



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 3, 2019 (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: Vadim Mozyrsky, Kayla Wade, Kristin Malone, Candace Avalos, Julie Falk, Jihane Nami, Andrea Chiller, Daniel Schwartz, Rachel Mortimer, Debbie Aiona, Carol Cushman, Dan Handelman

AGENDA

5:30 pm—5:35 pm Introductions and Welcome (CRC Chair Kristin Malone)
(Approved of March 6, 2019 meeting minutes)

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 and Vice Chair Avalos met with Mayor Wheeler and provided him with an update regarding the standard of review proposal. They also discussed having the proposal as part of the upcoming PPA bargaining agreement.

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

- Chair Malone made a comment she received an email from Portland Copwatch about the inconsistency in doing the symbolic vote at appeal hearings.
- Mr. Mozyrsky made a comment he does not want to do the symbolic vote. He thinks it is not helpful when it comes to making a statement for a change in the standard of review. The Committee needs to follow rules and policies that are currently in place. If the Committee feels like those rules and policies need to change then they must lobby for the change. He feels that it is unnecessary to muddy the water for the people who filed these appeals.
- Ms. Falk made a comment she is not oppose to the symbolic vote, but she also often abstained from those votes.
- Ms. Chiller made a comment it is helpful to have a symbolic vote. It might create confusions, but it is also shed light on what the Committee is struggling on. It should not be compulsory. If people are not comfortable on doing the symbolic vote, they should be able to.
- Mr. Schwartz made a comment he doesn’t believe the appellants get their due process because the Committee makes their decision based on the standard of review.
- Ms. Chiller made a comment a Committee member can provide an additional explanation after their vote based on the standard of review. The person can then further explain what they would vote under the preponderance of evidence standard.
- Chair Malone made a comment she would be comfortable with Ms. Chiller’s idea. The symbolic vote is confusing to the appellants. It is best for the Committee to take the issue of the standard of review to City Council instead of keep talking about it at appeal hearings.
- Ms. Wade a made a comment it seems like the Committee only does the symbolic vote on contentious cases. If the Committee agreed to do the symbolic vote then that need to be done at every appeal.
- Ms. Chiller made a comment there’s some value in airing the Committee frustration in public meeting.

- Ms. Falk made a comment the Committee used to conduct symbolic vote on a regular basis and those data were never used.
- Mr. Mozyrsky made a comment he is concerned about the legal aspect of the symbolic vote. The Committee should follow the current rules until those rules are changed. He is not sure if the data collection of the symbolic vote will be helpful since those might scared City Council due to the number of appeals that they will have to hear if the standard of review being changed.
- Chair Malone made a comment Portland Copwatch sent her an email with a proposal to change protocol 5.11 to add the language related to the symbolic vote using the preponderance of evidence.
- Ms. Chiller made a comment the Committee can put an asterisk on cases the Committee strongly feel that the officer violated Bureau's directive based on the preponderance of evidence.
- Ms. Falk asked Chair Malone having the symbolic vote not a standardize process a source of concern to her?
 - I have not felt comfortable doing it. I have more reservation today than before. When we put something in protocol, we have to think about if it would benefit the Committee or the public.
- Vice Chair Avalos made a comment she is also hesitant about changing the protocol to add the symbolic vote process. There are other ways to the Committee can communicate their frustration with the current standard. The City Council's appeal hearing in May would be a good way to show Council members the situation that the CRC have to be in.
- Chair Malone made a comment she doesn't expect the Committee to take any action regarding to the symbolic vote.
- Ms. Chiller and Mr. Schwartz made a comment to wait until August to decide on this issue. They are hoping City Council will add the standard of review as part of the bargaining agreement.
- Chair Malone made a comment if any of the Committee members can take of changes that Committee members would agree on then the person should bring it up at a meeting. She proposed the practice going forward for now is to leave it to people to provide their explanation after the vote.

1) CRC elections

- Mr. Mozyrsky nominated Kristin Malone to be re-elected as Chair of the Committee. This was seconded by Mr. Schwartz:
 - Mr. Mozyrsky: YES
 - Ms. Wade: YES
 - Chair Malone: YES
 - Vice Chair Avalos: YES
 - Ms. Falk: YES
 - Ms. Nami: YES
 - Ms. Chiller: YES
 - Mr. Schwartz: YES
- The Committee voted 8-0 to re-elect Kristin Malone as Chair of the CRC.
- Chair Malone made a comment she is excited to be re-elected as Chair and helping Vice Chair Avalos to be Chair next year. She also hopes to get the standard of review changed.
- Chair Malone nominated Candace Avalos to be re-elected as Vice Chair of the Committee. This was seconded by Ms. Falk:
 - Mr. Mozyrsky: YES
 - Ms. Wade: YES
 - Chair Malone: YES
 - Vice Chair. Avalos: YES
 - Ms. Falk: YES
 - Ms. Nami: YES
 - Ms. Chiller: YES
 - Mr. Schwartz: YES
- The Committee voted 8-0 to re-elect Candace Avalos as Vice Chair of the CRC.
- Vice Chair Avalos made a comment she believes in the work of the Committee and she is aspiring to be the Chair of the Committee. She is excited about making progress with the Crowd Control workgroup.
- Candace Avalos nominated Kayla Wade to be Recorder. This was second by Mr. Schwartz:

- Mr. Mozyrsky: YES
- Ms. Wade: YES
- Chair Malone: YES
- Vice Chair Avalos: YES
- Ms. Falk: YES
- Ms. Nami: YES
- Ms. Chiller: YES
- Mr. Schwartz: YES
- The Committee voted 8-0 to elect Kayla Wade as Recorder of the CRC.
- Ms. Wade made a comment she is excited getting more involved with the Committee.
- Public comment:
 - Mr. Handelman made a comment it is very encouraging to have 3 women leading the CRC.
 - Ms. Aiona thanked the 3 candidates for stepping up and lead the Committee.

6:00 pm—6:20 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: Neil Simon / Members: Vadim Mozyrsky

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: Daniel Schwartz / Members: Hilary Houck, and Jihane Nami

- The workgroup met on March 20 to review the mission statement and decided that the current statement is fitting the work that the workgroup is currently working on.
- The workgroup also spent time developing questions to cases. The workgroup will start with cases that went through mediation.
- Next meeting is April 17 at 4 PM.

3. 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, and Kayla Wade

- Everything is good to go for Wednesday's Crowd Control Dialogue. The workgroup managed to recruit some facilitators for the dialogue.
- Ms. Falk asked Vice Chair Avalos if it is possible to get the feedback from the dialogue?
 - Yes, there will be people taking notes and upload them onto Google docs.

4. Use of Force Workgroup (5 min.)

MISSION STATEMENT: The Use of 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 force.

Chair: Kristin Malone / Members: Kayla Wade

- The workgroup next meeting will be Tuesday, April 16 at 5:30 PM
- Mr. Denecke, the former Use of Force workgroup chair was able to schedule an appointment with Commissioner Hardesty on May 7 to share the used of deadly force report. He invited Chair Malone to attend the meeting.

6:20 pm —6:45 pm Public comment and wrap-up comments by CRC members

- Ms. Aiona made a comment during the past IPR director recruitments the former Auditor invited the community to participate in the interview process. It was a really good way to make the community feels like they had a part in helping select the IPR Director at that time. She encouraged the CRC advice the Auditor to think about a similar interview process that would involve the community.
- Mr. Handelman made several comments:
 - He would like copies of Crowd Control directive at the dialogue, so people can comment on it.
 - IPR Director recruitment should be an inclusive process. The next Director should make more effort in engaging with the community.
 - IPR investigation should provide a little bit more detail like whether if it is a protest case or Captain or above investigation.
 - He did not suggest the Committee to amend its protocol, he would like the Committee to create an informal appeal protocol of having a symbolic vote.
 - He might need the Committee help so he can record at the Council appeal hearing on May 2nd.

6:53 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.*