

City of Spokane Office of Police Ombudsman Commission (OPOC)

Regular Meeting Minutes April 5, 2016

Commissioner Conklin called the meeting to order. She welcomed the public and Commissioners A.J. VanderPol, Ladd Smith, Scott Richter, and Jenny Rose.

Commissioner Rose moved to approve the agenda. Commissioner VanderPol seconded. Motion passed unanimously.

VanderPol moved to approve the 3/21/16 minutes with correction identified by Commissioner Smith. Rose seconded. Motion passed unanimously.

Rose and attended use of force recertification with Smith at the academy on 2/15/16; she highly recommends it. Smith has the first session of the Citizen's Academy on 4/20/16. Conklin attended 1 day of annual in-service training. SPD Lt. Tracie Meidl can be contacted by those wanting to attend the Community Academy on 4/16/16 from 9am to 1 pm. Use of force and virtual training will be covered.

Conklin attended meetings for South Perry and the East Central Neighborhood Council. She and VanderPol were asked to meet with Mayor Condon and Council President Stuckart on 4/1/16. They discussed the hiring process for the permanent Ombudsman. Afterward, Conklin received a letter from Condon and Stuckart about offering the position to Mr. Logue. Smith attended the Police Advisory Committee quarterly meeting on 3/17/16. The next one is open to the public on 6/16/16 at the Northeast Community Center.

Citizen Dave Plemmons said we really need a good calendar from the city showing what the schedule, dates and times are for the public meetings that occur in the city.

He said he knows you are under a lot of political pressure, and are absolutely on the right track in adhering to the language of the ordinance. If the language is to be ignored because of these pressures, what are the implications? This is not legally advisable, he wouldn't think. What happens if you go on with that opinion and put a very fine, well-qualified person into the position expeditiously, then in the future, somebody in city government didn't like the decision that this person was making on some issue, is that person then going to be on thin ice because they really weren't put into the position according to the law? The problem was not caused by you. You are doing your best under very difficult circumstances, and you are trying to follow the ordinance, and I think you deserve applause for that.

Interim Ombudsman Bart Logue gave his monthly report. He said significant progress was made in March, with 75 citizen contacts that resulted in 6 citizen interviews. None of the interviews resulted in a complaint being filed yet. 1 complaint was received by email. He attended 3 officer interviews and certified 13 cases. He returned 9 cases for further investigation or information. He declined to certify a case completed in 2015, and SPD responded in writing that they agree further investigation is warranted. He has begun the request for mediation for 2 cases.

OPO had 33 different meetings this month in the community and City Hall, including a conference call with the Department of Justice regarding 4 recommendations. He is going to limit meetings on Tuesdays and Thursdays so those days are kept free for doing case review.

In reviewing body camera footage, Bart views the entire body camera footage. He brought a concern to the Assistant Chief, Internal Affairs and the Guild President because he saw behavior on the video which fell outside of the original complaint, and firmly believes that if the officer listened to the complaint against them and watched the video, they may change their behavior. Bart is working on creating a mechanism to properly address these types of concerns formally.

SPD is in the process of developing their body camera policies. A citizen brought up a concern about the release of body camera footage in accordance with ADA, for an alternate viewing format. Bart also received a phone call from a citizen concerned about their safety, and was able to use the city's technology to forward it quickly to SPD officials, allowing the concern to be resolved. This is an example of how the Ombudsman can help citizens. SPD is making changes to their contact information so citizens can contact them more easily.

Rose said she loves the format of the PSC report, and it would be interesting to know the number of hours Bart puts in for case review. Rose stated that the OPO is working hard and she wants the citizens to know just how hard the OPO is working, and doing the work that we've been waiting for so long.

Logue said OPO is hanging redacted versions of closing letters on their website to make sure that citizens have all the information they need. Smith said he appreciates the fact that Logue is setting time aside Tuesdays and Thursday to work on cases. Logue said he would like to walk Commissioners through the process of case review. VanderPol said he likes the website, and improvements.

VanderPol asked if Intern Alwazani's time was productive. Logue said to send more interns. Besides doing oversight, OPO is working to establish the office to be functional and viable. This will allow the next person to walk in and start working. Between Marty and Luvimae and I, we spend time every day to make the Office and the Commission better. We're doing no favors to anybody if we're not transparent in what we're doing.

Rose asked about confidentiality in regards to the interns, and Logue said interns sign a confidentiality waiver.

Ombudsman Assistant Luvimae Omana presented the four DOJ recommendations that apply to OPO, and the progress that's been done so far:

1. OPO should increase awareness of monthly and annual reports, by making them more succinct and meeting with community stakeholders to discuss reports. She and Marty created 2 versions of the PSC monthly report, and then combined them.
2. Formalize the role and responsibility of the Ombudsman. Alwazani researched this and started to put together recommendations. It was a large project, and Marty has picked up the ball from there.
3. To improve public understanding and commitment of OPO roles and responsibilities, and work with SPD to leverage outreach. She is working with Lt. Tracie Meidl and Kathy Armstrong to reach all the communities in the city.
4. SPD should continue to integrate the Ombudsman into all review mechanisms, such as use of force training offered by SPD.

Logue discussed with the Commissioners his idea of visiting 3 civilian oversight offices in Seattle, Portland, and Eugene, OR to see how they do business and learn about best management practices. He invited Commissioners to attend as well. Logue will move forward on travel arrangements for himself and Omana and wait to hear if a Commissioner can join them.

Conklin gave an update on the permanent Ombudsman's visa process. As the wrong document was filed and there was not enough time to make corrections, it became clear that the H-1B visa was not an option. Mr. Railton is working on making the strongest case scenario to provide Mr. Humayun with the paperwork needed to go to the border and request a visa. Mr. Humayun will have an answer, presumably within the next 2 weeks.

Conklin said it would be prudent for Mr. Tyler to schedule the Selection Committee to meet and start on the permanent position. VanderPol made a motion to have Mr. Tyler call the Selection Committee together. Rose seconded. The motion passed unanimously.

Richter made a motion that OPOC retract all offers to Mr. Humayun, so they can have a process that will work. VanderPol seconded the motion. A discussion took place. Richter voted aye, VanderPol abstained, and the other 3 Commissioners voted nae. The motion failed.

Kim Plemmons asked if Mr. Humayun doesn't get the visa, shouldn't the position be posted as open? Conklin said that would be her expectation. The ordinance says that when the position is open, we invite the Selection Committee to do its research and recommend 3 candidates to us.

Marty Huseman gave an update about the advertisement for OPOC counsel.

A discussion took place about hosting a public forum process for review of the Ordinance. Shar Lichty said that one weekday evening is the best, and Tuesdays and Thursdays are best for turnout.

VanderPol made a motion to organize a public meeting, volunteering Conklin and others in the community to put together a poll to determine the best schedule, and volunteering Conklin and Smith to organize the day. Rose seconded. The motion carried unanimously.

A discussion took place about planning an assessment and evaluation for Mr. Logue. Conklin recommended that if an executive session is done, the Commissioners come out to the public afterward with an agreed-upon list of statements about his work. She said OPOC could request the city to provide an attorney to assist Commissioners through the process. Logue offered to draft what expectations might look like by mid-April, then they can be discussed at the next meeting. The Commissioners agreed.

Conklin adjourned the meeting at 7:48pm.

Next Regular OPOC Meeting on May 3, 2016 at 5:30pm in City Council Chambers

Submitted by Marty Huseman and approved by Commission on May 3, 2016.