

Washington County Sheriff's Office Latino Advisory Commission
May 5, 2021
Meeting Minutes

Commission Members Present: Olga Acuña, Maria Caballero-Rubio, Juan Carlos Gonzalez, Pat Garrett, Joann Hoffman, Ricardo Moreno, Fernanda Pantoja, Pablo Valenzuela

Commission Members Absent: Daniel Guzman-Catarina, Fernando Lira, Mark Shah

Moderating: Hun Taing and Brandon Lee with Training for Transformation (T4T)

Guests attending:

Meeting via Zoom

CALL TO ORDER

Co-Chair Acuña called the meeting to order at 4:07 p.m.

Introductions

Approval Meeting Minutes

The members present constituted a quorum. Commissioner Moreno made a motion to approve the April 7, 2021 minutes. Commissioner Caballero-Rubio seconded. The minutes were approved.

Public Comment

No public comments

Sheriff's Office Updates

Co-Chair Garrett presented updates on current Sheriff's Office events to the Commission.

An on-duty Sheriff's deputy was involved in a vehicle vs pedestrian traffic crash. The pedestrian did not survive. The crash occurred around 2:00 AM and the initial investigation strongly suggests that the deputy had a green light and speed was not a factor.

Arguments in the motion to dismiss the Alden case concluded April 22nd. The judge instructed each party to submit written arguments for the court to consider before a case status hearing on May 14th when the judge will rule on the motion. The judge mentioned if the matter proceeds to trial, likely dates will be in September or October.

Co-Chair Garrett updated the incident in Forest Grove where WCSO arrested an off-duty Forest Grove Police Officer in October 2020. The update included a summary of events, to include the Sheriff's Office's internal investigation into Ms. Castaneda's complaints and the resulting agency corrective action ordered by the Undersheriff. The two-day delay getting arrestee information to victims is unacceptable. The delay was caused by a desire to protect integrity of a sensitive case, combined with a lack of staff clarity about timely release of arrestee information. The sheriff apologized to the victims during a meeting in November when he committed to a thorough review and while sorry for their experience, is glad to be made aware of their complaint. WCSO is happy to critique our work because it's an important part of how we improve. The actual criminal investigation was very good and enabled the DA's Office to make the right decision.

Co-Chair Garrett invited discussion. The question was asked if things were handled differently because it was a police officer involved? Would the information have been treated differently? Co-Chair Garrett explained that because the suspect was an off-duty officer, staff was very focused to do a good job on the investigation and that usually includes DA's Office coordination. Had this case occurred during the week with ready access to the DA's Office (instead of happening on the weekend) it's likely DA's Office coordination would have occurred quickly, and information would have reached the victims sooner. There's strong consensus the initial police response by Forest Grove is a big issue, and it's being reviewed seriously by the DA's Office. The WCSO report was privatized, which is normal procedure in sensitive cases. The DA'S Office privatized the reports in their system for similar reasons. Corrective action to clarify information release with WCSO Records staff has occurred. Training is planned for Patrol supervisors.

Co-Chair Acuña asked if this was a racially charged incident and our moderator, Mr. Lee, asked why the Black Lives Matter (BLM) flag wasn't involved in the original report. Co-Chair Garrett said, assuming the Forest Grove officer's criminal conduct was motivated by the BLM flag, that conclusion would not impact the criminal charge(s), and that frustration is understandable. In Oregon, Bias Crime criteria is limited to the suspect's perception of a person's race, color, religion, gender identity, sexual orientation, disability, or national origin. In this case, it does not appear probable cause existed to support a bias crime. The suspect was charged with Criminal Mischief II (vandalism). BLM motivation adds important context and could play a role at sentencing. Regarding the Black Lives Matter (BLM) flag information being included in the original report, the victims had to give their story twice, once to FGPD and once to WCSO. The BLM flag was not mentioned to our deputy and, therefore not included in the initial report. Upon learning victims observed the suspect's actions with the BLM flag, a deputy met with victims to ensure the BLM flag information was fully documented in the criminal investigation.

Commissioner Gonzalez asked if there was bias involved with how the FGPD officer was treated? Sheriff Garrett shared that while that is certainly possible, the FGPD is conducting the review of their employee and we're not part of that process to know those details.

Co-Chair Acuña said she keeps hearing the words that the victim used - "He was violent. He was scary" – referring to the way the suspect behaved towards the BLM flag. She feels that was enough for the case to have been treated as a racially motivated crime. How do we relate to this and how do we explain this to our community? Oregon bias crime is the state equivalent of a hate crime and it may be that the statute has shortcomings. The

sheriff recognized while the suspect is being prosecuted for his actions, the crime was traumatic for victims and their experience understandably left them very doubtful about their public safety services.

Commissioner Caballero-Rubio added there's a victimization part of this. Even after the person is arrested, you still don't know who they are, or if they were targeting you. The story really resonated with her. She felt that the victim was re-traumatized and that once the perception was out there it is hard to correct. Why was the report privatized? She doesn't feel it met the requirements for privatization. Sheriff Garrett explained it is common practice that if the information in a report involves police officers, or a confidential reliable informant, that the report be privatized until case adjudication so case information is not shared in a manner that could harm the integrity of the investigation. The Sheriff's Office electronic report system is shared with three other police agencies in the county.

The final update was regarding facial recognition software. The WCSO piloted facial recognition software and it helped solve many crimes and even a threatened suicide, however our communities of color were increasingly concerned about its use. When Amazon discontinued its service in June 2020, we also discontinued its use. The Sheriff's Office received a records request for all uses of facial recognition software by the Forest Grove Police Department from around May 2020 to present. There was one use by the FGPD. The FGPD officer used it during a protest and that use was out of policy. A Sheriff's Office audit caught the improper use the following day and suspended the FGPD's use of the software for 90 days. The Sheriff's Office discontinued the entire program before the 90 days concluded.

Chauvin Trial Verdict

Co-Chair Garrett made two clear statements. 1) What happened was murder 2) Black lives do matter.

Mr. Lee appreciates that the WCSO is learning from other agency mistakes, its own mistakes and taking action to correct them.

Conclude Discussion of Tom Potter Article

Can Faith in police be restored?

Commissioner Caballero-Rubio feels faith can be restored at the local level, however, feels that as an institution, it cannot be. There needs to be a major shift at the national level. We need police to feel safe and we need to feel safe around police. Feels that current training provided is not helpful.

Commissioner Moreno stated there needs to be a change in the management process. Better training, definition of policy and leadership committed to the change.

Co-Chair Acuña continues to support our local agencies and the hiring of more people of color.

Co-Chair Garrett said the notion to put community first is key. Current applicants are saying that they want to be part of the change. They want to be part of the mental health response team and other community programs.

The Legislature is doing some heavy lifting on police reform and we're part of the discussion. HB 2002 would really change how we take enforcement action.

Next steps

Reach out to co-chairs or commission secretary with agenda topics you would like to discuss.

Meeting adjourned at 5:32 PM