

## MINUTES

Eugene Police Auditor Ordinance Review Committee  
McNutt Room – Eugene City Hall  
777 Pearl Street

February 5, 2009  
5 p.m.

PRESENT: Tim Laue, Chair; John Ahlen, Vice Chair; Kitty Piercy, Chris Pryor, Joe Alsup, Alan Zelenka, Dawn Reynolds, Chief Pete Kerns, Norton Cabell, Rick Brissenden, Angie Sifuentez, Claire Syrett, members; Sarah Medary, Assistant City Manager; Jerome Lidz, City Attorney; Ellen Teninty, Facilitator.

ABSENT: Ron Chase, member.

### INTRODUCTION AND PUBLIC FORUM

#### Welcome

- **Review of Agenda and Materials**

Mr. Laue called the meeting of the Police Auditor Ordinance Review Committee (PAORC) to order and welcomed those present.

Mr. Laue referred to an email from Ms. Piercy expressing an interest in revisiting the subject of appeals. He said the City Attorney's office was willing to move forward on the issue and it could be scheduled for discussion either at the February 10 meeting or after the public forum. He determined there were no objections.

Mr. Lidz said he would need additional direction from the committee in order to provide draft language.

Mr. Laue determined there were no objections to extending meetings from two and a half hours to three hours, commencing with the February 10 meeting. He drew the committee's attention to his memorandum to the Eugene Police Employees' Association (EPEA), which was written in accordance with the committee's discussion at its last meeting.

- **Minutes Approval**

Mr. Laue noted that the word "proscriptive" on page 8, paragraph 7 of the January 22, 2009, minutes should be changed to "prescriptive."

The corrected minutes were approved without objection.

Mr. Laue said the January 29, 2009, minutes would be approved at the next meeting.

#### Public Forum

Mr. Laue reviewed the purpose of the committee and the guidelines the committee had agreed upon for public input. He reiterated the committee's intent to review all testimony, written and otherwise.

Ms. Medary introduced Pete Sandrock, Assistant Director of Portland's Independent Police Review Division, who was participating by telephone. She said that Mr. Sandrock had also been chief operating officer of the Metro Regional Government and served as the elected Benton County District Attorney. He would be addressing the committee on the subject of concurrency following the public forum.

**Deb Frisch** distributed correspondence to the committee in response to a memorandum from District Attorney Alex Gardner in which there was a reference to Sgt. Scott McKee. She said the correspondence indicated that Sgt. McKee thought there was evidence of an assault in a case, but the District Attorney declined to prosecute. She said an excerpt from a report showed that dozens of police officers knew about the Magana case but did nothing. She said her point was that there was malfeasance by the District Attorney.

**Carol Berg- Caldwell** thanked the committee for encouraging a public forum format that would invite an exchange with the public instead of the more typical public comment approach. She felt that the time allowed for public discussion should be increased from 20 minutes to an hour. She suggested expanding the time for the forum to 5 p.m. through 8:30 p.m., allowing time for people to visit the informational table displays and engage in a discussion with the committee.

**Paul Prenskey** stated that the trial of Ian Van Ornum would commence on February 10. He had been charged with serious felonies by former District Attorney Doug Harclerod, but would not have the results of an investigation of numerous complaints of excessive force lodged with the auditor. He felt that unnecessarily impaired Mr. Van Ornum's defense and should be taken into consideration by the committee when it examined the issue of timely investigations.

**Majeska Seese Green** concurred with Ms. Berg-Caldwell about the forum format. She urged that more time be given to the open discussion between committee members and the public. She said that discussion would allow people to hear each other's questions and responses and provide follow up comments. She thought having different stations where people could obtain information about particular aspects of the issue was not necessary or a best practice; it was a "divide and conquer" approach. She said a better approach would be to hold sessions that addressed the different aspects, with presentations from different points of view and clarification of the differences of opinion, followed by a discussion among participants about those differences and what the people of Eugene wanted.

**Bonny Bettman** agreed with comments regarding the public forum format, which she felt would provide low quality feedback limited strictly to the revisions being forwarded by the committee. She stated that in her opinion the entire process was off track and the Eugene Police Department (EPD) was engaged in protecting its territory. She said the focus should be on how to create the best public safety system possible, protect the community and EPD from bad cops and assure that good cops received credit. She said working from the existing ordinance ignored the election that "changed everything." She characterized the difference between the old charter and new charter as vast; the new charter gave the Police Auditor autonomy, discretion and authority. She noted an email she had sent that clarified her points with respect to charter language and authorities.

**Randy Prince** said the forum format of stations for each proposal was more appropriate for a package of transportation improvements. He said the committee was seeking input from stakeholders with many different perspectives and the public was interested in how stakeholders represented on the committee and others in the community felt about each of the proposals. That could best be done in a town hall approach with a panel representing the various institutional perspectives to which the public could pose questions. Regarding the matter of concurrency, he hoped the committee would support the strongest possible measures to prevent officers from filing charges in a contentious situation as a way to deflect complaints.

Mr. Laue noted that printed copies of Ms. Bettman's email were available, as were copies of a spreadsheet developed by Ms. Reynolds. He said a copy of the Police Assessment Resource Center (PARC) report would be forwarded to committee members.

#### **ITEM 4 – CONCURRENCY**

Ms. Teninty invited Mr. Sandrock to provide an overview of the City of Portland police oversight system.

Mr. Sandrock said that the Portland Independent Police Review (IPR) Division had been in existence for seven years and gone through controversy in its early years. He said issues had been resolved in recent years as IPR, the Citizen Review Committee (CRC), Police Bureau and the advocacy community had developed a level of trust with one another, resulting in a much better ability to work together. He said progress had been measurable with shootings down 48 percent in the last five years, force complaints down 34 percent and overall complaints down 11 percent. He said an in depth analysis of police use of force conducted 18 months ago had resulted in substantial changes in police policies and oversight practices, with complainant satisfaction rates going up and dissatisfaction rates going down.

Regarding concurrency, Mr. Sandrock said that in Portland concurrent investigations were neither required nor prohibited by ordinances, which were silent on the issue. He said although a concurrent investigation might be conducted, it generally was not because the criminal or quasi-criminal judicial process was a better forum for resolving the factual and legal issues that were generally at the heart of a complaint brought to the IPR. He said the judicial process might not resolve all of the allegations in the complaint, but it would usually develop relevant evidence that would help IPR and the Internal Affairs Division (IAD) of the Police Bureau decide whether there was actionable misconduct. He said in cases where a police officer was suspected of a crime and there was a criminal investigation of the officer, a complaint by a citizen that the officer committed a crime would immediately be referred to the Police Bureau Detective Division for a criminal investigation.

Mr. Sandrock said IAD and detectives met monthly to review the status of ongoing criminal investigations of officers and only when the criminal investigation was complete and any prosecution finished would IPR and IAD complete the administrative investigation. He said this avoided alerting the officer before the detectives and district attorney were ready to confront the officer and it preventing IAD from ordering a suspected officer to answer questions that would create an argument in the criminal process over whether the officer had been immunized against pending prosecution. He said there was deep concern that a concurrent investigation would compromise the criminal investigation and the criminal case always took precedence in those circumstances.

Mr. Sandrock said IPR received more complaints where the complaining party had been charged with a criminal or traffic offense out of the incident; most commonly the central allegation was "I didn't commit the offense and the officer was wrong for arresting me." He said there would be related allegation of illegal search, failure to give Miranda or excessive force. He said in most excessive force complaints where there was an arrest, the arrest was for resisting arrest. He said unless there were other significant issues raised in the complaint or there had been a pattern of similar complaints against that particular officer, IPR would usually defer to the judicial proceeding, dismiss the complaint as allowed by the ordinance and notify the defense attorney that upon completion of the criminal case the complaint could be brought back to IPR with a request that it be reopened with any evidence developed in the criminal process that should be considered. He said if there were serious allegations of abuse of discretion or authority, the IPR could hold the case open pending the outcome of the judicial proceeding.

Mr. Sandrock indicated that the most common situation IPR saw was someone charged with a traffic offense, followed by someone whose car was towed. In those situations the complaint was deferred either to traffic court or the city's administrative hearings process as the appropriate venue for resolution. He said that did not mean

that IPR did nothing when it saw patterns developing. A review of towing policies had resulted in changes and a pattern of complaints about officers' entry into residences to make probable cause arrests without either an arrest or search warrant had resulted in training to clarify for officers what the law required.

## **18 ITEM RATING PROCESS**

### **Discussion on Item 4**

Ms. Teninty asked Mr. Sandrock to be available as a resource during the committee's discussion of motion #4:

*“Administrative investigations shall proceed concurrently with any related criminal investigation; administrative investigations shall not be suspended, delayed, or postponed, while criminal proceedings involving complainants and witnesses are resolved.”*

Ms. Syrett asked if IPR made the determination to defer to judicial proceedings or keep a case open.

Mr. Sandrock said in the vast majority of cases IPR would make a screening decision about whether to move the case forward for a full administrative investigation; in some cases where there were serious allegations, pending a criminal proceeding, IPR might complete a preliminary investigation and send the case to IAD for investigation, but as a practical matter IAD investigators would want to re-interview the complainant/defendant but be unable to do that until the criminal proceedings were complete. He said investigators did not want to interview the accused officers until they had all of the other evidence they could possibly gather and defense attorneys typically told their clients not to speak to investigators.

Mr. Zelenka asked if IPR distinguished between cases in which the focus of the criminal investigation was on the officer versus a citizen.

Mr. Sandrock said there was a distinction when the officer was the criminal suspect. He said IPR would never proceed with an investigation that might compromise the criminal investigation; those cases automatically went to detectives for the criminal investigation. In cases where the complainant was the defendant the determination was made on a case-by-case basis.

Ms. Reynolds said that was how the Police Auditor was currently handling cases. She said another option available to complainants was to file a risk claim, but in many instances involving lost property the auditor's office would accept the complaint. She said the auditor's office was seeking the ongoing authority to make that decision because many cases continued for eight or nine months and by then it was difficult to find witnesses. It would be easier, even when there was a criminal allegation against a complainant or witness, to conduct the investigation up to the point at which a criminal defendant or the attorney delayed an interview until after the trial.

Mr. Zelenka asked how concurrent investigations could jeopardize criminal investigation of an officer.

With respect to cases in which the officer was the criminal suspect, Mr. Sandrock said those were always very serious cases and IPR did not want to do anything that might prevent detectives from pursuing the order of the investigation that they thought was necessary or alert an officer before he or she knew they were the suspect in a criminal investigation. He said IPR had a high degree of faith that detectives would do a good job and when the evidence supported it, the officer would be charged and convicted. He said that settled any misconduct issue completely.

Chief Kerns said another reason to conduct consecutive investigations in such a case was that compelling an officer to make a statement in the IAD case prevented that statement from being used in the criminal case and there was a risk that a criminal interview would never be obtained from the officer.

Mr. Zelenka asked how concurrent investigations could jeopardize a criminal investigation of a citizen.

Mr. Sandrock said some cases could proceed administratively, but IPR had not had problems with the Police Bureau saying the administrative investigation would harm the criminal prosecution. He said in one case there was a federal investigation with an informant that had to be dealt with sensitively, but IPR's concern in a case with a criminally charged complainant was that the factual issues needed to be resolved in the best way possible and the criminal justice process produced findings that could be strongly relied upon and provided a transcript for IAD investigators to develop relative leads in the administrative investigation. He said that was a better use of resources.

Mr. Laue said the wording of the proposed motion indicated that the administrative investigation *shall* proceed concurrently. He said using the word "may" would leave it to the discretion of the auditor about whether to proceed concurrently. He said criminal investigations where officers were suspected or accused of committing a crime were very serious and he wondered why that would not be covered in statutes. He asked whether lack of a reference in statutes implied there was no concern with concurrent investigations in most cases. He said concern about alerting an officer to an investigation would be eliminated at the point of an indictment and the committee was struggling with a contention that concurrent investigations not only should not occur during an investigation or prior to indictment, but also should not occur prior to prosecution or disposition, which extended the timeframe considerably and could make it difficult to conduct an administrative investigation.

Mr. Sandrock said use of "may" in the ordinance would make it similar to the Portland model insofar as the Portland ordinance's silence on the matter implied there could be concurrent investigations. On the question of why state statutes did not cover the matter, he reminded the committee that there were few jurisdictions in Oregon that had citizen oversight so the issue had not been pressed. He said Portland had never raised the issue. He observed that no two cases were identical and he could foresee a situation in which the public had a higher interest in the speedy completion of an administrative investigation than it did in the criminal prosecution, such as very serious allegations against the officer and criminal charges that were minor. In those situations the auditor, the district attorney and the police needed to create case-by-case solutions. He said to be independent, the auditor had to be able to make a decision that was not trumped by the district attorney, but there should be discussions about those decisions; it was virtually impossible to create a rule that covered the multitude of possibilities that existed. He said the best way to determine the quality of judgment in the system over time was for the citizen board to conduct in depth case handling audits retrospectively and issue public reports about their factual findings and recommendations.

Mr. Brissenden questioned delaying the administrative investigation when there was no guarantee the criminal case would resolve the factual issues raised by the complainant and the delay could hamper the administrative investigation because of things like memory loss or witnesses disappearing. He said in his experience most cases concluded with pleas and there were no evidentiary hearings.

Mr. Sandrock agreed that most cases went out as pleas and while most were resolved very quickly, some might not resolve until the trial date some months later.

Mr. Ahlen said his concerns with the motion would be resolved by changing the language from "shall" to "may."

Ms. Sifuentes agreed with Mr. Ahlen about substituting "may" but that raised the question of who would make the decision.

Ms. Reynolds said a search of jurisdictions with oversight systems indicated that all of them were silent on the issue because it was a presumed authority. She was comfortable with using the word “may.”

Mr. Laue suggested language stating that the Police Auditor was authorized to conduct concurrent investigations. He said that would leave it to the auditor’s discretion.

Chief Kerns said his major concern with any of the motions was creating a rigid rule that was presumed to apply in all situations. He agreed that using the word “may” would be preferable, but his concern with the auditor making the final determination about whether to proceed with a concurrent administrative investigation was that the auditor did not conduct criminal investigations and did not necessarily have the expertise to make that decision. He asked how differences of opinion about proceeding with concurrent investigations could be resolved.

Mr. Sandrock said he assumed the auditor could conduct an administrative investigation without relying on IA investigators. He thought it was appropriate that the auditor make that decision, but in order to make the entire system work everyone needed to communicate and cooperate and have a certain amount of trust in the judgment of others. He said the auditor had to be the one to decide about proceeding with an administrative investigation and could be held accountable for making a bad decision that compromised a criminal investigation. He said it had never been an issue in Portland and other jurisdictions did not appear to have concerns because of the assumption that those decisions would be worked through collaboratively.

In response to a question from Mr. Zelenka, Mr. Sandrock said cases involving minor criminal charges against the complaining witness and relatively minor misconduct allegations against the officers were typically referred by IPR to the Police Bureau to be handled concurrently as a service complaint, or IPR might dismiss the case and refer it directly to the precinct commander with all of the relevant information. He said that was a very successful approach that had resulted in fast management intervention with minor misconduct issues.

Mr. Ahlen said it appeared that what was missing was the ability to account to the public about why certain decisions were made. He asked if a mechanism for reporting back to the public on the reasons for decision was part of Portland’s oversight system.

Mr. Sandrock said that was not a part of Portland’s system, but it could be. He said the CRC conducted very disciplined reviews of case handling and had just completed an analysis of the way disparate treatment complaints were handled; a report would be released to the public in a few weeks. He said the report would include a series of recommendations. Similar reports had been issued about service complaints, IAD investigations; auditing IPR and reporting to the public was a very important function of the CRC.

Mr. Brissenden reminded the committee that the problem being addressed was a unilateral decision by the Police Chief to halt an investigation. He said the Police Auditor’s office had to rely primarily on the police department’s IA unit to conduct investigations because it lacked the resources to conduct external investigations except in very few cases. He asked how the auditor could compel the police department’s IA unit to conduct a concurrent investigation when it was deemed appropriate if the Police Chief objected.

Mr. Sandrock said Portland had the same situation and over the years IAD investigations had steadily improved, becoming more clearly objective and unbiased; that assessment was shared by the CRC when it audited investigations. He said in Portland the IAD unit could not be compelled to conduct an investigation against the direction of the Police Chief; the remedy was for the IPR to conduct a full investigation itself, which it was authorized to do. He said that would likely mean contracting with an experienced investigator from outside the jurisdiction, a retired attorney or someone who could conduct a credible investigation under contract to the IPR.

Mr. Alsup asked if there were restrictions on the auditor's active involvement in an investigation and ability to suggest areas to investigate or questions to ask.

Mr. Sandrock said the IPR had full access to all police records. In one case involving a federal informant, that person's name was not disclosed but the investigation went forward anyway. He said the IPR frequently suggested areas of questioning and IAD investigators often sought advice from the IPR to guide them.

Ms. Syrett felt the committee had received excellent perspective about Portland's system. She did not feel that the language in motion #4 needed to prescribe that investigations proceeded concurrently. The Police Auditor's office should have the discretion to proceed with concurrent investigations based on the assumption that the auditor was a competent professional who would not impede the successful criminal prosecution of someone accused of a crime.

Ms. Piercy said it was the City Council's responsibility, through the City Manager to the Police Chief, to express its expectations about the process. It was also the council's responsibility to make its expectations clear to the Police Auditor. She did not feel that some of the issues could be legislated; it was the council's job to make clear its expectations about how the oversight system should work.

Chief Kerns said he did not have the same level of confidence in the auditor's decisions about concurrent investigations when criminal investigations might be at risk and likewise there were some people who lacked confidence that the chief would always make the right decision. He felt the ordinance should be as flexible as possible, as long as the expectation was that both parties would work through issues together. He remained concerned with leaving that responsibility to the auditor.

Mr. Lidz said he sensed from the discussion that the committee was inclined to modify the first clause of motion #4 by substituting "may" for "shall" or stating the auditor shall have the discretion to require concurrent investigations. He did not feel the second clause was necessary, but wanted feedback from the committee before making any changes to the language.

Ms. Syrett thought if the decision rested with the auditor the second clause was not necessary because the auditor would work in consultation with the Police Chief and District Attorney to make a determination about the best way to move forward.

Ms. Sifuentz suggested incorporating language that indicated decisions would be made in consultation.

Mr. Laue said he favored language requiring determinations to be made in consultation with the chief and appropriate prosecutor, but did not want there to be any ambiguity. He suggested the following language: "After consultation with the Police Chief and appropriate prosecutor, the Police Auditor is authorized to require administrative investigations concurrently with criminal investigations/prosecutions."

Mr. Zelenka pointed out that another section of the ordinance restricted the auditor's access to files until after the criminal prosecution was complete and that would need to be modified to reflect the new language.

Mr. Lidz proposed the following language: "After consultation with the Police Chief and the appropriate prosecutor, the Police Auditor is authorized to require the administrative investigation to proceed concurrently with any related criminal investigation or prosecution."

Ms. Reynolds commented that once the auditor's office had conducted an intake and classified a complaint strict timelines were imposed with respect to a referral to IA and notification of the employee. She questioned whether the consultation would create problems meeting timelines with respect to the officer's right to be notified. She asked if the proposed language meant the consultation was only to occur when there was an

allegation of criminal misconduct against an officer. Mr. Lidz said the consultation would apply to an allegation against anyone.

Ms. Reynolds reiterated her concerns about meeting the specified timelines when consultation was required.

Ms. Sifuentez clarified with Mr. Lidz that the new language would not prevent the officer from being notified about the complaint and the timelines would not be affected.

Chief Kerns pointed out that the auditor did not notify the employee; the auditor notified IA and IA notified the employee, after which there were 60 days to conduct the investigation, allowing sufficient time to make the decision about concurrent investigations.

Ms. Syrett, seconded by Mr. Alsup, moved the following language for motion #4:  
“After consultation with the Police Chief and the appropriate prosecutor, the Police Auditor is authorized to require an administrative investigation to proceed concurrently with any related criminal investigation or prosecution.”

Mr. Alsup wondered if there was a need to define “consultation.”

Mr. Ahlen expressed concern about becoming too specific in the wording. His preference was to have a mechanism for reporting back to the public about the rationale for decisions when there was not a concurrent investigation.

Mr. Zelenka, seconded by Mr. Alsup, moved to amend the motion to require consultation to occur within ten working days.

Mr. Laue felt those types of issues should be addressed in operating decisions between the City Manager, the Police Chief and the Police Auditor.

Mr. Brissenden, Ms. Sifuentez and Chief Kerns agreed with Mr. Laue.

Ms. Syrett, seconded by Ms. Sifuentez, called the question.

The motion to amend failed, 8:4; Mr. Zelenka, Mr. Alsup, Mr. Ahlen and Ms. Sifuentez voting yes.

The main motion passed, 11:1; Chief Kerns voting no.

### **Discussion on Item 1**

Ms. Teninty asked the committee to consider motion #1. She noted that the current language conflicted with protocols that were bargained between the Police Auditor and EPEA.

*“The Police Auditor shall have exclusive authority to classify and route complaints, as well as to reclassify complaints if upon further investigation and additional information, not available at the time of intake, the Auditor finds reclassification is warranted.”*

Mr. Lidz clarified that the auditor was present, but it was the City Manager who bargained the protocols with EPEA.

Ms. Syrett remarked that the protocols which allowed the Police Chief to reclassify a complaint were in conflict with the charter and ordinance, which granted that authority to the Police Auditor. She was concerned that EPEA representatives had bargained details of the ordinance.

Ms. Reynolds commented that the auditor frequently reclassified complaints based on additional information and that was done often in consultation with IA and the chief. She said there had been several incidents last year that involved the Police Chief reclassifying more serious complaints as service complaints.

Mr. Laue pointed out that while the City Manager may have bargained the protocols, it was the Police Auditor who had signed the protocols agreement. He supported moving the proposed language granting exclusive authority to the auditor for classifications and reclassifications forward to the City Attorney, but wanted language in accordance with Section 25 of the Charter that clearly specified the auditor was not to bargain with any representative union and if the City Manager decided that the auditor should be allowed to bargain, definitive notice must be given to the council that such bargaining was occurring.

Mr. Zelenka asked what problems would result from a bargained agreement that was contrary to the Charter. Mr. Lidz urged the committee to focus on what language it wished to have in the ordinance rather than the problems or conflicts presented by the protocols.

Mr. Pryor commented that the bargained agreement might not be valid if the parties did not have the legal authority to negotiate it. Mr. Lidz said that was a subject to be discussed by the City Attorney and the City Council in executive session.

Mr. Pryor said the committee was spending time trying to develop language to define behavior instead of language to define procedure. He said behavior could not be legislated and it was the responsibility of employers to make their expectations clear to employees.

Mr. Zelenka, seconded by Ms. Syrett, moved the Police Auditor shall have the exclusive authority to classify and route complaints, as well as reclassify complaints if upon further investigation and additional information not available at the time of intake the auditor finds reclassification is warranted. The motion passed, 11:1; Chief Kerns voting no.

Ms. Piercy said that in addition to the language the committee was presenting to the council it would be appropriate for the committee to include other information that was not ordinance language for the council to consider.

Ms. Reynolds said the Portland system had guidelines that could be very helpful.

### **Discussion on Item 8**

Ms. Teninty drew the committee's attention to the language proposed by Mr. Lidz.

Mr. Lidz said his objective with the proposed language was to clarify that there were some risk claims that did not amount to a complaint as defined in the ordinance. He provided several examples of claims that did not allege wrongdoing by the police; they were simply requests for reimbursement for damages. The new language would forward all risk claims to the auditor for a determination as to whether or not the claim should be classified and processed as a complaint, whereas the current language in item 8 said all risk claims would be forwarded to the auditor for classification and processing as complaints.

Mr. Laue determined that the Mr. Lidz's proposed language was consistent with the committee's direction and there were no objections to moving it forward.

### **Discussion on Item 9**

Ms. Teninty pointed out the proposed definition of a service complaint and language specifying that reviewing a random selection of service complaints was one of the powers and duties of the Police Auditor.

Mr. Laue determined that the Mr. Lidz's proposed language was consistent with the committee's direction and there were no objections to moving it forward.

### **Discussion on Item 2**

Ms. Teninty pointed out the definition of a preliminary investigation and Mr. Lidz's proposed language for this item.

Ms. Reynolds expressed concern that 24 hours might be insufficient time for a supervisor to prepare and forward a report to the auditor. Chief Kerns felt that timeframe was workable.

Ms. Syrett suggested modifying the proposed language as follows: "(b) Paragraph (a) shall not preclude preliminary investigations *by the auditor's office*, or a police supervisor's attempt to resolve..."

Mr. Laue determined there were no objections to moving the language forward as proposed by Mr. Lidz and modified by Ms. Syrett.

### **Calendar**

Ms. Teninty stated that the committee would meet again on February 10 and review modified language for the first 12 items on the list. She said Ms. Medary would circulate a request by email for committee members' preferences for the discussion order of the remaining items.

### **Public Forum Format**

Ms. Teninty invited comments on the proposed model for the public forum, specifically about having information stations on proposed amendments.

Mr. Laue said the concept was for committee members to be at each station to allow for a dialogue with people who had questions about particular items. He said the 30 minutes at the end of the forum would provide an opportunity for people to express to all those present their feelings about what they had heard and learned. He said it was never the intent to have stations for people to comment, but rather to have committee members available to discuss the work of PAORC with those who visited the stations.

Ms. Syrett said a similar approach had been used with the public forum on Taser use and she had heard complaints that it did not allow for a full public process. She suggested shortening the time for people to visit stations and expanding the time for public dialogue to 90 minutes. She was also concerned that those who were at a station would be speaking from their own perspectives on an issue. She liked the idea of a panel discussion.

Mr. Alsup hoped the format would provide an educational overview of the issues for those who might not be familiar with them, followed by a panel to lead discussions of the various items.

Ms. Sifuentes preferred an open dialogue with the public, with reasonable limits on the speaking time to afford everyone who wished to express a view that opportunity.

Ms. Reynolds was in favor of an informational presentation at the beginning of the forum.

Mr. Pryor said the intent of the stations was to stimulate dialogue. He liked the idea of a larger forum, but felt a panel discussion could become simply a question and answer session when the purpose of the forum was to solicit feedback. He said it was challenging to design a forum that allowed the full body to participate while still soliciting meaningful information in a constructive manner that did not become either questions and answers or testimony.

Mr. Zelenka wanted a format that would allow for conversations instead of members of the public simply giving two minutes of testimony.

Ms. Teninty determined there was consensus to change the format to provide more time in full group dialogue with educational content as part of the forum. She said she would develop a proposal in conjunction with Mr. Laue and Ms. Medary.

## **WRAP UP AND PUBLIC FORUM**

Mr. Laue reopened the floor for public input.

**Bonny Bettman** asked to have Mr. Lidz's language revisions sent to all interested parties. She said section (b) under Complaint Investigations was inconsistent with the Charter because it gave the police supervisor the ability to intake a complaint; that was strictly the jurisdiction of the auditor under the Charter. She said Mr. Zelenka's motion regarding reclassification omitted the word "receive." She agreed that behavior could not be legislated, but that was not what the committee was doing. It was a process to encode where the authority was because it was not explicit. She said substituting the word "may" for "shall" was a good compromise as collaboration should happen naturally. She understood that the protocols were not a contract and cautioned against removing the council's authority to direct the City Manager in bargaining a contract.

**Carol Berg-Caldwell** thanked the committee for changing the public forum format.

The meeting was adjourned at 7:25 p.m.

*(Recorded by Lynn Taylor)*