

## Moore-Love, Karla

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**From:** Portland Copwatch <copwatch@portlandcopwatch.org>  
**Sent:** Wednesday, February 12, 2020 8:07 AM  
**To:** Commissioner Hardesty; Commissioner Fritz; Commissioner Eudaly; Wheeler, Mayor  
**Cc:** Council Clerk – Testimony; Auditor, CRC Mail  
**Subject:** COMMENTS on item 124 Police Review Board appointment

Mayor Wheeler and Commissioners Eudaly, Fritz and Hardesty:

Since the appointment for Mr. Joy Mulumba to the Police Review Board (item 124) is a "Report," we are submitting comments ahead of time in the hope they will prompt a meaningful discussion this morning.

We do not have any particular issues with Mr. Mulumba's nomination, but find it interesting that the last time PRB members were appointed in February, there were three candidates, and now there is only one. As reflected in the comments we made to Council about changes to the PRB ordinance back in August 2019, this may be in part because the PRB is not really a Board-- no two members ever meet at the same time, and they never report back to the community on their activities. We encourage Council once again to set up semi-annual or quarterly meetings to coincide with the release of PRB reports where members can discuss the public findings and the process of the closed-door hearings.

More importantly, the August comments also note that Kristin Malone of the Citizen Review Committee was the only CRC member attending most of the PRB hearings where City Code, modified to meet the standards of the highly-touted "Substantially Compliant" DOJ Agreement, requires one CRC member to vote. If Council has not heard already, Chair Malone resigned from CRC last Tuesday February 4, the day before a CRC meeting, expressing frustration that concerns of CRC members were not being addressed. Fulfilling the DOJ Agreement can't just be about mechanics, there also has to be meaning behind the changes. Whatever pushed the Chair to resign (as well as CRC member Daniel Schwartz, who resigned in December and whose resignation letter Chair Malone referenced in her resignation) needs to be addressed quickly. Ms. Malone was a strong and thoughtful leader. While PCW did not always agree with Ms. Malone's analysis of appeals heard at CRC, her understanding of the process and ability to guide CRC members to adhere to City Code will be missed.

One final note about the DOJ Agreement: As we have noted before, the Ordinance about the Police Review Board still does not enshrine the Board's ability to send cases back for more investigation into City Code. Especially with the DOJ getting ready to pack up their bags in a year, this should be done to prevent the PPB from removing that clause from their Directive\*-1 once the Court releases the City from its obligations. The Compliance Officer/Community Liaison (someone whose analysis we also don't always support) has mentioned this shortcoming in several reports, including the one released on January 15, 2020.

Please look at our August 2019 Testimony (below) as well as you contemplate the appointment of the new PRB member today.

And please, allow public testimony on Reports regarding important matters such as police oversight.

Thank you  
dan handelman  
portland copwatch

\*1- Infamously, Chief Sizer shut the IPR out of a PRB hearing in 2009, telling the Director "I am the Directive."

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Date: Tue, 27 Aug 2019 15:06:47 -0700  
From: Portland Copwatch <copwatch@portlandcopwatch.org>  
To: Portland City Council  
Subject: COMMENTS on item 813 Police Review Board ordinance changes

To: Mayor Ted Wheeler and Commissioners Eudaly, Fish, Fritz and Hardesty:

Portland Copwatch has no strong opinion about the language of the proposed changes to the Police Review Board ordinance,\* though we have many questions about the practical nature of fulfilling its intent and deep concerns that the PRB ordinance keeps getting "tinkered around the edges" when there are large issues that Council keeps ignoring.

The change being made requires that when any case involving officer Use of Force gets before the PRB, one of the two civilians who sit on the Board will be a member of the Citizen Review Committee. This is consistent with the US DOJ Settlement Agreement.

However, the CRC already sits on Police Review Boards in cases of deadly force, and nearly every time in the past two years, the same member has been attending. Chair Kristin Malone has spoken repeatedly at CRC meetings about how the Bureau's reluctance to provide the case materials to CRC members outside of certain business hours has made it very difficult for others to set aside time to review the files and then sit at the hearing. One solution would be to overhaul the Board so it is not fully internal to the Police Bureau, where civilian staff could be more flexible. Another would be to direct the Chief and PPB to allow CRC to have case files digitally; we believe a secure portal was set up for CRC appeal hearings and/or a delivery system involving digital media was created. It's not clear why this can't be done for the PRB.

Another issue, though, is one PCW has brought up with Council, IPR and the Auditor over and over--that the CRC is populated almost exclusively by young professionals who work full time and thus do not have flexible schedules. Most PRBs are heard during working hours. Intertwined with both of these problems is that IPR is not successfully recruiting retired Portlanders to sit on the board. Where CRC once had a majority of retired persons, causing us consternation, now there are no members over the age of 50.

Additionally, the PRB code has been modified a number of times over the last few years in the wake of the DOJ Agreement. However, few of the suggestions Portland Copwatch and others have put forward have been considered or adopted. Here are items we sent in September 2018 at the last update:

--include the requirement that the PPB do further investigation if the PRB asks for it (which is in the original Settlement Agreement from 2012)

--allow the person who was harmed (or their survivors) to speak to the Board

--open the PRB to the media and/or the public

and

--require the civilian members to hold public meetings twice a year when Police Review Board reports are published.

The Council is poised to appoint (or re-appoint) a slew of people to the Police Review Board sometime in September this year. This is a great opportunity to ask them to hold such meetings, since these people are supposed to be the community's voice in the behind-closed-doors process.

This brings up another issue, though, which is that the PPB used to publish the PRB reports regularly in January and July each year. Last year they were published in September and December. The code requires two reports per year. It's now the end of August and no report has been published in 2019.

We hope the Council will consider taking bolder steps to reform the Police Review Board than the bare minimum "checkbox" to finish off the DOJ Agreement. After all, the DOJ has made it clear many times that the City can create a system which is stronger than what is laid out in the Agreement, just not go backward.

Thank you for your time

dan handelman and other members of  
portland copwatch

\*813 Amend Police Review Board Code to clarify that a Citizen Review Committee member will sit on the Police Review Board as an additional community member in all cases that go before the Board that involve use of force (Ordinance; amend Code Section 3.20.140) 20 minutes requested

<https://www.portlandoregon.gov/auditor/article/740478>