

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, August 4, 2021 (meetings are typically held the first Wednesday of each month)
Time: 5:30 pm * *Please Note: agenda times are approximate*
Location: Virtual Meeting

Present: Candace Avalos, Sylvan Fraser, Vadim Mozyrsky, Taylor Snell, Yume Delegato, Amanda Greenvoss, Kyra Pappas, Shaina Pomerantz, Jessica Katz, Gregg Griffin, Julie Falk, Irene Konev, Kristin Malone, Debbie Aiona, Dan Handelman, Jared Hager, Barbara Christianson, Carol Cushman, Nancy Donavon.

AGENDA

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

5:35 pm - 5:40 pm About Tonight's Meeting

- Chair Avalos: Welcomed everyone. Ms. Katz is the Recorder for the meeting.

5:40 pm - 5:45 pm Approval of Minutes

- **Minutes:** June minutes were motioned to approve by Mr. Griffin and seconded by Mr. Delegato. One edit was brought up.

Vote:

Chair Avalos Aye

Ms. Falk Aye

Mr. Mozyrsky

Mr. Griffin Aye

Mr. Delegato Aye

Ms. Greenvoss Aye

Ms. Pomerantz Aye

Mx. Fraser Aye

Mr. Taylor Aye

Ms. Pappas Abstain

Ms. Katz Aye

10-0-1 Minutes approved

5:45 pm - 5:50 pm Director's Report (IPR Deputy Director Walton-Macaulay)

- <https://www.portland.gov/sites/default/files/2021/directors-report-8-4-21-final.pdf>
- Deputy Director Walton-Macaulay: Director's report was shared. Working through protest backlog, working remotely for a year and a half now.
- IPR released the 2020 Annual Report in four other languages: Spanish, Russian, Chinese, Vietnamese link to all reports: <https://www.portland.gov/ipr/news/2021/6/3/2020-annual-report>
- Community outreach, Ms. Konev doing outreach, see report.
- Equity training for IPR staff and working through a Results Based Accountability lens, making sure IPR services are accessible to everyone.
- Department of Justice (DOJ) meeting was on July 13th, at PECCP meeting, talked about nine remedies DOJ recommended to come back into compliance. Next is meeting with Judge Simon and then mediation at some point, but not sure what the timeline is.
- There is data in the director's report about IPR investigations.
- No upcoming CRC appeals.

5:50 pm - 5:55 pm Chair's Report (CRC Chair Candace Avalos)

- Chair Avalos: Not much to report, no appeals, so CRC have time to work on larger goals.
- New oversight board: It is possible that CRC could remain in some format because oversight system does not have an appeal system, and CRC could stay.
- New Commissioners are named and once CRC start talking to the Commission, CRC could potentially stay and be looped in with the Commission.
- No meeting with the Mayor, next meeting is in September but will try to meet sooner.

5:55 to 6:00 pm Standard of Review Discussion with Guest Speaker Kristin Malone (Former CRC Chair)

- Chair Avalos introduced Kristin Malone to give an overview of the Standard of Review work in the past.
- Ms. Malone gave an overview: This work was going on for a while, but in 2017 there was an appeal that went to City Council and they had to review the record and apply the same Standard of Review that the CRC used. After that the Council seemed to be understand the challenge, they became more receptive to making the change. Commissioner Fish and Mayor Wheeler seemed interested in making the change to the Standard of Review.
- At the next CRC retreat, CRC decided to have everyone focus on the Standard of Review as it seemed like a shortcoming of this committee and hindrance on the community to have input into how this process unfolds.
- Wrote a report that the Standard of Review needed to change and began to ask for the change. Community was in favor of making the changes. DOJ Settlement Agreement did not hinder the CRC from making that change.
- Met with PPA who were opposed to the change, but other than this group, there seemed to be no opposition.
- Heard from the Auditor's Office that there were concerns at City Hall that it would violate the Settlement Agreement, bargainable by PPA and suddenly there was pushback. Commissioner Fritz she was listening to those concerns and that is where making this change died.
- Hope things are different now and maybe this group could do something with this now; glad to see CRC resurfacing this change now.
- Chair Avalos: there is a new appetite from community members to pursue this change; new people on the Council and may be able to push it over the finish line. With the new Commission being set up, this could be something the Commission could make this change now and apply this next. New Commission will have new authorities. Is this a good time to pursue this as the new Commission is being formed? If CRC want to pursue this, this is something that could be talked about at the next fall CRC retreat.
- Mr. Delegato: Would the PPA bargain or agree to this change?
- Chair Avalos: Ms. Malone and the other CRC discussed the issue of it being bargainable or not but may be a good step to help the new Commission, or if it would even matter to the next

Commission. Different standards of review exist. CRC were proposing a standard that would have allowed the CRC to review that same case file and determine if the preponderance of the evidence supported the RU Manger's finding, allow the CRC their own assessment of the incident in question. The CRC can take it now, but the new Commission would have to make the next steps. Now may be a good time to get the conversation going. Discussed DiNovo review.

- Ms. Falk: Not sure what the next steps were back then.
- Ms. Malone explained that any elected official can put it on the Council agenda, Mayor could have put it on, but things changed, and nobody wanted to put it on the Council agenda if the Auditor did not put it in on. Mayor changed his mind, and he was not willing to put it on the Council agenda.
- CRC discussed who could put it on the agenda if the Auditor did not, and that Commissioner Hardesty talked about being interested if there were other votes. CRC wondered if this new administration would be more open to making this change now if there is a different view on this now. Is this a better time based on who is in leadership at the federal level?
- Mr. Hager: We are one DOJ, see the Settlement Agreement as a floor not a ceiling.
- CRC discussed that the DOJ might object to the change now and they were not back then. Now that there is a successor agency in place, CRC could get them onboard to ask for that support to change the Standard of Review.
- Mr. Hager: DOJ will not require the change, will entrain the change if the City proposes it.
- Chair Avalos: Make the change now, or help the new Commission make the change? Asked for general check from everyone? The CRC agreed that they will work on making the change of the Standard of Review now.
- Ms. Pomerantz asked how other oversight bodies around the nation are using the Standard of Review?
- Ms. Malone: Portland has a different oversight body, so it is hard to compare.
- Discussions ensued about other oversight models and their standards of review, and what CRC next steps are. Liaisons with elected officials now would be a good place to start; a one – pager to share with them. Something emailed from the CRC would be a good place to begin as each meet with their City Commissioner and their policy person who may be gathering information and advising the Commissioner. Have meetings with elected Commissioners and bring the info back to discuss at the next CRC retreat.
- Mr. Snell asked what the reasons were for setting up this current Standard of Review?

- Ms. Malone: RU manager and CRC will say something different and is this going to a finality? If the community and police bureau view are different then the final discussion should be up to the Chief.
- CRC thanked Ms. Malone who said she would be open to helping the CRC in the future.

Public Comment:

Ms. Aiona: Thanked Ms. Malone for sharing wisdom. Ongoing struggle, glad the CRC are going to be working on the Standard of Review and the CRC could possibly work for next two years. When presenting to City Council on the Crowd Control report, remind the Council that CRC will be pursuing Standard of Review, and keep their eye out for it.

Mr. Handelman: Good to have Ms. Malone present. Sad not to see people in person at this meeting. There is no actual paper trail of how the Standard of Review was designed, former Auditor by Gary Blackmer designed it after workgroup was formed in 2000. Assumed that the PPA did not want the community members to decide what the outcome should be. City Council has the final say. Lower court is the Police Bureau, no community involvement. In the new system, people have to be careful. Mr. Handelman was appointed to the new Commission. Question was brought up Auditor/IPR supporting CRC on Standard of Review change, big issue. City Council cannot tell the Auditor what to do if she is opposing it and City Council may be reluctant to do anything. And Auditor has not put anything on the Council agenda for six months now. DOJ Agreement: City is being asked to consider amendments to the DOJ Agreement based on what the new system will look like: one could be taking out paragraph 61. Glad the CRC will be working for the next two years. Commission has 18 months to put new police oversight system in place.

6:30 pm to 7:00 pm Return to In-Person Survey Results and Discussion

- Only eight members filled out survey so took an eight-minute break to give CRC time to fill out the survey.
- Chair Avalos, CRC meetings are on webinar format and that CRC is an appellate body and the webinar feature will stay. But open to discussing non-appeal hearings being non-webinar meetings. Certain documents are sometimes sent in the chat. Zoom bombing is better managed in webinar format as well, especially when we have appellants in the CRC meeting. Workgroups are done in non-webinar format.

- Chair Avalos shared survey results via screen share and a robust discussion ensued. CRC shared cons and pros of meeting in person and discussed their fears, anxieties and hopes. If CRC were to meet in person discussed which larger rooms are available to give more space for meetings. Many CRC valued the virtual CRC meetings; meetings were less time consuming because of no travel, folks missed the food at the in-person meetings and interactions with each other and the public. Shared loss due to virtual meetings and discussed lessons learned, opportunities for the future.
- Vaccine status was discussed, vaccines were encouraged. Mask wearing and social distancing was discussed.
- Preferred to center the appellant when thinking about moving meetings to in-person. Attending meetings from home were liked, but some challenges were highlighted. Safety of CRC members during the pandemic were discussed as it relates to coming back into in person meetings. Discussed social times that could be created for the CRC – ice cream socials to get to know each other.
- Final decision is that CRC meetings will continue virtually until January 2022. In a future meeting this issue will be discussed.

7:00 pm to 7:30 pm CRC Retreat in the Fall

- Discussions of retreat included: not meeting in person for the retreat, breaking up the retreat into two sessions, half virtual, half in person, five-hour retreat, three-hour retreat, try to meet and address retreat topics in CRC meetings instead, but to try to get the topics covered in the retreat list of things to cover that was discussed previously. Break up the topics into segments to cover in each CRC meeting, or in special meetings. Discussed facilitator led retreat, self-directed retreat. Perhaps have one hour in the part to get to know each other but the rest of the time do the work in shorter meetings. Have the virtual retreat agenda a part of the monthly CRC meeting since there are no upcoming appeals. Do some deep dives into retreat topics at CRC meetings.
- Chair Avalos and Vice-Chair Pomerantz will coordinate via email and let the rest of the CRC know what will be next. Chair Avalos also asked the CRC to lean in, be more interactive in the next virtual CRC retreat gathering. Asked CRC to help be more engaged in virtual retreat space for an upcoming Wednesday CRC meeting – deep dives by topic.
- CRC were asked to connect with their new CRC member buddies while the weather is still warm.

6:45 pm—7:00 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. Policy and 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 points for ongoing communications with IPR, the City, the Bureau, community members and/or act as the face of CRC.

Chair: Vadim Mozyrsky / Members Julie Falk, Jessica Katz, David Lin and Shaina Pomerantz

IPR staff: Irene Konev, Senior Community Outreach Coordinator

Met last week and looked at various code sections to give recommendations to the next Commission. Meeting again tomorrow about police body worn cameras, presenter is from New Orleans because they are overseen by DOJ consent decree. Two years ago, had a visitor from the Portland Police Bureau to give information to the CRC about police worn body cameras.

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: Vadim Mozyrsky/ Kyra Pappas and Gregg Griffin

IPR staff: Irene Konev, Senior Community Outreach Coordinator

Talked about the Recurring Audit workgroup and Ms. Greenvoss and Ms. Pappas said they would join that workgroup. No designated leader yet and Ms. Pappas agreed to lead the Recurring Audit workgroup.

3. Crowd Control Workgroup & 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: Sylvan Fraser, Taylor Snell, Yume Delegato, Amanda Greenvoss, Sarah Malik, Amanda Boman, Barak Goodman, Val Barlow, and Alec Condon

IPR staff: Irene Konev, Senior Community Outreach Coordinator

Crowd Control Report going before City Council on September 22nd. Working on the PowerPoint to present to City Council. Will work on the this for the next two monthly meetings. Parse out each recommendation in the next meeting. Dive into use of force issues next.

6:45 pm—7:30 pm Public comment and wrap-up comments by CRC members

Public Comment: Limited to two minutes Mr. Katz recorder and timekeeper.

Mr. Handelman: Used to have the camera, recoding meetings during in-person meetings and now cannot. Produced a show of the last CRC appeal that went to City Council. Indoors or outdoors the big advantage was the microphones, make sure each have a good system to hear. Mailed the paper copies of the newsletter to IPR. The percentage of complaints from African American people is still too high by percentage of the population. The Standard of Review is not in the PPA contract. The compliance officer said IPR do in-person intake for complaints, but that is not true. IPR director's report do not include outcomes of protest. Seven deadly force cases now. Portland police too prone to use deadly force.

Chair Avalos thanked everyone, and the meeting was adjourned.

8:00 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 email 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.*