

City of Salem Community Police Review Board
July 9, 2019 6:00 p.m. City Manager's Office
Meeting Minutes

Members Present: Jodi Sherwood, Chair; Bevin Clapper, Vice Chair; William Distad, Erin Hull, Robert McGinty, David Rheinholdt, Steven Rice and Michelle Teed.

Members Absent: Lowell Alik

Guests Present: Sgt. Stephen Smith, Salem Police Dept.

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.

2. Approval of Minutes. Vice Chair Clapper expressed disappointment not to see the 2018 numbers from the discussion reflected in the meeting minutes. She would like to have them to refer to and asked that the numbers be provided in writing.

Sgt. Smith noted that the topic of statistics is coming up later in the agenda. Gretchen noted she can adjust minutes if appropriate. Vice Chair Clapper clarified that at some point the information can be provided in writing. Gretchen offered to listen to the meeting recording and add a supplement to the minutes for consideration at the next meeting.

Vice Chair Clapper motioned to approve the April 9 minutes pending further discussions with the possible addition of adding a supplemental to fully detail the 2018 numbers as presented at the meeting. Member McGinty seconded the motion. The motion to approve the minutes as noted was approved unanimously.

3. Public Comment: None

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 group reviewed draft correspondence to the party involved. The letter was approved for dissemination.

6. Complaints Data Summary: Sgt. Smith learned the department no longer produces an annual report. It was a large document; the department found that as they waited for some components, others became out of date. Instead they changed the approach and create timely quarterly reports with smaller chunks of information. This works well with the quarterly

meeting format of the board, he observed.

He elicited conversation about what data would be important to the board. He asked to hear the ideas, and then he would take the suggestions to the department and see what he would be able to produce. He is contemplating a quarterly customized report for the board.

Sgt. Smith also suggested providing an orientation packet, like what is currently provided to incoming city councilors. If the board is interested in this, the department can provide. The group provided support for the orientation packet idea.

Chair Sherwood appreciated the ideas and indicated that not too many special requests should be made. Vice Chair Clapper shared she is concerned with changes and trends over time. She requests building in comparisons; a way to look at multiple years will be helpful. A basic set of statistics, such as how many officers, will help set an understanding of where the department is moving and what the current challenges are. Commissioner Rice asked to what end do we need the information. The group discussed their role as advisory. Sgt. Smith discussed the process of reviewing information requests alongside the legal framework that guides information dissemination, noting the role of the board and the need for the board to have as much information as possible to carry out its role.

The group agreed to send ideas to Gretchen by August 1.

7. Public Meeting Law: Marc provided a PowerPoint presentation regarding public meeting law. He referenced the Attorney General's web page and manual as resources. He noted decisions cannot be made in Executive Sessions. Chair Sherwood confirmed that Executive Sessions are properly listed on the agenda; Gretchen replied yes, each time one is anticipated.

The broad notion is that the public be informed. He noted pitfalls, such as emailing in groups; therefore, the city will send emails to boards in a BCC format, to prevent potential "reply all" deliberations from being accessible to the public.

Marc also discussed ethics. He noted state and city laws. Public office is a public trust and as a result is subject to ethical rules. Conflict of interest as a concept, including both actual and potential conflicts, were discussed. Chair Sherwood clarified how this would work in a case review context. Even the appearance of impropriety should be avoided.

Ethical obligations belong to each public official. We each take responsibility. He discussed the resource of the Oregon Government Ethics Commission; the Commission has a web page with resources available. They also have staff available to answer questions. Ethical questions are ultimately personal decisions. Marc clarified his role is to assist the city and the board, rather than us as individuals. Public officials cannot rely on the advice of an attorney; if they are found to have committed an ethics violation, saying one depended on counsel direction is not a defense. City public officials are expected to comply with state and city law; if one is more restrictive, comply with the more restrictive.

Vice Chair Clapper asked if member handwritten notes are public records. Marc indicated yes. He will clarify the retention schedule. He noted staff can maintain notes; Gretchen maintains meeting notes at the city. Gretchen asked about casual notes written at meetings, and the casual subsequent recycling of an agenda copy, being acceptable. Marc clarified the difference between notes that “jog memory” versus the functioning of the board. The further moving down the path of writing notes on the functioning of the board, the further they would move into the realm of being notes to keep. If members do keep notes, know you are the custodian of the record and should hold on to them. Sgt. Smith discussed how records are retained at PD. Chair Sherwood noted notes can be collected by staff at the end of case reviews; Gretchen agreed. Vice Chair Sherwood asked for Marc to confirm the retention schedule; he agreed.

8. Member Remarks and Announcements: Member Distad suggested discussion for a future meeting about how recommendations work. He recalled a previous case review wherein he wanted to make a recommendation about another agency. He’d like to discuss when and how recommendations happen and what the process would be.

Member Rice asked about ride along applications and about ride alongs and what would be necessary to do to fulfill the board obligation. Sgt. Smith indicated that at any time on a ride along, even if an officer is inviting you to do something at any time you can say you would prefer to stay back at the vehicle. You are never compelled to do something wherein you are not comfortable or do not feel safe.

Respectfully Submitted, Gretchen Bennett, Staff Liaison