



To: Captain Derek Rodrigues
Professional Standards Division

From: Constantin Severe
Director, Independent Police Review

Date: February 1, 2016

Subject: Expedited Appeal of Case 2015-C-0325

Using the authority given to me under City Code 3.20.140 (G) (3), I refer this case to the Citizen Review Committee (CRC) for an expedited appeal.

The Police Review Board heard this case on January 20, 2016, and by a vote of 4-1 recommended a finding of Not Sustained. I am referring this complaint for an expedited appeal hearing due to several factors, including the nature of this complaint, which involves the ability of members of the public to video record the actions of police officers. That ability is an issue of public concern and has an impact beyond a single incident. This case will be scheduled in front of the CRC at the earliest available date.

As a factual matter, I believe it is clear that the involved member grabbed the lens of a camera belonging to a community member. The Internal Affairs investigation established that the incident occurred on a sidewalk in front of Central Precinct that was open to members of the public. Secondly, I believe the whole tenor of the incident with a police officer rapidly approaching a community member videotaping him was unprofessional and a violation of Directive 310.40.

Additionally I was disappointed by the tone of the Police Review Board session in this case. The involved member's superior officer Captain Mark Kruger behaved in a manner akin to defense counsel for the officer as opposed to a neutral factfinder. Even more disturbing was Captain Kruger's description of the Internal Affairs investigation as "pettifogging" and not worthy of an administrative investigation. Captain Kruger's behavior at the Police Review Board was hostile and combative. Captain Kruger was disrespectful to Internal Affairs and openly disdainful towards to IPR.

There are aspects of this case that the Police Bureau can rightfully point to as progress in the right direction. When Assistant Chief Mike Crebs was made aware of this allegation at a community meeting, he personally notified both IPR and IA very quickly requesting that this



case be investigated. The Internal Affairs investigation was timely, fair, and objective, asking all relevant questions.

Unfortunately, that admirable spirit of inquiry and self-examination dissipated with Captain Kruger's findings and continued into the Police Review Board session. Significantly, I believe that there was a failure to appreciate the seriousness of the allegation. Article 1, Section 8 of the Oregon Constitution broadly protects the right of Oregonians to monitor the workings of their government, with even greater protections than under the United States Constitution. I believe if the findings from the Police Review Board are left without CRC review, the public's trust in the City will be diminished.