



Seabold Group Releases Final Report of Straub Investigation

On July 26, 2016, the Seabold Group issued its Final Report of Investigation of former Spokane Police Chief Frank Straub and the response of Mayor David Condon's Administration to issues surrounding Chief Straub's resignation. The findings and conclusions were based upon the facts and information made available to the investigator by the City of Spokane, by current and former employees who were willing to participate in the investigation, and the investigator's evaluation of the credibility of those who participated in light of the available facts.

As is true in any investigation, Seabold Group's findings included inferences that were drawn from the circumstances that existed at the time. In this case the circumstances included, among other things: no Mayor had been re-elected to a second term in 40 years; in the weeks before the election, Mayor Condon suddenly demanded Chief Straub's resignation and he waived attorney-client privilege so he could release letters that were critical of Straub to justify his decision; the Condon Administration undertook significant effort over a period of months to conceal and misrepresent Cotton's allegations against Straub and Straub's inappropriate behavior in March 2015; the Mayor falsely denied Cotton's sexual harassment allegations on the day he announced Straub's resignation; the November 24 documents (less than 25 pages total) memorialized the information the Administration was attempting to hide; the City Administrator did not believe Cotton's sexual harassment allegations and thought Cotton was setting the City up for litigation; the City Administrator stipulated to a finding of dishonesty after attacking the Mayor's opponent for filing a politically motivated ethics complaint; the City Attorney took over the review of Straub/Cotton public records from the City Clerk four days after emailing the City Administrator that they needed to talk about one of the Straub/Cotton public records requests; the City Attorney and the City Administrator, the two individuals who were most intimately involved in managing the Straub/Cotton issues from beginning to end, two of the most senior executives in the City, and the two individuals who were most familiar with the November 24 documents, repeatedly failed to inform the City Clerk that those records existed; the City Attorney and the City Administrator told the Clerk they had no responsive records; the November 24 records were obviously responsive to numerous public records requests, one filed as early as August 18th; the November 24 records suddenly surfaced - for the first time - on November 10th, one week after the election; and the predictable media firestorm that erupted after those documents were finally released.

On the afternoon of Friday, July 22, 2016, Seabold Group participated in a conference call with the members of the City of Spokane Investigative Oversight Committee to provide a verbal debriefing of the executive summary of findings and conclusions. Such meetings are common practice in the context of workplace investigations. Covering 17 pages of findings over a period of nearly 90 minutes, the discussion involved, among other things, issues surrounding disclosure of public records and identified current and former City of Spokane employees responsible for withholding information related to public disclosure requests.

On Monday, July 25, 2016, the Seabold Group was asked to participate in a teleconference with the City Council. Due to scheduling conflicts, this conference call did not occur. However, when the investigator, Kris Cappel, contacted Councilmember Breean Beggs to determine whether the Council wanted to reschedule, she was advised that the Council had very serious concerns about the results of the independent investigation. There was no other discussion during this call.

On Tuesday morning, July 26th, Laura McAloon and Rick Romero, both members of the Oversight Committee, contacted independent investigator, Kris Cappel. They expressed surprise that Mayor David Condon and the Communications Director, Brian Coddington, were implicated in the public records-related findings. Ms. McAloon and Mr. Romero asserted that they did not recall such implications being made during the debriefing and requested an explanation of the factual basis supporting the independent investigator's findings. The independent investigator reiterated information which had been shared during the Friday debriefing. Thereafter, the call ended. There was no effort by either Ms. McAloon or Mr. Romero to persuade the independent investigator to change any findings.

Following the call, and consistent with good and ethical investigation practices, the independent investigator re-examined the evidence relating to the public disclosure issue. At the conclusion of the examination, the independent investigator determined that the findings regarding Mayor David Condon and the Communications Director Brian Coddington on the public records disclosure issue were "inconclusive." While Condon and Coddington were generally aware of the existence of the November 24 documents possessed by the office of the City Attorney, there was no concrete evidence that they knew the specific content of those records. Accordingly, the findings as to Mayor Condon and Mr. Coddington were amended and the final report was submitted on July 26th.

Seabold Group would make the same findings today regardless of any criticisms that have been lodged by those who may disagree. Simply stated, Seabold Group conducted this investigation and drew its conclusions in the same manner that it does with each and every other investigation in which it is involved – the investigator was fair, honest and dispassionate and acted in an ethical manner.