



AGENDA



Police Advisory Board

Date & Time:	Thursday - September 16, 2021 7:00 pm
Location:	Pursuant to House Bill 4212 (2020), this meeting will be conducted electronically and will be live streamed at https://www.youtube.com/user/CityofSherwood .

Attendees

P.A.B. Members:	Council Liaison:
Brian Dorsey - Chair	Councilor Kim Young
Megan Thornton - Vice Chair	City Staff:
Diane Foster	Jeff Groth - Police Chief
Mike Meyer	Ty Hanlon – Police Captain
Marie Schapp	Angie Hass – Executive Assistant
Mike Schultz	
Mike Smith	
Chris West	
Laurie Zwingli	

1. Call to Order (Chair)
2. Roll Call (Chair/Staff)
3. Approval of Minutes (Chair)
4. Board Member Announcements (Chair)
5. Business (Chair)
 - a. Use of Force Presentation, Washington County DA, Kevin Barton
6. Traffic Safety Update (Chair & TSC Liaisons)
7. Councilor News
8. Staff Report(s)
9. Citizen Comment

Pursuant to Executive Order 20-16, citizen comments must be submitted in writing to:

hassa@sherwoodoregon.gov. To be included in the record for this meeting, the email must clearly state that it is intended as a citizen comment for this meeting and must be received at least 24 hours in advance of the scheduled meeting time. Per Council Rules Ch. 2 Section (V)(D)(5), Citizen Comments, "Speakers shall identify themselves by their names and by their city of residence." Anonymous comments will not be accepted into the meeting record.

10. Adjourn (Chair)



Meeting Minutes



Police Advisory Board

Date & Time:	September 16, 2021 - 7:00 pm
Location:	Meeting held virtually through Teams.



P.A.B. Members:	Council Liaison:
Brian Dorsey - Chair	Councilor Sean Garland (Sitting in for Councilor Young)
Megan Thornton - Vice Chair	City Staff:
Diane Foster	Jeff Groth – Police Chief
Mike Meyer	Angie Hass – Executive Assistant
Marie Schapp	
Mike Schultz	
Mike Smith	Guest Speaker: Washington County District
Chris West	Attorney, Kevin Barton
Laurie Zwingli	

This meeting was recorded and is available for viewing on the City of Sherwood's YouTube channel:

https://www.youtube.com/watch?v=hbE_lwU90Hk

1. Call to Order

Chair Dorsey called the meeting to order at 7:04 p.m.

2. Roll Call

Board Members Present: Chair Brian Dorsey, Vice Chair Megan Thornton, Diane Foster, Mike Meyer, Marie Schapp, Mike Schultz, Chris West and Laurie Zwingli

Board Members Absent: Mike Smith

Staff & City Council Liaison Present: Chief Jeff Groth, Councilor Sean Garland and Executive Assistant Angie Hass

3. Approval of Minutes

August 19, 2021 Meeting Minutes

Vice Chair Megan Thornton moved that the August meeting minutes be approved as submitted. Laurie Zwingli seconded the motion.

4. Board Member Announcements (Chair)

Mr. Schultz stated that he didn't really have any announcements to make, as he had just returned from firefighting at the Cougar Peak fire in Lake View, the night before. He's just been working a lot. Chair Dorsey said that they sincerely appreciate the work that he does.

Vice Chair Thornton expressed gratitude that the first week back to school went as smoothly as it did. She knew that the PD was prepared in case things didn't go smoothly.

Ms. Foster echoed Vice Chair Thornton's comment. She had seen a lot of PD cars around at the various schools, which was really nice to see. Things always seem to feel nicer and calmer when that's the case and she really appreciated that.

Mr. West spoke of an incident with an aggressive driver on August 31st. This occurred on SW Tonquin, which is outside the City of Sherwood. He was able to video the driver, blasting past the driver that was in front of him. Mr. West then sent the video to Captain Carlson. As the license plate was visible, they were able to locate the address of the owner of the vehicle, who was a Sherwood resident. A Sherwood officer then visited the home and spoke to the parent of the 21-year-old driver. The officer showed the parent the video and offered his business card and an opportunity for the son to speak with him about safe driving. Mr. West stated that he had created a Facebook post about it, carefully, on the Sherwood Community page. He went on to share his gratitude that the Sherwood PD was able to do some follow up and education that will hopefully, change the behavior. One of the responses he received from the post was from a Lake Oswego Detective who lives in Sherwood. The Detective said that he wished that during his career, he would have worked for a PD that had the opportunity to do that kind of policing and follow up. Mr. West said, good job, to Captain Carlson and Officer Keesee for taking the time to do that. Hopefully it made an impression on the young man.

Mr. Meyer shared that he had just returned from a family vacation in Florida and it was unbelievable, the lack of police presence on some of the interstates there. He found himself trying to keep up with traffic. Cars were passing him while he was going 80 mph, and it was commonplace for drivers to be going over 100 mph, semi-trucks included. He was blown away as he had never seen driving like that before, and stated that he was glad to be back in Sherwood.

Ms. Schapp had turned in her traffic request form to the Traffic Safety Committee. Since the August PAB meeting, she hadn't experienced almost being hit in the crosswalk on Sunset again. She let the board members know that she wouldn't be able to attend the October meeting.

Chair Dorsey acknowledged the amazing officers who were at the different schools that past week. He knew that there was a plan in place and it worked effectively. He let Chief Groth know that he

should be very proud of his officers. The officers did a wonderful job making the kids feel safe and comfortable. He had spoken to parents who also complimented the PD on how things went. The officers were not an overwhelming force. It was just a support for those going back to school. He felt it was phenomenal.

Chair Dorsey said that during this time of COVID, he knows there are many families impacted by it. Some of the folks that we don't often think of being impacted by what's happening and the illnesses that are being contracted, are our officers. Our officers have family members, are human and have been impacted by the virus. It is such a testament to the Sherwood Police Foundation for what they are doing to help support our officers as they are dealing with the sicknesses in their homes and families. As Ms. Zwingli serves on the board for the Sherwood Police Foundation, he asked her to share a bit, of what the Foundation does to help the Sherwood officers.

Ms. Zwingli stated that the Foundation is there to help support the Sherwood Police Department, as well as to help promote the relationship between the community and the department members. When the Foundation heard that some department members' families were being significantly impacted during this time, they set up a system so that the officers can approach the Chief and let him know when there is a need. The Chief can then go to the Foundation and let them know. The Foundation helps to provide funds so that the officers can meet the needs for their families. Whether it's to buy plane tickets or to just help support the family in general. That is something that the Foundation has been able to do and they really appreciate the opportunity to be able to support officers in that way.

Ms. Zwingli said she has been receiving a lot of feedback from people who live off Sunset, by Middleton Elementary School. A traffic issue has developed, because of the new high school. The folks that live in that section of Sherwood used to be able to come out Brookman onto HWY 99 if they wanted to head to Newberg. Because of a recent change, you can no longer turn left onto HWY 99 at that point. She explained how residents in that area now have to go around and out of their way in order to get to the light at Sunset and HWY 99. One person had mentioned to her that they had reached out to the Traffic Safety Committee and was told that they would need to contact ODOT for the issue at Brookman and HWY 99. Ms. Zwingli was wondering who she should be directing the folks approaching her with these traffic concerns to.

Ms. Schapp stated that she lives in that area and also wondered why that intersection at Brookman had recently changed. She spoke of the traffic challenges she has experienced since school started. The traffic also gets backed up on Sunset at the light at HWY 99 between 4:30 pm and 5:30 pm.

The Chief said that the intersection change at HWY 99 and Brookman is completely unrelated to the new high school. It has to do with the expansion of Brookman, some of the annexations and some of the work being done there and is an ODOT project. He suggested that folks be directed

to contact the City's Engineering Department with questions and clarification on what's happening there. Feedback that citizens have on the project should go to ODOT since that is their project.

What is happening in regards to the traffic related to the high school is that more people are trying to go out Brookman, which is causing an increase in traffic now taking that route. The intersection at Sunset and HWY 99 has become extremely busy with the opening of the new high school.

The Chief appreciated all of the good feedback about the SPD's presence at the different schools the first couple of days. From their perspective, it went off without a hitch. However, they are now running around, trying to manage a myriad of traffic issues and concerns related to school traffic. Many of the issues are related to the new high school, but also the former high school, which is now the middle school. It may level out, but right now, they don't know. Because it is now a middle school, it appears that there are a lot more parent drop offs. Vice Chair Thornton said that it would be great if they could have traffic control come out between Pinehurst, Woodhaven and Saunders. The Chief stated that officers are out there every day working school zones and traffic congested areas. If they are fortunate to have four officers out on Day Shift, those officers are going to be completely overwhelmed by the number of issues they're experiencing. Officers are not going to be able to get out of their cars and direct traffic. The good news is the City is working very closely with the School District. This is all new with the opening of the new high school. They will be working in the days and weeks ahead to identify solutions and different things they can do to help alleviate these issues. If people want to share their concerns, they can e-mail the police department and/or the City. Odds are that they already know about it, but it is still okay to let them know just to make sure.

5. Business (Chair)

a. Use of Force Presentation, Washington County DA, Kevin Barton

This presentation begins at the 22:03 minute mark of the YouTube video recording. Tune in to listen to the presentation in its entirety.

Chair Dorsey introduced guest speaker, Kevin Barton, who is both a resident of Sherwood and the District Attorney for Washington County.

For the newest board members, the Chief let them know that the board has had ongoing conversations over the last several months, talking about use of force, getting feedback from community members on what their expectations might be, etc. They have also talked about the mental health crisis, how they respond to those, as well as discussing the use of force policies. He thought this would be the right time to ask the District Attorney to come in and talk about use of force from his perspective. He asked the board members to keep in mind that this is for when very significant things happen. He felt that it would be very informative for this board to know what happens when a significant use of force occurs.

Mr. Barton thanked the Chief and Chair for the introduction and for having him. He shared a bit about himself stating that he was sitting in Sherwood at that moment. He has been to a lot of these meetings throughout the county and different cities, but he finds the one in his own city, the most interesting. DA Barton proceeded to share his screen and the PowerPoint presentation. (See Exhibit "A".)

Mr. Barton shared their mission statement, "Seeking Justice and Protecting Our Community". What that means to them is doing the right things for the right reasons and being mindful that every decision they make is with public safety in mind. At the end of the day, one of the main functions of the DA's Office is to help ensure that the public safety system works, that citizens feel safe, and are safe in that they stop crime from happening and hold people accountable who commit crime. They help victims who are victimized by crime. He let the board members know that the DA's Office has a website and are on social media as well. He encouraged folks to look them up.

Mr. West asked Mr. Barton to explain the difference between preliminary and grand jury hearings. Mr. Barton explained that a preliminary hearing is a hearing in front of a judge at the beginning of a case. The judge acts, essentially, as a gatekeeper to decide whether they let the case go forward. A grand jury is the same type of thing except instead of a hearing in front of a judge; it is a hearing in front of a jury of seven randomly selected citizens. The jury decides whether or not the case goes forward. Different states rely on grand juries or preliminary hearings, or both. Charges filed in a different state does not always mean the same thing that it means in Oregon. He went on to explain the difference between misdemeanors and felonies and how they are handled.

The Chief commented on the Use of Deadly Force investigation slide, stating that if board members were to do their own research, they would discover that the best practice for the involved agency is not to be involved in the investigation. This best practice is according to operational and academic standards. However, in spite of that, they will see in incidents throughout the country, some not far from where we are today, where agencies will investigate their own. Others may join the investigation, but they will take part in or lead the investigation of an officer involved shooting that involved a member of their own department. He is very passionate about this and felt it important for the board members to know. In his opinion, there is only one right way to do these investigations and that is to remove the involved agency. An unbiased approach and investigation has to take place.

Mr. West asked about incidents where multiple agencies are involved. Does that same rule apply? He recalled an incident from several years ago where several agencies were involved.

Mr. Barton stated that it does, to the extent possible. They frequently deal with incidents where there are multiple agencies responding. Because there are many agencies in Washington County, they have different agencies that can investigate. There had been a few

instances over the years where an agency was involved in a part of the investigation that they were involved in. Absent a unique situation, however, investigating officers will never come from the involved agency.

Mr. Barton was glad that this was mentioned. What folks see on the national news does not always apply in Washington County the same way it applies in a different state. That standard isn't everywhere, including in Portland. Portland Police investigate their own deadly use of force incidents, as well as the Clackamas County Sheriff's Office.

Mr. Barton explained some of the reasons it can take a while for the details regarding a use of force incident and investigation to be available to the public.

Vice Chair Thornton asked about Administrative Leave, and if an officer receives full benefits and pay during that time and if they are on vacation. Mr. Barton explained that they do get full pay and benefits, but they're not on vacation. These incidents are traumatic for everyone involved and there's a trauma for police officers. No police officer wants to shoot anyone. It is a life and career-changing thing to have happen. They are on Leave during the initial part of the investigation so they can get a better idea of what happened and a better sense of when they can return to duty. Ms. Thornton asked if officers are offered counselors that can help them immediately following an incident.

Chief Groth replied that it is important to understand that, per Senate Bill 111, Administrative Leave is required. It's not a vacation and they are subject to recall. The officer generally has to check in at least once a day. The agency is required to offer mental health consultations with a mental health professional. He added that they can't put an officer on Administrative Leave without pay, as that is illegal, because they have no basis that the officer has done anything wrong. If an officer becomes indicted by a grand jury and they're under indictment, sometimes the Leave will be switched to unpaid.

Chair Dorsey asked Mr. Barton if the county has a website where the public can obtain information on a case. Mr. Barton replied that they are actually working on that right now.

Chair Dorsey asked if the information shared by the officer with the mental health provider is admissible in court. Mr. Barton replied that would fall under the doctor patient privilege. There are some very minor exceptions, but generally, if an officer talks to a doctor or a therapist, the officer has the same rights as others would.

Chief Groth said that one of the challenges they have had, which has been played out recently in other places, is finding that balancing act between releasing information and letting the community know what's going on. Balancing that with the community's equally strong desire to make sure that they get to the bottom of it. That's what becomes so

conflicting. The community wants to know what happened. The incident has to be investigated thoroughly, fairly and completely. He asked Mr. Barton to talk a bit about this.

Mr. Barton stated that both of those desires are legitimate. They have a system that is set up, but often times governments rely on systems and there can be an over reliance on those systems. If they have learned anything over the last couple of years, it's that it is not a good rationale for how they do things and they need to adjust, especially as our society has different levels of expectations and evolving levels of expectations. Going back 50 or even 25 years ago, police departments were more opaque, less transparent. There was less ability to see what was happening behind the scenes. Things are moving in the direction of increasing that level of transparency. He sometimes receives calls from police chiefs and mayors saying that they want to get something out now. His response has sometimes been that they need to make sure the investigation is done correctly, before they release any information to the public. It could impact the way they do an investigation. Mr. Barton went on to provide an example and explained that there are lots of things in play. Releasing body worn camera video right away doesn't create an accurate picture and can actually create some misperceptions. Mr. Barton told of an incident where this would have applied. Their goal is to be accurate and transparent and to get information out as soon as they can, while finding that balance.

The Chief thanked Mr. Barton and told the board that he certainly hopes Sherwood doesn't have an incident like this, but if they do, the board members will all be perfectly positioned to talk to friends and neighbors, interact on Facebook, etc. to let folks know how important it is to let the process play out. Investigations need time. Murder investigations can take weeks or months, from start to finish, to get all of the pieces together. These investigations have to be done completely, thoroughly and professionally. He encouraged the board members to inform their friends and neighbors about this as well and that the meeting recording is available on the City of Sherwood's YouTube channel.

The Chief and Chair Dorsey both thanked Mr. Barton for joining the meeting and providing this important information.

6. Traffic Safety Update (Staff and/or Liaisons)

Ms. Zwingli reported that due to there not being a quorum for the August meeting, she had no updates to provide on the Traffic Safety Committee.

7. Councilor News

Councilor Sean Garland attended, as Councilor Kim Young had a scheduling conflict that evening.

Councilor Garland stated that he was glad to be at the Police Advisory Board meeting. He had served two years on the board before joining the City Council.

He stated that the big news to report was that the new City Manager, Keith Campbell, had been selected and would begin on October 7th. As he and the Mayor both have the same first name, the Council is trying to come up with nicknames to differentiate between the two. Mr. Campbell is coming to us from the City of Stayton, so he is local. He also has some familiarity with some of the folks at the Sherwood PD, which is nice. Kristen Switzer had done a fantastic job as the interim City Manager.

The next Council meeting is on the 21st and they don't have much of an agenda. They have a couple Work Sessions on October 5th. One of the items being discussed at the Work Session is the subject of backyard chickens. This had been discussed before, around 2014, he believed. The City Council will make the decision whether or not to leave things as is, or to re-visit. They will also be discussing the future of the City's Al Fresco Dining Program on Railroad Street. This program was introduced during the pandemic shutdown and was very popular and successful. This was permitted to help smaller restaurants with limited seating, due to the State guidelines. It was a big success for everybody. In April, when the numbers were coming down and things were looking better, the decision was made to end the program. He believed this happened in July. The Council has been asked if this could become a more permanent thing or a recurring annual event. The City Council will also be talking about design possibilities for the pedestrian bridge going across HWY 99 near the new Sherwood High School. They have been working on this for a while, securing funding, etc.

Ms. Thornton inquired about timelines for the completion of the bridge. Councilor Garland stated that they are looking at a couple years at the most. Some of the companies they are looking at using have a prefabricated type of bridge, which would help to cut some time.

Chair Dorsey thanked Councilor Garland for the updates.

8. Staff Report(s)

The Chief stated that the new City Manager, Keith Campbell, would be introducing himself to the Police Advisory Board at the October meeting.

The Chief provided a hiring update, stating that they currently have three positions to fill. Unfortunately, they completely exhausted their recruit list. The good news was that they have three lateral candidates. These folks either are or were Police Officers. All three are fairly strong candidates and they are moving forward with them.

9. Citizen Comment

N/A

10. Adjourn (Chair)

With no more business to discuss, Chair Dorsey adjourned the meeting at 8:27 p.m.

The next meeting is scheduled for October 21st at 7 p.m.

Approval of Minutes:

Brian Dorsey

Chair Brian Dorsey

10/28/2021

Date

Attest:

Angie Hass

Angie Hass, Executive Assistant

10/28/2021

Date

Exhibit "A"



*Seeking Justice
and
Protecting our Community*

www.WashingtonCountyDA.org





Washington County District Attorney's Office

The mission of the Washington County District Attorney is seeking justice and protecting our community





- Who/What is the DA?

- Elected position
- Responsible for prosecution of state law crimes in Washington County
- Work alongside elected sheriff and city chiefs of police
- Independent of county, cities, and state government
- Non-partisan position





Duties of the District Attorney



Oregon's 36 district attorneys are responsible for safeguarding the rights of all Oregonians, including both victims and defendants in criminal cases. As set forth in the Oregon Constitution, district attorneys represent the public in criminal matters by filing criminal charges where warranted by the law and available evidence. The district attorney is equally responsible for seeking justice for crime victims while also protecting a defendant's right to due process and a fair trial.

Oregon's district attorneys also enforce child support orders and represent the community in juvenile matters and inquiries into the cause and manner of deaths.

Oregon district attorneys are elected in every county and are required to stand for election every four years, thereby maintaining accountability to the public they serve. Although Oregon's DAs are elected by and accountable to the people in their respective counties, they are considered state officers whose salaries are paid by the state.



DA's Office Overview

- Snapshot:

- 130+ employees (prosecutors, victim advocates & support/management staff)
- Serve more than 12,500 victims
- Review more than 11,800 cases
- File more than 9,000 cases
- Try more than 300 trials
- Obtain orders for more than \$5.4 million in victim restitution
- Collect more than \$35 million in owed child support obligations



Police Agencies Served





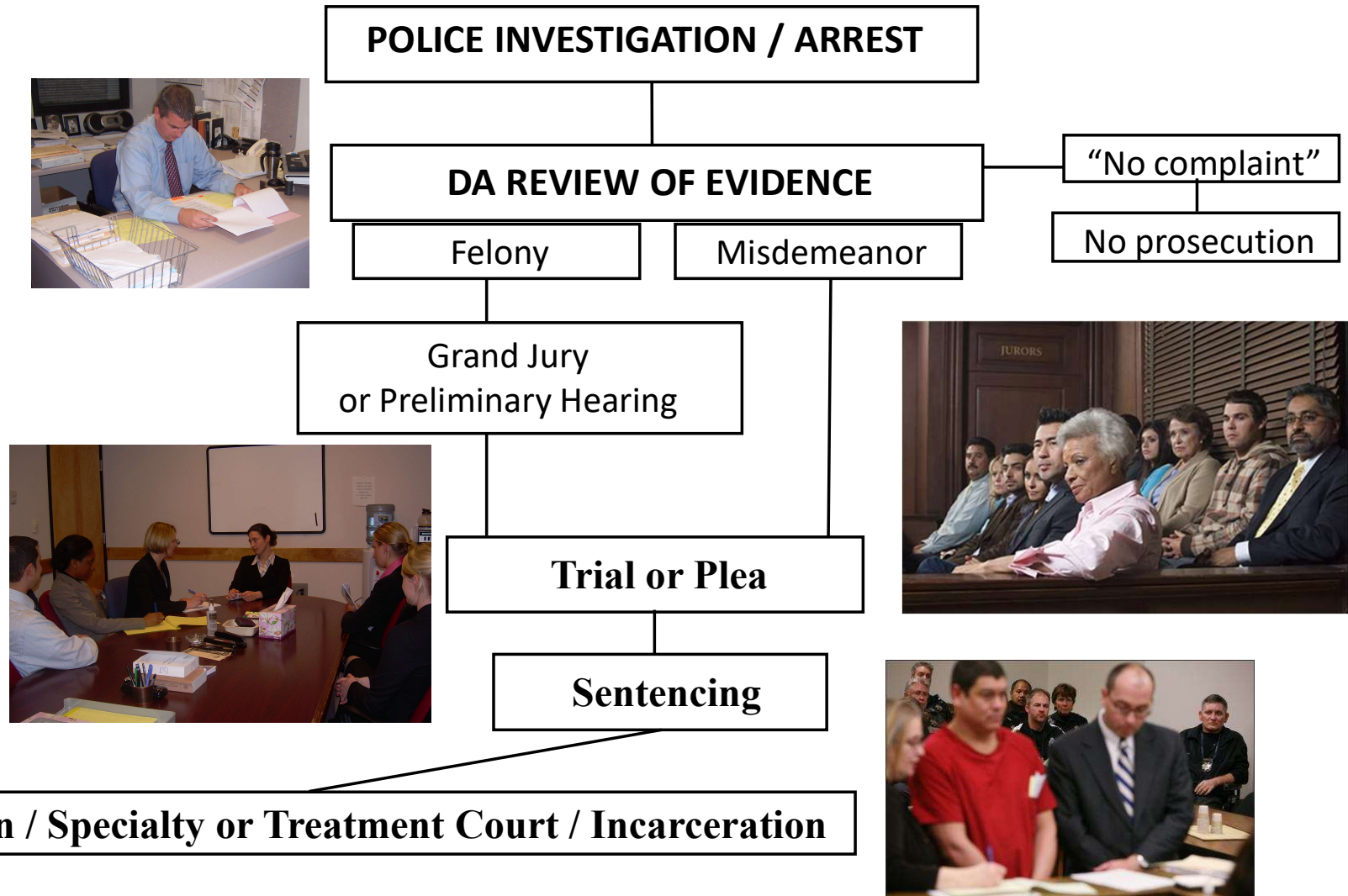
What does a DA's Office do?

Washington County DA's Office

- Criminal Prosecution Units
 - Major Crimes Team
 - Homicide
 - Felony Team
 - (Homicide, Robbery, Burglary, Assault, Identity Theft, Drugs)
 - Child Abuse Team
 - (Sexual and physical abuse of children)
 - Domestic Violence Team
 - Cold Case Team
 - Misdemeanor Team
 - (DUI, DV, Theft)
- Juvenile Unit
- Child Support Enforcement
- Victims Assistance
- Digital Forensic Lab



Progression of a criminal case





- [illegible]



Police Use of Deadly Force

- Senate Bill 111 (2007)
 - Requires each county to establish a Planning Authority and a Use of Deadly Physical Force Response Plan
 - Requires the creation of local, comprehensive protocols to address the use of deadly physical force by law enforcement during the performance of their duties.
 - These elements include:
 - training policies
 - deadly force policies
 - mental health benefits
 - light duty requirements
 - Investigation standards
 - District Attorney discretion
 - data collection.
 - The Sheriff and District Attorney are co-chairs of the Planning Authority



Police Use of Deadly Force



Washington County Use of Deadly Physical Force by Police Officers Plan

Preamble

Police officers serve and protect their fellow Oregonians. The use of deadly physical force by law enforcement personnel is a matter of critical concern both to the public and to the law enforcement community. The purpose of this Plan is not to set the standards for the use of such force, or to be a substitute for agency policy regarding use of force, but rather to provide a framework for a consistent response to an officer's use of deadly physical force that treats all people affected by the event fairly, and promotes public confidence in the criminal justice system.



Police Use of Deadly Force

- Sample Scenario
 - Victim calls 911 to report domestic violence (DV)
 - Patrol officers respond to the home and knock on door
 - Officers learn that the victim is injured and suspect refuses to cooperate
 - Suspect fires gun at officer
 - Officer returns fire and injures suspect, who is then taken into custody.

What next?



Police Use of Deadly Force

- Process
 - Scene secured by officers
 - Major Crimes Team (MCT) activated, arrive on scene and take over
 - MCT conducts investigation into 2 issues: DV incident and use of deadly force incident
 - Process scene
 - Collect evidence / forensics
 - Witness statements
 - Involved officer statements
 - Body worn cameras and any other evidence



Police Use of Deadly Force

- Process
 - Release of information to public
 - Initial statement with basic details (usually shortly after incident)
 - Follow up statement with additional details (usually w/in next 24-48 hrs)
 - If no charges, in-depth letter regarding facts and legal analysis and all evidence is available for public inspection (at conclusion of investigation)
 - Video evidence
 - BWC becoming more common in Washington County
 - Release of video evidence is case-specific
 - Balance of factors:
 - Public's right to know
 - Integrity of investigation
 - Privacy issues of involved parties

Questions?



KEVIN BARTON, DISTRICT ATTORNEY

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