

## City of Spokane Office of Police Ombudsman Commission (OPOC)

Regular Meeting Minutes June 7, 2016

Commissioner Deb Conklin called the meeting to order at 5:32pm and welcomed the public. Commissioners Scott Richter, Jenny Rose and Ladd Smith were present. She said Commissioner A.J. VanderPol may join by phone.

Smith made a motion to approve agenda. Rose seconded. Motion carried unanimously.

Commissioners agreed to approve the minutes for April 26, 2016 and May 3, 2016 at the next regular meeting.

Commissioners discussed upcoming training.

Smith attended the Police Advisory Committee meeting on 5/11. Conklin attended the Homeless Coalition meeting on May 5<sup>th</sup>, the Holmes Elementary Professional Learning Team meeting, the Spokane Police Accountability and Reform steering committee meeting, the East Central Neighborhood Council meeting on May 17<sup>th</sup>, the South Perry Business and Neighborhood Association meeting on May 10<sup>th</sup>, and the Center for Justice Lunchbox on May 18<sup>th</sup>.

Rose said she's not able to find information easily on the city website about neighborhood meetings. Conklin said she will follow up by sending a website.

Public Forum:

Alan McDowell: said that every individual deserves the right to on-site reporting tools to combat the deadly brain damaging pharmaceutical mental health industry. He has concerns about Frontier Behavioral Health (FBH), and doesn't like the fact that the Ombudsman's Office has FBH materials on their front desk. If FBH is allowed to place their propaganda on the front desk, he believes Memory Programs LLC should be allowed a table of tools, free of charge, to help citizens build their complaints, help make the Ombudsman more productive, and cut the interview time down to a fraction.

He said he would like an answer to his request, maybe a month ago, about a policy change at SPD, to make it mandatory that that police officers provide business cards to all citizens involved or viewing the scene.

Conklin asked if he had talked with Mr. Logue about his ideas. He said not to this effect, and that he's never requested any paperwork be provided for the Ombudsman's desk. Conklin said it would be helpful if he had a conversation Mr. Logue about what he's asking for and then figure out what policy is needed. She asked him if he would bring his request for business cards to the Police Department before going to the Ombudsman. Logue said the Police Department does hand out victim/witness cards. If they are requested by people on scene, officers are required to hand them out.

Catherine Isabel: expressed her concern that her case is 3 years old, that she contacted the Commission on March 26 and didn't get a response, and that she filed a complaint on May 4, and didn't get a response. She said she doesn't know why we have a Commission, she's really fed up, and she's not going to sign another waiver.

Conklin said one of the problems with her complaint is that FBH is outside the Commission's jurisdiction. The Commission can help her negotiate with them, but at this point she's saying she doesn't want that help. If she wants to do another release, Mr. Logue stands ready to assist. She said the OPO has bent over backwards to try to help her with this situation and the bottom line is she is not willing to sign another waiver there is nothing the OPO can do. This is not about the police at this point; it's about FBH. Isabel said it's connected to the police, and that the Commission is not doing their job.

Bart Logue presented the Ombudsman's Report. He said 17 cases were certified this month, and he declined to certify 1. No new complaints for SPD were received, and 3 referrals were sent to other agencies. He returned 5 completed cases for further investigation. To date, he has completed 28 case reviews from 2015 and 15 from 2016. There was a brief discussion about the continued lack of access to body camera footage for other OPO staff, and about the review of use of force incidents.

Logue said another major project this month was working on the budget. He's asking for a slight increase to keep what we already have. This includes establishing a permanent part-time salary for the OPOC Coordinator, and putting a correct classification on Luvimae's position. He asked Commissioners to reach out to their City Council members for support of the budget. He also praised Commissioner Smith for doing a great job in providing him with feedback this month. He requested feedback on the annual report draft by next Monday so he can move forward. A brief discussion took place about mediation.

Luvimae Omana gave an update about a recent conference call with DOJ about collaborative reform. DOJ gave OPO 4 recommendations, and #4 was related to improving the monthly Public Safety Committee reports. The DOJ representative on the call was happy with the changes OPO has made to the reports, so they will check off #4 as completed. Also, DOJ was impressed with OPO's initiative in visiting other civilian oversight agencies in the area.

Richter gave an update on the Ombudsman hiring process, saying the search committee is meeting on June 27 after the job has closed, and they will sift through the applications as a group.

Conklin said the attorney interviews were conducted on May 24<sup>th</sup> by Scott, Ladd and herself. They realized they had 2 candidates that were both very good. A discussion took place about Jason Gray and Mark DeForrest.

Smith made a motion that the OPOC hire Mr. Jason Gray to become the attorney for their Commission. Richter seconded. Motion passed with Conklin, Richter and Smith voting 'aye', and Rose abstaining because she didn't have any knowledge of the two gentlemen. Richter said he would like to thank Mr. DeForrest for making it tough; it was not a quick or easy decision.

A discussion occurred regarding the review of the Ombudsman Ordinance. City Council Member Breean Beggs said he appreciated the chance to ask for some time with the Commission, after the Commission held a public forum, and after he got feedback from others. His idea is to finish gathering the information, put it together for potential changes, and bring it back to the Commission and to the public, in the hopes of having a pretty good draft for City Council to consider by July or August.

Beggs said the Charter says the Ombudsman will do independent investigations, and we haven't done any yet. When the ordinance was passed, it was purposely made unclear. Everyone agrees that they want the Ombudsman to make the process work better, but there's some disagreement on how to do that. He is interested in tasking the Ombudsman and Commission with being the place that has the primary duty on healing the relationship between the PD and the Community.

Conklin said she sees 4 general options: 1. Leave it as is, and bargain any changes. 2. Give up any presence of the Ombudsman in Internal Affairs (IA) and at critical incidents, and the OPO does independent investigations based on the record produced by police, with the Ombudsman doing their own questioning of witnesses. Officer could voluntarily answer questions, but would not be required to do so. 3. Continue to have the Ombudsman present at critical incidents and in IA, but not have the ability to ask questions, and explicitly add the power to do independent investigations to avoid any issues with discipline. 4. Keep what we have, then create a second entity to be a citizen's commission, that would review requests for independent investigations, do a screening process, and if it looked appropriate, hire an independent investigator to do the investigation.

She said that when Bart, Luvimae and Marty talked about their field trip, she heard very strongly that we have already bargained for and gotten an independent person to sit in on police internal investigations and that is something that many jurisdictions wish they had, but they don't.

Beggs said he doesn't see the OPO having to hire additional people for independent investigations. Once in a while the OPO may want to re-create part of the investigation, or see the scene; it doesn't mean a full-blown investigation, or that all complaints would be investigated.

He gave a few more examples of what people are talking about. When a complaint is sent to the PD and they classify it as inquiry; maybe the Commission could classify them instead as it's already been bargained for. Currently the Ombudsman certifies investigations as timely, thorough, and objective. Do you want the Ombudsman's opinion on what really happened? What could be improved for the next time? The Ombudsman selection process is union-centric. There is resistance from the PD in allowing OPO office members to review evidence; that's an easy fix.

Conklin said the most effective OPO would be to have 2 people who are qualified to do all the tasks, so when the Ombudsman resigns, the other person can step up and fulfill the duties until a new one is hired. He would like to that position, an attorney for the Commission, and an OPOC Coordinator, but there is a budget issue. Council may be able to put a placeholder in the Ordinance for when funding is available.

Conklin asked Beggs a question that VanderPol has, about whether Council thinks the Commission is working. Beggs said he's heard good things. In closing, he said he would like to have the new ordinance in place by the first of September.

Conklin adjourned the meeting at 7:15pm.

The next Regular OPOC Meeting is on July 5, 2016 at 5:30pm in City Council Chambers.

Minutes submitted by Marty Huseman, and approved on August 2, 2016.