



SPOKANE CITY COUNCIL
808 W. Spokane Falls Blvd.
Spokane, WA 99201-3335
(509) 625-6255

Ben Stuckart
Council President

January 2, 2014

Mayor Condon
808 W Spokane Falls Blvd
Spokane WA 99201

Mayor Condon:

The purpose of this letter is to identify missing elements that need to be included in the Tentative Collective Bargaining Agreement (TA) between the Spokane Police Guild and the City of Spokane for a majority of the Spokane City Council to support it.

A majority of council members can agree to the financial terms of the TA, but the concern has been, and continues to be, that the current version of the TA does not satisfy the demands of the City Charter regarding police oversight, specifically independent investigation and reporting of the police ombudsman. The current strategy of agreeing on an ordinance that satisfies the Charter, while leaving the TA the same (as originally presented to council), is not a path forward that will garner support of the majority. The TA must be re-opened and following elements should be addressed:

1) *Independent Investigation by the OPO*

The Council appreciates the agreement between the Guild and the Administration to allow the Ombudsman to fully monitor Internal Affairs (IA) investigations and request further IA investigation through the Ombudsman Commission. But this does not satisfy the City Charter as it relates to independent investigation by the Ombudsman. Language needs to be added to the TA that clarifies that the Ombudsman has the authority to conduct independent investigations a) when a complaint is filed directly with the OPO; or b) after the closure of an IA investigation (after discipline); or c) when IA chooses not to investigate a complaint. This allows for the release valve but also for a process whereby a complaint is filed directly with the OPO, the complainant can decide whether to have the OPO investigate and issue a closing report that will not result in discipline, or whether to send the complaint to IA for an investigation by IA.

2) *Independent Reporting*

The City Charter is also clear that the Ombudsman "shall publish reports of its findings and recommendations regarding any complaints it investigates." The TA must contain language that clarifies this important role, such as "*The OPO has the authority to publish closing reports that include the findings of the OPO investigation, after the close of the IA process if such process occurred. The closing report shall not be used for discipline and shall not reveal the names of the officers involved.*"

3) If these important elements cannot be agreed upon in the TA, then the City should delete the language that states, "The City and the Guild agree that the OPO and the Police Ombudsman Commission as set forth in Article 27 complies with and satisfies all of the



SPOKANE CITY COUNCIL
808 W. Spokane Falls Blvd.
Spokane, WA 99201-3335
(509) 625-6255

Ben Stuckart
Council President

requirements of the City Charter in effect on March 1, 2013.” Replace this with language that states that, *“The City reserves its managerial rights to adopt an ordinance, as the City Charter requires it to do, to implement the City Charter’s requirements for the Office of the Police Ombudsman and the Police Ombudsman Commission.”*

I look forward to working with you, the public and the Police Guild to reach a positive outcome that moves our city forward.

Sincerely,

A handwritten signature in black ink that reads "Ben Stuckart".

Ben Stuckart

CC:

Spokane City Council
Erin Jacobsen, Asst City Attorney
Otto Klein, Labor Lawyer
Jamie Siegel, PERC Mediator