

# CITIZEN REVIEW COMMITTEE MEETING



*Community Oversight of Portland Police Bureau*  
Independent Police Review (IPR)

City of Portland / City Auditor

Citizen Review Committee (CRC)

## Minutes

Date: Wednesday, November 4, 2020 (meetings are typically held the first Wednesday of each month)

Time: 4:00 pm \* *Please Note: agenda times are approximate*

Location: Virtual Meeting

Present: Candace Avalos, Jihane Nami, Sylvan Fraser, Vadim Mozyrsky, Julie Falk, Taylor Snell, Shaina Pomerantz, Ross Caldwell, Dan Handelman, Debbie Aiona, Yume Delegato, Derek Bradley

## AGENDA

5:30 pm—5:35 pm Introductions and Welcome (CRC Chair Candace Avalos)

- Gave instructions on use of chat during meeting

5:35 pm—5:40 pm Director's Report (IPR Director Ross Caldwell)

- Ballot measure update, equity training, OIR report and forum, staff changes, continuing with the CRC recruitment, PRB eligibility
- Ms. Pomerantz asked for an open agenda and communication

5:40 pm—5:45 pm Chair's Report (CRC Chair Candace Avalos)

- Chair Avalos said Measure 26-217 passed.
- Chair Avalos and Vice Chair Mozyrsky has been attending multiple meetings:
  - Council offices Chief of staff meeting, Governor state of emergency and protests post-election, analysis of PPB budget cuts, report on homelessness.
  - TAC, PCCEP, Mayor meetings.

5:45 pm—7:20 pm **New Business** 1) Transition document for Real Accountability Measure: CRC discussion with Derek Bradley, Policy Advisor for Commissioner Hardesty

- Ms. Avalos welcomed Mr. Bradley to the meeting and said the goal of the meeting is about envisioning the next steps and giving feedback.
- Mr. Bradley introduced himself, said he is excited about the victory. He laid out the creation on new system into two phases:

- Drafting resolution with community/stakeholder input on selection of commissioners working with City Attorney and OMF strategic planning team looking at PCCEP creation as inspiration.
- After that is written and passed, there will be a timeline of people getting selected: subject experts in this matter, mission statement definitions into Code language, etc.
- Mr. Bradley's Comment: The Auditor has explicitly forbidden all IPR staff from working or talking to him about this and said IPR should not get crossways with their boss. Its unfortunate, because IPR have a lot of expertise in this.
- Timing is a bit up in the air, it would be good to identify members of the community interested in serving on this but making sure each step is done right is more important than meeting a deadline.
- He asked for panelists and public to ask him questions in the chat.
- Director Caldwell talked about public comment time for public to engage.
- Mr. Bradley asked for questions from the panelists.
- Chair Avalos asked clarifying question about chat.
- Deputy Director Walton-Macaulay clarified public comment rules per agenda and when agenda item ends, public comment can be turned on.
- Director Caldwell said public comment can be moved up if CRC desires.
- Director Caldwell responded to Mr. Bradley's comment that IPR cannot work on this; there is a conflict for IPR as employees of the Auditor's Office, at some point, this new Board will be subject to audits/reviews. Having IPR help put it together, Auditor employees subsequently reviewing seems like a conflict of interest.
- Chair Avalos asked how that is different from the Auditor participating in public comment? Is it because it passed?
- Deputy Director Walton-Macaulay clarified that the Auditor is elected and IPR is not.
- Mr. Bradley said he had positive engagement with IPR staff during the process and that IPR are separate from auditing staff and it is a disappointing reality but does not want anything to put IPR staff sideways with their employer.
- Mr. Mozyrsky about budget being 12 million dollars, when will the employees be hired?
- Mr. Bradley responded that it will take a while, 18 months and its important to talk about recruitment to have a smooth transition and that was why he was interested in talking to IPR. There is growing interest in this work. The documents will be picked up from IPR office and will be put into this office.
- Mr. Mozyrsky said there will be many staff hired, and asked when the process will start; create position descriptions, HR, hire in six months? He referenced Portland Street response process.
- Mr. Bradley said no, there may be an administrative position hired to staff the commission, but it will not be until the commission completes a code-writing package and passage of code language before anything else takes place. Portland Street response needs community engagement to do it correctly, his office is dedicated to that, they will make this a community driven process, talked to current and past volunteers and the root problem is that the police control process, the new system is going to be from community decision-making apparatus, not internal police apparatus that limits justice. Current discussion is not about individual doing the work, it is about how current system is built on flawed idea, rip it out and put is somewhere else, need to figure out what best path forward is, identified things to change to make it good, and want to hear ideas of where things are going or things that frustrate. But don't have timeline.
- Mr. Mozyrsky said CRC are going to busy with PRB and appeals, recruiting will be challenging as IPR is shrinking; how that transition will be moving forward and who will be supporting in the meantime?

- Ms. Falk asked about when staffing will be figured out as relationship with IPR has been critical to what CRC has or has not been able to do; the relationship with this Body and paid staff is important. Is the City Auditor going to be overseeing this Body?
- Mr. Bradley said accountability will be independent of elected officials, may be in OMF. Commission set it up will be approved by City Council. OMF helped figure out PCCEP; onboarding new members and community engagement plan is being improved, don't have a plan yet. Will be happy to share the next step later.
- Ms. Fraser asked about Auditor's prohibition on IPR staff communication now that ballot passed; curious about policy and written rules that could be shared? It may be missed opportunity to not have IPR staff engage and if Attorney's Office was asked?
- Mr. Bradley said no legal analysis was provided when asked Attorney's Office, they said that would not be a problem to communicate.
- Deputy Director Walton-Macaulay clarified that there is language in the City Code that employees of the Auditor's Office shall avoid situations where there could be an appearance of partiality and should strive for impartiality in the work. The space for conversation should have been at the beginning, as it may be audited, and IPR cannot be involved in making/shaping this.
- Ms. Fraser said she is curious about when reasonable/less reasonable, as it is an obvious benefit for IPR to engage in the new process.
- Deputy Director Walton-Macaulay said the space for that conversation would have been earlier, before the vote to City Council to give shape. Now that this exists, it will be subject to audits by the Auditor's Office. The timing of this conversation now is what is challenging.
- Mr. Bradley replied that in the first stage, before it was established, there was allowance for communication and knowledge gaining, Mr. Bradley talked to IPR, CRC and the Auditor.
- Deputy Director Walton-Macaulay asked how many people at IPR did he talk to?
- Mr. Bradley said he does not remember, he talked to Amanda several times.
- Deputy Director Walton-Macaulay said Amanda is not at IPR.
- Mr. Bradley said he got great information in the past, for code language, setting up a board and he would love a policy document and legal analysis document. Mr. Bradley said he understood that when this is up and running it needs to be up for auditing but that now IPR has a lot of knowledge and great people working there. He does not want people working at IPR to get in trouble talking to him and not knowing that. The Auditor is independent and can make this decision.
- Director Caldwell said this could be a conversation we have elsewhere as this meeting is for feedback from CRC and community and offered to talk another time.
- Mr. Bradley said he would love to talk more later.
- Ms. Avalos said the goal of today is to talk to CRC.
- Mr. Taylor asked about the process.
- Mr. Bradley said there will be establishing commission, and they will be seated in a two-step process; community input selects this commission. The process needs to be codified, which will be passed by Council, and it will take a while. Then there will be work on mission statement after commissioners selected, and that will be passed by Council, all passed in a single day. Currently focused on community driven selection process for commissioners, and then the commissioners will be focused on mission statement, this process taken from others at the City who did this work before.
- Mr. Taylor asked how this agency will be different from CRC, and if it will be dual process?
- Mr. Bradley said there will be a floor of the types of cases, some complaints will go through internal PPB process, and this commission will focus on the serious complaints, and not bogged down with the day to day complaints.

- Mr. Mozyrsky asked about Union contract in each of those stages about PPB not clocking in on time and grievance rights. How will this be integrated?
- Mr. Bradley said there are options, negotiations in the contract and changes to state law around collective bargaining agreements of oversight and abides by City laws and bindings that exists as guided by City Attorney's Office and Government Relations.
- Mr. Taylor observed the timeline of the bargaining agreement and the commissioners being selected at the same time and if the PPB contract will be worked out before this commission is formed?
- Mr. Bradley said there is an engaged Caucus at the State legislature interested looking at a system of laws passed over decades that removes local police overnight control. A police contract is being closely watched by an engaged community and City Commissioners who will be fighting for changes and the commission will fight for changes, for example how the CRC was fighting for the Standard of Review changes.
- Mr. Bradley asked CRC on selection system for this commission to be selected?
- Chair Avalos talked about timeline and where CRC need to be putting input/brainstorming, work on timeline to what information would be helpful.
- Mr. Bradley said timeline is challenging for everyone, Mr. Bradley happy to engage in one-on-one or come back to CRC meeting; welcomes input.
- **Public Comment:**
  - Mr. Drury asked where CRC fits into the overhaul with the changing landscape of City Council; impact on coalition building with incoming Commissioners.
  - Mr. Bradly said commission seating will be 18 months and how the CRC and PCCEP fits into this will be community driven process; seeking smooth transition. That the core of the current system is police control police oversight and that is fundamentally wrong according to his City Commissioner, while persevering the good stuff that has been done by good people into this new system. The Why of this is not the good work wasn't done so far, but that the system is at issue. Commissioner Rubio testified in support of this change and Commissioner elect Mapps has expressed variety of opinions, but not had conversation with him yet. Looking forward to working with all incoming City Commissioners and Mayor's Office and community members/leaders.
  - Mr. Handelman asked for a better format in meetings so he can see who else is on the meeting.
  - He addressed how the Community Oversight Advisory Board had some challenges and was not active for a year and a half before the PCCEP was formed with no overlap, transition or historical information passed on PCCEP to start from scratch. He asked CRC to stay on and do the work and train the new board.
  - The Auditor not allowing people to talk is maybe more that people are hurt by this, and glad Mr. Bradley is expressing that this is not about the people. IPR work with Internal Affairs (IA), train with them and that is a conflict of interest, IPR have a cozy relationship with IA; whom they audit on a regular basis. The question of the Auditor's Office not being able to talk to Mr. Bradley is completely ridiculous and hopes the Auditor will change her mind and IPR staff talk to the transition team, or there will be a lot lost in how investigations are done. That is most important.
  - Mr. Handelman proposed a timeline:
    - 1. Charter amendment passes.
    - 2. A resolution is going to written to create the commission that designs the new commission.
    - 3. Commission makes a proposal of how to implement the Charter Amendment

- 4. City Council passes an ordinance to implement that.
- 5. Board members are picked.
- 6. Board member hire the director who then hires the staff
- Step 7 and step 8 is when everybody begins working. That is why the CRC need to keep working.
- Mr. Bradley clarified that step 2A is pass a resolution establishing the selection process for commission and their mission statement.
- Chair Avalos asked Mr. Handelman to have his proposed timeline email to her.
- Ms. Aiona said in 2000 Mayor Katz had a workgroup (PIIAC) to reform and improve old system. Mike Hess staffed that committee and then became employee for the new system and that was helpful. Expressed her regret that IPR could not be part of the next transition, hopes for further conversation/solution.
- May want to consider the selection commission to tap TAC, PECCP, CRC and others to help select the commission.
- Is this commission going to have meetings open to the public?
- Mr. Bradley said yes.
- Ms. Aiona: Will there be funds to find outside experts to advise on forming new board?
- Mr. Bradley said it will be up to the commission, but he will encourage to get experts and open city budget but cannot make funding commitment, staffing is first so that internal city staff in place to do this work.
- Ms. Aiona said that in forming IPR there was much support from outside entities.
- Ms. Reyna retired PPB sergeant said last month's appeal was good example of why this commission is needed. IPR works with PPB IA are interconnected and has not led to true police accountability, the Police Union is going to fight because of the Collective Bargaining agreement and recommended finding common ground with the Union. Good cops don't like bad cops.
- Training: whoever is selected needs a lot of training for unique investigation that will be done. Happy to help in this process.
- Mr. Bradley said that is exactly what they are looking for, best practice interviews and other training ideas. Emails were shared.
- Mr. Bradley gave closing remarks: Thanked CRC and community for having him and liked Mr. Handelman's eight-step process; it shows methodical process. Many conversations happening in the City about police oversight. He is happy to join a meeting again, or connect in other ways, and asked to have folks reach out to him.

## 2) Overview of CRC retreat initiatives

### 3) Police Review Board Availability Discussion

#### 4) What is everyone working on and what support do you need to complete your work?

- Chair Avalos asked to move to the PRB discussion first. If documents can be delivered to the CRC to review and how many cases are coming up?
- Director Caldwell said that there are a lot of PRB cases coming up this year. Mr. Mozyrsky has volunteered repeatedly. Officer drove to his house with the file. PPB is careful with PRB files, and IPR has been pushing them for online access and may be finally getting there for a secure system to view files; asked for compassion for volunteers who are giving their time. Looking at a non-

disclosure agreement and a meeting with the Chief is coming up; will give an update on progress. Commended the CRC for all the work the CRC are doing and their volunteer time commitment.

- Chair Avalos talked about timing of the PRB; during the day that the CRC are working professionals.
- Director Caldwell said that the file review will at least be done online and that will reduce time spent during the day, but asked CRC to address the PRB hearing times. PRB hearings can be scheduled during the day and that takes the entire day, Director Caldwell and Deputy Director Dana Macauley Walton agreed to have Wednesday and Thursday afternoons to always be available for PRB hearings. After-hours never been done, willing to talk to PPB about having them after-hours to help CRC engage during the evening.
- Ms. Jihane said it would be good to have advance notice of PRB hearings at least three weeks in advance – two months in advance is better.
- Director said he will ask about that, but time constraints because of the DOJ Settlement Agreement exist with each segment meeting timelines, so it may be challenging but IA tries to schedule as much time in advance as possible.
- Chair Avalos asked if PRB hearings are online?
- Director Caldwell said PRB meetings are online; used to be in person and social distanced, but now online via Zoom.
- Chair Avalos asked if in the PRB meetings the documents are physically present? How are the documents available now if meetings virtual?
- Director Caldwell said the documents are available online during the meeting; best if one has two monitors.
- Chair Avalos asked if the documents are available during the meeting?
- Director Caldwell said that is something to work on in the discussion, so that CRC access to the file is available during the PRB meeting.
- Chair Avalos asked if Mr. Mozyrsky had access to the file during the PRB meeting?
- Mr. Nguyen said that Mr. Mozyrsky had notes during the PRB meeting.
- Ms. Nami said that even in meetings when in person, the CRC only had notes which Christopher Paille collected after the meeting.
- Chair Avalos asked if files were available during the meeting?
- Ms. Nami said that only notes were available during the meeting.
- Director Caldwell flagged that as something to talk about at the next meeting, so the CRC have access to files during PRB meetings.
- Chair Avalos said that would be very helpful.
- Director Caldwell will check and get back to the CRC.
- Chair Avalos said that she appreciates everyone working on these issues to help more CRC engage in the PRB meetings. She has not been able to engage in the PRB so far because of the limitations on time and during the day.
- Chair Avalos, how many PRB's a month?
- Director Caldwell, three or four a month, but tend to be in spurts and going to increase and may be more than one a week; keep talking to solve this.
- Mr. Falk thanked IPR as the online access will be transformational.
- Mr. Taylor asked if the online access will be time limited? Helpful to break up the file view time and not in a five-hour chunk.
- Director Caldwell did not know but will find out and respond and that that current system is not working. May want to bring CRC leadership into a meeting with PPB and figure this out.
- Ms. Falk said if she cannot view files in the middle of the night, she cannot do it due to time constraints.

- Chair Avalos said she would rather move the meeting to workgroup updates, as everything is up in the air and talking about the CRC retreat could be postponed. Asked for feedback on moving to workgroup updates?
- Chair Avalos asked where everyone is at, and what support they need?
- Ms. Falk said that the new reincarnation of the oversight body and how some of the work done through workgroups will not be needed in the new system. Workgroups work when they work well, but they don't always work well and to let the new system know so time is not wasted.
- Chair Avalos and Mr. Mozyrsky have been meeting with TAC and PCCEP regularly now; meetings with Mayor's Office have been helpful. PCCEP work on policy and CRC work on so much more - hear appeals, so partnership could be better and codesign in coalition and work together. Other agencies have information, attended webinar and it is worth talking about to set up for next Board, but don't want CRC to burn out as many appeals coming up. Policy and Outreach workgroup works with PCCEP to help on policy work co-programming.
- Ms. Falk and Mr. Taylor agreed. Crowd control has much to recommend and share with the new oversight system. New system could use information for policy changes especially with the protests.
- Chair Avalos agreed and that best practices could be shared as well. From the webinar she learned that relationships with community groups is important. She also said she will set up a new process for the agenda and asked if there are any appeals coming up next?
- Mr. Nguyen said not an appeal set for January.
- Director Caldwell asked about meetings in December and making sure everyone is available that in the past December meetings had been not held.

7:30 pm—7:45 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 & Policy 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: Vadim Mozyrsky, Shaina Pomerantz, and Julie Falk

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: Hilary Houck, and Jihane Nami

- Ms. Nami said not able to meet since July because of scheduling conflicts with Ms. Nami's and Mr. Mozyrksy's schedule. Not identified what they will be working on, need to know what would be useful to work on. Welcome ideas that anyone has.
- Chair Avalos said she did not have this workgroup on her list when she was recruiting for volunteers, would be open to letting folks know that this workgroup needs members.
- Ms. Nami said she would check, as only CRC members can see the files, not community members. Will talk more about this later.

3. Crowd Control and Use of Force 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: Andy Chiller: Andy Chiller, Sylvan Fraser, Taylor Snell, Yume Delegato, Sarah Malik, Amanda Boman, Barak Goodman, Val Barlow and Alec Condon

7:45 pm—8:00 pm Public comment and wrap-up comments by CRC members

**Public Comment:**

- Barbara, available for Recurring Audit workgroup and the Outreach and Policy workgroup.
- Mr. Handelman, last month update on case previously heard; did not hear any updated on that case, its now been two months.
- Chair Malone did do a lot of PRB cases in the past, but the point of having diverse committee is to have diverse voices engaged in PRB.
- Hope that this gets figured out; CRC are the only community members who the public can talk to, PRB members are not known to public. Confused about why there are so many cases, it's very rare to have CRC as they only serve on use of force cases, and had one shooting officer-involved shooting this year.
- Recent video clearly shows that the officer hit the person on the head, and hope that is one of the cases going to PRB, but it's probably not even investigated yet.
- Setting agenda, Google doc and how two people makes a quorum.
- New system: Police contract may not be finalized, and state laws may be changed, "create your own adventure City Code" if this state law still exists this how it's going to be handled. Part of IPR code for a while that said if Code allows it, IPR can compel officer testimony, and then changes were made. Things to consider.
- Appreciates CRC talk about continued work in workgroups and handing it over to the new system.
- Cannot have a City where all that is left is Internal Affairs reviewing themselves. CRC and IPR need to stay around until the moment the new system is ready. Here to support that the work this group does collectively. Hope the message is shared with City Council, that City Council and the Auditor don't take away the good work done.

8:00 pm Adjournment



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*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](http://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.*