

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

Members Present: Jodi Sherwood, Chair; Bevin Clapper, Vice Chair; Lowell Alik, David Rheinholdt and Michelle Teed.

Members Absent: Bill Distad, Erin Hull, Robert McGinty and Steven Rice

Guests Present: Sgt. Stephen Smith, Salem Police Dept., Lynelle Wilcox, Chief Jerry Moore for a portion of the meeting

Staff Present: Gretchen Bennett, Mayor/City Manager's Office, Marc Weinstein, City Attorney's Office

1. Roll Call. Chair Sherwood welcomed everyone. Introductions were shared.

Chief Moore thanked board members for their service. He spoke of the benefit and importance of the community having a voice, noting it is important for people to have a way to talk to peers in the complaint process. Vice Chair Clapper asked about challenges. Chief Moore spoke about large community social issues including the mental health crisis and assisting people who are without shelter. Member Teed spoke of the Arbinger Outward Mindset training; Chief Moore agreed it is a good outlook, summarizing it relates to putting ourselves in others' positions and treating everyone as people. Chair Sherwood spoke of national dynamics, Ferguson and local demographics. The group discussed the importance of the department reflecting the community it serves in its staffing makeup; it does not. As the department works on addressing this, Chief Moore observed one area in which help is needed is for people to view law enforcement as a noble profession and encourage members of diverse communities to apply. Vice Chair Clapper discussed performance measures. Chief Moore spoke of always seeking better measures – current measures include crime statistics, response times, service statistics and issues.

2. Approval of Minutes. Per conversation at the last meeting, Gretchen added statistics to the April meeting notes. Vice Chair Clapper motioned to approve the April 9 minutes as amended as well as the July meeting minutes as presented. Member Rheinholdt seconded the motion. The motion to approve the April and July minutes as noted was approved unanimously.

3. Public Comment: Community member Lynelle Wilcox introduced herself, noting she used to serve on CPRB and is currently a volunteer at the warming shelter. She noted the city is proposing a sidewalk ordinance. She noted she understands the CPRB is not involved in the topic of homelessness and recognizes the police role in the ordinance implementation and in serving people. As an advocate, she has concerns.

She noted that she spoke with people in the community who reports the police did not take or follow up on their complaint, noting that while sometimes there are other factors involved, she is concerned about this feedback.

She spoke of the ability of the police to create videos and suggested the police utilize this resource to educate the community – she notes that the community expresses fear and concern regarding people who are unsheltered, but that actually, person to person crimes committed by people who are unsheltered are low. She urged the police department to help with community education.

A discussion ensued regarding the scope of the CPRB. Currently, the sidewalk ordinance is a proposal and not a policy nor in code. Lynelle commented that she is hearing different predictions from police representatives of how enforcement would work. The group discussed communications regarding enforcement during the draft ordinance process. Vice Chair Clapper clarified with Lynelle she observes part of the concern is the process; Vice Chair Clapper asked if it would make sense to review procedures related to the community forums held on the ordinance. Gretchen noted that the police department did not conduct the forums (they were operated by a different city department), and so that would be outside our scope – instead the community input from Lynelle could be her feedback to the department to please be consistent when discussing enforcement.

Sgt. Smith clarified that there isn't a specific policy related to how police interact at community forums; he can provide feedback back to the staff involved that there may be some conflicting information out there. Vice Chair Clapper shared there must be a public meeting/forum process. Gretchen noted there are general rules such as how to run a public meeting such as that meetings meet accessibility standards, but she is not aware of a policy related to the specific question before the board. She noted staff are generally required to be accurate and truthful and not to speculate. Lynelle encouraged that for some policies, such as sidewalk, that draft enforcement policy be shared along with the draft ordinance.

Member Rheinholdt asked if this is outside the scope. Discussion ensued; Chair Sherwood noted that comments regarding the implementation of the ordinance can be directed to city council.

Sgt. Smith noted that laws and ordinances change regularly. Police are often asked to provide input as laws are being considered, as they have a first-hand experience with many topics. They do not create the laws, but provide input and do what they can to answer questions. Then, after law is decided, police will discuss implementation with the city attorney's office, as needed, to ensure they apply the law or code correctly. This process occurs after a law is passed.

Chair Sherwood noted if the board is conducting a case review and sees that there is a conflict or a flaw that a recommendation about that would flow from that work. Vice Chair

Clapper referenced the mission of the board and read the documents as to provide an additional responsibility to make recommendations. She agreed the process for the forums are outside the scope. She sees an avenue for making recommendations outside the case process, reading from bylaws and code, noting she reads the organizational documents such that the board does case review and makes recommendations regarding policy and procedure.

Gretchen noted the city council is discussing, but has not voted upon, the sidewalk ordinance. She also noted that it is also difficult this evening as there are not additional voices at the table; she noted it would be difficult this evening to accelerate to a recommendation as the board has not been able to verify the information or hear from other stakeholders.

Chair Sherwood thanked Lynelle for being at the meeting and noted they are listening. Lynelle noted that it could be advisable that for some policies proposed come also with a draft implementation plan, noting that for some policy that will be most impactful, that these could help. Vice Chair Clapper noted one of her greatest concerns would be if complaints are not being listened to. She noted that Lynelle brought forward that people have shared complaints that are not being listened to; as a member of the board, she asked that Lynelle please pass along that there is a public comment period and if the process is not happening for them they can come to discuss the concerns at the board directly.

Marc noted under the bylaws the board can make recommendations regarding policies and procedures. He advises the board it would be a stretch to make recommendations on policies or procedures that do not exist. Sgt. Smith noted that the police department has an important role to investigate and respond to complaints; for example, if the complaint is that officers were giving different answers regarding enforcement. It is important for the department to be able to have the opportunity to receive and investigate complaints/issues. By jumping ahead of that part, it does not allow the police department to work on it nor provide the board with complete information about the situation.

Sgt. Smith noted he has not had anyone come to him and file a complaint that he has turned away. It is hard to know what happened in the situations being reported this evening without having the specifics and having the opportunity in advance of the meeting to check into it – if he had he could provide more concrete comment. For example, if the person brings an issue to an officer, and that officer tries to resolve it right there, the department might leave that interaction understanding the complaint is addressed. A valuable part of what the bylaws state is for the police to be able to investigate what is happening – so when it is reported that complaints are not investigated, it would be critical for him to receive that and be able to investigate what happened.

The group noted the term complaint is a broad term; if someone expresses a question/discusses issues – that might not be experienced by staff as a clarifying conversation that may not be understood as being received as a complaint.

Lynelle expressed she wouldn't mean to take something directly to internal affairs and asked at what point a lack of clarity or a conversation transitions into a complaint. Sgt. Smith encouraged people to come to internal affairs as he can always identify what is happening and get it to the appropriate next step.

He said that if there are people who are expressing that they have tried to file a complaint and not been successful he asks for the opportunity to make things right and figure out what happened. He noted the board still has the role it has, but needs the information from the PD as part of what they have before them. Chair Sherwood thanked everyone for the conversation.

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

5. Requests for Review Hearings: No new requests for review hearings have been received.

Gretchen provided an overview of the timeline associated with the current pending request. The letter was sent, per last meeting direction. Gretchen described the resultant conversation with the person regarding scheduling and his availability/interest. Marc indicated the board would have authority, if it is scheduled for January and the person does not attend, that it would be appropriate to determine the case is closed. That will be a decision in January. Chair Sherwood confirmed ample communication has been provided.

6. Civil Rights Training: Gretchen is also the city's civil rights staff and is switching roles to provide the training this evening. It relates to the civil rights of both the customers and the officers. Code of ethics and policy indicate all constitutional rights are to be upheld in any interaction. She discussed assessment challenges, ranging from presumption to bias to other factors. A disparate impact or exclusion can also be an issue. Identity populations/protected classes were noted; every individual has rights in addition to these groups. Protections are in city, state and federal law. The complaint process was discussed; there is no wrong door.

Marc added there is a process for complaints to be received for the city as a whole, in addition to the police department. Gretchen added the City's Human Rights Commission also receives civil rights complaints for situations that are not managed by the city (in the community at large).

7. Board Member Remarks: Vice Chair Clapper stated she passionately believes in "no wrong door" reporting. She noted when people don't feel they have been heard, regardless of whether they accessed the right process, she observed that is why we have a public comment process. Even if they didn't find the proper email address, etc., it doesn't mean we would not direct them into the correct process. She expressed disappointment that the person would have felt a wrong door would have been accessed. She urged that we be careful, regardless of the situation, when people come to us, that we take their feedback very seriously, and help them to have their concerns addressed whether it be by this board or by another process.

Gretchen indicated her hope is that what they heard was that if anyone is hearing that feedback it is ok to contact Internal Affairs as a pathway, and noted the conversation includes some of the situations wherein a person might experience conversations differently. She indicated she is also a resource for people and assists as members of the public come in at the Mayor's office with concerns. Vice Chair Clapper said yes and knows Lynelle has been on this board before. She doesn't want people to show up and have staff or board members say a member of the public went to the wrong door or did the wrong thing or pursued the wrong process. Chair Sherwood indicated she didn't feel that was conveyed; she felt we were looking at options and offering solutions for how to help and trying to understand how that may happen.

Member Alik noted a community member came to him who had called 911 and requested interpretation to access services. He didn't know if there is language assistance. She was told to call the non-emergency line and experienced a two-hour delay in receiving service. Gretchen explained yes we have language interpretation for 911 and other city departments. She noted every department has 24/7 access to hundreds of languages. Jodi asked about stats for how often we utilize it? Gretchen can provide.

8. Ride Along Status Update: An update was provided. Chair Sherwood discussed one officer she rode with was Russian; she noted it is great to have that kind of language support.

Respectfully Submitted, Gretchen Bennett, Staff Liaison