

City of Spokane Office of Police Ombudsman Commission (OPOC)

Regular Meeting Minutes September 6, 2016

Commissioner Deb Conklin called the meeting to order and welcomed the public. Commissioners Ladd Smith, Jenny Rose and Scott Richter were present. Jason Gray joined the meeting later.

Rose made a motion to move items 4, 5, and 6 past item 9, and approve the agenda that way. Smith seconded. Motion passed unanimously.

Ombudsman Bart Logue reported that OPO had 90 citizen contacts within this last month. It was a very busy month for citizen interviews with 7, including 1 that lasted 3 hours. 2 complaints were filed with IA and at least 2 others are pending. 9 interviews were done with Internal Affairs (IA). Two cases were returned to IA: 1 for further investigation and 1 for classification. He declined to certify 3 reports: 1 was a 2016 case that had gone through the chain of command for comments on officer discipline, and 2 were from 2015 that were not certified due to thoroughness and objectivity.

He noted that in August there was a finding on an OPO-related complaint re: a training deficiency and the PD took immediate action.

OPO had a variety of discussions on potential changes to the ordinance. This included a study session with the Commissioners. Community outreach included the Garland Street Fair, Unity in the Communist, National Night Out and Pig Out in the Park.

The OPOC attorney's contract was finalized. He sat down with Civil Service re: Marty's position, and with HR re: re-classification of Luvimae's position. Pending budget approval with City Council, we'll move forward. A new computer was installed, and we reorganized the office so Marty has a view to the window. We established an intern work station so they don't have to use their own laptops.

Smith asked if there were any other safety concerns. Logue said we've made security aware that an interview is occurring, and consideration is being given to having a wireless panic button where we're doing the meetings. The only panic button is on the other side of the room, and you'd like it to be close.

We sent out the draft Policies and Procedures for review, and had a phone conversation with Department of Justice. They have some minor ideas for adjusting the document, so we'll get that done and send you the new final working draft.

Logue asked the Commissioners if they receive information on deadly force review boards. He attended a review on September 1st, and was specifically asked if any Commissioners were going to show up. Conklin and Smith don't recall getting any notice. He will make sure Commissioners are provided with the opportunity to attend those events in the future. Conklin said we can schedule it so that only 2 Commissioners attend. Logue wants to make sure everyone is aware of the fall in-service training opportunity at SPD: on October 5th only management (lieutenants and above) will attend.

Conklin, Rose and Smith had a few questions which Bart answered.

The Commissioners expressed their gratitude to Interim Ombudsman Bart Logue. Conklin thanked him for an excellent 7 months, saying he's done an amazing job of clearing the backlog, something like 45% done. He's kept up with current requests and investigations, earned the respect of the citizens and the PD, and negotiated effectively with IA to have some of the procedures done differently. He's networked well with the community and gone a great way to restoring public confidence in the OPO. He's negotiated permanent positions for some of our staff, and created some stability in the office which was badly needed. He's done budget negotiations with City Council, kept in touch with DOJ on their report and what they've been asking for. He's improved the quality of monthly reports, and also made the closing letters to the citizens much more helpful and clear. She wants to tell him that we very much appreciate the work he's done.

Richter said Logue also developed policies and procedures for the office. Smith said that's quite the exhaustive list, and that he concurs 100% with what Commissioner Conklin said. On a personal note, he said that Logue, has been very good about realizing his learning curve, and has been wonderful about showing me some of the things that go on in the office. Logue has been very supportive of anything he's doing as a Commissioner, which tells him that Logue truly wants to see this Commission be successful, and his actions absolutely illustrate that. Rose thanked Logue, and said she had other comments later on.

Logue thanked the Commissioners, and said he's appreciated the opportunity to serve as Interim. An interim is not always the best job a person can have, but for him, being a transplant to Spokane, it's done so much to connect him to the City and has been a wonderful opportunity. He's very excited about the future of OPO, and will be more excited when he sees what the ordinance is going to be. The goal has to be to be the national model. He thinks we've got some key pieces in place and he likes the way it's going. He wished the Commissioners the best and left to attend a neighborhood meeting.

Public Forum:

Colleen Gardner: For the OPO, I think what this city has been lacking for a number of months is any kind of consistency. And there isn't anybody in my opinion that can better help us work through some of the issues we have than Bart. I've spent some time with him individually, I've watched him in community situations and as a person who worked very closely with our previous Ombudsman and felt those were pretty big shoes to fill, I think we found the person to fill those shoes.

And as community advocate and somebody who's very concerned about what's happening in our city now, I want to see us start rebuilding and renewing the energy. We have a lot of people who care deeply about this city. For me, it's wonderful to have new people and new blood, but in this particular situation, it's imperative that we continue what Bart has started and for me as a community advocate to know that the person sitting in that office is somebody I've already trusted and I know can bring this city around and can do the work that needs to be done. So I'm strongly in support of Bart.

Alfredo Lamedo: Thank you for the time. I attended a press conference this morning where Phillip Tyler, President of NAACP, stated "words matter". In Spokane we have found that specifically when it comes to our law enforcement, words don't matter much to them and they need a little

encouragement. And that encouragement comes through the Ombudsman and OPO. I believe it's a good check and balance system and it's important that we maintain that system. Before we get to who I'm supporting, I urge each of you to put pressure on city council to adopt the ordinance, and to make sure that they also adopt a strict ordinance that does not accept any contract from the Guild that does not include meeting all the requirements that over 70% of this city voted for in Prop. 1. We came out in force and decided we wanted a strong Ombudsman who has independent investigative power and we should not have to settle for less. Anything less than the full thing is not acceptable. You're here because we passed Prop. 1. We have an Ombudsman because we passed Prop. 1. If you're not going to support Prop. 1 wholeheartedly then you should probably join another Commission and do a different job.

I think you should pick Bart. He's shown he's not going to be pushed around and he's willing to listen. He's proven himself over the last 7 months that he can do the job. He asks the right questions. He gives me no indication that he'll do anything but anything but someone who walks the line in the middle, asks the right questions, knocks on the doors, and comes up with the best solution in the end. As far as Jacqueline, I think she should run for the Chief of Police position, I think she's the best we could have. Anything other than the full truth is a lie, unless you're willing to tell the whole truth to the people of the city, you're not entitled to be police chief.

Stand with the people of the city, and make sure Prop. 1 is upheld one way or another, or step down.

Henry Valder: He said some of us have been on this movement since Otto Zehm. He has an issue with police not enforcing issues with service animals. He said the people he represents, the veterans, the homeless, they respect Bart and admire him for his honesty and integrity. You can elect someone else, but he's been in the foxholes with us, he's fought for us. If you don't hire him then then I would advise him to run for Mayor.

Tim Connor: I want to join the accolades for Bart Logue. He's done an incredible job. If he turns out to be your choice, I really look forward to working with him, and I have enjoyed working with him.

There are 2 different conceptual models for what the Ombudsman should be: 1 is held by the citizens, and the other has become a creature of City Hall. We did not get an Ombudsman in 2008 – we got an internal auditor who could sit in IA, who can certify IA investigations, but as a price for that access was prohibited from speaking publicly and independently investigating citizen complaints. That's what an Ombudsman does. In 3 years we haven't had an independent investigation. It's an untenable situation. We shouldn't be arguing about whether the Ombudsman should be independent. That's what Prop 1. was about. The people spoke on this. It's deeply frustrating to see it dismissed. In 3 years we have had to yet have an independent investigation. I think it's within your power and prerogative to send a letter to Mayor to make sure that he doesn't come back to the council with a collective bargaining agreement that is in conflict with Prop. 1 and the city charter. I think you can do that and I think you ought to. Don't let the collective bargaining unit be used again to undermine the statutes and the public will of this community. I hope you'll consider that.

Phil Tyler: I want to fully disclose that I was privileged enough to be part of the interim and permanent selection committees. I was able to interview many a wonderful person for this position. When we initially selected Bart Logue as our interim Ombudsman we did that knowing the position could be permanent and could be temporary. We didn't select him based on a temporary basis. We selected him based on all his attributes and skills and talents he brought that would fit the permanent role. When we were tasked to come back and interview another group of individuals, we found other talented individuals and Jacqui was one of them - a very talented, well rounded, and very respected officer in her own right. I must, with all due respect, endorse Bart Logue for a few reasons: I think it's imperative that our city continue the good work that has been started by Bart. Bart as I have known him to be is a selfless gentleman who has created an environment in this position that will support and help whoever is selected for this position. He's not doing this for himself. He's doing it for the position and the citizens of this city he is serving.

Bart also has the ability to establish relationships with Commission, externally with citizens, and also with Guild and the department he has to oversee. He has shown us in these 6 or 7 months that he has been in this position that he has the talent to do that.

We have made too much progress and gone too far to take some steps back. All the good ground that has been gained and the good relationship that have been gained including a team, that I must recognize here, Marty and Luvimae, that have really made this position successful. That is vital to a position to have team members that are committed and bought in to the individual that is serving in that position, and we have that now. To undo that now I think would be a disservice to the citizens of this community. I fully endorse Bart Logue and I hope you will do too.

Elaine Tyree: I appreciate Bart very much. And Luvimae and Marty as well. Bart came in at a time when things were very heated and very challenging. I know in my conversations with him about Spokane he was remarkable in his ability to listen and be clear about what he thought and to create an exchange. I encourage you to keep the team intact, as has been said.

In terms of the proposal I think we have to go with Prop. 1. 70% voted to have independence. Independence means also working together, the Police department, Guild, Commission, Citizens, Mayor's office, council; it's incumbent on all of us to transcend our differences for the good of Spokane. Change is happening and terribly fast everywhere, and if we want it to be productive and strengthen the community, we follow the decision of 2014.

Conklin addressed the fact that only 2 candidates were brought forward by the selection committee, and gave the history of the 3 that withdrew. We have discussed this with our attorney, and it seems unwieldy to say to start the process over again. At some point, we have to say we've fulfilled the spirit of the ordinance and move forward.

The Commissioners had a discussion about the 2 candidates. Richter moved to approve Bart Logue as permanent Ombudsman, offering him a 3 year term. Smith seconded. Motion passed unanimously.

The Commissioners had a discussion about the Ordinance, and several citizens responded briefly. The chair ruled a speaker out of order. The speaker chose not to stop speaking. Eventually the person left the meeting and the meeting was able to continue.

Richter made a motion to ask City Council to do a one-time shift to all existing terms so the ending point is January 31st. Smith seconded. Motion passed unanimously. Conklin said she will draft the letter to the Council.

Rose move to approve minutes for 8/2/16. Richter seconded. Motion passed unanimously. [Note: it was an error that these meeting minutes on the agenda for approval as they were not yet complete. The minutes will be voted on during the October 4, 2016 meeting].

Smith made a motion to approve special community meeting minutes for 8/16/16 and 8/17/16. Rose seconded. Motion passed unanimously.

Rose made a motion to approve the revised minutes of the 8/29/16 work study session. Smith seconded. Motion passed unanimously.

Smith said there are 2 citizen's academies this fall: Level 1 and 2. Level 2 is new and more advanced, and he is signed up to take it starting mid to late October, and running through November.

Rose said she will attend the command review training on October 5th from 1pm to 4pm on reality based firearms training and a community relations workshop. Conklin asked Marty to collate available training and send it to Commissioners.

Smith said he attended the Use of Force Analysis training in June with Conklin. It was fascinating to see the psychology and the science behind what officers are confronted with when they're under stress. He attended 2 of the 3 community meetings for the permanent Ombudsman interviews. He attended 1 of the 4 interview panels for the Chief of Police position. He attended the Ordinance study session on 8/29/16. He staffed the Ombudsman table for 3 hours at Pig Out in the Park.

Rose attended Pig Out in the Park last Wednesday from 11a to 2p. Her sister Candy Chapman volunteered to staff the table for 2 sessions on Saturday and Sunday. She attended the work session on 8/29/16, and attended 1 of the 3 community events for our 2 candidates at NE Community Center.

Richter said that besides commission functions, he attended 1 public interview for the Police Chief.

Conklin said she attended the South Perry Business and Neighborhood Association on 8/9, the City Council PSC on 8/15, the City Council work session on ordinance amendments on 9/1, and all 3 of our public events to interview Ombudsman candidates on 8/16/16 and 8/17/16.

She said at a recent meeting there were some comments she heard as a criticism of us not getting our work done. She shared her concerns about that, saying the volunteer Commissioners work really hard. The ordinance says the Commission is supposed to meet at least once a quarter, and the Commission has met over 40 times in the almost 2 years that it has existed. Commissioners have put in countless

hours, attended public meetings and training, and have gone through 7 hiring processes in the last 2 years. She said there are things that are not getting done, like independent investigations and the annual report, but you cannot ask a totally volunteer citizen commission to work harder than this Commission has worked for the last 2 years.

Rose added that we also use our own money to pay for parking and food.

Smith said he is scheduled for an interview with City Council as part of his re-appointment, and it might be a good venue to add some of these things that are happening and hopefully it will be heard with open ears.

Rose asked if there is the ability to have the microphone turned off when someone is not respecting the Chairperson. The City Cable 5 technician indicated he can do that.

Conklin adjourned the meeting at 7:41pm.

Minutes submitted by Marty Huseman and approved by OPOC on October 4, 2016.