



Spokane Human Rights Commission

September 26, 2017

5:30 PM-7:00 PM

City Hall Lower Level

Council Briefing Center

TIMES GIVEN ARE AN ESTIMATE AND ARE SUBJECT TO CHANGE

Public Comment Period:

3 minutes each Citizens are invited to address the Commission on any topic not on the agenda

Commission Briefing Session:

5:30 – 6:10	1) Roll Call & Approve August 22, 2017 Minutes	John Lemus
	2) Public Comment	
	3) President Report	
	4) City Staff Report	Alicia Ayars
	• Budget Update	
	• Title 18 Update (CM Stratton)	

Discussion Item(s):

6:10 - 6:20	1) WA Human Rights Commission Complaint Data Summary	Commissioner Torres
6:20 - 6:40	2) HT Subcommittee Police Protocols Final Draft	John Lemus
	• SHRC Police Protocol	
	• SHRC Attachment A, B & C	

Standing Updates:

6:40 - 6:55	1) Subcommittee Updates	
	c. LBGTQIA	Commissioner Torres
	d. Human Trafficking	Commissioner Bishop

AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION: The City of Spokane is committed to providing equal access to its facilities, programs, and services for persons with disabilities. The Council Chambers and the Council Briefing Center in the lower level of Spokane City Hall, 808 W. Spokane Falls Blvd., are both wheelchair accessible. The Council Briefing Center is equipped with an audio loop system for persons with hearing loss. The Council Chambers currently has an infrared system and headsets may be checked out by contacting the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write, or email Chris Cavanaugh at (509) 625-6383, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or ccavanaugh@spokanecity.org. Persons who are deaf or hard of hearing may contact Ms. Cavanaugh at (509) 625-6383 through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.

	e. Edu./Planning	Commissioner Thomas
	f. Rules & Procedures	Commissioner Riley
	g. Complaint	Commissioner Fields
New Business:		
6:55 - 7:00	1) Other Upcoming Events	Commissioners
Adjournment: 7:00PM		
Next Human Rights Commission meeting is scheduled for October 24, 2017		

The password for City of Spokane Guest Wireless access has been changed:

Username: COS Guest

Password: m55NFkGA

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Spokane Human Rights Commission

August 22, 2017

Meeting Minutes: Meeting called to order at 5:30

Attendance:

- Board Members Present: Nicole Bishop, Andrea Fallenstein Lance Kissler, Aaron Reily John Lemus, Aaron Reily, Jennifer Thomas, Ashley Torres, Ronald Toston, Aaron Reily, Karen Stratton
- Board Not Members Present: Amina Fields
- Staff Members Present: Alicia Ayars

Commission Briefing Session:

- 1) Minutes for the July 25, 2017 meeting approved unanimously.
- 2) Public Comment: (3 minutes comment period)
 - a. Jade Ann Annasta spoke about the safety concerns for the Transgender and LGBTQIA population in the homeless shelters.
 - Councilwoman Stratton and Skyler Oberst will set up a meeting with Jade to gain more insight on the Transgender situation in the homeless shelters.
 - CHHS will be made aware of this issue
 - b. Mercy Aguilar purposed to add another Detective to the Anti-Human Trafficking Task Force.
 - Commissioner Stratton will inform Councilwoman Kinnear who is working with the Spokane Police Department and Detectives to bring awareness to this situation.
 - c. Antone Velone is seeking guidance regarding his civil rights surrounding the death of his wife and the appointed attorney in his case.
 - Suggestions were made by the Committee to look into contacting the Center of Justice, GU Law Clinic, and Genève Mann. Councilwoman Stratton will pass his contact information onto Council in hopes to provide additional resources.
 - d. Tim Brucick spoke about the concerns with Service Dog Guidelines, ADA accessibility and educating local business owners about Service Dog Guidelines.
 - Councilwoman Stratton provided a resources to a non-profit agency that can help provide service dogs with vests and ID card, so that guide dogs can be properly marked for easy identified as service dogs.
 - e. Laura Renz, from NW Service Dog Alliance is working to Educating Service Dog Awareness and help enforce the rules and regulations to the public. The NW Service Dog Alliance has made signs to hand out to local business owners.
 - Standards aren't being enforced therefore people can violate the Service Dog Requirements.
 - Councilwoman Bishop asked that Laura Renz send over the sign information created by the NW Service Dog Alliance. The Commission can help with printing costs.

3) President Report-Nicole Bishop

- a. Suicide Means Prevention Project- will be placed on hold for now, but connections have been made with Unity in the Community and Zero Suicide Spokane Coalition.
- b. Coffee with a Commissioner- Tentatively scheduled at Café Affogato in the Saranac Commons August 30, 2017 from 5pm-6pm. Attendees will be Lemus, Bishop, Torres, Kissler, and Toston.
 - Website: <http://caffe-affogato.com> Phone: (509) 868-0011
Address: 19 W Main Ave Spokane, WA 99201
 - Happy 50th Birthday Andrea Fallenstein
- c. Courageous Conversation- Nicole Bishop will be setting up a Creative Conversation this fall which will encompass human trafficking, domestic violence, sexual assault & how LGBTQIA are affected.
 - Councilwoman Stratton is working with Employment for People with Disabilities and has suggested that the City's next 100 day Challenge be for this cause.
- d. Work Plan Update-Retreat
 - Listening Session items will be due at the September 26, 2017 meeting
 - SHRC Retreat will be held at the October Meeting. The agenda will focus on feedback from the community, listening sessions, and the SMART Goal worksheet in order to create the 2018 work plan.

4) City Staff Report- Alicia Ayars

- Budget Update: Balance \$1705.85 two pending transactions for printing materials for Unity and the Community & name plates. The Committee needs to decide what the rest of the budget should go for? It's unclear what will happen with the budget next year? Determine if SHRC will be included in the City Council Priority Budget or if SHRC needs to go after their own line item.
- Title 18 Update- Online Complaint form is on the website under Equal Opportunity Employment, Housing Practices, and Public Accommodations
 - Title 18 is holding two forums Wednesday August 23, 2017 at North East Community Center from 6:00-7:30p.m.
 - Thursday August 24, 2017 at West Central Community Center from 6:00-7:30PM this meeting is specific to Landlords.
 - Amendments to Title 18 - First reading next Monday August 28, 2017 and Final reading will be on September 4, 2017
- Update from Ashley Torres:
 - Rode with 3 separate officers on a ride along
 - Will meet with the person who creates the testing and the Apprenticeship Program and bring that information to the SHRC retreat to get recommendations and then meet with Sheriff Ozzie Knezovich

Discussion Items:

- 1) SCSO Restorative Practices Update - Has completed the ride along for the SCSO and has been in communication with SCSO to schedule the remaining items. Commissioners are welcome to reach out to SPD for patrol ride along.
- 2) By-Law Amendment Budget Process & Expense Authorization - Proposing a by-law amendment on expense authorization, this would be a new section to the by-laws.
 - Place under General Provisions, under sections 2.4, A. Budget & Financial Control
 - CM Stratton will check the Council Priorities.
- a. Commissioner Kissler moved to amend the bylaws as read aloud. Seconded by Commissioner Thomas. "The chair and vice chair will submit a budget request proposal to the commission to be voted on which is to be sent by the chair to the mayor and council by October of each calendar year. In any fiscal year that the SHRC receives a budget any expenditures over 200.00 the chair shall be required to obtain a vote of the full commission before city staff can authorize the expense."
- b. Place under General Provisions, under section 2.4, A. Budget & Financial Control

Motion approved unanimously (9/0)

- 3) Conferences-TEAM Conference will be held October 24th- 25th hosted by the Spokane Police Department
 - Commissioners Toston, Thomas & Bishop will attend
 - (IAOHRA) International Association of Official Human Rights Agencies will be holding a meeting September 14-28th 2017. For more information visit the website: <http://www.iaohra.org/pay-member-dues>
 - SHRC will Build the (IAOHRA) meeting into the budget for 2018

Standing Updates:

1) Subcommittee Updates:

- Subcommittee meeting will be held August 24th 2017 from 5:30-7:00p.m. The topic of the meeting will focus on the progress updates for the 2018 work plan
- End of the Year Pride Cruise was Saturday June 3rd from 2:00p.m- 4:00p.m. For more information visit the website: <https://outspokane.org/pride-cruise>
- Human Trafficking- Commissioner Nicole Bishop
 - Voting on Police protocols
 - The next meeting will be held at Aunties Bookstore on Wednesday, September 6th from 5:30-7:00p.m.
 - The SHRC will be getting a new Intern
- Rules and Procedures- Commissioner Riley
 - Subcommittee meeting Monday, September 18th at 5:30 P.M. in the City Hall
 - Meeting will focus on two changes to the by-laws

- **Complaint Subcommittee-**
WAHRC Report- Fields and Fallenstein will brief the Commission in September

New Business:

The Focus will be on upcoming events

Meeting Adjourned at 7:00 P.M.

Next Human Rights Commission Meeting is scheduled for **September 26, 2017**

DRAFT

Spokane Human Rights Commission Budget, September

Date	Amount	Balance	Comments
1/1/2017		\$2,500.00	Initial Budget
1/25/2017	\$65.00	\$2,435.00	MLK Booth Registration
1/17/2017	\$144.33	\$2,290.67	Reprographics
3/20/2017	\$50.00	\$2,240.67	OutSpokane Pride (flag handle for parade)
3/31/2017	\$17.39	\$2,223.28	Reprographics (Postcards)
4/18/2017	\$25.96	\$2,197.32	Flags (Wal-Mart)
4/18/2017	\$2.28	\$2,195.04	Tax on flags
4/20/2017	\$59.34	\$2,135.70	Brochure (Reprographics)
4/27/2017	\$100.00	\$2,035.70	OutSpokane Pride (booth)
	\$12.79	\$2,022.91	Additional Flag (Brandy Cote's P-Card)
4/30/2017	\$73.35	\$1,949.56	Nexus Inland NW (Inv #44399, Mtg on 4-25-17)
6/6/2017	\$75.00	\$1,874.56	Unity in the Community Booth Registration
6/6/2017	\$168.71	\$1,705.85	Reprographics Copies
8/17/2017	\$80.64	\$1,625.21	Reprographics (Brochure)
8/18/2017	\$28.64	\$1,596.57	Reprographics (OPO ACLU Cards)
8/30/2017	\$34.82	\$1,561.75	Coffee With a Commissioner
9/13/2017	\$319.47	\$1,242.28	TEAM Event Registration
	\$1,257.72	\$1,242.28	Available Amount

Executive Summary of Washington State Human Rights Commission Reports of Discrimination in the Cities of Spokane and Spokane Valley

This executive summary is an analysis of all human rights complaints reported to the Washington State Human Rights Commission (“Commission”). Complaints received in the full report originated from the City of Spokane or the greater Spokane Valley area between January 2015 and May 2017. The full report of complaints provided by the Commission lists complainant, the respondent, and the type of wrongful discrimination alleged in each complaint.

The method of analysis used for this summary was to identify the common complaint type submitted to the Commission, then to identify reoccurring complaints by complainants, respondents or both, summary of complaint resolutions and conclusion.

Common Complaint Types

The data revealed seven issues were only complained of once (discrimination in financing, exclusion, assignment discrimination, wage discrimination, “other,” benefits discrimination, and discriminatory demotion), and revealed the most common issues throughout were discharges for suspected unlawful reasons (fifty-five total complaints) and concerns regarding potentially discriminatory terms and conditions for various transactions (forty total complaints). Issues with reasonable accommodations (thirty total complaints) and harassment (twenty-five total complaints, including complaints of sexual harassment) were also commonly reported, while complaints of other forms of discrimination to the Commission were relatively rare (ten or less reports each of any other type of discrimination).

Common Complaint Types <i>(More than one issue per complaint commonly occurring)</i>	
Complaint Type	Quantity
Unlawful Discharge	55
Discriminatory Terms & Conditions	40
Issues with Reasonable Accommodations	30
Harassment (including Sexual Harassment)	25
Each type of all other types of complaints categorized and tracked by the Washington State Human Rights Commission	<10

Reoccurrences

According to the data given, fourteen respondents each had two different reported complaints against them, and only one additional respondent had, between its multiple divisions, three complaints against it. Only one complainant filed two complaints against the same respondent (one for harassment (2016), one for discriminatory discipline (2017)) in the years covered by the data in this report. Three additional

complainants have filed two complaints each: two complainants filed claims over two different years (one complainant claimed unlawful discharge twice from two different employers, once in 2015 and once in 2016; one complainant claimed harassment by a religious organization in 2016 and, separately, a terms and conditions issue with a business in 2017), and one complainant filed two complaints against two different respondents in 2017 (both of which were unlawful discharge claims, only one of which included an accusation of a failure to accommodate).

Resolution of Complaints

A total of sixty-seven of the 132 (50.76%) complaints filed with the Commission were closed after a finding that there was no reasonable cause for the complaint. Six of the 132 complaints were withdrawn or settled after the Commission made findings in the case. Seven complaints were settled before any findings were made in the case by the Commission. No complaints were settled by conciliation. Five complainants were found to have grounds to sue for discrimination and issued “right to sue” letters, after which the Commission withdrew from any further involvement in the issue. Only two complaints were withdrawn (the data does not make clear whether these withdrawals took place before or after findings by the Commission or on whose initiative they were withdrawn, but with the other category being withdrawal or settlement after findings by the Commission it seems likely these withdrawals were initiated by the complainant). No complaints filed with the Commission were found to be outside the jurisdiction of the Commission. Fourteen complaints were closed by the Commission after the complainant failed to cooperate with the Commission’s investigation. No complaints were closed because of the Commission’s inability to locate a complainant. No complaints were closed due to bankruptcy (this seems it would only be relevant when considering the position of the respondent, but again, the data does not make this clear). No complaints were closed by the administration of the Commission because the issue was generally resolved nor because the complainant decided to pursue private litigation. Twenty-five complaints remained open as of the compilation of the data provided in the report. Six complaints were given a closure code that is not specified as to its meaning in the report.

Resolutions of Complaints	
Complaint Type	Quantity
Complaints closed after the Commission found no reasonable cause to support the allegations.	67
Complaints closed when the complainant failed to cooperate with Commission investigation.	14
Complaints closed with no specified reason why or specified resolution.	6
Complaints closed after the Commission made findings on the case.	6
Complaints were settled before the commission made any findings on the allegations.	7
Complaints resulted in the issuance of “right to sue” letters to the complainant and then	5

withdrawal of the Commission from further involvement in the issue.	
Complaints were withdrawn for unspecified reasons.	2
Complaints remained open upon the compilation of data for the report	25
Total	132

Conclusions

With more than half of the complaints received by the Washington State Human Rights Commission between 2015 and 2017 dismissed for a lack of reasonable cause, it seems complainants may feel discriminated against without any remedy available to them through the Commission (or any of the entities to whom the Commission may make referrals). Examined another way, 132 complaints over less than two-and-a-half years means just over fifty-two complaints received each year. Considering there were fifty-two complaints in a year in a city of over 212,000 individuals (or almost 304,000 individuals when the Spokane Valley is included), this means less than two percent of the population of the City of Spokane and the greater Spokane Valley area has complained of discrimination. *See* United States Census Bureau, 2014 census. However, given discrimination is commonly underreported, it is difficult to say whether the low number of reported incidents of discrimination indicates there is little discrimination occurring within the City of Spokane and the greater Spokane Valley area, or whether such discrimination is simply unreported. *See generally* Dwyer, Kelly, “Taking Action Against Discrimination,” *New York Times*, Oct. 2, 2005 (employment discrimination underreported); “Fair Housing: How to Deal with Discrimination,” Office of Refugee Resettlement, Sept. 22, 2012, <https://www.acf.hhs.gov/orr/resource/fair-housing-how-to-deal-with-discrimination>, accessed July 7, 2017 (national origin discrimination underreported); *The HUDdle: U.S. Department of Housing and Urban Development’s official blog*, “Housing Discrimination in Focus” Feb. 23, 2012, <http://blog.hud.gov/index.php/2012/02/23/housing-discrimination-in-focus/> (“[Housing-discrimination-]incidents go unreported due to lack of knowledge about what discrimination is, how to spot it, or how to report it.”).

Summary of Complaints by year

(The data contained in each table has been summarized from the information provided by the Washington State Human Rights Commission.)

2015 Complaints		
Code	Description	Total Complaints
A3	Assignment	0
B1	Benefits	0
C1	Constructive Discharge	3
D1	Demotion	1
D2	Discharge	25

D3	Discipline	4
D4	Denial of Service	6
E1	Exclusion	1
H0	Discrimination Financing	1
H1	Harassment	8
H2	Hiring	2
H3	Refusal to Rent	1
H4	Deny or refusal to make housing available	1
H5	Discriminatory advertising, statements and / or notices	1
I1	Intimidation	3
L2	Layoff	0
O1	Other	1
P3	Promotion	2
R6	Reasonable Accommodation	13
S4	Sexual Harassment	4
S5	Suspension	1
T2	Terms & Conditions	21
W1	Wages	0
TOTAL		99

2016 Complaints		
Code	Description	Total Complaints
A3	Assignment	0
B1	Benefits	0
C1	Constructive Discharge	6
D1	Demotion	0
D2	Discharge	19
D3	Discipline	2
D4	Denial of Service	1
E1	Exclusion	0
H0	Discrimination Financing	0
H1	Harassment	12
H2	Hiring	0
H3	Refusal to Rent	1
H4	Deny or refusal to make housing available	1
H5	Discriminatory advertising, statements and / or notices	1
I1	Intimidation	1
L2	Layoff	0
O1	Other	0

P3	Promotion	0
R6	Reasonable Accommodation	12
S4	Sexual Harassment	1
S5	Suspension	2
T2	Terms & Conditions	13
W1	Wages	1
TOTAL		73

2017 Complaints (Jan. 1, 2017-May 31, 2017)		
Code	Description	Total Complaints
A3	Assignment	0
B1	Benefits	1
C1	Constructive Discharge	1
D1	Demotion	0
D2	Discharge	10
D3	Discipline	3
D4	Denial of Service	0
E1	Exclusion	0
H0	Discrimination Financing	0
H1	Harassment	1
H2	Hiring	2
H3	Refusal to Rent	0
H4	Deny or refusal to make housing available	0
H5	Discriminatory advertising, statements and / or notices	0
I1	Intimidation	0
L2	Layoff	0
O1	Other	0
P3	Promotion	2
R6	Reasonable Accommodation	4
S4	Sexual Harassment	1
S5	Suspension	0
T2	Terms & Conditions	6
W1	Wages	0
TOTAL		31

SHRC Anti-Trafficking Committee

Recommended Protocol for SPD Interacting with Victims/Survivors

In the spirit of understanding that Spokane may be more limited in some resources than other metropolitan areas with similar trafficking issues, but that we are moving forward with group participation toward eradicating this issue in our city and surrounding area, and providing both access to resources and a humanitarian understanding of the issue for victims and survivors. That being said, we would propose the following addendums/adjustments for protocol for law enforcement in engaging victims through the interview and post-interview process. We propose that:

- a) For every individual taken in for suspicion of prostitution, please conduct checklist found in *Attachment A*, in order to determine whether the individual is likely a victim of commercial sexual exploitation or if they are a willing participant of prostitution. If it is determined the individual is likely a victim of human trafficking, please complete the following protocol steps.
- b) If the victim/survivor relays that they have a support person, social worker, attorney, mental health, advocate, or certified or ordained spiritual counselor that they would like present, that law enforcement would contact that person to provide access.
- c) Law enforcement shall ask if the victim/survivor would like a support person present, and if so, attempt to provide one from a local resource, as available, such as Lutheran Community Services, the Jonah Project, or a licensed mental health facility.
- d) Upon conducting an interview, we encourage that law enforcement would provide the victim/survivor or legal advocate with appropriate direct contact information and/or other items the victim would need for contact (such as a case number, etc.) should they be willing to come forward with information that is pertinent to a law enforcement investigation.
- e) With the understanding that mental health, addiction, malnutrition, and emergency health issues can in many ways delay or affect both the interview process and the victims/survivors themselves; we would request and encourage law enforcement to provide a follow-up interview at the willingness of the victim/survivor 30 days from the initial interview in which the victim/survivor has come forward. This would provide for survivors adjusting to medication, mental health exams, and schedules, and would increase the accuracy and the amount of information the survivor would be able to provide.
- f) For law enforcement to proactively contact the advocate, either at 90 day intervals or upon completion of the investigation with the appropriate status so that the victim/survivor can be best served. In this manner, the victim/survivor may proceed in seeking geographic relocation, safe housing, reentry into regular life, or other services.
- g) If the individual is in need of advocacy and/or resources, police shall refer the victim/survivor to *Attachment B* so that they may have a complete understanding of the services available to them. *Attachment B* will be regularly updated by the SHRC Anti-Trafficking Subcommittee.
- h) Moreover, police shall supply the individual with *Attachment C*, itemizing the medical and legal rights available to the victim/survivor.

Available Medical and Legal Rights

- You have the right to seek medical care and stabilization.
- You have the right to be protected from harm.
- You have the right to access law enforcement and legal protection at will.
- You have the right to choose what services you want to use.
- You have the right to be informed as to all your options and the consequence each option might have.
- You have the right to privacy. You will not be pressured to share something you do not want to share.
- You have the right to access counseling resources and choose what counselor you work with.
- You have the right to access detox services and mental health services.
- You have the right to express your spirituality how you choose and to select or decline services according to your beliefs.
- You have the right to speak to friends and family.

Agency Resource Chart – Human Trafficking

[illegible]

Police Checklist: Prostitution vs. Sexual Trafficking

Because many individuals who engage in commercial sex trade are involved due to force or coercion (human trafficking), you shall utilize the form below to ascertain if the suspected participant of prostitution before you is engaging in willful, illegal prostitution, or if they are mired in human trafficking. If it is determined, through use of this checklist, that the individual is not a willing participant in prostitution, please refer to the intake protocol for trafficking victims as you proceed with your investigation.

Question 1:

- ☐ Is the individual under 18 years of age?
- ☐ Is the individual unable to leave their job if they want to?
- ☐ Is the individual unable to come and go as they please?

If any ONE of these questions is answered “yes,” the individual is not a prostitute, this marks the end of the questionnaire, and the attached sexual trafficking police protocol shall be followed.

If answered “no,” please proceed with questionnaire.

Question 2: ¹

If TWO or more of the below items are checked in the affirmative, then continue with the sexual trafficking police protocol, as the individual shall not be treated or considered as a willing participant in prostitution.

- ☐ Are there signs of physical abuse?
- ☐ Has the individual or their family been threatened?
- ☐ Does the individual live with the employer/perpetrator?
- ☐ Is the individual in debt to their employer/perpetrator?
- ☐ Does the individual’s employer/perpetrator retain custody of passports or identifying documents?
- ☐ Does the individual receive less than 40% of what they earn?

¹ Questions obtained from The US Department of State, through the Office to Monitor and Combat Trafficking Victims.