

City of Salem Community Police Review Board
January 8, 2019 6:00 p.m. City Manager's Office
Meeting Minutes

Members Present: Bevin Clapper, William Distad, Robert McGinty, David Rheinholdt and Steven Rice **Members Absent:** Jodi Sherwood, Vice Chair

Staff Present: Gretchen Bennett, Mayor/City Manager's Office, Marc Weinstein, City Attorney's Office **Guests Present:** Lynelle Wilcox, Berenice Vargas, Michelle Teed, Sgt. Jonathan Hardy, and Sgt. Stephen Smith, Salem Police Dept.

1. Roll Call. The City Manager's designee, Gretchen Bennett, called the Board to order and called roll of members. Guests were welcomed and introductions were shared. The group voted for Member Bevin Clapper to facilitate the meeting.

2. Approval of Minutes. Member Distad motioned to approve the October 9, 2018 minutes as presented; Member Rice seconded the motion. The motion to approve the minutes was approved unanimously.

3. Public Comment: None

4. Consideration of Requests from City Manager or Chief of Police: None

5. Riot Team: Sgt. Jonathan Hardy noted the team is now referred to as the civil disturbance team – he is the team leader. The group discussed what is involved with peaceful protests. Time, manner and place may be dictated lawfully. Free speech cannot be quelled; emergency services must be able to perform. These factors often are considered in planning discussions. Sgt. Hardy is also the traffic sergeant. Member Clapper inquired about the length of time for the permit process. Discussion was held about the value of planning in advance. Sidewalks are city property. State buildings and the capitol are state property. Sgt. Hardy noted our team and the state team trains together regularly.

The group discussed dynamics with crowd management and working with organizers of events. The goal is always to assist groups, and counter or opposing groups, be in the public spaces peacefully. Once it is decided an event needs to end, a lot of announcements are made. When people don't comply, the team works their way up using the least amount of force necessary. In his ten years, Sgt. Hardy has not needed to deploy the physical tools on display at the meeting.

Sgt's Hardy and Smith spoke of the consistent and frequent training provided. Marc Weinstein noted the debrief process that occurs after major events. The group discussed large scale events and the function of central coordinated command. The group thanked Sgt. Hardy for his presentation.

6. Complaints Data Summary: The group deferred this agenda item to April.

7. Election of Officers: Member Distad nominated Jodi Sherwood as Chair. Member Rheinholdt seconded the motion. The motion passed unanimously. Member Distad nominated Bevin Clapper as Vice Chair. Member Rheinholdt seconded the motion. The motion passed unanimously.

8. Request for Review Hearings: No new requests for review hearings are received. Marc Weinstein spoke of the postponed review hearing. In July, 2017, the board had been in the early stages of hearing a complaint, and the person decided he was not satisfied with the realm of resolutions available to the board, and shared he planned instead to take legal action. The proceeding ended that day. Marc believes the statute of limitations in the situation for filing civil suit has passed; he will confirm. No further information or correspondence regarding the situation was received by the City since that date.

The bylaws are unclear on what to do next, after proceedings cease due to expressed intent to sue. Marc recommended that staff put together correspondence for the board to consider, out of an abundance of caution. He reserved the right to reconsider and to perhaps recommend no action/correspondence. Once approved, the board could direct staff to send the letter.

The correspondence could ask if the person would want to bring the case back, and that if we don't hear from them by a certain date, then the board will consider the matter closed. He recommends asking for a response or that a non-response is also an action. A member asked if the information about the statute of limitations should be included. Marc replied it is important not to advise the person regarding their civil options nor provide legal advice. Member Distad asked if there is an obligation to reach out. One important variable is that if the board dismisses the case, the person would be unable to refile; people cannot refile cases that have already been filed, according to the bylaws. Caution is important.

Marc does not recommend the board take any actions to encourage or discourage litigation but rather to take usual and customary action. Once the statute of limitations has run out, the board may want to consider reaching out to the person and clarifying the person's intent. Vice Chair Clapper inquired if there are other pending cases; there are not.

The board has the authority to manage its docket, so to say. The initial motion when the case was stopped did not come with a message to the person to return by a specific date.

Members asked if there could be ways to prevent this situation in the future. There may be things that can be done to clarify process steps; a review of possible changes to the byways may be one way to get to prevention of this situation in the future. Staff were directed to verify the statute of limitations and draft a possible letter for consideration at the next meeting.

7. Board Member Comments

Member Rice shared he has difficulty with hearing and asked persons to speak more loudly and with heads up rather than heads down. Member Clapper suggested that he say if he cannot hear her and that she would not be offended if he did so.

Member Clapper discussed trauma-informed approaches to working with people and asked about training provided to the department. Sgt. Smith spoke of training in specific areas, such as with certain types of trauma. Member Clapper spoke of a trauma informed enforcement protocol. Sgt. Smith will discuss the ideas with Sgt. Hill.

Marc Weinstein suggested training on public meetings/public records law. The group expressed interest.

8. Adjournment. Member Rice moved to adjourn the meeting; Member Distad seconded the motion. The motion was unanimously approved.

Respectfully Submitted, Gretchen Bennett, Staff Liaison