

From: [Portland Copwatch](#)
To: [Commissioner Hardesty](#); [Commissioner Fritz](#); [Commissioner Eudaly](#); [Wheeler, Mayor](#); [Council Clerk – Testimony](#)
Cc: [News Media](#); [Portland Copwatch](#)
Subject: COMMENTS on proposed new Citizen Review Committee appointments
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COMMENTS on item 247- proposed new Citizen Review Committee appointments

To the members of City Council

Portland Copwatch acknowledges the difficult times in which we are living. As we have said for years about police-civilian encounters, we hope everyone can make it home safe, including community members and police officers.

That said, it is as important now, if not more important than ever, to make sure the police are acting in a way that respects people's constitutional rights. That is why we are glad you are taking the time to return the Citizen Review Committee to its full strength of 11 members.

As is often the case, we generally do not have objections to the applicants. We initially had some concerns because Shaina Maxey Pomerantz noted in her application that she was working for the City Attorney's office, which "could possibly create a seeming conflict." We have since learned that Ms. Pomerantz's job was temporary, so that conflict has cleared up. Otherwise, Ms. Pomerantz seems to be a model candidate for CRC. She co-runs the Race Talks program, has been an advocate for justice because of harms she has seen in the her community, and also has relatives who are or who have been in law enforcement.

With so many new residents and retired people in Portland, it is odd that IPR only considered 10 people for CRC. Despite the fact that Council, for the first time in the oversight system's history, supported the CRC's recommendation of a Sustained finding in May 2019, the civilian oversight body is not getting the respect it should.

Part of the lack of interest may be related to the fact that two of the seats being filled are those of former Chair Kristin Malone and member Daniel Schwartz. Mr. Schwartz's resignation letter, which was echoed by Ms. Malone's parting words, cited several reasons for leaving the CRC after years of dedicated service.

The first was the conflicting messages coming from the City about strengthening CRC by removing the requirement that they review appeals of misconduct cases through a lens that is deferential to the Police. Most Council members, particularly after holding hearings at the Council level in 2017 and 2019, are aware how confusing and restrictive the "reasonable person" standard can be. CRC wrote a formal proposal asking to change that standard to a more understandable "preponderance of the evidence." They asked the city to incorporate the change into talks with the Police Association. They had numerous letters of support including from Portland Copwatch. Yet that recommendation, which had also been previously put forward by other CRC members for at least a decade, was ignored.

Mr. Schwartz also noted that CRC had determined there was misconduct when a police sergeant told a community member he could be arrested for video-recording police. Chief Outlaw agreed with the Committee that the Sergeant knowingly lied to the civilian in violation of the Truthfulness policy, which would have meant an automatic dismissal. However, the Chief changed the allegation to a more mild Performance violation and gave the Sergeant just one day off without pay. City Code requires the Chief to come to Council if she disagrees with CRC's finding. That did not happen.

If nothing is done to fix these two areas undermining the ability of the CRC to have meaningful oversight-- a deferential standard of review and the ability of the Chief to go around the laws establishing the oversight system-- CRC will likely continue to bleed more volunteers. People join the group hoping to make a difference. We have lost count of how many have resigned in frustration.

For what it's worth, Mr. Schwartz also raised the concern that the City Attorney stopped sending a representative to CRC meetings to offer legal advice, and that the Auditor has refused to attend their meetings even though their group is in her portfolio. Council cannot order the Auditor to do anything, but can encourage a more congenial relationship. Council can ask the City Attorney to attend CRC meetings since the Auditor's own attorney is not attending.

Two other quick points:

1-- Ms. Andrea Chiller is up for reappointment for her seat. There are five other candidates slated to fill the four empty slots with one alternate, but the Resolution before you does not specify who the alternate will be.

2-- The Resolution paperwork also mentions that there were two community members who helped screen the applicants, but does not say who those community members were.

We hope that our comments will at least be acknowledged by the Council as you vote on the new appointments. When we sent in comments on an agenda item two weeks ago, it did not appear that the Council was even aware those comments existed. We sent them the previous day to each Commissioner and the Council Clerk. We look forward to a system being set up where the public can address Council while remaining socially distanced.

Thank you for the opportunity to comment
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