



**Accountability (Data Systems Use of Force, Compliance) Subcommittee Meeting**

**Monday, November 21, 2016**

**6-8pm**

**COAB Office**

**525 NE Oregon Street, Suite 250**

**Portland, OR 97232**

**DRAFT MINUTES**

Members present:

Ann Brayfield (via phone)

Myrlaviani Rivier

Rochelle Silver (coming late from traffic)

Philip Wolfe

Philip started meeting while the group waited for Rochelle. This is the first ADSUFCS meeting.

**Discussion of "current thresholds used to flag individuals in EIS [Employee Information System]" - see pages 29-36 of COCL's Semi-Annual Outcome Assessment report (30 minutes)**

**Discussion of COCL's Semi-Annual Outcome Assessment report - parts that should be reviewed? Recommendations? (35 minutes)**

Rochelle: 116 and 117 should be considered together.

Par 116, p. 49

Rochelle: COCL gave partial compliance to PPB because they have an EIS system. Why should they get that when they have a system that's nonfunctional? I'd like to have a discussion around this and the COCL's recommendations on p. 51.

One is to hold a meeting between COCL, PPB, and DOJ. I think we need to be at the table. Philip agreed.

Philip: talked about attending the AS meeting with the EIS overview.

Charles: Taxpayer investment on EIS, we should push for language where should be a report back on how EIS has been used during the year.

Sean: Also attended EIS. There were hardly any external controls to the system, so the data going in can be tampered with and in a system that's biased already, then how do we get unbiased statistics. There should be an external body outside this system.

Rochelle: They dismissed the outside review. They say outsiders don't understand them well enough

Pat: we're missing the part from the PPB on, how will they address the COCL's concerns/suggestions in report?

Myrlaviani: did anyone point out a theory of change model during the EIS training? (No.) They don't have a negative feedback systems and sending instead everything to ground. I think we should ask for COCL's theory of change.

Rochelle: COCL is saying there's a problem. I don't think they think they have enough power to push on the system.

Bob: Are we enforcement or a helper? Are we supposed to help.

Rochelle: I think both. It's in our best interests to get it done so it's worth it to help them get it done.

Pat: we would ask them to define their theory of change in terms of a system.

Rochelle: do we want to support in COCL's first rec of bringing in an IT expert?

Pat: I think they need to be specific/evidence on why this won't work first.

Charles: at least some of us need to have some fluency about the BG of EIS, like who wrote it, who administer it, so when they say it's broken, we can respond. Our ultimate goal is to see PPB get less lethal and violent. Judge has ordered the City to have a status conference in January. We should be looking at do we want Ted Wheeler and Mike Marshman to publicly interact around this? And the council who hasn't appointed the vacant seats... we need to get reinvigorated by having the m and police chief in public about what they've really done about COAB recommendations. Important in part because Mike Marshman can go on record and say, I can't prioritize EIS because of \_\_\_\_\_". Get him to provide specific goals and timelines for data.

Sean: I think PPB leadership should show up every three months to COAB.

Myrlaviani: I think we should recommend to COCL about theory of changes and data/metrics to get evidence.

Kalei: I've heard that EIS isn't appreciated by PPB because it's disciplinary.

Philip: I think there should be a recommendation to hire an IT person.

Pat: One of the most effective ways of using a system was to continuously reexamine it. It's my experience that PPB purchased this system for documented reasons, must have been compared to other systems... and now suddenly it's no good and we wanna bring in another expert?

Charles: I think it would be a good idea to get the RFP and list of original bidders, who responded, the contract that was written for implementation so we have a foundation for when they say EIS doesn't work.

Rochelle: So should we recommend it's out of compliance?

Debbie: it sounds like they've done a little bit, PPB. They did an analysis on what percentage of people had interventions and the effect that had on their behavior.

**Myrlaviani moves :**

**Change rating of paragraphs 116 and 117 from partial compliance to noncompliance with initial steps taken. In addition to holding a meeting between COCL, PPB and DOJ, we want the COAB included.**

**Philip seconds**

**Unanimous yes: Philip, Rochelle, Myrlaviani**

**V: Motioned Pat Adams be on ASDUFCS**

**Philip seconded**

**Unanimous approval**

Pat: I'd recommend that none of this data in EIS be used to punish officers as that will help build trust.

Bob: my concern is that if an officer does something messed up, they can't use that against them.

V: maybe we need to think of using a restorative system

Rochelle: that's the point of EIS but PPB doesn't think it is and that's why they're resistant

Kalei: but we don't have normal business personnel management systems in place. That's what this was supposed to be. But the Independent Police review is seen as punitive. There are powerful attitudes going on that have nothing to do with rational management. I think it's because they City attorney can't defend police officers who admit they make mistakes. Inherent conflict of City Attorney and what we and DOJ are trying to achieve regarding constitutional policing.

Pat: should this information be used to punish?

Kalei: Data alone can't punish.

Charles: EIS is the mechanism that electronically documents what's already going on anyway. "Our survey" – that should be specified – who's survey?

Philip: Maybe we should start with the reason for EIS is to support coaching, monitor what's happening, and get support to help change behavior.

Sean: We could use definition of accountability as a rubric. Then look at EIS through that rubric but before that, we have to be together on what we believe accountability is.

Kalei: the systems has to be equitable to the officer has every opportunity to respond to any accusation. If you objectify and remove subjective condemnations and give an objective answer, they can do their independent assessment if a conflict takes place. So: is EIS a fair system?

Sean: Responsibility, answerability, liability, trustworthiness...

V: Can we get this question included in the survey? What does it mean to be accountable?

Bob: 1. Officers have a huge union. Hard to get an officer discipline. They're often promoted. I don't think they had to act the way they did at City hall.

Philip: How can police push or shoot someone just because they're afraid they'll lose their job? That's insane!

Rochelle: That's true in the sense that police can be disciplined for not using force when their bosses thought they should have.

Bob: PPB is accountable to the people of Portland.

V: instead of a punitive model: one of worst things for human to experience is shame. And I'm not saying we should shame them.... Why not have a restorative practice and circle with community stakeholders and various layers of (PPB?)

people from where you look at how people are harmed, what they did, what happened, what were you thinking at the time, what have you thought about since... what do you think you need to do to make things right.... It's an opportunity to heal the community. With zero liability.

Sean: How can I help PPB help me? Is a good way to look at it.

Kalei: in 45 years, no PPB has been disciplined for use of deadly force. It S not permitted to happen. We won't get to restorative anything because of the wayll that surrounds police officers. And the settlement agreement will help to ameliorate that. Which is why we can't go way beyond the Settlement Agreement to what you want. We need to get through Settlement Agreement first.

Kalei: System is many years old so they've been refusing to use it for years.

### **Paragraph 118 – COCL gave substantial Compliance.**

Rochelle: Standards are so high, no one gets caught. So they're worthless. COCL thinks so, wants PPB to lower standards, PPB says we don't have to. Do we want to weigh in?

Debbie: you could just agree with COCL's concern.

Charles: The word threshold should have been based on data. We need to know if data actually has anything useful. For example, if you are 30% more violent, what does that mean? We hope to get to an EIS that gives the police data to keep their own house in order.

Charles: We could ask PPB to propose how they'll analyze the data and how it will reduce violence against people.

Sean: And someone external to PPB should have this information.

Charles: I think the auditor might be on board for that.

Debbie clarified 20% threshold... way to highlight things you should pay attention to and if you're worried, that's the time to have a sit-down with the officer. It's not about matching data.

Charles: but some does have to match. What if it turns out/useful information for PPB... officers gong before aren't even the ones breaking this 20% threshold.

Sean: It will be important to compare: if you have many people complaining and no one's getting disciplined, there's a disconnect.

Debbie: Do we even know if complaints submitted to IPR are captured in EIS? There's lots of confusion. I think this group should request the EIS presentation you didn't get a year ago.

Philip: So do they review an officer's file before or after they're hired?

Charles: Should we be trying to influence what EIS contains and how it works and if so should part of data be when commanding officers gets a new person in their RU from another precinct or law enforcement agency.... The RU supervisor should be able to review those files.

### **Recommendation on 118:**

**Thresholds are too high and that they need to be changed based on data.**

**Philip moved**

**Myrlaviani seconded**

**Unanimous approval**

**Rochelle moved to make Tom Steenson the Chair of ADSUFCS.**

Philip seconds, unanimous yes

V: I liked what Sean brought up about potential bias aspect of EIS. What about

asking COCL to make an assessment to find out whether EIS is vulnerable to bias.

### **Discussion of Civil Rights Office as part of Portland's accountability system**

Some community members approached me and wondered about the Accountability aspect of the police under a Civil Rights Office? (Seattle). Many think it's good in terms of efficiency and a good platform for community; SA is about disabled people and aspect of percentage of young blacks that are being abused/targeted by PPB, I'd like to start a work group around starting a Civil Rights Office and then send a recommendation or a letter... create template of what it might look like, if I could get 30-50 stakeholders of various organizations to sign on to it, and send letter in January to Mayor Ted Wheeler. What do you all think about that idea?

Sean: I don't think having Civil Rights in here won't do more than it's already done. (Which hasn't been working). Throwing this into the police's faces; I don't think it would make a difference to see this as a civil rights or a basic rights thing.

Ron: I agree.

Rochelle: How would this be different than the ACLU? Perhaps we shouldn't just support them or other orgs that are already doing that work. It can be challenging to start new organizations.

Myrlaviani: The city could more streamlined, instead of going to five different places across the City, there could be one building and save the City a lot of money. A motherhub. Then there's Oregon civil rights and the Attorney General; who knows if that person will actually care about protected classes. I think it needs to be headed by community leaders.

Kalei: I'd like to see a constitutional attorney placed inside the IPR. Not a separate office because at the stakeholders meeting on 11/14, a citizen brought up fact that PDX citizens don't have their rights protected; CA said if you want them protected, sue me in federal court. CRC said we've already has constitutional issues come before them but it goes against what City Attorney wants and right now Constantin is under the City Attorney not above. So I'd like to see us continue

to push to make IPR ready to include civil rights, constitutional, human rights component within IPR an change code to accommodate that.

V: but then they'd work for the City. I think we should evaluate these questions with a work group. If people don't feel like they have a place to go to.... I think a Civil Rights office as brick and mortar makes people feel like they have a place to go.

Philip: I filed a complaint against City of Portland about what happened on 10/12.... PcOD facilitator told me I had to take a leave of absence because of a conflict of interest.

Charles: Human rights commission is having diminished participation. They meet every other month now. With a Civil Rights office, maybe IPR would be under them instead of Auditor.

Kalei: why not have them work for state of Oregon?

V: looked at Seattle.

Rochelle: wanted to bring attention to article in Oregonian about a secret list that police have of 359 people's names that are gang affiliates. You can find out if your name is on there by going to the North Precinct and they'll tell you. Question is: should police be having these lists? Should they be secret? Shouldn't they have to tell us how they're formulated?

Debbie: Sunday editorial said same thing.

V: My black friends from Portland have known this since the 80s. They already live that.

(More discussion ensued about the affiliate gang list but was accidentally deleted.)

**Rochelle moved to recommend that:**

**PPB remove the practice of keeping a gang affiliate list.**

**Philip seconded**

**Unanimous approval**

Meeting adjourned 8:05pm.

Philip: