



# Office of Police Ombudsman Commission

August 21, 2018

Meeting Minutes: 2:15

Meeting called to order at 5:31 pm

## Attendance:

- OPOC Commissioners present: Jenny Rose – Acting Chair, James Wilburn, Elizabeth Kelley
- Legal Counsel: Dennis Hession
- OPOC Commissioners not present: Ladd Smith
- OPO staff members present: Bart Logue, Luvimae Omana, Christina Coty

## Items Session:

- The Agenda was unanimously approved
- The June 12, 2018 meeting minutes were unanimously approved
- OPO Report Highlights
  - All numbers are combined June and July 260 contacts, 21 Complaints, 7 Referrals, 46 OPO Interviews & 13 IA Interviews
  - 9 cases came to OPO for certification
  - The Ombudsman believes that the SPD is in violation regarding the OPO ordinance, Spokane Municipal Code SMC 04.32.010 (C) and SMC 04.32.030 (M). Bart has requested numerous times for Ms. Coty to obtain access to IAPro and continues to be denied. In the past, SPD has provided IAPro access to OPO administrative assistants without issue
  - Police Strategies, Police Force Analysis Systems dashboards are on hold due to the SPD's stance that all files must be redacted prior to release
  - Request to have the Ombudsman and Mr. Hession spearhead legal discussions regarding the SPD's violation of the ordinance with Mary Muramatsu, SPD's legal advisor and Tim Szambelan, OPO's legal advisor
  - Director of Strategic Initiative declined to investigate an official complaint request from the Ombudsman. This involved a leak of information to journalist of ongoing cases
  - The Ombudsman read SMC 04.32.010 (M), in addition to investigative process, the OPO will have unimpeded access to all complaint investigative files from OPO investigations for auditing and reporting purposes.
- Analyst Brief
  - Racial equity committee by the SRLJC, is looking for an OPOC Commissioner to attend their September meeting – Commissioner Rose will be in attendance
  - Budget Audit – The Accounting department debited all OPO and OPOC expenses from the OPO, which skewed remaining funds in the budget. The Analyst reviewed recent transactions and has ensured they are properly classified. Both OPO and OPOC have sufficient funds for upcoming travel
  - OPO Recommendations –
    - R18-4 – Review of 2016 Use of Force cases requested by the Ombudsman raised records retention concerns. Some of the videos have already been purged. This is well under the required retention period of 6 years. Retention under SPD's

policy states that BWC evidence will be stored for 12 months, which is 5 years short of the required retention schedule. IA has already started to address this issue

- Chicago Consent Decree- The Analyst reviewed looking for best practices that may be applicable to SPD
- Administrative Specialist Brief
  - Social Media Update – The OPOC’s Facebook’s weekly reach grew from 87 people to over 20,200. Since spearheading the OPO/OPOC’s social media it has gained 102 new likes. The Admin Specialist requested the OPOC to like the page and invite their friends to like it and follow the OPO on Twitter. The Administrative Specialist requested Commissioners to provide articles to share and a Bio for an OPOC Commissioner Spotlight
  - Weekly Social Media Engagement Report – The report will show a few posts along with some data to illustrate how we are engaging the community
  - Social Media Complaints/Comments – 1 complaint and multiple suggestions were received through Facebook page and Messenger. In addition, the OPO has received a media request to speak about property crime in Spokane through our Twitter page
  - Complaints – The OPO has seen a significant increase in complaints. We filed 13 complaints and made 3 referrals last month alone. The most common type of complaints received were in the categories of Inadequate Response and Demeanor

### **Public Forum:**

- None

### **Commissioners’ Business:**

- OPOC Legal Counsel Update
  - Gordon Ennis Trial – The Human Resources issues of Mr. Ennis is outside our governing ordinance. Counsel is concerned with the OPOC’s responsibility with the 2 officers accused of impeding the investigation of the case. As the Commissioners approach their retreat, please consider how to approach these types of situations
  - 1940 – The most dramatic thing that it proposes is to change the burden of proof regarding Use of Force from malice to good faith. Malice is very difficult to prove compared to good faith. Training requirements for Police Departments will be dictated on a state level and it will mandate first aid treatment of people involved in crimes.
  - PRR Ordinance – CM Beggs has led efforts to make PRRs more accessible for citizens. He believes his proposed ordinance will significantly reduce the labor intensive work if they were posted online after the first request and available for download to any citizen subsequently interested in the same records. This ordinance is currently tabled indefinitely
- OPOC Retreat – Commissioner Rose
  - The Admin Specialist has sent potential dates to the OPOC for consideration
    - Commissioner Kelley is waiting on 2 out of state trial dates before committing
    - Commissioner Wilburn has blocked both dates in October

- The Admin Specialist is researching whether there should be a facilitator at the retreat
- OPO Recommendation – R18-04
  - Safeguarding body worn camera footage on Evidence.com – See Analyst Brief
    - Commissioner Kelley moved, Commissioner Wilburn seconded – The recommendation was unanimously approved
- Commissioner Speak Out
  - Commissioner Kelley –
    - Attended the American Bar Association Annual Conference in Chicago and provided the OPO with a thumb drive of documents from it
    - She also recommended articles from Christian Science Monitor, regarding Crisis Intervention
  - Commissioner Rose – Staffed the OPO booth at Unity in the Community
  - Commissioner Wilburn – Read the DOJ Investigation Report of the Baltimore Police Department. He noted many issues cited which gave him several ideas of what to look for in Use of Force cases
- PAR's for the Analyst and the Admin Specialist – Executive Session
  - Session started 7:42pm, session ended 8:10pm

**Motion Passes or Fails: 3**

**Meeting Adjourned at: 8:10PM**

**Note: Minutes are summarized by staff. A video of the meeting is on file - Spokane Office of Police Ombudsman Commission**

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