

Office of Police Ombudsman Commission

Minutes June 6, 2017

Welcome: Commissioner Conklin welcomed everyone. Commissioners Ladd Smith, Scott Richter and Jenny Rose were present.

Approve Meeting Agenda Smith moved to accept the agenda. Rose seconded. Motion passed unanimously.

Report from OPO Bart Logue reported that May was another busy month. There were 112 citizen contacts, which is outside of the average. There was 1 long interview with a citizen, and a formal complaint was received for inadequate response. He attended 2 IA interviews, and returned 5 investigations for further investigation; 3 of those investigations were related to 1 case. He declined to certify 1 case from 2017. Director MacConnell sent it to him as SPD had made an administrative error by completing the investigation and then immediately sending it to the chain of command for review. As a follow up, SPD sent a memo to sergeants and supervisors that any shift level investigations have to be returned to IA to be certified by the Ombudsman before they go over for any disciplinary chain of command review. He certified 6 cases and reviewed 8 special cases.

OPO had 18 community outreach events that took place after hours. Logue said the crowning achievement for the month is the finalization of the 2016 Annual Report. It will be on-line shortly, and copies will be available at OPO. He will be briefing the report to City Council next Monday.

Logue said he was accepted for Leadership Spokane. OPO is working on internal calendars to set up alerts for next year to help make tasks like budget preparation smoother, and to provide an opportunity for advance discussion with Commissioners. He completed Luvimae Omana's Performance Annual Review (PAR).

OPO did a debrief for the mediation that was conducted in April, and is following up with Bob Murphy. He attended a NACOLE webinar on Mediation. He is still looking for money for the balance of Omana's position, and for Marty Huseman's position. The Civil Service process cannot be started for the Coordinator position until the funding is received. The position, filled by a project employee, is committed through the end of 2017, so City Council's help is needed to make it permanent. City Council did put OPO as a budget priority for 2018.

He and Omana attended Force Science in Chicago, the spring in-service at SPD, and a NACOLE webinar. He invited the Commissioners to attend future NACOLE webinars. OPO received a Public Records Request, and met with Pat Dalton and Laurie Farnsworth to discuss it. Anything work-related is a public record. OPO will purchase 1 phone for the Logue this year, and is requesting 2 phones in 2018 for Omana and Huseman. The city phones will capture texts with Commissioners, and will be handed over to IT if there is a records request. There is funding available for Commissioner cell phones, if they desire.

An IA case was leaked to the media. Lt. Bart Stevens was doing a thorough investigation, and wanted to ask questions of OPO. Logue consulted his City attorney and decided that since he had access to this case, he would provide a voluntary statement to IA that described his contact with the case. Smith and Omana provided one as well. Logue said he needed to take care of this quickly, and was open to

feedback from the Commissioners about the process. The bottom line is OPO has to remain independent, he firmly believes in transparency, and OPO has nothing to hide.

Council Member Mike Fagan provided OPO with \$850 to attend Force Encounters training at SPD this July.

Smith said he appreciated how Logue thought it through and elicited advice from the City Attorney. He concurs that he would like the Commission to think through how they would like to deal with future requests.

Conklin said there is still the issue of how to get input from Commissioners in a timely fashion if the Commission only meets once a month. He can get input from individual Commissioners, then he can do what he will with it; he just can't get a Commission decision. It seems to her there's a way to talk about the process if this comes up again, and maybe even have part of the procedure manual address that.

Smith asked how having Fridays as a flex day is going. Logue said there's a slight difference in the workload; and as things come up, they'll be there. He requested funding for a Clerk II position which would keep the office open as City Hall is open. He also said that OPO did the first office hours at the Native Project.

Conklin said we are entering the street fair season, and invited Commissioners to help staff a booth at the fairs. Logue said summer interns can assist if they are around, but they are not always here in the summer. At some point he may explore hiring a short-term project employee to attend summer events. Smith said it is powerful to have a Commissioner staffing a table. Richter said what he learned from staffing tables is absolutely priceless because you are getting first-hand information. He recommended that Commissioners staff the tables whenever possible. Conklin recommended asking AARP about seniors who are looking for places to do meaningful work.

#### Review Budget Request Cover Sheet for Signature

The Commissioners signed a letter for City Council that more fully funds the work of the OPO and OPOC.

#### Discussion of Public Records Request and related issues

A brief discussion took place. Conklin said she will request that the city provide a phone number that she can forward her texts to. She said that if you do any texting that qualifies under state law as a public record, that has to do with the business, you are not allowed to delete it. Richter said the Open Public Meetings Act has a process about saving and recording your documentation.

#### Public Forum

**Allen McDowell:** talked about procedural justice. He said that Director MacConnell says procedural justice is treating someone as a human. He had difficulties with SPD when he tried to get a phone number. The wrong one was given at first, and he had to ask again. A certain officer at the front desk snapped at him. Procedural justice to him is to have procedural manuals at the public safety building so when the customer walks in, there's information on how to obtain what they need to obtain. An example would be how to find a CAD report.

He said he will write a complaint to Bart and have it in tomorrow. Conklin recommended he do a written suggestion to OPO about making a recommendation to SPD for a policy or procedure. She said

he might want to make the recommendation directly to Chief Meidl first. McDowell thanked the Commission for their time and work.

**Colleen Gardner:** She came tonight to apologize to Commissioner Smith. She made a request in March that OPOC get more involved in neighborhood council. Through no fault of his own, we weren't able to get him in front of the community assembly. She provided the Commissioners with a list of all the neighborhoods in the specific districts. If you represent a specific district, the list will tell you the neighborhood councils you engage with. If you're not appointed by a district, choose the neighborhood you live in. Neighborhood councils have some unique things: they are not political, and are not social activists. We have to be very careful about the kinds of issues we raise at the meetings because we represent a very diverse section. You will find that most councils talk about streets, crime, sidewalks, and abandoned vehicles.

What she sees for the Commissioners is for them to be educational. She thinks citizens are not engaging enough with them. She is hopeful that if you can get out there and help the people understand who you are, what you do, and why this Commission is so important. It's very important to the City of Spokane. We need you and we want to be able to support you, but we need to know what we're supporting. I happen to be someone who pays close attention to what goes on in the city. When you decide to engage with the neighborhood councils, be cognizant of what their position is and what their role is. They don't normally take on social or political issues.

#### 2017 NACOLE Conference Update

A brief discussion took place. Richter said he has moved out of District 1, so he can't be re-appointed. He is going to announce his resignation from the Commission as of today, but he's going to stay until there's a replacement, or until September rolls around. He said this is his best chance in 6 years to attend NACOLE, but it's better if his replacement attends to get some background that will be helpful for the next 3 years.

#### OPOC Policies and Procedures

A brief discussion took place. Conklin asked if we can plan on having something ready for the August meeting depending on where we are with City Council and the Ordinance. Ryan Poole concurred, depending on the Commissioner's schedules. They agreed to get together to work on a product.

#### OPOC Annual Reports

A brief discussion took place. Conklin said she and Huseman have come up with what they hope is close to a final draft for the 2016 annual report. The 2014-2015 report is not ready yet. Rose made a motion to adopt the 2016 annual report with the addition of dates under Roman numeral I in chronological order. Richter seconded. The motion passed unanimously. Conklin thanked Huseman for all the work she put in on this. Rose recommended that OPOC is asked to provide input on the next annual report draft.

#### 5<sup>th</sup> Commissioner Update

A brief discussion occurred. Conklin asked Huseman to draft a letter for her signature informing District 1 Council Members of Richter's resignation and that a replacement is needed. Richter requested that Council Members push the process, and get someone in place before NACOLE.

### Reports of Commissioners on Significant Community Meetings Attended

Conklin invited everyone to send their details on community events attended to Omana by the end of this week.

Rose attended training about terrorists at the Spokane Sheriff's Office academy. She said it was amazing to be sitting there with other community members, from all walks of life. The training was thorough and well done. She recommended the training.

Smith said he is long overdue for a ride-along, and he will take care of this by the August meeting. Rose said she will do the same.

### Approve minutes from May 2, 2017

A brief discussion occurred. Rose made a motion to delay approving the OPOC regular meeting minutes for May 2 until August 8<sup>th</sup>. Smith seconded. Motion passed unanimously.

### Appreciation of Scott Richter's Service

Conklin said she wanted to be sure Commissioners get a chance to thank Scott for the time and energy he has put in for almost 3 full years on the Commission. Smith said Richter has been a role model for him, and the three years have been challenging. Richter has really opened his eyes to what it's all about. He's learned a lot from Richter and appreciates his judgment and thoughts. Rose said that she wants it on the record that she does not want him to go because what's going to go is part of the history of this Commission. She thanked him and said he has a way of looking at things that totally amazes her. She's afraid that they'll lose this history, but she knows he'll be somewhere they can reach out to him. She thanked him from the bottom of her heart for all the time he's given to the Commission. Conklin said that she and Scott have been in the trenches together and a lot has gone on.

### PAR for OPO Employee

Conklin announced that it was 7:02pm and the Commission will go into executive session for the purpose of doing a performance review. She said they will be back at 7:15pm. The Commission returned, and Conklin announced that it was a little after 7:15pm. She gave the Commissioners an opportunity to tell Omana what they appreciate about having her as an employee. Omana thanked them for their comments.

### Adjournment

Conklin declared the meeting adjourned at 7:07pm.