

City of Spokane Office of Police Ombudsman Commission (OPOC)

Regular Meeting Minutes for November 7, 2017

Commissioners/staff present: Commissioner Ladd Smith (Interim Chair), Commissioner Colleen Gardner, Commissioner Elizabeth Kelley, Ombudsman Bart Logue, Legal Counsel Tim Nault, OPOC Coordinator Marty Huseman

Commissioners/staff absent: Commissioner Jenny Rose (out sick), Commissioner James Wilburn, Jr., OPO Analyst Luvimae Omana

Welcome to Public

Commissioner Smith welcomed everyone to the meeting, and provided an update on who would be attending. He introduced Commissioner Kelley as the newly appointed Commissioner for District 2. Kelley said it's an honor to be here and that she wanted to listen and learn. Smith welcomed SPD Chief Craig Meidl.

Agenda

Commissioner Gardner made a motion to approve the agenda. Kelley seconded. Smith said we have approval for the agenda.

Report from OPO

Logue said he will quickly go over the PSC report for OPO activities through October. It will be presented to the Public Safety and Health Committee on the first Monday of December.

OPO attended 7 community events, went to the PAC meeting, and attended the Mayor's quarterly performance measures meeting. He attended a 2 day TEAM conference at WSU. It was well-done and showcased the relationships between SPD, Frontier Behavioral health and all the other providers in the area, and some of the successes. OPO attended the District 1 Community Conversation with Sheriff Knezovich. Logue asked Gardner to speak about the last Community Conversation of the year. Gardner said it will be on 11/21/17 at the Northeast Community Center, and the speaker that night will be Chief Meidl. Logue said this is a chance for anyone in the community to have a conversation with the Chief.

Logue met with several other community members this month. He also met with the King County Office of Law Enforcement Oversight, the Director of the San Diego Citizen Law Enforcement Review Board, and the Chair of the San Diego committee.

OPO received 2 complaints this month, and referred 6 other complaints out. OPO contacts didn't go down, even though they were out of the office; there were 75 for the month. They had 2 complaints come in in the hour before this meeting; Huseman took one and Logue took the other.

Logue did 2 case reviews and has 1 case pending, which he'll take care of tomorrow. He sent 1 case back this month, which was a complaint about excessive use of force. Some things needed to be looked into further, and he thinks the case will be closed in the very near future.

Interviews with citizens took place in OPO involving demeanor, not receiving a call back from SPD, a stolen parking pass and someone getting ticketed, and a question about Computer Aided Dispatch

(CAD). There was a complaint where a citizen believes information was entered inaccurately into a police report.

OPO attended the U.S. Annual Ombudsman Conference in San Antonio, TX. Logue attended the Leadership Spokane Governance Day, and toured the M construction site and the Inland Empire Paper Company. OPO attended the LAPD Police Auditor's class.

There was a critical incident on October 4th—a fatal officer involved shooting at the Shadle Walmart. Logue reviewed 16 uses of force reports, and 3 collision reports. He said Commissioner Smith came in while he was reviewing one of those reports, where the Lieutenant's ankle was broken during a fight, but the Lieutenant still kept going to calm down the situation. These reports are worth looking at on-line.

Logue had 13 meetings with Internal Affairs and 17 meetings with SPD. He attended the Collision and Pursuit Review Board. He had various meetings with City Council, Commissioners and Civil Service. This month, OPO expects to interview a potential intern. Luvimae Omana is on vacation for 3 weeks.

Smith told Logue that he knows that travel involves an amount of personal sacrifice, and said he looks forward to seeing how Logue takes this information and applies it to OPO in the future. Logue said he plans to have a little presentation on that at the December meeting.

Logue said it was a busy month, and he feels we've had the best month of oversight since he's been in the office. He wants to walk Commissioners through what happened this month, and explain why they have a recommendation in front of them.

Gardner asked what Logue needed from the Commission while Omana is on vacation. Logue responded that Marty Huseman has stepped in and they'll figure out how to cover the office as much as possible. Recognize the office may be closed if he's the only one here and he has an interview. They'll make sure signs are posted. A brief discussion took place about interns for the office.

Logue spoke about when he asked Chief Meidl if he would consider reviewing his Use of Force policy, in collaboration with the Office of Police Ombudsman, in order to look at the successes achieved in other departments, and to consider if they would or could apply to the Spokane Police Department. Chief Meidl said yes, and Logue asked the Commission to consider approving the recommendation that OPO collaborates with the SPD on this task. He also asked Commissioners to schedule a public meeting to hear what the public has to say about this very important topic.

Chief Meidl spoke, and thanked Logue and the Commissioners. He indicated his willingness to work collaboratively with OPO. He started noticing about a year ago that other agencies throughout the nation were discussing the sanctity of human life and different tactics that could be used to diminish the necessity for use of force. Las Vegas Metropolitan PD was the first agency to use collaborative reform through the Department of Justice COPS program, and SPD was the second in the nation. It's crucial that our policy reflect our training, which will then reflect our practices.

Smith thanked Chief Meidl and Logue for the presentation; a lot of information and a lot of things to be excited about. He senses we could be on the forefront along with other cities, larger than ours, and really do some practices that hold the sanctity of life as the overarching focus and goal, and you can't

get any better than that. These are things we that we dream about, that we can work together for the better of our citizens, how we treat them and how we use lethal force.

Gardner offered her congratulations. She attended the same NACOLE Conference that Logue did. These are the kinds of things that our citizens need to see and to hear. Spokane is doing some really good things, and we are steps ahead, in her personal opinion, of some of the people she talked with at the conference. She's very pleased that she gets to sit on this Commission when this happens. Smith said there's some courage involved here, and you're doing the right thing.

Public Forum

Alan McDowell said he designs products for diagramming incidents to prevent escalation that would cause problems with the police department. He talked about safety with off duty firearms and social media, verbal commands to stop dog attacks, illegal activities by off-duty officers, and tightening of handcuffs that can result in restriction of circulation.

Smith said he appreciated McDowell's succinct speaking points. He asked if McDowell planned to speak with Logue about this, and McDowell agreed. Smith asked Logue if he wanted to comment on any of the points. Logue said the first one has already been looked at [safety with off duty firearms and social media]. It's already gone through the Internal Affairs process and it was determined that the person was not on SPD's payroll when the picture was posted on social media. Gardner asked McDowell, for the sake of time, if he could meet with Logue individually.

John Lemus talked about an action alert he received from the Spokane Police Accountability and Reform Coalition (SPARC), and said he wanted to address a couple of bullet points from the email. First, SPARC is asking for the Commission to have supervisory responsibility of the Coordinator that works in the OPOC office. He does not believe this Commission should be supervising a city employee. He's pretty sure there's not a commission in the City of Spokane that is directly responsible for supervising a City staff member. He believes any staff that are working for Logue whether they are a project employee or Civil Service they should be supervised by Logue.

He believes that any complaints about the OPO should go to the OPOC Chair and the Chair can work with the Coordinator to help adjudicate those complaints. He was discouraged to see that action alert. He knows there are a lot of special interest groups that are really putting pressure on Commissioners for how they feel the Ombudsman's office should operate. From conversations that he's had, you might consider it a conflict of interest for any member of SPARC to serve as an OPOC Commissioner. That's something you could talk about with the Mayor's Office and come to an agreement with; that way it's not one special interest group trying to drive the direction of the OPO or OPOC.

Reports of Commissioners on Significant Community Meetings Attended

Smith mentioned a ride-along for Kelley. Gardner said she attended Procedural Justice training at the academy on October 14th, and recommended it to those in the audience. She found it invaluable, not only as a taxpayer and a citizen, but more importantly how the training can help her do her job. She's very committed to this position and takes a lot of ownership in how this Commission moves forward. On October 17th, she and Commissioner Rose attended the Public Safety Forum at the West Central Community Center. On October 19th she gave a short overview of the OPOC to the District 1 Neighborhood Leadership Group. On October 26th she facilitated the community conversation with

Sheriff Knezovich. She will be facilitating the one with Chief Meidl on November 21st from 6:30 p.m. to 8:30 p.m. at the Northeast Community Center. She encouraged citizens to take advantage of this opportunity to have their questions answered.

Smith said he attended the NAACP banquet dinner at Northern Quest. He talked with several people who weren't familiar with what the OPO and OPOC does. The 2nd event was the COPS volunteer dinner. Spokane is so fortunate to have a cadre of volunteers in our city who are giving time and talent and their dedication to helping SPD. This is their special night to get honored and you can tell how close these people are to each other at the different COP shops.

RFP for OPOC Attorney

Smith said the term for our current attorney Tim Nault expires 12/31/17. There was a brief discussion about starting the process for a Request for Proposal for 2018, and Logue will initiate it.

Report from the NACOLE Conference

Gardner said she was appointed shortly before this conference happened. She said it was immensely informative, and she came away with 5 key things to share:

1. They did an excellent PowerPoint about why oversight has been established. She was amazed to learn that police oversight has been around since 1928.
2. They did a piece on trauma; how we deal with it and process it. The most important part was that we never really think about the police officer who has just witnessed a shooting, and he doesn't get to go home and process that. As soon as that incident is over, he's moving on to the next one. That became really apparent to her when the Freeman school shooting occurred.
3. She met people from Mexico, Nigeria, and Canada and all over the U.S. Their willingness to reach out to her, support her and to say she's doing the right thing was impactful and tremendous.
4. Their openness to share their knowledge with her and their ability to see what her needs were to be the best she can be. They told her stories about what happened to them during their first years.
5. She heard from people that she was networking with about what a great job Spokane is doing and how far they have come. Logue and Chief Meidl were on a panel discussion, and she couldn't believe the number of people who came up afterward and said they wished their police chief and their Ombudsman oversight people could have the kind of discussions that Spokane seems to be having. She wouldn't trade this opportunity for anything. She thanked the City of Spokane for allowing Commissioners to do this sort of thing.

Smith thanked Gardner for her presentation, and encouraged Kelley to attend the next conference in September of 2018. He will give a NACOLE presentation at the next meeting.

Discussion about Scheduling Future Meetings

A brief discussion occurred. Smith said we'll continue this in December when we hopefully have a full Commission.

Approve Minutes from 10/10/17

A brief discussion occurred, and two corrections will be made. Smith requested that pages be numbered. Gardner requested that a different format be used to improve the way Commissioner attendance is tracked. Gardner made a motion to approve the minutes with the changes that were discussed. Kelley seconded. Smith said the minutes from October 10th have been approved.

Performance Appraisal Review of Staff

Smith declared the Commission would be in executive session for 20 minutes for the purpose of employee performance review, saying it is now 6:29 p.m., and they will be in executive session until about 7:04 p.m. The Commissioners returned to the public meeting at 7:10 p.m.

Smith explained that regarding item 2 on the agenda, a motion was put forth earlier but was not voted on. The Commissioners then voted to accept the agenda. Smith explained there was also a motion to approve the minutes from 10/10/17. He asked for a voice vote to approve the minutes. There were 2 ayes and 1 abstention.

Smith said the result of the executive session was to process Logue's evaluation. They discussed what is going well and goals for the upcoming year.

Smith adjourned the meeting at 7:13 p.m.

Minutes submitted by Marty Huseman and approved by the Commission on 12/5/17.