

City of West Linn Police Review and Recommend Committee Report to Council, February 5, 2024

I. Introduction

The Police Review and Recommend Committee (hereafter “the Committee”) reviews and makes recommendations to “the West Linn Police Chief, Human Resources Director, and City Manager in the following areas: the Police Department’s complaint, investigation, and discipline process; individual complaints, investigations, and disciplinary actions in the Police Department; Police Department policy and progress toward recommended reforms; and relevant trends and reports produced by the Police Department.” West Linn City Ordinance 2.250. In service of that aim, the committee shall report twice yearly to the public to “review and make recommendations on policy, trends, complaints, reports produced by the Police Department, and progress towards meeting identified reform recommendations for the Department.” West Linn City Ordinance 2.275. This is the first public report from the committee.

Before turning to our recommendations, we note the following. First, the committee is mindful that its existence arose from historical incidents of racial discrimination and abuse of power, as well as concerns over the handling of investigations. In the past year, the department received two complaints alleging racial discrimination, and while those recent complaints were not sustained, the Committee takes all complaints extremely seriously. The Committee exists to ensure that West Linn is a safe, welcoming, and liveable community for all. While the existence of this Committee is a positive step towards equity, this work is ongoing.

Second, as this is the first year of the Committee, our work has primarily focused on reviewing past complaints. But we anticipate that our work will soon involve new complaints. The Committee also intends to begin reviewing department policies and offering recommendations.

Finally, this report is divided into two main sections: recommendations for the City and Police Department based upon the Committee’s review of past complaints, and recommended Committee procedures going forward.

II. Recommendations for City and Police Department

Based upon the reviews of past complaints, the Committee has the following recommendations for the Police Department:

- Increased training in the following areas: customer service, sensitivity/emotional intelligence, implicit bias including gender and racial biases.

The review of complaints demonstrates that additional training in customer service and sensitivity would benefit the Police Department. The Committee further suggests that the Department maintain ongoing implicit bias training for its officers because it is a critical component of modern policing and will help to prevent future incidents.

- Review of policies concerning the use of body cameras and the exercise of discretion to issue citations and additional training on these policies.

The Committee intends to review the recommended policies and determine what additional recommendations, if any, are warranted. However, the review of past complaints shows the potential for additional resident complaints if these areas are not addressed.

- Examine options for increased information-sharing between law enforcement officers or agencies about past police interactions/encounters.

The Committee appreciates the importance of discretionary enforcement of lower-level violations. However, the Committee has also seen that repeated non-enforcement of individual violations may lead to additional complaints; in at least one case the unenforced violation has escalated to a confrontation that required additional intervention to resolve. The Committee suggests some level of guidance with regard to discretionary enforcement of violations, balancing the interests of maintaining a responsive Department with preventing an “overpolicing” of West Linn residents and visitors. The Committee also acknowledges that training time and resources are limited, and as such, this recommendation should not draw resources from more vital training modules.

III. Committee Procedure Recommendations

The Committee has the following recommendations for improving Committee procedure.

- Ensure that the Committee has access to source materials.

The Committee emphasizes the need to make evaluations and decisions independently from the Police Department. Currently, in our review of past complaints, all information was provided by the police department. The Committee appreciates Chief Mahuna’s expertise, professionalism, and candor, and believes that his experience provides valuable context. Nevertheless, the Committee recognizes that its efficacy should not depend upon the supportiveness of future Police Chiefs, and believes our review of new complaints will benefit from access to as much of the source material, *e.g.*, body cam footage, interview reports/recordings, etc. from the outset of the investigation as well as

the ability to respond to the investigation as it is ongoing. The Committee also recognizes that we will have a role in responding to new complaints and will likely have such access.

- Ensure Committee involvement in guiding the investigation of complaints.

The Committee believes it is critical to be involved in the complaint process from the outset, and the Committee recognizes that the City and Police Department intend for the Committee to be so involved. The Committee recognizes that investigators may be inherently biased if they are tasked with investigating their colleagues. The Committee emphasizes the need to be aware of the quality of the investigation from the outset and monitor the selection of an investigator.

- In appropriate cases, the Committee should be permitted to question the investigator and suggest avenues for further investigation.

In cases where the Committee has identified issues with the investigation, the Committee would like the option to discuss the investigation with the investigator before rendering a final advisory decision on the complaint. The Committee should fully review the results of that investigation and, if appropriate, question the methods and conclusions of the investigator.

- Ensure that the Committee has access to all relevant Police Department policies, whether written or unwritten, and an understanding of how those policies are routinely enforced.

To ensure fairness to complainants and officers alike, the Committee would like to review all pertinent policies as well as have a contextual understanding of how policies are enforced internally. For example, if it is a matter of supervisor discretion to enforce or supplement an existing policy, the Committee should have that information.

Additionally, such an understanding would help the Committee identify areas of possible ambiguity where written policies might need to be created or improved, in order to uphold expected outcomes, as well as decrease opportunities for inconsistent enforcement in future administrations.

- Adapt Committee meeting procedure to allow for information to be shared in advance and to allow for hybrid (in-person and virtual) meeting options.

Large portions of the Committee's meeting times are typically spent reading complaints and investigation documents prior to any discussion. The Committee feels that our

meetings could run more expeditiously and more work could be accomplished if relevant reports, videos, etc., are shared in advance of our scheduled meeting time. The Committee understands the confidentiality concerns but believes that there are, or can be, adequate safeguards to ensure those materials are not misused.

The Committee also encourages adoption of a virtual attendance option. Meeting in person is not always feasible and remote options will help ensure that each member is able to participate fully in committee work.

IV. Conclusion

We appreciate the opportunity to serve this community. Please be assured that we understand our responsibility to provide oversight. We encourage any resident or visitor to West Linn that has a meaningful complaint about the Police Department to report it.

The Committee would like to thank John Williams, Chief Peter Mahuna, Elissa Preston, and Toni Swanberg for their hard work and guidance to the Committee. We look forward to another productive year.