

## City of Portland

### Portland Committee on Community-Engaged Policing (PCCEP)

#### Settlement and Policy Subcommittee

#### Meeting Notes

March 8 2023, 6-8 PM

***PCCEP Members in Attendance:*** Pastor Robin Wisner, Ann Campbell, Gloria Canson, Tia Palafox, Celeste Carey, Leslie Martinez

*Recording begins at 6:02 PM, Wednesday March 8th, 2023. Timestamps for the corresponding video are noted in bold, underlined text.*

- Call to Order **00:06:20**
  - Logistical Announcements
  - Introductions
  - Community Agreements
  - Overview of Meeting Purpose
- Discussion on Arbitration Process **00:15:00**
  - Reinstatement of PPB Officer Brian Hunzeker
    - PCCEP Overview of Timeline & Events
      - March 2021
        - Former PPA President linked to leak of PPB report that falsely accused Portland City Commissioner Jo Ann Hardesty of a hit-and-run.
      - May 2021
        - Hunzeker placed on administrative leave
      - February 2022
        - Mayor Wheeler fires Hunzeker
        - PPA takes firing decision to arbitration
      - February 2023
        - Arbitrator orders reinstatement of Hunzeker
    - PCCEP wants to discuss a) what is arbitration, b) how does it work, and c) what is the City's role?
      - Is there a pattern to the rulings?
  - What is Arbitration?
    - Invited Speakers
      - Mike Frome, PPB Deputy Chief **00:21:33**
        - Mike shares that his thoughts on arbitration might be somewhat limited.
        - Arbitration is where labor law intersects with internal PPB policy.
        - There have been efforts to modify arbitration law.
        - Most officers are aware that if they end up being fired,

arbitration is their last chance to get their job back.

- In the past, officers often get their jobs back this way.
- Heidi Brown, Chief Deputy City Attorney **00:23:25**
  - Heidi says arbitration is a process used outside of court that is similar in nature to a courtroom.
  - There is a decision-maker (arbitrator), a hearing, evidence presented, and the outcome is binding on the parties.
  - The City makes a decision on what should happen in a disciplinary matter, then they impose the discipline, and if the Union disagrees with it they can file a grievance. The grievance starts a conversation that can lead to arbitration.
  - Most cases do not end up in arbitration, and the City's discipline stands.
  - Ann Campbell asks how arbitrators are chosen.
    - Each side collaborates from a given list of potential arbitrators.
    - For police misconduct cases only, only one name is given rather than a list. Either side can reject the arbitrator.
    - Most arbitrators are attorneys.
  - Heidi is frustrated with this case and feels that the arbitrator got it wrong.
- Commander Tina Jones, PPB Professional Standards Division **00:49:05**
  - Cmdr. Jones comments that there is often an outcome that takes people by surprise, but there is always a lot of thought and process that goes into the outcomes.
  - Arbitrations are unbiased.
- Ashley Schofield asks, how does the Union have so much power? How does the community get their fears heard?
  - Heidi Brown says there would have to be a legislature change to say that police cannot form unions.
- Mike Frome shares that the PPB has a head of their Union who works full time.
- 10-Minute Break **01:12:55**
- Discussion on Arbitration and Body Worn Cameras **01:24:15**
  - Pastor Wisner asks how the reinstatement of Hunzeker affects the culture at PPB.
    - Mike Frome says some officers are very happy to see him back. Some officers are angry over what he did. He angered a lot of people within PPB.
    - Many officers become numb over time to the threat that they could lose their job.
  - Discussion moves on to Body Worn Cameras
    - A timeline is shared.
      - July 2021: The DOJ demanded that body-worn cameras be added into the Settlement Agreement
    - What does the arbitration process mean for the body-worn cameras policy?

- Heidi Brown says this is something that the City is required to bargain with the Union over.
  - Each side must give a “last best offer.”
  - The arbitrator must choose one offer.
- Ann Campbell asks how this arbitration process is different to the one used for Hunzeker.
  - For regular arbitration, the arbitrator looks at what the contract says to follow as a guideline.
  - When there is disagreement over what the bargaining terms should be, it becomes an interest arbitration hearing.
  - The arbitrator is required by law to consider primarily the interest and welfare of the public.
- Open Public Comment **01:56:30**
  - A member of the public asks if the Portland body-cam policy is written by Lexipol, the company who writes most body-cam policy for police departments.
    - Heidi Brown shares that the City has created their own policy around this.
- What’s Next? **02:13:20**
  - 3/15 Full Committee PCCEP Meeting
  - 3/22 Racial Equity Subcommittee Meeting
  - 4/5 Community Engagement Subcommittee Meeting
- Thank You and Adjournment

*Recording ends at 8:08 PM.*