

MAYOR

MARY VERNER

From: **Verner, Mary** <mary@spokanecity.org>

Date: Tue, Nov 1, 2011 at 5:37 PM

Subject: RE: asking for your pledge

I agree with Mike Allen that pledges by elected officials are generally not a good idea. They can bind us to one perspective of the perfect, not allowing us to achieve what could be the very good.

As for my commitment to independence of the Office of Police Ombudsman, I have been involved from the outset in securing passage of the original 2008 ordinance and subsequently prioritized hiring the Ombudsman and making sure he had office space outside City Hall, resources for his outreach, and support of the SPD for him to exercise his authorities. I've maintained full funding for the Ombudsman in each year's budget in spite of requirements to close multi-million-dollar deficits.

And Mike, your statement is incorrect. I did, in fact, negotiate investigative powers for the Ombudsman into the Guild contract. Expanded powers were added in 2010 by ordinance, which led to a lengthy legal tangle that only recently concluded. And now we are in contract negotiations with the Guild again for their 2012 bargaining unit agreement, and the issue of Ombudsman's authorities is once again a subject of bargaining.

Note that the Ombudsman is releasing reports of his investigations and has fully exercised the authorities previously granted to him. His specific authorities are not well understood (and are sometimes deliberately or inadvertently misrepresented), and I am always willing to brief individuals or groups and discuss the actual and proposed expanded authorities. For example, it is not widely acknowledged that the Ombudsman is notified to be on scene from the beginning of all critical incidents, or that he is essentially the regional intake Ombudsman and a conduit for citizen complaints to be forwarded to the Sheriff and other law enforcement agencies.

Your keen interest in police accountability and independent oversight of the Police Department is a priority I share with you, and I remain committed to improvements in both the Office of Police Ombudsman and the Police Department.

Mary

Mary B. Verner, Mayor City of Spokane

DAVID CONDON**From:** David Condon <David@condonformayor.com>**Date:** Mon, 31 Oct 2011 16:44:29 -0700**To:** <lmoore@pjals.org>**Subject:** Re: asking for your pledge

First, I want to applaud you for taking a strong interest in the oversight of our police department. I agree with you completely that we must have police oversight that has teeth in it. Furthermore, I have made this one of the key elements of my campaign for mayor. I think it is unfortunate that our current mayor did not secure this in the last round of negotiations with the police department. When the police ombudsman law was challenged, the City did not even present any evidence.

There needs to be independent oversight of our police department. I believe the mayor must assume full responsibility for the actions of the police. It is not just another bureaucracy, but the single most important function of city government and it must be accountable.

Nonetheless, I am going to decline the opportunity to sign your pledge. I want to explore all the possible avenues to hold the police accountable, including a coroner's jury inquest and the possibility that state law needs to change to bring about the result we desire. As mayor, I intend to make certain that our police chief, deputy chief, all the officers and the remaining staff in the legal department of the city understand that abuses will not be tolerated.

David Condon

COUNCIL PRESIDENT**DENNIS HESSION****From:** DENNIS P HESSION <dennishession@msn.com>**Date:** Mon, 31 Oct 2011 23:43:39 +0000**To:** <lmoore@pjals.org>**Subject:** Ombudsman Pledge

Thank you for the solicitation of this pledge and for your passion about this most vital issue to our community.

One of my first priorities after becoming Mayor was to hire a Police Chief who would come with a mandate to bring significant change to the Police Department. One of the contemplated changes was the structure of the Police oversight system, as I did not have confidence in the existing Citizen Review Commission. Soon after Chief Kirkpatrick was hired, and with her assistance, I identified Sam Pailca, a nationally recognized expert on Police oversight to engage our citizens and to make recommendations to me as to the best form for the Police oversight plan. As you point out, Ms. Pailca recommended an independent Police Ombudsman appointed by the

Mayor and approved by the City Council with investigative authority. I concurred with her recommendations. Unfortunately, after I left office the structure became substantially compromised resulting in a weak Ordinance.

The Ombudsman program exists today because I made a personal commitment to make it happen. No one is more committed to the independence of the OPO and the insistence that the OPO have the investigatory authority and other elements contained in your pledge.

I support your efforts to restore the credibility and effectiveness of the Office of Police Ombudsman and I specifically concur with the three tenets comprising your pledge. I will publicly support them and champion them at all levels, including discussions with the Mayor and the Police Guild representatives.

It is my practice not to sign pledges. I have had many requests in this campaign from various groups but have declined. I trust that you will respect my position as to such requests and if you decide to make some publication of the responses to your pledge requests, you will give me the courtesy of including my comments with them.

Kind Regards, Dennis

BEN STUCKART

From: **Ben Stuckart** <ben@cisspokane.org>
Date: Mon, Oct 31, 2011 at 8:25 AM
Subject: RE: asking for your pledge
To: lmoore@pjals.org

I am reattaching the statement I sent to all media outlets after the City Council repealed the 2010 ordinance. [*see statement below] Because I don't know what the circumstances will be once I am elected I have a policy of not signing pledges. I can let you know that:

- I have been and will continue to be committed to oversight, public release of documents and independence in choosing the Ombudsman
- I will work hard for the citizens of Spokane to ensure this happens
- I will listen to citizens concerns to make sure we are meeting their needs
- I will work with the Mayor's office to ensure that these items are part of the negotiation and urge inclusion in the final contract.

I look forward to working together on many issues in the future!

Ben Stuckart

JOE SHOGAN (incumbent, term expiring in 2011)
Did not respond.

Northeast District, City Council

DONNA MCKEREGHAN

From: **Donna McKereghan** <lady.socrates@comcast.net>

Date: Sun, Oct 30, 2011 at 5:01 PM

Subject: Signed Pledge attached

To: lmoore@pjals.org

I've attached a signed copy of the pledge and announced the fact that I've signed it in the newsletter I sent out today. I added your name to my newsletter email list, but just in case your servers toss it before it gets to you, you can also view it online at <http://donnaforcouncil.com/Newsletters/10-30-11.html> Thanks for the opportunity to be involved, even in this small way.

Donna

MIKE FAGAN

On Sat, Oct 29, 2011 at 7:22 AM, Mike Fagan <electmikefagan@gmail.com> wrote:
Ms. Moore,

Would greatly appreciate having your coalition address the timing for release concern that I have. I ask this question, not as a tactic to stall your efforts, but as a means to strengthen your pledge. We don't want government to continuously string us along on the release of requested information and/or reports.

Again, I am supportive of effective police oversight whether it comes from the ombudsman, or otherwise.

If we cannot have an effective ombudsman, we should not continue to fund the office of same.

Thank you for your kind attension.

Regards,

Mike Fagan

From: Mike Fagan <electmikefagan@gmail.com>

Date: Wed, 26 Oct 2011 07:52:28 -0700

To: Liz Moore <lmoore@pjals.org>

Subject: Re: asking for your pledge

I am supportive of "effective" police oversight but have a concern with regards to the copying and distribution of reports. Please advise me of your thoughts on the time

frame for distribution upon completion of investigation. Is the intent of your pledge to be; immediately upon completion, within 15 days of completion, within 30 days of completion?

I am sure that you know that "timely" release of information from the city isn't always timely, and I feel that your pledge can be made stronger by stipulating a time frame for release of these reports.

Thank you for addressing my concern.

Regards,

Mike Fagan

Northwest District, City Council

JOY JONES

From: **Joy Jones for Council** <joy@joyjones.org>
Date: Mon, Oct 31, 2011 at 7:02 AM
Subject: Re: asking for your pledge
To: lmoore@pjals.org

Thank you for all of your hard work on this issue. It is very important to me to have a strong and independent Office of Police Ombudsman with the authority to independently investigate allegations of misconduct and to report those findings to the public. I have already publicly stated that I will not vote for a Police Guild contract that does not include independent investigation.

I have thought a lot about this pledge, and I don't feel comfortable signing any pledges before I am actually in office and have been able to more thoroughly study the best plan of action. I do appreciate your dedication to this process. I know it has been frustrating.

Sincerely,

Joy Jones
999-0417

STEVE SALVATORI

From: **Steve Salvatori** <steve.s@salscott.com>
Date: Wed, Oct 26, 2011 at 12:20 PM
Subject: RE: asking for your pledge
To: Liz Moore <lmoore@pjals.org>

I have said publicly at several candidate forums, including the televised KSPS forum, that ***“I support a Police Ombudsman with full independent investigative authority; that I am willing to Arbitrate, Initiate, Legislate, Litigate, and Negotiate to get it, and that I would not be likely to vote to ratify any Police Guild contract that did not contain it”***.

I still feel that way, I stand by those words, and invite you to send this e mail to anyone who would like to know my position.

However, there are other additional components I am looking for in a new Police Guild Contract, and it would be impossible for me to pledge today that I would vote for or against an agreement that does not yet exist. There will be many economic issues that will need to be addressed in a new Guild contract. What if I find myself voting on a contract that contains the Ombudsman language we want, but has unacceptable economic clauses? I need to retain the ability to vote on the measure before me, not decide how I will vote before I even see the measure.

I don't view the Ombudsman issue as an economic one. I view it as something that will build trust in the community and lead to safer policing. I believe it is good for the police and good for the community. But the devil is in the details, and I never sign an agreement I haven't read first, and I would never pledge to sign one that hasn't even been written yet.

I applaud your efforts and passion on the Ombudsman issue, and I will do everything in my power to make sure we get the chance to vote on an acceptable contract that contains the Ombudsman powers, and if we get that, I will absolutely vote Yes. But I cannot give you my guarantee that I would vote for a contract that contained Ombudsman powers, but had other clauses detrimental to our citizens, and that's why I need to see the agreement before I can tell you how I would vote.

My cell is below, and I would be happy to discuss this with you or anyone else in your coalition anytime.

Best Regards, Steve Salvatori

South District, City Council

MIKE ALLEN

From: Friends of Mike Allen For Council <votemikeallen@hotmail.com>

Date: Tue, 1 Nov 2011 13:00:25 -0700

To: <lmooore@pjals.org>; <mary@spokanecity.org>; <jshogan@spokanecity.org>; <bapple@spokanecity.org>; <nmclaughlin@spokanecity.org>; <rrush@spokanecity.org>; <jsnyder@spokanecity.org>; <awaldref@spokanecity.org>; <scorker@spokanecity.org>; <info@condonformayor.com>; <info@benstuckart.com>; <ben@cisspokane.org>; <dennishession@msn.com>; <joy@joyjones.org>; <campaign@joyjones.org>; <steve.s@spokanecenter.biz>; <lady.socrates@comcast.net>; <electmikefagan@gmail.com>

Subject: RE: asking for your pledge

I'm not a fan of pledges, but will share with you what I have stated publicly.

1.) I do support investigative powers for the ombudsman. I stated so when I was on Council and was disappointed when the Mayor didn't even bring it up during the last contact negotiations.

Mike

RICHARD RUSH

From: **Rush, Richard** <rrush@spokanecity.org>
Date: Thu, Oct 27, 2011 at 1:45 PM
Subject: RE: asking for your pledge
To: "Waldref, Amber" <awaldref@spokanecity.org>, Liz Moore <lmoore@pjals.org>
Cc: "Snyder, Jon" <jsnyder@spokanecity.org>

Amber, Thanks for articulating this point so well. I fully concur.
Liz, I am copying you by way of reply to your request.
Richard Rush, Spokane City Council, District 2, Position 1

(Incumbent Council members not up for election in 2011.)

NANCY MCLAUGHLIN

From: **McLaughlin, Nancy** <nmclaughlin@spokanecity.org>
Date: Sun, Oct 30, 2011 at 9:20 PM
Subject: RE: asking for your pledge
To: lmoore@pjals.org

Hello Liz,

I apologize for not responding sooner but I was out-of-town Wednesday through Friday evening and am just now trying to catch up on emails.

First I want to say "thank you" to you and everyone who has worked so diligently and passionately on this issue. As you all know I have been faithful from the beginning in my insistence that if the City of Spokane was going to engage in an Office of the Police Ombudsman (OPO), and justify spending \$200,000/year, that it needed to be as effective and strong as possible. This unequivocally includes having independent investigative authority! As you are aware, in my quest for this authority, I was also willing to appeal to Superior Court but was defeated by a 5-2 vote of the full Council. I am also willing to work towards a state legislative amendment in the collective bargaining statute to make the OPO program a non-mandatory subject of bargaining for cities.

However, I am hesitant to sign this pledge. Please let me explain. It is my hope that a new police contract will include the language we are looking for and I recently met with Erin Wuthrich, President of the Police Guild, to share my thoughts with him on the OPO. I basically told him that I believed the Guild would gain a much needed layer of protection for their officers and citizens would receive a more transparent government, so would be a win-win situation. Because there would be something in it for everybody and due to the current economic condition of the city, I suggested that

they just include it in the new contract without any strings attached. He acknowledged that it could be helpful to officers but, of course, made no guarantees as to the outcome.

So, until I see the details of the contract I am unable to promise whether or not I would be able to vote for it, especially if the Guild asked additional money or something else that might be detrimental to the citizens in this economic climate.

It is my utmost desire to continue to work with you, your coalition, the Guild and all the citizens of Spokane for a STRONG and INDEPENDENT OPO.

Please feel free to contact me on my cell (991-2395) if you wish to discuss this further at any time.

Blessings, Nancy

JON SNYDER

From: **Snyder, Jon** <jsnyder@spokanecity.org>
Date: Sun, Oct 30, 2011 at 8:20 PM
Subject: RE: asking for your pledge
To: lmoore@pjals.org, ianm@sdpdirect.org
Cc: "Williamson, Joel" <jwilliamson@spokanecity.org>

This past week I received pledge requests from both of you and I am politely declining both requests. I do not make pledges period--other than the Pledge of Allegiance and my oath of office. I commend you both on the hard work you have done on important issues in our community. Strengthening the Office of Police Ombudsman and marijuana policy reform are both important issues for our city. I know we share some goals on each of these issues and I look forward to working with you on them in the future but that work won't involve a pledge. As a policy maker I am forced to look at every challenge our city faces not as a singular issue but as part of complex network of interconnected policy where no decision exists in isolation.

Best regards,

Jon Snyder
Spokane City Council
District 2, Position 2
(509) 625-6255
www.councilmanjonsnyder.com

AMBER WALDREF

From: **Waldref, Amber** <awaldref@spokanecity.org>
Date: Thu, Oct 27, 2011 at 10:21 AM

Subject: RE: asking for your pledge
To: Liz Moore <lmoore@pjals.org>
Cc: "Rush, Richard" <rrush@spokanecity.org>, "Snyder, Jon" <jsnyder@spokanecity.org>

While I support wholeheartedly a contract with independent investigation powers and closing reports for the ombudsman, as a rule I don't sign pledges.

Why? Their meaning can be distorted. Signing one is the equivalent of voluntarily slipping on a straitjacket. I think they deny flexibility and the need to meet unforeseen challenges in a world that can throw you for a loop in a split second.

This has nothing to do with this particular issue of police accountability – I was also asked this week to support Sensible Spokane's pledge and I will also say no, even though I agree with following Seattle's lead on regulating medical cannabis.

Thank you for your work and I look forward to supporting a contract with the below points, even without signing a pledge.

Sincerely, Amber

BOB APPLE

Did not respond.

STEVE CORKER

Did not respond.

***Ben Stuckart's statement on police oversight
October 11, 2011**

It is a sad time in our community. The headlines of our paper are reminders that the federal trial of the officer involved in the Otto Zehm tragedy starts this week and we hear that the police are no longer investigating 95% of all property thefts. At a time when we need to restore trust in our underfunded police department the City Council voted last night to repeal the 2010 police ombudsman ordinance. They rejected the option to appeal an arbitrator's decision and instead are relying on negotiations with the police guild to yield a result that has never been negotiated before.

The actions by the City Council last night shows a lack of leadership and closes the door on a possible avenue of solution. Many council members asserted that if an appeal was filed then negotiations would be off the table. That is an assumption that has no merit and leaves the citizens with one less avenue to pursue redress. The guild has never negotiated oversight before, why would they do it with an appeal pending or not? We are left with a 2008 Ombudsman Ordinance championed by our

former appointed mayor that has no independent investigatory power and does not guarantee reports will be made public.

This lack of leadership reared its head again when council members claimed that the council could reject the results of negotiations if they did not contain oversight. Interesting how the council members most in favor of this solution will be off the council when the contract is approved in January. Councilwoman McLaughlin made a great observation that if we eventually want the legislature to change collective bargaining rules regarding oversight we must exhaust all avenues of solution before we turn to them. Our City Council just closed the door on one solution. As City Council President I will fight hard and work tirelessly to ensure that our City has proper independent oversight with investigatory powers over the police department.

For more information contact Ben Stuckart at (509)710-9611