

City of Spokane Office of Police Ombudsman Commission (OPOC)

OPOC Regular Meeting Minutes 4/4/17

Welcome

Commissioner Conklin welcomed everyone. Commissioners Scott Richter, Jenny Rose, and Ladd Smith were present. She announced that Luvimae Omana won the City of Spokane Employee of the Year Award for Community and that Ladd Smith won the City of Spokane Volunteer of the Year Award. She invited everyone to attend a celebration for them after the meeting.

Agenda

Smith moved to approve the agenda. Rose seconded. The motion passed unanimously.

Report from OPO

Bart Logue reported that March was a long, fast and busy month. OPO attended Forensic Statement Analysis training the first week. He attended Recreation against Racism and the Pride Summit Preparation. He and Omana were guests on the Science of Poverty radio show. He attended the NAACP meeting, and the Meet the Neighbors Hindu Community. He was asked to take on the facilitator role for the Neighborhood Assembly meetings.

On April 11 he'll be the featured speaker at Meet the Ombudsman Night in the District 1 Neighborhood Council. OPO met with the Native Project, attended a fundraiser for the Hispanic Business and Professional Association, met with Out Spokane, and appeared in front of the Human Rights Commission and gave testimony.

OPO had 108 citizen contacts, 1 citizen interview, received 4 formal complaints, referred 4 complaints to IA, and referred 5 complaints to other agencies. He clarified something on the draft PSC report: "internal" means OPO has received a complaint and it either falls outside of their 1 year jurisdiction and it's forwarded internally to IA for them to make a determination on how they'll deal with that, or there was a concern about speeding cars in a neighborhood and that was referred to the traffic section of SPD for whatever action they wanted to take. There were 3 external complaints outside the PD. He reviewed 9 cases and certified them. There were 18 other cases. He returned 2 cases for further investigation. He declined to certify 2 cases; 1 was the last case from missing cases not sent in 2016, and the other was from 2015. He is down to 4 cases left in the backlog. OPO conducted 3 interviews. He attended 3 interviews in IA. He had a case come in at end of month, and the chief, the officer and the citizen agreed to mediation, so he contacted Bob Murphy to facilitate it.

OPO had 20 meetings with IA and 2 meetings with SPD. He attended the Deadly Force Review Board. The next one will be next week while he is at training, and he thanked Chief Meidl for agreeing to allow Omana to attend that meeting in non-speaking role.

Other than that, OPO has worked on the Ordinance; it has consumed a lot of time and attention, but progress is being made.

Richter moved to approve the OPO's March monthly report. Smith seconded. The motion passed unanimously.

Smith moved to approve all prior PSC reports from OPO. Richter seconded. The motion passed with 1 dissenting vote.

Omana updated the Commissioners on OPO's 2016 Annual Report. She is focusing on more statistics so it tells us something important, and will have the draft ready for next month.

Report on OPO Ordinance Process

Logue said last Friday OPO sent out a document about 1 of Council Member Beggs' most recent revisions. This Monday he, Richter and Smith met with Beggs and started going step-by-step over the OPO suggestions. City Council is working on a draft letter for the Mayor which will list the specific things they want to be bargained with the Guild, so the negotiations can get moving.

Conklin mentioned the concern that OPOC was promised last September that they could go ahead and hire Logue even though he didn't live in the city because the Ordinance would be amended within 6 months. She proposed that with the Commission's approval, she would contact Council and express their serious concern that the promise has not been kept.

A brief discussion occurred. Smith moved to have Conklin along with Marty Huseman write a letter to City Council, letting them know that we are currently out of compliance about Logue's place of residence, and if they could act on that part of the Ordinance it would be beneficial. Rose seconded. The motion passed, as Richter was asking a question. Further discussion took place. Rose said she is withdrawing her second, because it appears we are being over-reactive. Smith said he will retract his motion. Conklin said it is a simple matter for Council to amend the Ordinance.

Further discussion took place, and then Richter moved to send a letter to City Council notifying them that OPO realizes they're out of compliance and Council is the only entity that can repair that. The letter will ask them to fix the line about residency, and continue on with the heavy lifting down the road. Smith seconded Richter's motion. The motion passed with 1 dissenting vote. Rose asked if Ryan Poole could find out from the Labor Commission if residency has to be part of the Ordinance, and Poole indicated he would work on this.

A brief discussion took place about the Ordinance and the Ombudsman's current ability to attend IA meetings and ask questions, and whether it's important to weigh in on this as a Commission. Richter said he has received feedback from Council that they would like to have the Commission speak as one.

Logue said right now we're working under an Ordinance that allows us to have an impact on the Citizen's concern. It has already been bargained and agreed to. Everything we do, like certifications, and asking questions, has already been agreed to by the City and the Guild. He thinks the letter should

say we should not give up anything we've already achieved. If we want to adjust the duties of the OPO, he would ask that we add to those things that we've already achieved. If you remember, we took a trip to Eugene, Portland and Seattle and we looked at some of their oversight offices. Mark Gissiner, in Eugene, said they have the model for oversight. Then Gissiner found out that we have the ability to ask questions during the interviews. Gissiner can ask questions, but they have to be submitted to the Guild in advance. Interviews are dynamic, and they can take a lot of turns, and each turn can take you down a different path. We have something Eugene doesn't have, and it's something they would covet. Logue is hard-pressed to say that we should do anything but demand to keep it.

Conklin said she liked the language that we should not give up anything that's already bargained. She asked the Commissioners to authorize her and Huseman to draft a letter to City Council expressing the concern, that they should not give up anything already been bargained for, and particularly that OPO can sit in on IA and ask questions. This is critical to the work we've done and the recognition we have in the community for doing oversight well.

Richter moved for the Commission to authorize the Chair and Huseman to write a letter to City Council requesting that we don't lose anything that has already been bargained for, and that we don't give up anything we already have. Smith seconded. The motion passed unanimously.

Public Forum

Allen McDowell showed Commissioners a written tool and used it to dialect check a letter he sent to SPD. He built the dialect checker as a way to communicate with SPD. He said you can use this product with a police officer to help the officer understand what you're saying. The tool can help you break down all the parts of the conversation, and try to get to a middle ground.

The dialect checker in the future will be able to break down forms of communication so that complicated situations don't end up in health care. Conklin asked McDowell if he has asked the right people in the PD whether that chart he's put together works with the Crisis Intervention Training (CIT) they've been giving to officers. He said he hasn't asked yet, but now that it's interactive, he can send it to Chief Meidl first so the chief can send it to the writing instructors to see what they have to say. The idea is that citizens will have this to help them communicate with the officers. He added that maybe it's not for live communication, but for use with writing. Conklin thanked him.

2017 NACOLE Conference

- A brief discussion took place about planning the workshops. Conklin said 3 different local workshop proposals were submitted to NACOLE, and they would like us to combine those 3 into 1 workshop. OPOC is waiting for contact from the NACOLE person so they know what NACOLE is expecting. Rose said she hopes if there's a workshop and it's about Spokane, that the people who do the oversight work are the people who are presenting. Richter said that CIT can avoid the need for oversight; it provides a different way for police to engage with the community. If there's any way CIT can be brought into NACOLE, it should be done. CIT is a beacon of Spokane,

and what they're doing is really good. Conklin said we will keep everyone posted as we move forward.

- A brief discussion took place about scholarships, and local individuals, including students, were encouraged to apply. Interested persons should talk with Huseman.

OPOC Policies and Procedures

Conklin said that given it's almost 7pm.; the brief update is that we are still working on it and we're close to being finished. She said she can work with Poole to draft some possible provisions based on the current version of Ordinance and hope the version doesn't change too much.

OPOC Annual Reports for the Commission

There was consensus that the format Huseman drafted for the 2016 report looked excellent. Conklin proposed that Commissioners look over the draft. She would love to have the annual reports ready by the May meeting, but no later than the June meeting. Huseman asked each Commissioner to provide her with a 3 to 5 sentence profile that describes them as a Commissioner. She also asked if Commissioners wanted to include a profile for the Counsel and Coordinator positions as well. Richter said the whole team should be included, and the other Commissioners agreed.

Duty Commissioner Concept

A brief discussion occurred. Conklin said there are times that Logue can't wait for a monthly meeting to occur for a decision to be made. Poole counseled against a Duty Commissioner taking an action that could be considered a Commission action. If the Ombudsman needs a special meeting to get a quorum, this could be communicated to the Chair. He said the Ombudsman could contact any Commissioner individually about a matter, but that would not be formal business of the Commission, and the Commission would not have acted. The issue in question could become an agenda item that is dealt with at the next meeting.

Conklin said if we were to formally have a Duty Commissioner that suggests that we're somehow giving that person some official role that they can't legally have. That's one of the reasons she comes to the Commission and asks for authority to write a letter.

Logue said when we look at the Ordinance language, we want to be in compliance with all of it. He asked OPOC to please note that in these versions from Council Member Beggs, he is significantly expanding the approvals necessary in order to conduct OPO business. This includes approvals from OPOC for closing reports. He said there is a layer of bureaucracy that will slow down what we're doing, and that's not what people expect when he talks with them.

Conklin said this is a relatively new ordinance issue for her. She asked if it would be ok with everyone if we spend the next month looking at this, and have Logue and each Commissioner have conversations with Beggs to sort out what seems to be the problem, and see whether Beggs has a solution.

Logue said he was in a meeting with 3 members of City Council going over the Ordinance and it was a bit contentious. He asked Beggs to include Commissioners at future meetings as he doesn't want to be out of step with the Commission. He said it would be worth it to have a special meeting on this.

The Commissioners decided to have a special meeting about the Ordinance on May 2, starting at 4pm, providing Beggs is available. Conklin said the agenda will be exclusively about the Ordinance, unless there's something we really need to deal with and then she'll add it to the agenda. If Beggs is not available, Huseman will do a Doodle poll to find another date for everyone.

Conklin noted that July 4 is the first Tuesday in July, and this can be discussed at the May 2 meeting.

OPO Nomination for Leadership Excellence Program

A brief discussion took place about Logue's application for this program. As this was not a decision that needed to be made by the Commission, and the decision had to be made quickly because of a filing deadline, Conklin signed Logue's application prior to tonight's meeting. Rose said she wholeheartedly agreed with the application.

Employee Performance Reviews – Executive Session

Conklin announced that OPOC will go into Executive session for Logue's review, and the first session will be for 15 minutes. The Commission will conclude the session at 7:56pm and will return to Chambers for the rest of the public meeting. If more time is needed, Conklin will come out and make an announcement. At 7:56pm Conklin returned and said that they would be in Executive Session for another 5 minutes.

Conklin returned and reconvened the open meeting. She said the executive session involved doing a review of Logue's work and the Commission gave him feedback. She offered each Commissioner, with Logue's permission, to make a personal comment about his work. Richter thanked Logue, and said that Logue exceeded his expectations, and he looks forward to more expectations being exceeded. Rose said she wanted anyone who's listening to know that Logue has gone far, far above what the Ombuds could actually be doing. She said he is literally amazing. She knows it is hours beyond what he should be doing, and that he's very conscientious about his job. Smith thanked Logue for his dedication and hard work. He said he is especially proud of how Logue thinks of citizens first, and what it is that they are going to get out of the OPO; he said that is always on the forefront of Logue and his staff. He said Logue's interpersonal skills are amazing and he's honored that Logue is our Ombudsman.

Conklin added her thanks, saying that Logue walked into a very difficult position where there hadn't been anyone in the position for an entire year, and there wasn't a functional office. She said he hit the ground running, put procedures together, made things happen, created this job, and that he's done a very good job of it. And then, he made a graceful transition from interim to permanent. What she's hearing in the community is a very strong appreciation that he has been willing to diplomatically, but firmly, raise the concerns he sees in his work in oversight. She is impressed with his ability to maintain a

working relationship with the PD while he does call those things out, and that's precisely what an Ombudsperson needs to do, and he's done it well.

Conklin called an executive session to review Huseman's work. She said it is 8:09pm and they will be back at 8:19pm. She re-convened the open meeting and reported that they had a conversation with Huseman about her work as Coordinator, and did her assessment that will be submitted to HR. She offered each Commissioner a brief moment to comment. Richter said that Huseman has also exceeded his expectations. He thanked her for giving him those friendly reminders, and for everything. Rose said she appreciated Huseman's humor. She expressed appreciation for the little things Huseman does, that she probably doesn't realize make a big difference when we have our other jobs that we need to be working at. Smith thanked Huseman for understanding who he is as a Commissioner, and helping to make him a successful one. He also appreciated her good use of humor and impeccable work. He doesn't think this Commission would be as successful or able to do its work without her. He really appreciates her.

Conklin said that as Commission Chair, she could not do this job without Huseman, and the Commission's job is not doable without her. She thinks 1 of the things that has struck her the most this year, because it's unusual for her, is that when she and Huseman are tasked with coming up with a letter to somebody, Huseman goes ahead and drafts it for her to save her time. Really quickly Huseman was so good at understanding her voice and writing style and now when she gets the draft from Huseman she tweaks it a little, but Huseman does such an amazing job of helping her look good and she totally appreciates that. She can't imagine any of them trying to do this job without Huseman's support.

Logue said he gets to watch Huseman every day at work, and while he's not her supervisor, he gets to see her in action a lot. From walking through the door and seeing the motivation that Huseman brings to her position, that's commendable. For a part-time employee, she immediately jumped in and was willing to take on an extra day to help with OPO work. Probably the more challenging thing that she did that she may not get a lot of recognition for was going through the selection process with me sitting 10 feet away from her the entire time. And yet she was still able to maintain professionalism, confidentiality, and all those things that are so essential in that process. And how many things have I just thrown at her and said 'hey, figure it out with the Commission and tell me what the answer is', and she just did it. When it's cumbersome for me to have to contact each of the Commissioners, Huseman takes that on willingly, and I couldn't appreciate her more.

Omana said as Huseman's co-worker, she truly appreciates the time that Huseman fills in for Omana when Omana is out of the office. She keeps the office going, has been more than willing, and has never complained once. Omana said she appreciates all the help Huseman has provided her, the office and the citizens.

Conklin said she is going to make a Chair decision to postpone the rest of the agenda - it's late and we've worked hard. She encouraged Commissioners to send written reports to Huseman and/or Omana about the local things they've done and the meetings they've attended, and the minutes can be dealt with next time even if it's a special meeting.

Conklin invited everyone to attend the ceremony for the awards.

The meeting was adjourned at 8:30pm.

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