

Community Police Review Board

January 9, 2018 6:00 p.m.

City Manager's Office Conference Room 220

Staff Liaison: Gretchen Bennett, Telephone: 503-540-2371

Meeting Minutes

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| Members Present Ira Feitelson, Vice Chair Bevin Clapper William Distad David J. Rheinholdt Steven Rice Jodi Sherwood Michael Staudinger Lynelle Wilcox Members Absent None | Staff Present Gretchen Bennett, Mayor/City Manager's Office Marc Weinstein, City Attorney's Office Steve Powers, City Manager | Guests Present Sgt. Stephen Smith, Salem Police Dept. |
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1. Roll Call

Vice Chair Feitelson welcomed the group and called the meeting to order. The meeting was recorded. He welcomed City Manager Steve Powers and new members to the CPRB. Introductions were shared.

2. Approval of Minutes

Members not on the board during the previous meeting were advised to abstain from the vote, as there is not a basis of knowledge from which to draw. Member Wilcox motioned to approve the October 10, 2017 minutes; Member Distad seconded the motion. The motion to approve the October 10, 2017 minutes was approved unanimously by members seated in October, 2017.

3. Public Comment

None

4. Consideration of Requests from City Manager or Chief of Police

City Manager Steve Powers thanked the members for their service to the board. Vice Chair Feitelson appreciated his support and interest. Steve noted the importance of making sure the community understands the CPRB accountability step is available. There are struggles when communities don't have this option to ensure there is a path for input to be received. It is essential to ensure that individuals have a way to have their voices heard when they disagree with the outcome of an Internal Affairs investigation, and the CPRB step is also a path for the individuals and the CPRB to offer input and suggestions to the police Chief and the City Manager for their consideration. Steve Powers requested volunteers continue to serve. There were no requests from the Chief of Police.

5. Request for Review Hearings

None

6. Old Business: Status of postponed review hearing

Gretchen noted she has not had any correspondence with the person for whom there is a pending case review request. After the last board meeting, staff drafted letters to possibly be sent to the individual. Upon further reflection, staff thought perhaps it may be premature to send a letter at this time. Marc Weinstein noted a couple of concerns. There are legal remedies available, with timeframes. Those should be taken into account prior to outreach to the individual. It would be important for the individual to have the opportunity to explore those options without being prompted by the City. Marc recommended not reaching out at this time. He would also like to take a look at the question of what authority the board would have to dismiss a request if the board does not hear back from the individual. He recommends continuing with the postponement of the hearing at this time.

Member Distad asked if there is a timeline for the person's response. Marc answered there is nothing in our bylaws that affirmatively limits the amount of time the matter can be pending before the board. No other instructions have been provided to the individual. This is what led the board to explore this question at the previous meeting. Vice Chair Feitelson noted his view that it would not be appropriate to solicit the individual's response or affirmatively inquire. Marc confirmed the matter will remain pending at this time.

Gretchen noted the group also wanted to review the initial letter supplied to individuals at the time a case review is requested. Gretchen shared a revised version which included edits supplied to her by board members. The group discussed criteria for dismissing a request per the bylaws. Member Sherwood offered a re-ordering of the language. She appreciated the direction the letter went, noting it is an important piece. Members appreciated the bullets and headings to simplify the format. Marc reviewed related sections of the bylaws regarding an initial request for review. Vice Chair Feitelson asked Gretchen to reformat the letter per the group discussion and asked for it to be an agenda item at the next meeting. Gretchen will email out the draft letter; members can give Gretchen suggested corrections. Members may not deliberate about the draft via email with other members as that would not be accessible and would fall outside public meeting process.

7. Discussion: Overview of Complaint Process

Sgt. Smith introduced himself and shared that he has been with the department over 20 years. He is now serving in the role of IA sergeant. This evening he will review the complaint process at the PD. Copies of the complaint directive at the department were shared.

The PD does not want to deter or dissuade someone from filing. The IA office has a dedicated phone and email line. Individuals can submit a complaint in any method whether it be face-to-face, submitting a written complaint in person or by mail, or by phoning or emailing a complaint. , Verbal complaints are also accepted. He noted they work hard to create and implement flexibility, and to offer assistance in filing complaints, so that individuals can submit complaints in any format that fits them best, so that every complaint can be submitted, heard, and taken seriously.

Sgt. Smith shared that the goal is identify the facts as a way to find the truth. He does not have a role in discipline. He works to find the facts and write reports which are submitted to the chain of command.

The department will take external complaints as well as internal complaints.

The department has different categories of complaints: what are classified as formal complaints, informal complaints, or inquiries. Complaints can come in about an individual or about a group, or the department. In some cases, a documented complaint can be a catalyst for identifying whether there are standard protocols that need to be improved, and/or if there are better ways to achieve department objectives. Inquiries include situations where a person is not sure if there is a violation, but believes something should be looked into, and those inquiries can be turned into complaints as needed.

Member Sherwood asked if there are reports of statistics of numbers and types of complaints, and she asked if that information might be shared with the CPRB. Sgt. Smith indicated that the 2017 data is being compiled, and he will follow up about sharing that information.

He noted in many cases his job is to listen and understand community member concerns and questions, and then to explain the reasoning for the policy. For example, people may call in with a concern about how a traffic stop happens. After learning more about why the police do what they do, it answers the majority of questions at that stage.

Member Sherwood asked how many formal complaints are currently pending. Sgt. Smith speculated about three are pending. Member Wilcox asked for an example of an internal complaint. Sgt. Smith noted an example would be if a new officer has difficulty entering evidence properly in the computer system, or there is an officer involved car accident. An inquiry might lead to increased training or an investigation to determine if it is a discipline issue. Internal complaints don't always mean there is a discipline issue; rather it points to something that needs to be looked at.

Many inquiries are handled right in real time, and all formal complaints are reviewed by Sgt. Smith. He must investigate anything related to excessive force or bias. Other types of formal complaints may be directed to supervisors for investigation. When an investigation is conducted, it is treated like other investigations: evidence is collected and analyzed. There are four types of findings: Unfounded, Exonerated, Not Sustained, and Sustained.

When police get a complaint, they notify the complainant they are in receipt of the complaint, at minimum by letter. At the end of the investigation, in addition to a phone call, the department also sends a certified letter. The letter includes information about the option for individuals to pursue the matter further with the CPRB, with guidelines and timelines for that process.

Member Wilcox asked if an officer has repeated un-sustained complaints if that is tracked. Sgt. Smith answered yes, all complaints are tracked. For example if there is a trend toward an officer receiving multiple complaints about rudeness, although they cannot all be sustained they can still review how they can address the situation. He noted the department operates with a progressive discipline approach.

Member Sherwood discussed the notice provided about the appeal process. She clarified the language used. Sgt. Smith shared the form given; it includes a complaint form and a description of the CPRB. The letters also include CPRB information.

Member Staudinger asked how many officers are sworn; Sgt. Smith thought perhaps 192. Member Staudinger clarified the volume of activity in the complaints office. Sgt. Smith noted

the types of data that is stored. Member Sherwood asked if there are national standards. Sgt. Smith indicated yes, there are and there is a forty hour training each IA sergeant attends which presents the standards for all aspects of internal affairs investigations.

There is also training between the sergeants as the role transitions from one to another; the term in the office is two to four years. If there is a complaint against the IA sergeant, the sergeant's supervisor would conduct that investigation. Member Sherwood asked if his work is reviewed. He noted anytime he conducts an investigation he is not the final say. Any investigation in internal affairs is reviewed by others in leadership in the department.

The group noted that some of the calls relate to a person not liking that they got a ticket or got arrested and the mechanism for review of that question would be court. However if the person is calling in to report they did not like how they were treated by the officer in the interaction, that would be for the department to review. There are also examples of policies that are necessary, but not liked by those involved e.g. if a bright light is shined in a person's face, it may be a standard protocol based on safety data, but not appreciated by the person receiving the bright light.

The group asked about complaints about profiling. Sgt. Smith could not recall the last time he received a complaint of that nature. Sgt. Smith said a common complaint occurs when a person is arrested, but the District Attorney chooses not to file it, so the person calls to state that the arrest in the first place was false. Member Rice recalled the initiation of tasers in the department and the changes to protocol. Sgt. Smith noted there is a use of force review process activated every time the taser is used.

Member Wilcox inquired about the brochure distribution process, asking if it would be helpful to pass out complaint brochures proactively at the time of arrest. Sgt. Smith spoke about not deterring people from filing. He noted they are always open for making sure they are doing things the best method possible, yet they do not proactively share brochures about how to submit a complaint. Member Wilcox noted that in her social work job, it is standard practice to proactively provide clients with the complaint process information. Discussion ensued with acknowledgement that the PD shares that information as situations come up and they offer assistance as needed to enable each complaint to be submitted and considered.

Member Staudinger noted low numbers of complaints may indicate an issue with the process, or, reflect a good job. Sgt. Smith noted there are many inquiries; many call to ask questions and engage the conversation and only a smaller number transition to a formal complaint. Sgt. Smith observed the current practice of engaging supervisors with concerns at intake. For example if a person observes rudeness, the officer can get the supervisor involved right then so that the person's voice is heard and the behavior is addressed.

Some law enforcement agencies require persons to sign an affidavit stating that if they lied they understand there would be consequences. Salem Police Department does not use this approach and also accepts anonymous and unsigned complaints.

Member Rice inquired about support to veterans who become employed in the police department after serving in the military. Sgt. Smith spoke to the services provided to him as an example.

Board members thanked Sgt. Smith for the information. Member Sherwood asked for what data is public record; Sgt. Smith will follow up.

8. Action: Election of Officers

Vice Chair Feitelson checked with the board regarding the process. Gretchen noted the group can vote openly or can vote via paper ballots. She noted the board annually elects amongst its members a Chair and a Vice Chair to preside over meetings. Vice Chair Feitelson opened the floor to nominations.

Member Distad nominated Vice Chair Feitelson for the role of Chair; Member Sherwood seconded the motion. Member Staudinger moved to close nominations for Chair and that Vice Chair Feitelson is elected by acclamation. There was discussion regarding process. Member Distad seconded the motion. The motion was unanimously supported; Vice Chair Feitelson became Chair.

Member Distad nominated Member Sherwood for Vice Chair. Member Rheinholdt seconded the motion. Member Staudinger moved to close nominations for Vice Chair and to elect Member Sherwood by acclamation. The motion was unanimously supported; Member Sherwood became Vice Chair.

Both nominees accepted their new roles.

9. Board Member Comments

Member Clapper noticed in the bylaws there are other duties such as making recommendations and analyzing complaints. She asked how the CPRB does that work. Chair Feitelson observed it has occurred in the process of doing case reviews. Marc noted the bylaws do provide for written recommendations as a part of the process. Gretchen added that in addition to what was said, she has seen that discussions often occur about the required ride-alongs, and as CPRB members receive quarterly trainings, and those discussions also lead to CPRB members making inquiries, offering input, and/or making recommendations. When questions about procedures present, we ask for information. For example, at one time discussion arose about medical care procedures as a result of ride along and case review.

Member Clapper asked about conducting public outreach; she asked how it is done. Chair Feitelson noted a conference was held at one time. Gretchen noted the web page. Member Rheinholdt recalled outreach when Willamette was exploring a merger, and, when a group from overseas had visited. Member Wilcox discussed the conversations she has in the community. Gretchen recalled discussion with Member Wilcox about the importance of the board reflecting all of the communities it serves and outreach to a variety of community groups regarding board membership.

Member Rice discussed the process of case review and asked how does that work? Vice Chair Sherwood suggested it become the subject of the next meeting, noting it would be helpful for the board to review. Member Distad agreed, noting it would be important to walk through a hearing experience.

10. Ride Along update

An update was shared. Two are required per year, beginning from the month the person had been appointed. Chair Feitelson discussed the beginning of the ride along. A briefing happens at the start of each shift. Sometimes briefings are open and sometimes are closed to those doing ride alongs; it depends on whether the information is appropriate. Chair

Feitelson encouraged more communication with the person so they are aware of what is happening.

11. Adjournment

Member Staudinger moved to adjourn the meeting; the motion was unanimously approved at 7:27 pm.

Respectfully Submitted, Gretchen Bennett, Staff Liaison