



CITIZEN REVIEW COMMITTEE MEETING

Community Oversight of Portland Police Bureau

City of Portland / City Auditor
Independent Police Review (IPR)
Citizen Review Committee (CRC)

Minutes

Date: Wednesday, April 4, 2018 (meetings are typically held the first Wednesday of each month)

Time: 5:00 pm * *Please Note: agenda times are approximate*

Location: **Lovejoy Room, Portland City Hall**. 1221 SW 4th Ave. Portland, OR 97204

Present: Andrea Chiller, Michael Luna, Hillary Houck, Albert Lee, Daniel Schwartz, Kristin Malone, Candace Avalos, Vadim Mozyrsky, Julie Falk, Jeff Bell, Rachel Mortimer, Dan Handelman, Jasmine Moneymaker, Debbie Aiona, Regina Hannon, Carol Cushman

Conference call: Neil Simon

AGENDA

5:30 pm—5:35 pm Introductions and Welcome (CRC Chair Kristin Malone)
(Approved of January 3 and March 7, 2018 meeting minutes)

- April is volunteer appreciation month and Auditor Hull Caballero thanked the Committee for their hard work.

5:35 pm – 5:40 pm Director's Report (IPR Director Constantin Severe)

5:40 pm – 5:45 pm Chair's Report (CRC Chair Kristin Malone)

- Chair Malone made a comment she had selected April 29 for the CRC retreat. Chair Malone, and Vice Chair Avalos are in the process planning the agenda for the retreat.
- Brad Taylor will be providing some training for the Committee at the retreat.
- Chair Malone and Vice Chair Avalos met with a community member regarding her concern not being investigated. She will make a note for future CRC policy recommendation regarding uninvestigated complaints.
- Chair Malone did some work on the standard of review's proposal.

5:45 pm – 6:15 pm New/Old CRC Business

1) CRC election

- Mr. Lee nominated Ms. Malone to serve as Chair of the Committee.
 - Ms. Falk: YES
 - Mr. Simon: YES
 - Ms. Chiller: YES
 - Mr. Lee: YES
 - Ms. Houck: YES
 - Chair Malone: YES
 - Vice Chair: Avalos: YES
 - Mr. Luna: YES
 - Mr. Schwartz: YES
 - Mr. Mozyrsky: YES
- The Committee voted 10-0 to nominate Ms. Malone as Chair of the Committee
- Chair Malone nominated Ms. Avalos to serve as Vice Chair of the Committee.
 - Ms. Falk: YES
 - Mr. Simon: YES

- Ms. Chiller: YES
- Mr. Lee: YES
- Ms. Houck: YES
- Chair Malone: YES
- Vice Chair: Avalos: YES
- Mr. Luna: YES
- Mr. Schwartz: YES
- Mr. Mozyrsky: YES
- The Committee voted 10-0 to nominate Ms. Avalos as Vice Chair of the Committee
- Mr. Lee nominated Mr. Mozyrsky as Recorder of the of the Committee and Mr. Mozyrsky respectfully declined.
- Vice Chair Avalos nominated Mr. Schwartz to serve as Recorder of the Committee.
 - Ms. Falk: YES
 - Mr. Simon: YES
 - Ms. Chiller: YES
 - Mr. Lee: YES
 - Ms. Houck: YES
 - Chair Malone: YES
 - Vice Chair: Avalos: YES
 - Mr. Luna: YES
 - Mr. Schwartz: YES
 - Mr. Mozyrsky: YES
- The Committee voted 10-0 to nominate Mr. Schwartz as a Recorder of the Committee

2) Discussion of changes in the standard of review's working proposal

- Chair Malone made a comment this is a draft that the CRC would like community inputs on.
- Mr. Simon thanked the workgroup for their hard work on drafting the proposal. He would support the motion to approve the working proposal and release it to the public for inputs.
- Ms. Chiller made a suggestion to change the first sentence in the first paragraph to say: “permitting the CRC to make recommended findings regarding misconduct allegations utilizing the preponderance of evidence”.
- Public Comments:
 - Ms. Aiona made a comment in the first paragraph seems to indicate that the Committee would like to use the preponderance of evidence to make findings instead of using the preponderance of evidence to challenge the Bureau’s findings.
 - Mr. Handelman made a suggestion to take out the word “independent” in the first paragraph. The end of the sentence could say “to make recommended findings which are not required to defer to the Police Bureau”. The third sentence could say “ CRC seeks to change the standard to preponderance of evidence”. Mr. Handelman also suggested the Committee to go through the proposal to see if the word “citizen” means only U.S citizen are allowed to serve on the Committee.
 - Chair Malone made a comment the word “citizen” means the “citizen of Portland”.
- Chair Malone made a suggestion to rephrase the first sentence to “permitting the CRC to make recommended findings regarding Police’s misconduct allegations using preponderance of evidence standard”. Chair Malone also made a suggestion to take out the word “independent” out of the first bullet point.
- Mr. Schwartz made a motion to accept all the changes to the standard of review’s working proposal that was discussed. This was seconded by Chair Malone.
 - Ms. Falk: YES
 - Mr. Simon: YES
 - Ms. Chiller: YES
 - Mr. Lee: YES
 - Ms. Houck: YES
 - Chair Malone: YES
 - Vice Chair: Avalos: YES
 - Mr. Luna: YES
 - Mr. Schwartz: YES
 - Mr. Mozyrsky: YES

- The Committee voted 9-0 to approved the changes to the standard of review’s working proposal.
 - 3) CRC parking lot issues:
 - Having a representative from City's Attorney's office at CRC Appeal hearings: can we expect that they will no longer come ever?
 - Chair Malone made a comment City Attorney will no longer attend CRC meeting, but the Committee can still submit questions and will get a response from City Attorney.
 - Ms. Aiona made a comment she thought the City Attorney present was to make sure the Committee does not violate procedures.
 - Assistant Program Manager Mortimer made a comment there are also other meetings that the City Attorney no longer attending.
 - Vice Chair Avalos asked if it is a possibility that the Committee can raise this up with the Mayor?
 - Mr. Schwartz made a comment that Commissioner Fritz asked him if the Committee have all the resources needed at the meeting. He will raise this issue next time he meets with the Commissioner.
 - Mr. Handelman made a comment he raised the concern at a recent Council’s meeting regarding Auditor’s new code changes. He assumed that If City Attorney wouldn’t come then the Auditor’s Attorney can attend. He is concerned that the Committee will not be able to ask for legal advice during an appeal hearing.
 - Chair Malone made a comment the idea of having the City Attorney present at CRC meeting is to make sure Committee follows proper procedure according to City codes.
 - The default mode for CRC trainings should be public unless there is a clearly articulated reason that they should not be public.
 - Assistant Program Manager Mortimer made a comment it is not always IPR who provides the training to CRC, but this fits with public meeting rules. If the Committee going to be discussing policy then it has to be open to the public.
 - What happens when the appellant may not be afforded the opportunity to represent themselves?
 - Mr. Schwartz made a comment the Appellant in the appeal last month expressed interests in calling into his appeal hearing from where he is being incarcerated, but Director Severe made a comment due to the constraint of the Appellant’s situation, he wouldn’t be to meet the schedule that would be required to call in. Mr. Schwartz is not sure how this situation can be resolved.
 - Chair Malone made a comment in the past, the Committee rescheduled appeal when the Appellant cannot attend the hearing.
 - Ms. Falk made a comment in the last appeal, it wasn’t clear to the Committee whether or not the Appellant was ok with the appeal without him.
 - Assistant Program Manager Mortimer made a comment there were two cases that she can think of where the Appellants unable to attend their appeal hearing due to them being incarcerated for a significant amount of time. One was in state prison and one was in federal prison. It is very difficult to get someone who is in federal prison on the phone. For the state level, sometimes, depending on the state facility, there’s a little bit more of a possibility that the person can be on the phone or video. IPR always communicates the date of the hearing to the Appellant. The problem with working with people within prison system is that it can take a significant amount of time since prison officials screen the mail. If the Committee would like to do something like that then it will have to happen during the working hours.
 - Chair Malone made a comment to Assistant Program Manager Mortimer there seems to be an information gap between IPR and CRC regarding information being communicated with the Appellant.
 - That information gap happened after they’ve asked for the appeal since the correspondences did not get included in the appeal file.

- Ms. Chiller asked Assistant Program Mortimer if it is a possibility that when a person is incarcerated and unable to attend the appeal hearing, they will automatically get an APA?
 - We asked every person who filed for an appeal request if they would like an APA.
- Mr. Schwartz made a comment it would be helpful if the Committee can see IPR correspondences with the Appellant.
- Mr. Mozyrsky made a comment in his day job as a Judge, he does hold hearing with people who are incarcerated, but it is during working hours.
- Chair Malone asked Assistant Program Manager Mortimer how often an Appellant requested an APA?
 - There's a good percentage of Appellant who requested an APA.
- The Committee had a discussion on whether or not an APA should be automatically given when someone filed an appeal request. Especially, for people who are being incarcerated.
- Mr. Lee asked Assistant Program Manager Mortimer what percentage of the cases where the Appellant is being incarcerated. For cases where the Appellant is being incarcerated in a state prison, can IPR help arrange a meeting during the day when the Appellant can call in?
 - Generally, it's not that many. We got two within the last year, but I can't think of any in the years prior to that. Regarding the Appellant calling in, it is depending on the facility.
- Assistant Program Manager Mortimer made a comment IPR will be more diligent and creative next time when the issue of the Appellant who is unable to attend an appeal hearing comes up again.
- Several Committee members made a suggestion of having an APA as a default option for people who are incarcerated.
- Public comments:
 - Mr. Handelman made several comments:
 - People don't always write a detailed reason in their appeal form. A lot of time, people are more upset when they read the case file summary. IPR should send the Appellant the case file summary and ask them if they have additional comments.
 - The ordinance allows the Appellant to bring in new evidence at CRC meeting. The Committee can then send the case back for an additional investigation.
 - It is not a disparate treatment to send someone to CRC to speak on their behalf.
 - Ms. Moneymaker made a comment at the appeal last month, the Appellant declined an APA when he was under the impression that he can participate via Skype. He was not offered other options when he found out that he cannot participate via Skype.
 - Ms. Aiona made a comment 5 Committee members can hold a special hearing during working hours.
- Chair Malone made a comment there's also a possibility of the Committee can listen to the Appellant's statement regarding his case during working hours and then reconvening at 5:30 PM to finish the appeal hearing.

6:15 pm—6:40 pm Workgroup updates: Please provide the following information —

- 1) Brief summary of the goals and objectives of your workgroup
- 2) Date of last meeting
- 3) Brief summary of the work done at your last meeting
- 4) Next scheduled meeting
- 5) Main topic to be discussed/addressed at the next meeting

6) Any assistance from IPR or CRC needed to achieve your goals

ACTIVE WORKGROUPS

1. Outreach Workgroup (5 min.)

MISSION STATEMENT: The Outreach Workgroup engages the community to raise awareness about the Citizen Review Committee (CRC), gather concerns about police services and accountability, and identify issues for the CRC to address. Following up with appellants and others community requests will supplement current work group tasks. Additionally, outreach committee members will serve as point for ongoing communications with IPR, the City, the Bureau, community members and/or act as the face of CRC.

Chair / Members: Neil Simon, Candace Avalos and Roberto Rivera

IPR staff: Irene Konev, Community Outreach Coordinator

- The workgroup met last month in conjunction the crowd control workgroup to discuss organizing a community forum.

2. Recurring Audit (5 min.)

MISSION STATEMENT: The Recurring Audit Workgroup seeks to improve accountability of IPR and the Portland Police Bureau by reviewing closed cases to ensure procedures, policies and protocols are followed and will recommend improvements, if necessary.

Chair / Members: Vanessa Yarie, Bridget Donegan, Daniel Schwartz and Jeff Bissonnette

- Mr. Schwartz will contact the workgroup for a status update.

3. Policy and Protocols (5 min.)

MISSION STATEMENT: The Policy and Protocols Workgroup examines CRC jurisdiction and the standard of review and recommends action to the CRC. Additionally, the workgroup will review community letters/input on policy issues and police bureau issues and present findings to full CRC.

Chair: Daniel Schwartz / Members: Julie Falk, Andrea Chiller and Kristin Malone

- Mr. Schwartz will add all the changes into the draft and then send it out to stakeholders.
- Chair Malone will work with Mr. Schwartz on the list of stakeholders to send the draft to.

4. Crowd Control Workgroup (5 min.)

MISSION STATEMENT: The Crowd Control Workgroup examines existing crowd control policies, training, and tactics of the Portland Police Bureau, reviews crowd control best practices, legal standards and other information, and makes appropriate recommendations.

Chair: Candace Avalos /Members: Andrea Chiller

- The Workgroup met at 4:30 pm today to discuss a community forum in June. They are looking at hosting the forum at either PSU, PCC, or the Albina Ministerial alliance.
- Next meeting will be May 2.
- Ms. Chiller asked Assistant Program Manager Mortimer if it is possible to have representative from IPR at the community forum?
 - Yes.
- Ms. Chiller asked Assistant Program Manager Mortimer if there's a way for the workgroup to get updated data on protest related complaints?
 - Yes, you will need to be specific on what you are working for. You will need to work with our data analyst to get the information.

5. Use of Deadly Force Workgroup (5 min.)

MISSION STATEMENT: The Use of Deadly Force Workgroup examines Portland Police Bureau use of deadly force policies, directives, training and implementation in order to recommend and support any needed change in Portland Police Bureau use of deadly force.

Chair: David Denecke / Members: Rochelle Silver, Kristin Malone and James Young

- Chair Malone made a comment the workgroup produced a report and had a meeting with PPB and City Attorney. She had heard from the workgroup's Chair couple days ago regarding PPB directive 1010 is up for review. Her sense is that the workgroup is no longer active. She asked the Committee for inputs on the next step.
- Mr. Schwartz made a comment he will add this onto the list of parking lot issues.

6:40 pm —7:00 pm Public comment and wrap-up comments by CRC members

- Ms. Hannon made a comment in the February's minutes it was her who made the comment about the IPR staff closing the door on Mr. Handelman not Ms. Aiona. She thinks the minutes should be accurately reflected who said what and who present at the meeting.
- Mr. Handelman made several comments:
 - He filed a complaint with the Ombudsman's office about the IPR staff closing the door on him, and received the response that that part of the office is off limit to the public.
 - This is the first time he heard of the announcement of a CRC retreat. Traditionally CRC retreat and CRC training are open to the public.
 - CRC under city code is allowed to advise IPR on protocol changes.
 - There has been 5 CRC resignations in the last year. The last time this many people resigned was 2003.
 - He hopes the new location for the crowd control community forum will be announced at the May's CRC meeting.
 - Copwatch newsletter should be out at the end of the month or early next month.
- Mr. Schwartz asked Assistant Program Mortimer how many alternates does CRC currently have? The Committee could try and put out some words at the community forum.
 - We are nominating one person to replace Mr. Rivera in May and we have 2 people in reserve. One of these two people will replace Mr. Luna in November. We always taking applications, but we don't interview them until later.
- Ms. Falk asked Chair Malone to put the IPR protocol changes onto the parking lot issues.
- Chair Malone asked Assistant Program Mortimer if someone from IPR can present to the Committee regarding the protocol changes?
 - Yes, I can check with Director Severe about it.
- Ms. Falk asked Mr. Handelman when he talks about resignations does he means people who resigned or completed their terms?
 - Only one person completed their term.

7:30 pm Adjournment

To better serve you, a request for an interpreter or assisted listening device for the hearing impaired or for other accommodations for persons with disabilities should be made three (3) days prior to the meeting—please call the IPR main line 823-0146 (or TYY 503-823-6868).

Visit the website for more information regarding the Independent Police Review division, Citizen Review Committee, protocols, CRC meeting schedules, and approved minutes: www.portlandoregon.gov/ipr.

CRC Members:

- 1. If you know you will not be able to attend a CRC meeting or that you will be missing a significant amount of a meeting, please call or e-mail IPR in advance so that the CRC Chair may be made aware of your expected absence.*
- 2. After this meeting, please return your folder so IPR staff can use it for document distribution at the next CRC meeting.*

**Note: agenda item(s) as well as the meeting date, time, or location may be subject to change.*