



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, October 3rd, 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: Kristin Malone, Jihane Nami, Neil Simon, Julie Falk, Daniel Schwartz, Clifford Bacigalupi, Rachel Mortimer Dan Handelman, Debbie Aiona, Regina Hannon, Carol Cushman, Jonas Geissler, John Mayer, Sam Bouman, Kalei and Ted Luyben

AGENDA

5:30 pm—5:35 pm Introductions and Welcome (CRC Chair Kristin Malone)
(Approved of September 5 meeting minutes)

5:35 pm – 5:40 pm Director’s Report (IPR Assistant Program Manager Rachel Mortimer)

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

- Chair Malone, Vice Chair Avalos, Mr. Lee attended the PCCEP orientation over the weekend.
- Chair Malone and Vice Chair Avalos met with Mayor Wheeler and his policy advisor Kristin Dennis regarding the standard of review.
- Chair Malone also met with Commissioner Fish regarding the standard of review.

5:45 pm – 6:00 pm New/Old CRC Business

1). Standard of review proposal discussion

- Chair Malone made a comment she had a discussion with Mr. Jared Hager from the US DOJ at the PCCEP retreat and Mr. Hager said the DOJ does not oppose to the proposal.
- Chair Malone made a comment she is interested in presenting a CRC Use of Deadly workgroup report to City Council and mention the Committee’s proposal. This will help general some public discussion. She was hoping if the Committee received support from the Auditor, and then go in front of City Council.
- Ms. Falk asked Chair Malone if The Auditor made a statement about opposing the standard of review proposal?
 - I don’t know. I’ve asked her to come to CRC meeting and discussion her position and she replies with an email. She didn’t express her opposition, but the understanding from the Commissioners is that the Auditor is opposed to it.
- Mr. Simon made a comment the amount of public support the Committee received through emails is not enough of a political weight.
- Mr. Schwartz agreed with the idea of presenting the Use of Deadly Force report to City Council and also mention about the standard of review proposal.
- Public comment:
 - Mr. Handelman made a comment it is a great idea for the CRC to speak in front of City Council. The PPA contract can be negotiated anytime. There’s also a status hearing with Judge Simon happening tomorrow morning. Committee members can come and testify.
 - Ms. Aiona made a comment she also thinks speaking in front of City Council is a good idea.
 - Mr. Denecke asked the Chair Malone what exactly did the PPA objected to?

- The PPA thinks we are bias and we are trying to “civilianize police oversight”. The Committee should be just an advisory body.
- Mr. Simon made a comment it seems like the PPA thinks the proposed changes is a change to the disciplinary process. In the end of the day, a recommendation from the Committee is still a recommendation.
- Mr. Handelman made a comment he misunderstood the Committee wanting to present the report to City Council instead of signing up for the 3 minutes communication at beginning of Council hearing. When the Committee present a report to City Council that is a little different. There’s no time limit on that and the Committee can request the Mayor to allow public inputs.
- Mr. Schwartz made a suggestion that the Committee should give all the Commissioners a heads-up before presenting the report to City Council.
- Mr. Denecke asked Chair Malone if the Committee had this discussion with City Attorney Mark Amberg?
 - We’ve had conversation about this before and I found him less and less willing to engage in legal analysis with all of us. He is trying to navigate between the City and our group.
- Chair Malone made a comment based on the conversation tonight, each member can have this discussion with their assigned City Commissioner about the Committee thinking about presenting the Use of Deadly Force report.
- Mr. Simon made a comment people should be calling the Commissioners’ Chief of Staff as well.
- Ms. Cushman made a comment someone from the CRC should be testifying in front of Judge Simon at the status hearing tomorrow.
- Chair Malone made a comment she will try and sign up to testify.

6:00 pm—6:25 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

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 made a comment the data that this Workgroup had gathered is now outdated. Director Severe made a comment at the last CRC meeting that the Workgroup should start fresh.

- Assistant Program Manager Mortimer made a comment that IPR can make a list of topics that the Workgroup can look into. The idea is for the Workgroup to keep doing audits on IPR.
- Ms. Falk made a suggestion go change the Workgroup's name to Audit Committee.
- Assistant Program Manager Mortimer made a comment the Committee is required by code to have the Outreach and Audit Workgroup, but the Committee can absolutely change the name.

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

- Chair Malone made a comment this Workgroup have not met since drafting the standard of review proposal. This Workgroup new task is sorting out the Workgroups situation. Vice Chair Avalos sent out a survey to Committee members to see which workgroup people are in and if there's anything they want to change about the Workgroups.

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

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

- Mr. Denecke made some edits to the Use of Deadly Force report and he would like the Committee's approval for him to bring the report to City Council. The report focusing on 2 things:
 - De-escalation/disengagement policy.
 - CRC should have a role in officer involved shooting/in custody death.
- Mr. Denecke met with OHSU department of public safety and received useful feedbacks regarding how force should and should not be used. He also looked into the Seattle Police Department use of force policy.
- The Workgroup brought a draft to Chief Marshman in the past and received positive feedbacks from the Bureau.
- Mr. Schwartz asked Mr. Denecke in the conclusion part of the report, who making the "reasonable" judgement?
 - That sentence came from Seattle police department's use of force policy. It so also being used by the courts in graham Vs. Connor, and in several of Portland Police Directives. I don't have answer but it seems that people seem to know what is considered as "unreasonable" although, they might be differ from what is considered as "reasonable" there was an incident at the waterfront with a sword where officers disengaged and backed away from him. Some people think that the officers shouldn't've back away.
- Public comment:
 - Mr. Handelman made several comments:
 - This report has been in the work since 2012. He is a little trouble the report keeps getting revised.
 - De-escalation is not happening based on recent shootings.

- The word de-escalation being used for 2 different things. One is when an officer uses less force and then they called that “de-escalation”. De-escalation using verbal tactics to de-escalate things.
 - De-escalation is not happening based on the recent shootings.
- Mr. Denecke thanked Mr. Handelman and League of Women voters for their inputs in the report.
- Ms. Nami made a comment to Mr. Denecke about the follow up paragraph in the report is a little confusing.
 - I would be happy to suggest to City Council that the Directive has been changed, but officers need to apply it correctly.
- Mr. Schwartz made a comment he agreed the implementation of the de-escalation directive needs to be addressed.
- Chair Malone made a motion to accept the report. This was seconded by Ms. Falk.
 - Mr. Schwartz: YES.
 - Ms. Nami: YES.
 - Ms. Falk: YES.
 - Mr. Simon: YES, we need to polish the report and a press release on the City Council presentation.
 - Chair Malone: YES.
- The Committee voted 5-0 to approve the report.
- Mr. Denecke made a comment he will mention to City Council about the Committee’s interest in reviewing the officer Involved shooting and in custody death.

6:25 pm —6:45 pm Public comment and wrap-up comments by CRC members

- Ms. Cushman made a comment there’s only 6 members of the Committee participated in workgroups.
- Chair Malone made a comment she was hoping to figure out the workgroups situation at the CRC retreat, but the Committee was not able to have that discussion.
- Ms. Aiona made a comment IPR Management Analyst can provide valuable technical assistant to the Recurring Audit Workgroup. The meeting should also be opened to the public.
- Ms. Aiona would like to thank Chair Malone for agreeing to come and testify at the Status Hearing tomorrow.
- Mr. Handelman made several comments:
 - He shared with several Committee members a letter regarding a case that came to the CRC last December. CRC challenged, and Chief agreed, but for some reasons, the case was sent back for another investigation. It went through the PRB and came with a finding of Not Sustained with Debriefing.
 - He agreed with Ms. Aiona about having the staff person at the Recurring Audit Workgroup meeting.
 - Crowd Control Workgroup needs to be meeting again to plan for the forum.
 - Copwatch has been asking for the Committee to bring the report to City Council and request to have public testimony.
 - Committee should ask the Auditor’s legal counsel for her opinion on the standard of review.
 - CRC should ask IPR to add a reason why IPR is investigating the B cases in the Director’s Report.
- Ms. Luyben made several comments:
 - she was down at the Department of Public Safety Meeting in Salem, She found out that Portland sent over officers records that were so heavily redacted that they couldn’t get any sense of the records. She doesn’t understand why the DPSST board is not allowed to have full access.
 - She is concerned about PPB actions regarding to the August 4th protest.

7:10 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.*