

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

Special Meeting Minutes January 24, 2017

Commissioner Deb Conklin called the meeting to order at 5:30pm and welcomed everyone. She thanked City Cable 5 and OPO staff for making this whole thing work at an off time. Commissioners Ladd Smith and Jenny Rose were present. Commissioner Scott Richter was not present and had an excused absence. Conklin reminded everyone that because this is a special meeting, the only actions that can be taken are the ones on the agenda.

Smith moved to approve the agenda for 1/24/17. Rose seconded. The motion passed unanimously.

### Discussion of meeting locations this spring

A brief discussion took place. Smith made a motion to hold a special meeting on March 7<sup>th</sup> at a community location that will be determined later. Further discussion occurred, and Rose moved to schedule a special meeting on 2/28/17 at 5:30pm at a community location that is available. Smith seconded. The motion carried unanimously. Marty Huseman will check availability with the Community Centers. Conklin asked Huseman to check to see if the new Facebook page will be ready by then so meeting invitations can be sent.

### Report from OPO

Bart Logue gave a compilation of things that occurred in in November and December, OPO had a total 126 citizen contacts. OPO conducted 1 citizen interview, resulting in a formal complaint. He attended multiple IA interviews. He certified 28 cases. There were no mediations. He declined to certify 2 cases: in one, there were no officer interviews performed and there was no investigation of the specific allegation from the complainant. In the other, there were no attachments attached to the case, so there was no way to see if it was investigated or not. These were from the backlog.

There was a case yesterday that he declined to certify from the 2016 batch. While drafting the annual report, OPO realized that IA chose to close a case that came through OPO without sending notification to OPO. Logue called Assistant Chief Lundgren about this. Logue said he will decline to certify the case, and Lundgren will send an email that that this was an error in process. Logue believes it is a one-time thing. Conklin and Logue discussed ways this could be tracked in the future.

Logue said there were 118 backlog cases when he arrived last February. 109 cases were from 2015 and 9 cases were from 2016, prior to his arrival. He has completed 81% of the total backlog, which represents 95 cases, while remaining current with current cases. The Commissioners congratulated him.

Logue said that he and Assistant to the Ombudsman Luvimae Omana attended Reid Interview training in Seattle, and the Internal Affairs class in Florida. They did on-line training in body camera video analysis and active shooter awareness in the workplace. He said Huseman attended the Labor Relations and Critical Incidents training in Las Vegas. In November, he had the opportunity to attend his first collision and use of force review board. It was nice to go and see the level of scrutiny that is put on these cases.

He went to the January 11<sup>th</sup> police advisory committee meeting, and one of the members asked if they could be a part of these reviews. He will be making a formal recommendation to SPD to bring some of those details to the police advisory committee for their feedback so they can play an advisory role, and be able to weigh in with a different point of view. If people saw the level of detail that SPD is putting on their actions, they would really appreciate the time and commitment that is being put in.

Omana attended the SPD CIT training in November.

Conklin asked about the recent Officer Involved Shooting (OIS). Logue responded to the scene twice on 1/15/17, for about 7 or 8 hours total. Smith asked if Logue can get into everywhere where things are being done. Logue said he is as close as anyone, and they make sure that the scene is not disturbed until the work is done.

Smith asked if Commissioners can attend the on-line training, and Logue said yes.

Logue said OPO did a lot of work on solidifying budget figures for the end of the year, and reviewing various versions of the Ordinance. He's met twice with a mediator, Bob Murphy, who does reconciliation services for the fire department and the school district, to learn more in case mediation becomes part of the law.

OPO reached out to the Hispanic Professional Business Association to request Spanish-speaking assistance. The Association has identified 3 individuals who can assist with verbal translation with citizens, and with written translation services for the OPO brochure.

Logue said OPO Intern Whitney Hey had to return to her home in Denver. Two candidates from Whitworth showed initial interest, but had to drop out. He asked if anyone is aware of someone who would like to do this work, or if anyone would like to become a part of this effort, to let him know. There's office space available, and a lot of work to do.

#### Report on OPO Ordinance amendments

A brief discussion occurred. Logue said he and Omana met with Councilmember Beggs and went over OPO comments line-by-line. He said Beggs was also doing the same thing with Beth Kinnear, the lawyer representing the city in the Police Guild negotiations, and that another iteration would be sent out.

Smith said he would imagine there were a lot of hours put in on this. Logue said if he had to guess, over 100 hours have been spent on this between Omana and himself. He said the very most important thing for him is to have a voice. If there's something that occurs, he should be able to speak about it. Right now he's confined to "timely, thorough and objective".

#### Public Forum

Allen McDowell said all his products are connected to an advance directive. An advance mental health medical directive is the only legal tool an American citizen can use to protect their civil liberties against wrongful state-ordered mental health detainment, medical brutality and medical malpractice, resulting

in high medical costs that may result in bankruptcy. This legal tool can include the choice of using a non-biased mental exam proving a citizen's independence and stability. It's a quick independent test which is based on short-term and long-term memory. Converting this advanced medical directive into a shortened form will prove to the officer that the person is independent and doesn't need to be detained. That's called a law enforcement directive; it doesn't exist right now, but that's how everything will connect to the police department.

#### Update on contract negotiations with the Spokane Police Guild

Conklin indicated that this has already been covered.

#### OPOC/OPO employee performance appraisals

A brief discussion took place. The Commissioners agreed to attend training offered by Human Resources. Huseman will coordinate the schedule. Logue requested that personnel matters be conducted in executive session.

Conklin believes there's some agreement that Logue will sign Omana's appraisal as first line supervisor and then OPOC will review. She said that Commissioner Richter has said on several occasions that he doesn't think that's OPOC's responsibility. Smith made a motion that OPOC begin the evaluation process of the OPO. That will begin with meetings with Jennifer Jackson, between now and February 20<sup>th</sup>, to receive a one hour training, individually or in pairs, and then there will be a review time to look at what Logue presents to OPOC. Then on 2/28/17 we'll have a special meeting at a yet-to-be-determined community location, and at the end of that special meeting we'll go into executive session to go through each of the staff persons and do the evaluation. Rose seconded. The motion passed unanimously.

Conklin asked Huseman to contact Jackson, send her contact information to OPOC, and to let Richter know.

#### OPOC/OPO Policies and Procedures

A discussion took place. The Commissioners talked about the following changes:

- In section 2.3.1, which describes where the agenda will be posted, the words 'city site' will be removed. Huseman will also provide the new address for the OPOC website. The language will be made more concise by saying "City Clerk's office and other interested parties."
- In section 2.3.2, the word 'liaison' will be removed. Conklin suggested keeping all those who have put a request on file, and making sure that everything that is listed in 2.3.1 is covered here. "Social media accounts" will be added in 2.3.2 to mirror 2.3.1.
- In section 2.7.1, "an expression of the affirmative and an expression of the negative" will be substituted for "Yes" and "No."
- In section 2.8.2, the time frame for preparation of the minutes will be changed to 15 business days. Conklin said we need to make it very clear that we are not suggesting that Huseman change the minutes and bring a corrected copy to the meeting. The purpose is to bring any

comments to the meeting and then vote on the changes at that time. The word “proposed” will be added to this section to describe edits.

- In section 4.1.1, “filing the minutes with the City Clerk” will be deleted. Conklin proposed adding language to show that the minutes will be made public by being posted on the OPOC website and social media sites.
- In section 6.1.1, Huseman noted there will need to be changes in this section based on City policy and the upcoming HR training. Conklin said we might want to consider 6.1 and 6.2 still a draft until we’ve been through the training. Sections B and C aren’t necessarily part of the Ombudsman performance review, so we might need to move those somewhere else; perhaps under 6.3.
- Huseman mentioned a potential change to 8.1.4, and Conklin said we are not going to deal with this until we have an ordinance.
- Huseman recommended removing the “Liaison” signature blank on the back page.

Conklin said policies and procedures are something that has been very important to Richter, and she is reluctant to take formal action without him. She said Rules 6 and 8 need some work. Commissioners can fix Rule 6. For Rule 8, unless there’s an ordinance in place and time to draft procedures, we may have to adopt Rules 1 through 7 and Rules 9 through 11.

Conklin said the other place to do some work is 3.1.5, “Removal of a Commissioner”, and that perhaps she and Ryan Poole can work on this. The Ordinance gives grounds to remove a Commissioner but nothing about the process. It should be in the ordinance – it may be that we do need to do some quick work on this and get it to Councilmember Beggs. Removal of commissioners on the OPOC can become political and Commissioners need to have some clear procedures on how that can happen. Depending on when City Council gets around to voting on it, we might get a chance to look at it on February 28<sup>th</sup>. This gives Beggs a heads up that this is an issue and this is a direction that we hope the ordinance will go.

Conklin invited the Commissioners between now and 2/28 to go through the clean copy of policies and procedures 1 last time and see if anything is still there.

Commissioners had a brief discussion about 2.1.2, and the current meeting time and date. Conklin said the subject has come up periodically, and whenever we get a new Commissioner it would be respectful to re-visit it. Logue said the potential change of date might have come from OPO as a potential recommendation because so many times over this last year OPO is trying to crank out a monthly report in a single day in order to have it ready for the Commissioners to look at. Then, after that meeting, the PSC meeting is the 3<sup>rd</sup> Monday, so a month of work has passed by the time we’ve gotten comfortable with the subject matter, and we’ve just filled in so much more stuff that we’ve been working on. The flow might make the process easier in the OPO if there’s a date in the second week that might work. It’s not a critical thing, but that’s why it was brought up. Her inclination at the moment is to get the 5<sup>th</sup> Commissioner and see if there’s a date that works better for everyone.

Reports of Commissioners on Community meetings attended

Conklin asked Commissioners to send December information to Omana by tomorrow. Rose said she has not been to a community meeting.

Conklin asked Commissioners to send January information to Omana by 2/7/17.

#### Opportunities for Commissioner Training

A brief discussion took place. Conklin said that Kathy Armstrong is amazing and does a great job of keeping us up on training opportunities. She also said you're all doing a great job of keeping us informed of what's available for trainings. Conklin encouraged each Commissioner to do at least 1 ride-along each year.

#### 11. Approve minutes from 11/1/16 and 12/6/16

11/1/16

Change the sentence on page 2 to "...as Logue and Omana were at training."

Change the sentence on page 6 to "Rose made a motion to nominate Smith to be Vice Chairperson to finish former Commissioner A.J VanderPol's term as Vice Chair."

Rose moved to adopt the minutes for 11/1/16 with the amended corrections. Smith seconded. The motion passed unanimously.

12/6/16 minutes

Conklin said some headers or some transitions in the minutes would help her follow them better.

Change the sentence on page 1 to: "She was impressed by the facilitator's ability to learn from public input and adapt as she went along."

Change the sentences on page 2 to read: "The Chair was passed to Smith who asked for a vote on the nomination and it passed unanimously. The Chair was passed back to Conklin."

Smith moved to pass the minutes from 12/6/16 with the edits described by Conklin. Rose seconded. The motion passed unanimously.

#### Additional OPO Report Item

Logue said that Lt. Tracie Meidl is now the head of Internal Affairs, and had been acting as such since the first week in January. Additionally, Jacqueline MacConnell will be the Director of Strategic Initiatives, and he believes she starts at the end of January.

12. Adjournment Conklin adjourned the meeting at 7:37 pm.

Minutes submitted by Marty Huseman and approved by OPOC on 5/2/17.

