

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

Special Meeting Minutes September 5, 2017

### Welcome to the Public and Newly Appointed Commissioner Colleen Gardner

Commissioner Deb Conklin welcomed the public, and new Commissioner Colleen Gardner. Commissioners Jenny Rose and Ladd Smith were also present. Commissioner Wilburn arrived a few minutes later.

Gardner said she has already been doing work with SPD, and she's been following the Commission for the last few months and trying to keep herself up to speed. She said she's here to do the best job she can and bring what she can to the table. The Commissioners welcomed Gardner and thanked her to joining them.

Conklin thanked Assistant City Attorney Mike Piccolo for attending the meeting.

### Approve Agenda for the Meeting

Conklin said she wanted to take item 9 off the agenda, policies and procedures, because Ryan Poole will not be here tonight, and he's been an integral part of the process. She also wanted to take item 11 [5<sup>th</sup> Commissioner update] off the agenda as it is a duplicate of what we just did. It was a last minute change and we didn't get it taken off the agenda.

Smith made a motion to approve the agenda without items 9 and 11. Gardner seconded. The motion passed unanimously.

### Report from OPO

Bart Logue said that August was mostly administrative in nature. OPO worked on the OPOC annual report, the contract for the attorney, and 2 recommendation letters, with a third coming tomorrow. OPO also worked on Commissioner Gardner's application and quick confirmation so she could attend NACOLE. OPO received a budget update and did several responses to Mr. Breen and his PRR. OPO did Open Government Records training, worked with the Civil Service, and worked through 2 difficult cases. There were 98 citizen contacts. There were 4 complaints, which is more than normal. OPO was not able to attend the COPS meeting last month as they were at the Police Academy receiving a briefing on an officer involved shooting, and they also attended the Chief Garry Park "Coffee with a Cop."

OPO did not decline to certify any cases this month, and sent 2 back for further investigation. Logue said his in box is empty. 5 referrals were done. A commendation for Officers Baxter and Johnson was received. 6 use of force cases, 4 pursuits and 4 collisions were reviewed. The 5 recommendations from last month were sent to SPD. OPO had 19 meetings with IA last month, 16 other meetings with SPD, 9 meetings with City Council, a meeting with Civil Service, and a meeting with Teresa Sanders.

The NACOLE Conference is coming up. Luvimae Omana will attend Excel training. Logue and Omana will attend the U.S. Association of Ombudsmen Conference the first week of October. L.A.P.D. police audit training is coming up in mid-October and Leadership Spokane starts for him on September 7. He said he will send his self-evaluation for his annual PAR to the Commission by September 15<sup>th</sup>. He requested that the Commission move their October meeting to the 2<sup>nd</sup> Tuesday as he will be in Texas for training during the first week. He also renewed his request that the Commission consider moving this meeting to the

second week of the month which will enhance OPO's ability to have a polished report for the Commission. Conklin said there's not much that can be done tonight [at a special meeting], but we should put it on the agenda for next month to have a discussion for the new commissioners on when is a good time to meet.

#### Public Comment Period

Alan McDowell talked about what happened when an individual was mentally detained at Sacred Heart before Otto Zehm. He said that Tim Burns [past Ombudsman] was going in before an individual was chemically induced to do a report. Conklin asked what his ultimate goal was. McDowell said he wants to make sure the individual has the right to state that they are not a threat to themselves or others, that they're being wrongfully detained by the [mental health] Commissioner, and that they can use their First Amendment right to talk to the officer.

A brief discussion took place. Conklin said she is having a hard time seeing the police conduct that can be looked at there. She offered to schedule a meeting with him, Mr. Logue and herself to sort out what might be something that OPO can actually have a role in. Logue said if someone makes a complaint about how this is done, we would certainly look at it, and would not intervene during a police response. He has zero records of an Ombudsman's response to a hospital during a situation.

#### Coordinator/Administrative Specialist Update

Conklin said Mr. Logue was able to get us a permanent part-time position, and that we are most appreciative. There was an announcement and a civil service exam given which included a pre-exam typing test. Although we have not been given a list of people who are available and qualified for our position, we are aware that Marty Huseman would not be on it. It's also come to her attention that the job announcement inviting people to take this test was for a full time position, and ours is not a full time position. So whatever names we are going to get are probably going to be for people who are looking for a full time job which we can't give them. And there may well be incredibly qualified people out there who would like a part time job who didn't apply because this was not a part time job. She is deeply concerned that Human Resources has announced a job that does not exist and has not announced a job that would produce the candidates that we would want to be looking at.

A discussion took place. Logue said he has a list, and he explained elements of the classification and civil service process. He offered to provide the Commissioners with a copy of this information prior to the Commission writing a letter. Conklin said if somebody wants Gita George-Hatcher or someone from her office to come to our October meeting, they should let Marty know by October 19<sup>th</sup>. They should also review the 2 OPO recommendations, and the third one coming tomorrow, and provide any input by October 19<sup>th</sup> as well.

Conklin asked if there would be a motion to invite George-Hatcher to come to the next meeting or send a representative if any Commissioner wants it to happen. Wilburn said "so moved." Gardner seconded. The vote was unanimous.

#### City Policy Update

Huseman said that volunteer Commissioners do not need to take the City-sponsored internet training that Mr. Logue mentioned earlier regarding the Open Public Meetings Act and the Open Public Records

Act. This training is separate from the requirements of state law for commission members to receive open government training. She also relayed that Commissioners and City employees should not use personal cell phones to text each other about work business. If a text message has to take place, the City's advice is to immediately make a record of that on City email or a City phone. She asked Piccolo if he wanted to add anything. Piccolo said the third policy is about Open Government training, a law that came down about 3 years ago, requiring on-line training. As a new Commissioner member, you'll receive an appointment letter with instructions on how to do that, and you'll be good for 4 years. Also, the department head will follow up to make sure this is done within 90 days of appointment.

A brief discussion took place about the use of cell phones. Piccolo said that if you're expected to send text messages as part of your job, you should receive a City cell phone. He indicated the City is discouraging the use of texting by personal cell. If you need to communicate in an emergency, like you're going to be late to the meeting, you missed your plane, your car broke down - those are considered transitory. You can delete them almost immediately. You still have to answer the question: "did you receive any text messages?" "Well, yes I did", and explain they were transitory. Try to use City email as much as possible. The Outlook application for cell phones can help.

Several Commissioners noted the difficulties they face when they have day jobs and cannot check their email, but could easily receive a text. Piccolo said he hasn't seen anywhere in WA state where a person has been forced to turn over their personal phones. Logue said he is still working to get City cell phones for Commissioners. Smith said he appreciated the time and effort of all 3 OPO staff in helping him get through phone records. Wilburn said he appreciated that as well.

#### 2017 NACOLE Conference

Conklin gave a brief summary of the panel discussion that is planned instead of the 4 local proposals that were submitted. The Commissioners discussed who would attend on what days, and how they can maximize attendance at the various workshops.

#### OPOC Annual Reports

Huseman gave an update on the final proofing and printing of the 2016 Annual Report. A decision was made to print 75 copies.

#### Reports of Commissioners on Significant Community Meetings Attended

There was a brief discussion about issues with the OPO Facebook page. Gardner asked a question about getting information out about upcoming events via social media. Piccolo said it would be good to have the information that is put out on private devices also placed on the OPO's website. Gardner said outreach is very important for her and she doesn't want to cross any lines.

Smith said attended a Police Advisory Committee on August 9<sup>th</sup>. They're using this committee to review body camera footage of shootings. The police department gets a healthy look of what the perceptions are of the public. He went to his first Public Safety Committee meeting on August 21<sup>st</sup>, and learned more about the uses of drones. He did a ride-along last Friday on the power shift in the northeast part of town, and spent quality time with Officer Dollard. He was struck by Dollard's professionalism and people skills. Smith said he really admires someone who can put people at ease during stressful situations. He also attended Open Government training on August 17<sup>th</sup> and he now has a heightened

sense of what the right thing to do is. Conklin said she was at the same training and she was surprised to learn that they were strongly urging entities not to keep so much “stuff.” A lot of paperwork we receive are copies of things and you can throw them away after you’re done reading them. If you keep them and a public records request comes, all that paperwork has to be turned in to the City to be provided to the person. Both the AG and the public records person said don’t keep stuff that you don’t have to keep. Once there’s a final version, you can get rid of all those drafts.

Wilburn said he did a ride-along on the 22<sup>nd</sup>. He found it very informative. He liked the way the officers collaborated and responded to different types of calls. He sought clarification on the previous topic of public records, and a brief discussion took place. Conklin suggested a guideline is that anything you get on your email, that you choose to print out, if you don’t make any marks on it, you can destroy it. If you make marks on it, you keep it, and have a periodic discussion with your attorney on what is transitory. Logue said Omana will send out information on retention schedules. Piccolo said Commissioners can sit down with City staff to discuss what needs to be kept.

Gardner said she would schedule a ride-along. Smith mentioned that he had a conversation with Logue about sending thank you notes to SPD re: ride-alongs.

#### Review draft Orientation Checklist for New Commissioners

Conklin thanked Huseman for her work on this; she thinks it’s a really good draft. She would like the order of the items to be re-arranged. She recommended adding links to the documents, such as a link to the Ordinance and a link to the Charter. Huseman can make a copy if the Commissioner would like one. Conklin proposed that Commissioners look at this and send Huseman any suggestions, and then we will all look at those suggestions together next time.

#### Approve Minutes from May 2, 2017, June 6, 2017, and August 8, 2017

Conklin asked to have a portion on page 9 of the May minutes clarified to show that “Richter said anyone who has concerns about the OPO hours can direct their concerns to the OPOC.” Smith made a motion to pass the minutes as amended. Wilburn and Gardner seconded. The motion passed unanimously.

Conklin thought she’d had a concern about the June minutes, but could not find it. Gardner moved to approve the June minutes as written. Rose seconded. The motion passed with 4 in favor and 1 abstention.

Rose made a motion to move approval of the August minutes to the next meeting. Wilburn seconded. The motion passed unanimously.

Smith made a motion to postpone the October 3 meeting to October 10<sup>th</sup>, at 5:30pm. Conklin said the location will be determined; preferably Council Chambers or this room [Briefing Center]. Gardner seconded. The vote was unanimous.

Logue mentioned a Spokane police officer was injured today during a scuffle. He said if Commissioners are interested in a reality-based idea of what some of the officers go through, they can come by his office.

#### Adjournment

Conklin adjourned the meeting at 7:26pm.

Minutes submitted by Marty Huseman and approved on 10/10/17.