it would be helpful to us to create set of trainings we think are helpful, and not helpful. We need to be constantly assessing training.

Bob West offered to provide information on trainings that could be helpful for us.

Conklin began the discussion on electing the Chair and Vice Chair for 2016. Richter made a motion to re-elect Chairperson Conklin and Vice Chair VanderPol. Rose seconded. The motion was approved.

Conklin adjourned the meeting 7:37pm.

Submitted by Marty Huseman and approved by Commission on January 5, 2016.