

City of Portland
Police Citizen Review Subcommittee

AGENDA
February 10, 2021
6:00 PM

1. ZOOM Information

On Wednesday, February 10, 2021 at 6:00 p.m., the Police Citizen Review Subcommittee will conduct a virtual meeting via Zoom, as allowed by 1 M.R.S. Sec. 403-A. Please allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend the meeting live, the City will be posing a recording of the meeting after it has concluded. Please click the link below to join the webinar:

<https://zoom.us/j/94034046121?pwd=SDFodHREtnRmZXk0a2k4OC9lOCt3dz09>

Passcode: 305079 Or iPhone one-tap : US: +16465588656,,94034046121# or

+13017158592,,94034046121# Or Telephone: Dial(for higher quality, dial a number based on your current location): US: +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799 Webinar ID: 940 3404 6121 International numbers available: <https://zoom.us/u/aRDduBkBv>

2. Call to Order

3. Approval of January 13, 2021 minutes.

a. Please see attachment.

4. Public Comment Session

5. Subcommittee Business

Continued discussion of PCRS recommendations for potential changes to PCRS structure.

a. Overview of possible structural changes.

6. Executive session pursuant to 1 M.R.S. Sec. 405(6)(F) to discuss records that are confidential pursuant to the Freedom of Access Act concerning Internal Affairs IA2020-002 and IA2020-005.

7. Adjourn

POLICE CITIZEN REVIEW SUBCOMMITTEE

January 13, 2021

Meeting Held Remotely Via Zoom

Members present: Emily West, Chair; Reggie Parson, Vice Chair; Maria Testa; Luke Beland; Kaylin Kerina

Staff present: Anne Torregrossa

6:00 Call to order via Zoom.

Motion to accept minutes of December 13, 2020. Seconded. Roll call vote 5-0.

Chair West informed the PCRS that there had been no update from the City Manager in response to the PCRS memo. There was brief discussion on that topic.

The PCRS held public comment.

- Joey Brunelle recapped the disagreements with the City Manager's memo and stated that the City Manager had met in secret with members of the PCRS and used it to justify his actions to the City Council. They wanted to know why the members chose to participate.
- Kate Sykes is very concerned about the lack of transparency with the Police Department and the PCRS. They stated that law enforcement groups around the country are investigating themselves and their members in connection with the DC Capitol riots. They now understand that the PCRS doesn't oversee the Police Department. They believe that the PCRS is acting as a shield for the Police Department - it makes the public believe that there is oversight but there is not. They want to know how the Committee is going to make sure there is no infiltration of white supremacists and nationalists into the Portland Police Department and is very disturbed by the situation.
- Adam Rice from the People's Housing Commission stated that the Police Department will tell people they can't tent outside after they had been CT'd from the shelter improperly. They want the standards to be changed so that throwing out a tent, etc. would be considered a use of force. They don't think the Police Department should use escalated response against the unhoused.
- Karen Synder thinks that subcommittees are a farce - they make people think there will be change and there is none. They sit on PMAC and the pattern is that the committee is controlled by the City and they are just puppets. It does a disservice because there is no progress and it is just a waste of time. They are very concerned about back door meetings. The Use of Force Committee appointment should go through the Nominating Committee. They had experience with the Police Department with complaints with concerts on the waterfront. The PD wasn't transparent and

underreported complaints. Karen is concerned how they will know that white nationalism isn't in the Police Department and thinks we need an independent investigation. They want transparency on the meetings with the City Manager. If obfuscation continues then the PCRS should disband.

The PCRS then discussed the public comment briefly.

- Chair West shared that the PCRS also has frustrations with their scope of work. With respect to the Use of Force Committee, the Chief had reached out and wanted input and to talk to those who felt strongly about the issue. Chair West asked Attorney Torregrossa to confirm the right of Subcommittee members to participate.
- Attorney Torregrossa confirmed that individual members had the right to provide feedback to the City Manager in their individual capacities but not on behalf of the PCRS.
- Mr. Parson stated that he had given feedback to the City Manager on the use of force committee but had never intended to collude with anyone and apologized if anyone perceived it that way.

The PCRS then continued its discussion of recommendations for changes to the PCRS scope. After significant discussion and modification to the notes regarding changes, the PCRS discussed the process forward. Chair West and Ms. Testa will work on refining the notes into a more polished statement for the Subcommittee's consideration at the next meeting. Once complete, they will actively seek public comment on the draft.

The PCRS then discussed items for their February meeting. Ms. Testa questioned what was supposed to happen when the PCRS voted to find that an investigation was not thorough, fair, timely, and objective. Vice Chair Parson volunteered to draft a procedure for that occurrence for the PCRS to consider.

Ms. Kerina will explore options for a workshop structure on the PCRS draft recommendations and also will be in contact with City staff regarding social media resources, etc.

8:19

Motion to adjourn. Seconded. Roll call vote 5-0.

Civilian Oversight of Law Enforcement in Portland: Overview of Possible Structural Changes to Consider: February 2021

(Note: This list will be reviewed in the 2/10/21 meeting for final review/approval by the Subcommittee to include as background for a future community forum discussing possible changes)

Background. The structure of Portland's Police Citizen Review Subcommittee allows for only a review of completed Internal Affairs investigations of complaints brought by citizens. The Subcommittee's voting is limited to whether the investigation by the IA sergeant was done in a thorough, timely, objective, and fair manner. The Subcommittee does not have any say in the result of the investigation (e.g. whether the officer involved was found to have done something outside of the standard operating procedures and if so, what type of discipline should be imposed).

The Subcommittee is currently considering proposing the creation of a new board that aligns itself more with modern best practices of other police oversight committees around the nation. The Subcommittee has spent the last eight months focused on researching other models, including participating in the National Association for Civilian Oversight of Law Enforcement's (NACOLE) annual conference, and eliciting public comment to better understand the perspectives of community members on this issue.

Below is a set of possible new board characteristics that the Subcommittee has been discussing. At this time, we would like to gain specific feedback from community members on these proposals to further inform our final recommendations to the City Manager. This is not an exhaustive list, and we welcome any additional suggestions.

Possible Oversight Characteristics to Consider

I. The board receives complaints directly

- This would allow community members who may not feel comfortable submitting a complaint directly to the police department with an alternative.

II. Hire a community liaison to facilitate the complaint process

- Responsibilities would include
 - Communicating directly with complainants to explain the process and offer assistance along the way
 - Sitting in on police interviews at complainant's request
 - Acting as liaison between the complainant and the IA department staff
 - Regularly engaging with the community to both increase awareness about the subcommittee and solicit feedback from community members on policing issues. This would include attending various community meetings, requesting meetings with leaders, and other formal and informal outreach.

III. The board participates in open investigations

- Option 1: PPD leads the investigation with review board oversight and input throughout the investigation
- Option 2: The board has own investigatory powers to interview complainants, witnesses, and LEOs; establish subpoena authority (Note: this would include significant training of board members)
- Option 3 (hybrid of 1&2): PPD takes lead on the investigation, but the board has ability to interview involved parties as deemed necessary

IV. The board makes recommendations of outcome and discipline

- Option 1: The board would make recommendation to the Chief on disposition of the case (was an SOP violated) but not discipline, before the Chief's decision is made.
- Option 2: The board would make recommendation to the Chief on both disposition and discipline, before the Chief's decision is made. This would require significant training on the rules, regulations, and context around disciplinary decision-making.
- Option 3: The board would make recommendation to the Chief on disposition before chief's decision is made (Option 1) AND would review the Chief's proposed discipline and provide feedback to the Chief before discipline is imposed.
- Possible inclusions of any of options above:
 - Chief would seek input from complainant/community liaison before making decision on discipline
 - Begin including de-identified discipline decisions in the board's annual report

V. Add an independent appeals and mediation process

- Formal appeals process
 - Detail to be added at next meeting on possible avenues
- Independent mediation mechanism
 - Officer and citizen can mediate as alternative to formal complaint
 - Officer and citizen can mediate in middle of complaint process

VI. The board would have true independence from PPD or City Hall

- This would require the absence of real or perceived influence from law enforcement and city hall

VII. The board would be provided its own budget

- Current guidelines suggest no less than 2% of PD budget, although this depends on the type and size of the civilian board.