

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

Regular Meeting Minutes August 2, 2016

Commissioner Conklin called the meeting to order. She welcomed those who took the time and energy to attend, welcomed those viewing at home, and welcomed Counsel Jason Gray to his first meeting. Commissioners Scott Richter and Jenny Rose and were present. Commissioner Smith was unable to attend.

Rose moved to approve tonight's agenda. Richter seconded. Motion passed unanimously.

Richter moved to approve the 4/26/16 minutes. Rose seconded. Motion passed unanimously.

Richter moved to approve the 5/3/16 minutes. Rose seconded. Motion passed unanimously.

Richter moved to approve the 5/24/16 minutes. Rose seconded. Motion passed unanimously.

Richter moved to approve the 6/7/16 minutes. Rose seconded. Motion passed unanimously.

Bart Logue gave the Ombudsman's report. There were 116 citizen contacts in July and August. There were no interviews this month but there were 5 in the previous month. 4 complaints were taken in June and 2 in July for a total of 21 since February. 68 cases were finished since February. 43 cases were certified out of the 109 from 2015, and 25 were certified so far from 2016, so just shy of half from the backlog.

He continues to work on full and complete access for body camera footage. He has a meeting with Chief Meidl next Monday so hopeful they can move forward. DOJ will be coming out with their findings on collaborative reform shortly. OPO has 4 items, and the first is Policies and Procedures. He will send Commissioners a copy next week for approval, and will send it to DOJ so it can be checked off in the next couple of weeks. The second is Community Outreach. The focus was on the backlog for a while. He attended the Black Lives Matter vigil, the NAACP meeting, and the Chief Garry Park block party. He met with Colleen Gardner today and will meet with another neighborhood tomorrow.

Rose asked how he finds out about community events. He said by invitation, and will find out if there's the possibility of Commissioners being emailed about the events.

Conklin said she and Marty have been trying to make the whole Outlook calendar thing work, and do a 'cheat sheet' for everyone. She asked Logue if OPO could send out a weekly email about what meetings they will attend, and Commissioners can attend if they want to. She said she's been trying for 3 years to get a centralized calendar and that someone has to be willing to contact all the different groups. If OPO became caretaker of that calendar that would give us some good will in the community. Logue said we'll see what we can do.

He said the third item is to become included in administrative reviews within the PD. He is already invited to deadly force review boards. The letters have been written and they are waiting for approval

from the Lieutenant's and Captain's Association. As soon as they are approved, this will be completed and checked off. The fourth is to revise the PSC reports to make them easier to read. This has been completed and is checked off.

He said he has re-worked the budget to provide salary savings to fund the attorney's costs for this year. He asked Commissioners to go to their City Council members and request support for the 2 white paper requests.

Logue said that Lieutenant Dave Staben is now heading Internal Affairs. On July 8, Major Lundgren was designated as classification authority for complaints. This is a positive development that someone in the chain of command will classify them after consultation with OPO.

Conklin and Smith attended the 3 day Force Encounters Analysis from California Training Institute (CTI) on July 11 – 13. Officers from all over attended. It was very good training, and helped to get a picture of what's going on. She'd like to schedule some time with Logue and Smith to talk with SPD to discuss what they got out of the training, and what they are doing with some of those challenges. People under stress have to overcome some significant things going on in their bodies.

Conklin attended meetings at South Perry Business and Neighborhood Association, East Central Neighborhood Council, West Central Coalition, and SPARC.

Rose attended the Police Advisory Committee meeting at NE Community Center on 6/16.

Richter attended the NACCP general meeting on 7/18.

Commissioners Conklin and Smith, and Counsel Gray are going to the NACOLE Conference in September. Richter said that the most important trainings are NACOLE, the Citizen's Academy, and the Force Science training (CTI).

Public Forum: no one signed up.

Dennis Hession gave the report from Selection Committee on behalf of Phillip Tyler and the rest of the Committee. He thanked them for the opportunity to participate in this process for the citizens of Spokane. In addition to Chairman Tyler, he recognized Captain Tracie Meidl, Detective Ty Snider, and Scott Richter. He also acknowledged that Major Justin Lundgren and Sergeant John Griffin assisted with the process for selecting the Interim Ombudsman. He thanked them for loaning Marty Huseman to the Committee, and including Scott Richter in the process as he made a great connection through this Commission to the Committee. He also thanked Chairperson Conklin for the time she gave to them.

He said they advertised this position thoroughly and nationwide. They had 11 applicants, and 4 of those did not meet the minimum requirements. They reviewed the remaining 7 applications and determined the 5 who presented very well. For personal and professional reasons, 3 of those decided to withdraw their applications. They held lengthy and thorough interviews with the 2 applicants who remained. With great pleasure, he informed the Commissioners that the committee voted unanimously to forward

them the names of Jacqueline MacConnell and Bart Logue for their consideration for the position of Ombudsman for the city of Spokane. He offered to answer any questions.

Conklin said it was her understanding the day before the interviews the committee still expected to be interviewing 3 people, and got the last withdrawal less than 24 hours before the interview. Hession said that was correct. He said they did have a discussion about the fact that the ordinance does provide for submitting 3 applicants for consideration. Of course they would have done that if they had 3 that they considered worthy. They did not, but they had 2 great candidates. You have 2 very high qualified people to consider. It's reasonable because of the circumstances that occurred that we feel good about presenting them to you for your consideration.

Gray agreed with that interpretation of 4.32 080 of the municipal code. Although there is that statement that the Committee members will recommend 3 candidates for the position, the circumstances here that were created by no fault of the committee, left you with 2 candidates that you screened thoroughly and are now presenting. If you look at subsection B, to me, that language is suggesting exactly what you stated that in the event that 3 candidates are presented by the committee, the commissioners have no discretion. Since 3 candidates weren't presented, it would be entirely up to you as Commissioners to decide how to proceed; you are definitely not bound to select one of these 2 individuals, but as written, it doesn't state that you cannot select one of these individuals.

Conklin thanked all the members of the Committee. She appreciated the thoughtfulness and attempts to help us have the best person we can in this position. She asked the Committee to be on stand-by in case something else comes up. Hession said the committee will welcome that.

Conklin said our job is to decide whether to accept this report. Rose made a motion to move forward with the 2 candidates selected by the committee. Richter seconded. Conklin said we went through a process, advertised every place we advertised the first time, and then some. She agreed with the decisions made by the selection committee about who to interview, and agree that the 2 candidates they've sent us seem to be very good candidates. As soon as we realized we had only 2 candidates left, I sent some inquiries out to the community for feedback. We have been through 20 months of a search process. We had the first set of 3 candidates where none were both suitable and able to take the job. The community has been without an Ombudsman for 20 months. We've had the interim in Bart, which has been a huge help, but he is not the permanent Ombudsperson. Overwhelmingly, the community has said just finish the process. Not one said it would be an issue. Rose totally agreed with that. The motion passed unanimously.

Commissioners discussed the public meetings for the Candidates. They will keep August 16, 17 and the evening of the 17<sup>th</sup> open.

Conklin introduced new OPOC attorney Jason Gray. He thanked the commissioners, and said that the law firm he works with, Kirkpatrick and Startzel, is excited and truly believes in the work that's being done here. He is thrilled to be here and is humbled to be selected. He went to law school at Gonzaga and clerked for a trial court judge in Boise, and was Deputy Attorney General with the state of Idaho. He worked with Idaho State Police and provided them with legal counsel. He has done private practice in

Coeur d'Alene and Spokane, and is a member of the ID and WA state bars. His current practice includes representation of municipalities, general legal counsel, representation in lawsuits, and working with business clients. He said he can't thank the Commissioners enough. It's been a privilege meeting them and he looks forward to working with them in the future.

Conklin said Gray was very well prepared for the interview and showed a significant interest in the work. She wanted to make clear that Gray is the attorney for the Commission; he is not an attorney for anyone in the public. Because OPOC pays him an hourly fee and has to keep control of their budget, he is not available for the public to call to lodge complaints. If someone has a complaint that goes to the Ombudsman's office, they should contact the Ombudsman's office. If someone has a complaint for the Commissioners, they should go to the Commissioners.

A discussion took place regarding the OPO ordinance. The current contract with the Guild expires in December. Conklin proposed that we as a Commission don't take a formal position on this because there are only 3 of us, but she strongly encouraged everyone to look at the proposals and the ordinance and to give feedback to city council and to SPARC. Conklin asked Marty to find out when Council will vote on this, and let them know.

Rose made a request to schedule a study session on the ordinance, and it was set for 8/29/16 at 1pm.

Conklin said VanderPol and Smith were appointed to a term that expires this October. Smith has requested re-appointment. VanderPol will be sending a letter of resignation. He had hoped he would be able to stay in Spokane, but that's not going to happen.

Rose made a motion to send Mayor Condon a letter, quickly, asking him for a replacement commissioner. Richter seconded. Conklin strongly encouraged the community to let the Mayor know how important it is to have this position filled as soon as possible, and to let him know what qualifications they would like to see that person have. It would also be helpful to clarify the start date, and that it is for a whole new term. Motion passed unanimously.

Conklin adjourned the meeting at 7:05.

Minutes submitted by Marty Huseman and approved by OPOC on October 4, 2016.