

City of Spokane Office of Police Ombudsman Commission (OPOC)

Regular Meeting Minutes December 6, 2016

Welcome

Commissioner Deb Conklin called the meeting to order at 5:30pm. Commissioners Ladd Smith and Scott Richter were present. Conklin noted that Commissioner Jenny Rose would arrive later, and that Bart Logue and Luvimae Omana were at training.

Approve agenda for the meeting

Richter moved to approve the agenda, with any modifications needed for Rose's attendance. Smith seconded. The motion passed unanimously.

Opportunities for Commissioner Training

The Commissioners discussed opportunities for on-line training, and the coordination of the review of an Ombudsman training binder.

Conklin shared some feedback she has received about making some changes to the agenda.

Reports of Commissioners on Community Meetings Attended

Smith attended the NAACP Freedom Fund Banquet on 11/12/16 at Northern Quest. He was glad to go, and it was a great opportunity to network, hear guest speaker US Representative Maxine Waters, and find out who is doing the hard work for the African American community in Spokane. He attended the meeting on 11/16/16 at the Northeast Community Center about contract negotiations with the Police Guild.

On 11/5/16 Conklin attended a use of force forum at Gonzaga Law School. She said it was an interesting forum with candid discussions about disproportional use of force, and a lot of good information was shared. She also attended the NAACP Freedom Fund Banquet. On 11/15/16 she attended the East Central Neighborhood Council. On 11/16/16 she also attended the public listening session on the Guild contract. She was impressed by the facilitator's ability to learn from public input and adapt as she went along. She said Logue spoke eloquently about some of the things that OPO would like to have come out of this contract. On 11/17/16 she attended an event at Salem Lutheran about the community coming together and gathering hope.

Conklin said that the fact that Commissioners are willing to take the time and go to training that police officers attend has been a big deal for the officers. Richter said those are some of the most important trainings to attend. Commissioners know how to be citizens and how to be activists, but none of us have put on the uniform and badge. We should have a better understanding of what they do. It doesn't mean we have to be on their side, or lean towards their side; we need to understand the middle ground. Conklin said that attending training with officers, having them hear the questions we ask, and then listening to their responses creates a sense that we do have similar goals. They're seeing us as concerned citizens who want to heal a broken relationship rather than adversaries that are out to find problems in their work.

Richter talked about how the force encounter science training is based on biology, physiology, and psychology. It is tremendously enlightening. Mayors across the nation are hearing their communities and they're changing their positions to: "let's wait and see what the investigation says". Smith said the use of force analysis was incredibly fascinating. Police officers are humans and they react in a certain way given the situation and the time they have

to react. And meanwhile, the media create frenzy. Stepping back and letting a thorough investigation take place is so critical in these situations.

Conklin attended the West Central Coalition on 11/22/16. On 11/30/16 she attended a meeting with Bob West for planning of the 2017 NACOLE Conference. On 11/30/16 she attended the SPARC meeting. On 12/2/16 she had a meeting with Logue and City Council members about the ordinance. She attended the Center for Justice Lunchbox on 12/6/16.

Report on Internal Affairs and Critical Incident Training

Marty Huseman presented a report on the Internal Affairs and Critical Incidents training that she attended on 11/2/16 and 11/3/16. She said that most of the presentations were done through a panel format, which was very effective. The panel was comprised of a prosecutor from Los Angeles, two attorneys, one of whom was involved in the 1989 Graham vs. Connor use of force case, and a PhD who was trained in criminology, sociology, and anthropology. The two main topics were officer rights and the laws that pertain to them like Garrity and Weingarten, and the viewing of critical incidents from every angle. A lot of statistics were thrown out, and attendees were cautioned that some of the data is junk science, so it's important to look carefully at the data. The instructors said there are no long-term studies available yet on officer involved shootings.

The Washington Post did do a study in 2015 that showed that 990 deaths occurred from police use of force that year, and 9,704 cases occurred where deadly force was used against officers. The study said that use of force was rare, and comprised about 1.5% of all police contacts with the public. Less than 1% of those uses of force were deadly force. Regarding the release of body camera video to public, the panel advised that whoever is releasing it should set the context. They should explain that the video is not the "be all, end all", and that it is one tool of many. The panel also gave one piece of advice: never use your personal cell phone for work business, and never use your work cell phone for personal business.

Public Forum: opportunity for community input to Commissioners

Allen McDowell: he talked about alternative methods to the Diagnostic Statistical Manual (DSM-5). He also spoke about medical Miranda rights. He said it's possible for an individual to be misdiagnosed because they are donating plasma. Conklin asked for clarification about the process he is proposing, and McDowell said in the future the officer would provide the checklist to the individual, and this will help ensure that a proper assessment is done.

Richter said he thinks what McDowell is doing is great. He said McDowell is correct that once an issue goes to a mental health provider without considering some of the environmental issues that may be going on, and things not related to mental health that may cause mental health situations, an individual can be treated for something they might not have. They may also be under-treated or over-treated. He appreciates that McDowell is continuing to move forward on this issue.

Report on OPO Ordinance amendments

Conklin said one of the main reasons for doing extensive work on the ordinance is that since Proposition 1 was passed, the ordinance has focused on OPO overseeing investigations, and particularly the work of IA. The charter amendment has two parts: the oversight of internal investigations, and the responsibility for doing independent investigations. SPARC and PJALS have been saying that independent investigations are not getting done. Part of it is that we have not had a permanent Ombudsperson for almost all of the time since the ordinance was passed. The argument has been that the ordinance does not authorize independent investigations. Some say that while

the ordinance doesn't explicitly authorize them, since the charter does authorize them and the ordinance doesn't forbid them, they are clearly permitted. The current goal is to have the ability to do independent investigations written explicitly into the ordinance. Conklin said Council Member Beggs has tried to keep a balance between overseeing investigations and doing independent investigations in the draft.

Smith asked when the process would be completed. Conklin said City Council members want to get the new ordinance passed before the current round of bargaining takes place.

Election of Officers for 2017

[Rose arrived to the meeting prior to the vote for the 2017 officers.] Smith nominated Conklin to be Chairperson for 2017. Rose seconded. Conklin accepted the nomination. The Chair was passed to Smith asked for a vote on the nomination, and it passed unanimously. The Chair was passed back to Conklin. Rose nominated Smith as Vice Chairperson for 2017. Richter seconded. Smith accepted the nomination, and it passed unanimously.

Conklin said active recruiting is being done to fill the position of the 5th commissioner, and some really impressive names have surfaced. She's not sure if any applications have been submitted yet.

Update on contract negotiations with Spokane Police Guild

As an update on the negotiations for the new Police Guild contract, Conklin said as far as she knows, as of last Friday, they have not started yet.

Rose asked a question about the public forum on 11/16/16. Conklin said the meeting was a result of work being done to strengthen relationships between SPD and the public, and making the process of negotiating contracts much more transparent. She said that a firm has been hired to do the negotiations. Excellent conversations took place during the meeting, and the community felt like they were really heard.

Re-arranging the agenda - discussion

Conklin said she will work with Huseman on re-arranging the agendas so that housekeeping items can be done towards the end, and other items that might be more interesting for the public can be done in the beginning.

Conklin said the next regular meeting would normally be on January 3, 2017. One of the things that office staff has pointed out is that it's hard to have the public safety report done in time for the OPOC meeting when it falls in the first few days of the month. Because the City celebrates the holiday on January 2nd, Tuesday the 3rd will be the first day anyone will be back in the office. A brief discussion occurred, and Rose made a motion to set the next meeting for 1/24/17, and to cancel the regular meetings that would normally occur on January 3 and February 7. Richter seconded the motion. The motion passed unanimously.

Conklin asked Huseman to send out a reminder to Commissioners to send her their information on community participation for December and January for the PSC report.

A brief discussion took place about future meeting schedules. Conklin said they can re-visit this when the 5th commissioner is appointed. She also said OPOC will meet at the regular time on March 7, 2017.

Policies and Procedures

A brief discussion took place about the Policies and Procedures draft. Conklin said that Ryan Poole has prepared a written copy of the current draft, and she asked him to add ordinance citations to identify the things that are

required. Poole said he added some references, and changed some language to make the policies and procedures mirror the ordinance language. Conklin said there is a significant chance that the new ordinance could be adopted by the January 24th meeting. She suggested that Commissioners review the draft, and see if there's anything that they would want changed. She asked Poole to pay attention to City Council to see if they adopt the new ordinance, and if so, to do compliance checking.

Approve Minutes from November 1, 2016

Smith made a motion to put off approval of the minutes for 11/1/16 minutes until the 1/24/17 meeting. Rose seconded. The motion passed unanimously.

Adjournment

Conklin adjourned the meeting at 7:06pm.

Minutes submitted by Marty Huseman and approved by OPOC on 1/24/17.