



**General Meeting**

**OCTOBER 13**  
11:30 AM - 1 PM  
2404 N. Howard  
**The Social Hall**

**Naturalization Ceremony**

**Oct. 29 @ The Bing**  
**Nov. 3 @ Downtown Post Office**  
**Cathy Nemmert**

**LEAGUE DRINKS**

**October 28**  
**Luigi's**  
5 PM  
**Linda Milsow & Lin McGinn**

# VOTER

## Office of Police Ombudsman Debacle

This summer has seen a collapse in the process of police oversight for the City of Spokane. The signs of disfunction began when Spokane's first ombudsman, Tim Burns, resigned in January 2015 and no one had been hired to replace him.

A search committee for an ombudsman was appointed in January and tasked with recommending three names for police ombudsman. City Attorney Nancy Isserlis chaired the ombudsman selection committee, which included ombudsman commissioner Andrain Dominguez representing the City Council, Spokane police Capt. Brad Arleth representing the Lieutenants and Captains Association, and Sgt. John Griffiths representing the Spokane Police Guild. A fifth member, Jan Dobbs, the chief operating officer of Frontier Behavioral Health, was selected by the other four in a process that took more than month.

The City Council unanimously passed a resolution on May 11 asking the committee to forward any names for an interim ombudsman to the OPOC. At that time, 16 people had applied for the interim ombudsman position; seven of them asked to be considered for the regular ombudsman opening. The Isserlis committee did not forwarded those names to the OPOC.

Eventually Isserlis' committee vetted 38 candidates for the permanent ombudsman position, conducted 14 interviews by computer and six in-person interviews before choosing finalists. The names were submitted to the City Council in mid-July. According to Isserlis, the committee's work was done.

The all-volunteer OPOC suffered another blow when the former

**OPO - Background**

August 1992 - In response to growing citizen concern about excessive use of force allegations by the Spokane Police Department, the Spokane League of Women Voters joined with the Center for Justice to look into these issues. The Spokane City Council approved creating a Citizens Review Panel (CRP) which was disbanded in 1995 after the Police Guild filed a complaint of unfair Labor Practice and won. The CPR had the power to recommend officer discipline which is a mandatory subject for Public Employee collective bargaining.

April 2007 - The City of Spokane hired a consultant, Sam Pailca who recommended doing away with the Citizens Review Commission and replacing it with an Office of Police Ombudsman (OPO). As a second step, she recommended adding a Citizens Advisory Board to oversee and provide advice to the ombudsman.

ombudsman assistant resigned in May. The city has no plans to hire administrative support for the ombudsman commission until an ombudsman is hired. As a result, the city is paying the commission's attorney, Breean Beggs, to handle some administrative tasks like taking notes at meetings and coordinating interviews. Beggs is paid \$195 per hour, according to his contract with the city.

The five-member OPOC began to unravel in June following an internal investigation by the Spokane City Council of misconduct by three commissioners, Rachael Dolezal, Kevin Berkompas and Andrian Dominguez. They were accused of tampering with records, disclosing sensitive information, treating city employees poorly and attempting to overstep their authority. Dolezal, the Chair of the OPOC, was unmasked as a white woman who, for years, had presented herself as a black woman. She was removed from the commission. Berkompas and Dominguez resigned. This left the commission, designed to provide independent oversight of the Office of Ombudsman and the Police Department, unable to function. To date, there is no civilian oversight of police department internal investigations in Spokane.

Since January the Spokane Police Department (SPD) has received 71 complaints. Over half of these complaints have been classified as inquiries by the department's Office of Professional Accountability meaning they will not be investigated. Internal Affairs has completed 21 investigations including three officer-involved shootings, one fatal.

The level of disfunction in the entire process is apparent in the attempt to lay blame.

*"Ombudsman commissioners say the long wait is due to a failure by the city to prioritize hiring an interim police ombudsman. City officials involved in the decision, meanwhile, say a lack of qualified applicants and turmoil on the commission itself have contributed to the delay."*

*Spokesman Review, August 25 article by Rachael Alexander.*

Deb Conklin, who assumed Chair of the OPOC, is frustrated by a lack of transparency in the hiring process. The search committee discussed potential candidates for ombudsman almost exclusively in executive sessions, according to their meeting minutes, which state law allows but does not require. Isserlis said discussions were held in executive session to protect the privacy of applicants, most of whom had other jobs.

Meanwhile, two new members have been appointed to the OPOC: AJ VanderPol, a Gonzaga law student, and Ladd Smith, a teacher at Hutton Elementary. The new commission began meeting again

### OBO -Background, cont'd

October 2009 - The Spokane City Council passed a Resolution requesting that the Mayor and City administration bargain with the Police Guild to grant explicit independent investigatory authority to the OPO. However that did not happen and thus, the Ombudsman ordinance passed in 2008 remained unchanged and the OPO still lacked authority to conduct independent investigations.

January 2010 - The disclosure that the City did not achieve any of the city council-backed reforms to the Ombudsman office amplified public demand for a new ordinance. By this time an Ombudsman had been employed by the City accountable to the Mayor and City Council. A coalition of organizations interested in pursuing independent investigative authority was formed called the Spokane Police Accountability and Reform Coalition (SPARC.) The LWVSA appointed Ginger Kelsh to attend and observe meetings of SPARC and keep the League informed so that we could speak before the City Council when appropriate. Working with the Center for Justice, the Peace and Justice Action League of Spokane (PJALS) submitted a new ordinance that would explicitly grant independent investigative authority and independent reporting authority to the OPO - being accountable to the Mayor and the City Council.

in early August and prepared a list of finalists to interview for the ombudsman position. The three finalists are: 1. Robert Breeden who retired from the Florida Department of Law Enforcement (FDLE) last year and was investigated by that department. It concluded that he engaged in unprofessional conduct, including screaming at staff in front of other people. He has filed a whistleblower lawsuit against the FDLE claiming his former boss, Addy Villanueva, is retaliating against him because he reported on her frequent absences from work. 2. Raheel Humayun, is a police misconduct investigator in British Columbia and would require a work visa to relocate to Spokane. Commissioners fear that process could take months, leaving the city without oversight even longer. 3. Allen Huggins, a retired officer from Orange County living in Coeur d'Alene, who was quoted in several Wall Street Journal articles making racist comments regarding protests in Baltimore and the Black Lives Matter movement. He is not being seriously considered at this time.

In September, Spokane's search for a new police ombudsman hit another snag after a glitch in the city's meeting notification system prevented the ombudsman commission from meeting. The OPOC was scheduled to meet Sept. 9 but the city failed to send out a special meeting notification 24 hours before the meeting, causing the process to be delayed further. At this time, only the first two candidates remain for consideration but no decision has been made about who, if either of the candidates, will be selected as Ombudsman.

The most recent set-back in this process is the September firing of Police Chief, Frank Straub, hand-picked by Mayor David Condon in 2012. The Lieutenants and Captains Association complained to the Mayor about Straub's abrasive management style which included personal attacks, emotional outbursts, scare tactics, threats, retaliation and inappropriate language. The president of the Spokane Police Guild, Sgt. John Gately, said Straub had a good working relationship with the guild members. This is the opposite of the situation with the prior chief, Anne Kirkpatrick, who was constantly criticized by the guild. Straub will work in the city attorney's office until the end of the year, earning \$179,484, the highest base salary paid to a city employee.

The Mayor's interim chief, a 21-year veteran of the SPD, Assistant Chief Rick Dobrow, doesn't meet the minimum qualification for the job. He will receive an as yet to be determined increase in salary, which is currently \$158,524. Whether Chief Dobrow will remain in the job is unknown. The decision is ultimately the Mayor's and the City Council has not offered any recommendations.

The Mayor's commission to search for an ombudsman has produced very little. Should Mayor Condon form a commission to

### OPO Background, cont'd

June 2010 - The City Council unanimously passed the ordinance (C-34609) to permit the OPO to conduct independent investigations into complaints and to require that the OPO issue independent "closing reports" in response to the citizen complaints against Spokane Police Officers, but clearly prohibiting the Ombudsman from having any involvement in disciplinary decisions affecting Spokane police officers. The Mayor signed the ordinance the next day.

August 2010 - The Spokane Police Guild filed an Unfair Labor Practices complaint against the City with the state's Public Employment Relations Commission (PERC) in that the City made a unilateral change in its disciplinary procedures and failed to provide the Guild with an opportunity to "bargain the change, or the effects of the change." The City argued that all of the changes represented in the ordinance are within the City's managerial discretion to implement without bargaining with the union and is covered by Article 3 of the collective bargaining agreement with the Guild.

July 2011 - PERC arbitrator Michael Beck states that "While it is true that OPO does not get to make disciplinary decisions, the changes made by the ordinance make it so that the OPO can put substantial pressure on the chief of police and/or the mayor due to its

search for a police chief or appoint Dobrow to the position?

This is not a good situation for Spokane and made worse with the timing of the upcoming mayor election. It gives pause to wonder about the efficacy of a "Strong Mayor" and the Office of Police Ombudsman Commission.

**REMEMBER LEAGUE DRINKS?**

**We are starting our every other month get together for League members and their guests to get to know each other better. No agenda. No program. Just us talking to each other and perhaps sharing some important information about life in Spokane and League. No-host bar and appetizers at Luigi's, 245 E Main Ave., Oct. 28 from 5:00-7:30—come for the whole time, or drop by when you can. Email or call if you plan to be there.**

**Linda Milsow, 838-9186, lindacmilsow@msn. Com**

**Lin McGinn, 979-9378, linmcginn2@aol.com**

**Pam Behring, 534-2223, behring@gonzaga.edu**

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**Dues are Due!**

September 30 is the traditional deadline for payment of annual dues. Please remember to submit your payment as soon as possible. As of September 24, we had received renewals from less than half of our members. As a reminder, you can pay by check or by credit card through PayPal. If paying by check, please include the Membership Payment Form so that we have all of your current information.

\$70 Individual Dues: Local \$19 - State \$19 - Nat'l \$32  
\$105 Household  
\$110 Sustaining Member  
\$150 Benefactor  
\$ 35 Scholarship (call for application)  
\$ 35 Student

**Background, cont'd**

expanded role in the investigatory process and the expansion of its right to communicate with the public." He issued his opinion in favor of the Spokane Police Guild ruling out independent investigative authority for the OPO.

August 2011 - The Spokane City Council voted to appeal Beck's decision to the PERC.

September 2011 - PERC's Unfair Labor Practice Manager, David Gedrose promptly denies the City's appeal faulting the City for not offering its newly adopted statutory defense until after the arbitration hearing was over, and so offered the Arbitrator no evidence to consider, only argument.

October 2011 - Faced with the choice between appealing the arbitrator's decision to Superior Court or repealing the 2010 ordinance, the Spokane City Council voted 5-2 to repeal the ordinance, thus stripping the OPO of the investigative and reporting authority added by the 2010 ordinance.

January/February 2012 - With the election of a new mayor and city council, both the mayor and council issued statements declaring that a top priority is to restore independent investigative and reporting authority for the Office of Police Ombudsman. Yet, continuation of the office is uncertain.

**OPOC DECISION**

The OPOC recommended Robert Breeden as Interm Ombudsman for a four month term at their meeting Sept. 30.

**Thank you to all who helped in the Candidate Forum, September 17. It was well attended by the candidates and the participants expressed their appreciation for a job well done. This was the first forum for some of our Board members. A special thanks to Susan Gray, Jan Carrington and Ann Murphy for their hard work and to Judy Gammon who graciously greets all who come to the forum.**



City of Spokane, Prop 1 speakers, Brad Read and Janelle Brennan

**Background, cont'd**

January 2013 - The citizens of Spokane voted 70% in favor to make the Office of Police Ombudsman an amendment to the City Charter thus protecting the permanence of this position. City Ordinances now need to be approved to put it into law.

October 2013 - In a “tentative agreement” with the Police Guild, the Mayor’s lead negotiator was not instructed to bargain for independent investigative powers for the City’s police ombudsman, so she didn’t. There have been no results following 20+ months of contract negotiations.

January 2015 - Tim Burns, Ombudsman since 2009, resigned his position.

**Calendar**

- October 13 General Meeting, 11:30 @ Office - Ballot Issues**
- 21 Board Meeting, 9 AM @ Office**
- 28 League Drinks, 5 PM @ Luigi’s**
- 29 Naturalization Ceremony, Noon @ The Bing**
  
- November 3 Naturalization Ceremony, 10:30 @Downtown Post Office, Second Floor Court Room.**
- Election Day, Ballots must be in the mail.**
- 10 General Meeting, 11:30 @ Office - Money and Politics**
- 18 Board Meeting, 9 AM @ Office**

# Membership Payment Form

Yes, I want to join/renew membership in LWV/ Spokane Area

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: H \_\_\_\_\_ W \_\_\_\_\_

Fax: \_\_\_\_\_ e-mail \_\_\_\_\_

I would like to receive the newsletter by  mail or  email (please check one)

Please indicate amount enclosed: \_\_\_\_\_

Please make check payable to & mail to: LWVSA 2404 N. Howard St., Spokane WA 99205

Pay by Credit Card through Pay Pal at [www.lwvspokane.org/join.html](http://www.lwvspokane.org/join.html)



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**TO:**

*"The League of Women Voters, a non-partisan political organization, encourages the informed and active participation of citizens in government, and influences the public policy through education and advocacy."*