

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

Regular Meeting Minutes October 4, 2016

Commissioner Conklin welcomed everyone. Commissioners Jenny Rose, Scott Richter and Ladd Smith, and Counsel Jason Gray were present.

Smith moved to approve the agenda. Rose seconded. Motion passed unanimously.

Ombudsperson Bart Logue said September was a busy month. One week was taken up by police chief selection processes, and another week with NACOLE. During the time they were in the office, they had 43 citizen contacts and conducted 7 citizen interviews. They had 2 interviews with Internal Affairs (IA). One case was returned this month because of a technical issue with the body camera footage. IA was able to get that fixed that same day and they were able to certify it. There was an old case that he did not certify. While it was clear that some investigative steps had taken place, there were no attachments or documentation to support this, so he declined to certify it.

They completed 14 cases to bring the total to 93. Some of those cases were concurrences, because the officers had already received discipline within the PD. He's marking those off as reviewed. They received 3 complaints. He is working with Sergeant Wuthrich regarding a case where limited commission officers presented themselves as police officers. There are a lot of officers in Spokane that receive some training, but they are not police officers. There is some capacity for the police chief to remove those commissions, and also to re-certify officers when appropriate. They sent the case through IA even though this wasn't a complaint about an SPD officer.

The second complaint was about demeanor and inadequate response. The third complaint was also about inadequate response, and was almost a year old.

There was a brief discussion about mall and park security officers, how Commissioners don't want SPD officers to look bad because of what limited commission officers do, and that any complaint should rest with the proper entity. Logue said he will drill down and find out what the rights and wrongs are for limited commission folks.

The SPD in-service training is tomorrow; he and Luvimae Omana will attend it. Also, he and Omana will be attending the U.S. Ombudsman Association (USAO) Conference about 2 weeks from now. Commissioners should have received an invitation for it if they're interested in attending. At the end of November, there will be a legal update from the gentleman who presented (at NACOLE) about protests. After the in-service tomorrow, he will be a panel member at the Balboa/South Indian Trail Neighborhood Council Meeting.

Conklin asked Logue to compare and contrast NACOLE with the USAO training to help find out what training is best for Commissioners.

A brief discussion took place regarding meeting minutes. Conklin proposed that the minutes for 9/6/16 include: "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".

Logue said he and Marty Huseman are working on draft procedures on how to handle non-violent and violent incidents that may occur during OPOC meetings. While OPOC meetings have been pretty amicable, attendees were shown videos at the NACOLE Conference where there were some significant issues at public meetings.

Conklin also proposed that the 8/2/16 minutes be changed on page 3 to say "none were both suitable and able to take the job".

Smith moved to approve the minutes for 8/2/16 as amended. Rose seconded. Motion carried unanimously.

Rose moved to approve the minutes for 8/17/16. Smith seconded. Motion carried unanimously.

Rose moved to approve the minutes for 9/6/16 as amended. Smith seconded. Motion carried unanimously.

Conklin spoke about the NAACP Freedom Fund Banquet on 11/12/16. She said that they have attended this event in the past, and that she thought Tim Burns had attended each one. Anyone who decides they are able to go can contact Luvimae regarding a ticket. Jason Gray said if the Commissioners desire, they can call a meeting and post the appropriate notices so they can all sit together at the dinner.

Conklin announced that the NACOLE annual conference will be in Spokane 9/10/17 – 9/14/17. Bob West was the moving force behind bringing it to Spokane, with support from Sheriff Knezovich. This is our chance to offer workshops by local experts that give national visibility about our accomplishments.

The Commissioners and OPO recognized the service of former Commissioner AJ VanderPol, who phoned in to the meeting for a brief conversation. Conklin said she wanted him to know how much they appreciated his work on the Commission, and gave him heart-felt thanks for his contributions. Smith, Rose, Richter, Logue, Omana and Huseman thanked VanderPol for his service. VanderPol said he was incredibly grateful for the chance to serve on the Commission.

Rose is attending the SPD in-service training tomorrow. She will attend the public safety forum at Indian Trail on 10/11/16.

Smith attended the 9/15/16 Spokane PAC meeting at East Central. He invited the public to attend the next quarterly public meeting on Thursday, 11/17/16, at 5pm at West Central Community Center. He also attended NACOLE, and the Mayor's neighborhood meeting at Lidgerwood near Northtown Mall. Car theft was discussed, as well as precautions that people can take to help prevent their vehicles from being stolen. He will be attending the Level II Citizen's Academy.

He said he was interviewed by City Council, and they confirmed him for a 3 year term so he could continue on the Commission.

Conklin said we do not have a 5<sup>th</sup> commissioner yet. She said the good news is that the current draft of the Ordinance shifts the start of our terms to Feb. 1<sup>st</sup>.

Conklin attended SPARC on 9/7/16, and NACOLE from 9/25-29/16.

Smith, Conklin, Logue and Gray shared information regarding their experience at the NACOLE Conference.

Smith talked about having SPD communicate “why” things are happening, doing engagement vs. enforcement, and that we need to understand our own implicit biases. Everyone has them, and they can be combated through training and listening. Mental health, poverty and homelessness take up the vast majority of a police department’s interactions with the citizen. Here in Spokane we are fortunate that we have some training for our officers.

Logue said he has 30 pages of notes, and that NACOLE is non-stop from morning to night. He was hoping to get a workbook on how to do this, and do that. There is no workbook on how to do civilian oversight of law enforcement. There are many models and different techniques to improve public trust, ensure accessible complaint procedures, promote thorough, fair and objective investigations, increase transparency, and ultimately deter any police misconduct. In a lot of areas we seem to be doing ok.

Overwhelmingly, the biggest concern that the majority of jurisdictions had was access to police information. We have that access here. In California, they will not release any body camera video, ever. We have some obstacles, but we don’t have a lot like others do. Oversight should employ the lowest level necessary to achieve our goals. NACOLE will be putting out a report in mid-October and he will make sure that Commissioners get a copy on the day it’s released.

Gray said the conference was an incredible experience, and it far exceeded his expectations. He already had a tremendous amount of respect for the work that the Commissioners and the Ombudsperson do in Spokane, but it really hit home for him when he heard the keynote speaker, Roy Austin, who is the White House Director of Urban Affairs. Austin set forth his list of what we should be doing in oversight. The list was about 30 items long, and they were all incredibly important. The work being done here is a huge responsibility. There’s a lot of work to be done, and some great things are going on. It’s nice to see where we’re going and how we’re going to move forward. The other part that gave him some comfort is the international aspect of the conference, and the feeling that you’re not alone on an island. He would like to talk about things that different cities are doing; what is working and not working.

Conklin said one of the takeaways for her is how much we have already accomplished. LAPD talked about how they are the only large city that does certain things. They’re instituting body cameras, and one of their 4 divisions is fully equipped. We already have our PD fully equipped. Crisis intervention training is starting to be implemented at LAPD. All of our officers have voluntarily done this training. LAPD is starting to do de-escalation training, and we are already doing that. Someone talked with her

about how Spokane is increasingly being used for national level research because we post all of our data online in a way that is highly accessible and well-organized. She gave kudos to SPD and the various organizations in Spokane that have worked for years to get us where we are. She was impressed with Spokane.

She was reminded in more depth of the many different models of oversight, like oversight, investigation, healing of community relations, and mediation. Pretty much every jurisdiction is doing some combination of those. No one has a pure model. What struck her is we've spent the last 9 months trying to get our ordinance amendments perfect. She came away with the realization that it's never going to be perfect. We'll do the best we can this year. The reality is that given what's going on across the world, we're going to learn so much in the next few years. She came away with a sense that we're pretty amazing for a city of our size, and the possibilities are still really fascinating for where we can go in the future. She appreciated that our budget included the ability for us to attend.

Rose and Smith plan to attend the Spokane C.O.P.S. volunteer appreciation dinner on 10/20/16.

Public Forum:

Allen McDowell talked briefly about the first interactive medical rights that he has created. He said our culture is completely different now with electronic communication, and the lack of interpersonal communication. He said Senor Froggy's has the best food customer service in town and uses cards for customer feedback. He believes the PD needs cards for assessment, and a process for evaluating the service they give.

Elaine Tyree wanted to say "thank you". The last couple of years have been very challenging. We live in a time of extreme complication. To hear Mr. Smith say what we have learned and continue to learn; it's delightful and impressive to hear that report and those intentions. It's good for everyone and it's good for Spokane. Thank you all and let's keep going.

The Commissioners, Gray and Logue had a brief discussion about performance evaluation. Conklin proposed they give some thought to this and do some work on this pretty quickly. She has found that an assessment that is some process of celebrating strengths and accomplishments of the person, identify areas that need work, and set very specific goals to be met for the next review period tend to be very helpful. She recommends doing the first assessment 6 months into someone's position, and then at least annually after that.

Richter said it's crucial that the Commission does not do evaluations of OPO staff; they should hold the Ombudsman responsible for that.

Conklin asked Marty Huseman to research what training may be available in Spokane so that an expert perhaps could do a training session for OPOC. Rose talked about having Bart and Luvimae do a self-assessment, and then OPOC could be a part of that process. Gray said there are some ineffective tools out there, and advised OPOC to get good ones.

Logue said he is very familiar with doing performance appraisals. He suggested that to evaluate people, you should spend time with them. There are very specific forms that need to be utilized for city employees. He'll be happy to fill out a few of the forms to show them. When he evaluates Luvimae, he'll send them the form for review as "reviewing officials". He would welcome a 2-person commissioner assessment team to come in for a couple of days to come up with a general idea of what could work. If you make it too hard it doesn't get done. Fairness to the employee is the overall goal. You don't get your annual step increase if you don't get evaluated fairly and appropriately. Do it right and on time.

Regarding the Ordinance update, Conklin said she was really impressed with Council Member Beggs' latest product. He's worked really hard to listen to all the different points of view. She encouraged everyone to look at the draft and give Council feedback, and to thank Breean for all his work.

Logue requested an executive session to discuss salary negotiation for his position. Conklin said they would move into executive session for 15 minutes and then see where they are. She said the time was now 6:59pm, and that they will be back at 7:15pm. She also encouraged everyone to stay afterward for a celebration with cake and refreshments on the occasion of Luvimae passing the bar exam and Bart being selected as permanent Ombudsperson.

The Commissioners conducted the executive session for the purpose of the salary discussion. At 7:15pm, Commissioner Conklin went back into City Council Chambers to notify the public that the executive session would continue for another 5 minutes. The Commissioners concluded the session at 7:20pm and returned to the public meeting.

Conklin announced the return from executive session, and that it was the unanimous decision of the Commission to start Bart at step 6 in category 53, with the salary of \$103,397.76 annually. Conklin thank those who stayed, and declared the meeting would be adjourned at the end of party.

Minutes submitted by Marty Huseman and approved on November 1, 2016.