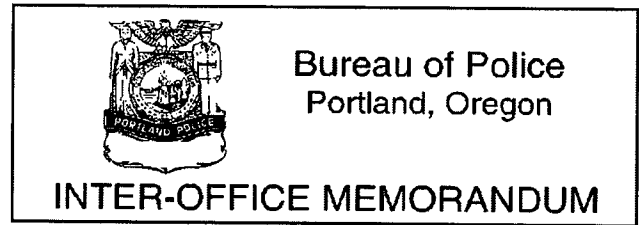


DATE: February 22, 2013  
TO: Christopher Paille  
Review Board Coordinator  
FROM: Frances Portillo, Sherri Vacarella  
Police Review Board Facilitator and Assistant  
SUBJ: Police Review Board Findings and Recommendations



**CONFIDENTIAL**

The Police Review Board met on Wednesday, February 20, 2013, to review the following case:

IAD Case Number: **IAD 2012-C-0295**  
Employee: **Employee 1**

Allegation #1: *Employee 1 engaged in unprofessional conduct while on-duty on August 30, 2012.*

Finding: **Sustained / Five members**

**Violation of Directive 310.00 – Conduct, Professional**

Majority Opinion:

All the members of the Board believed that Employee 1's behavior in this incident brought great discredit to the Bureau. One member of the Board noted that the three witnesses to the interaction between Employee 1 and his female friend were put in a difficult position; further, the Bureau witnesses were subordinates of Employee 1, and one was a young PPB trainee. The Board agreed that the PPB expects its supervisory members to serve as good role models of professional conduct and Employee 1's behavior failed to meet this expectation.

Allegation #2: *Employee 1 was untruthful with Employee 2 regarding his activities on August 30, 2012.*

Finding: **Unproven With A Debriefing / Five members**

**Violation of Directive 310.50 – Truthfulness, as it relates to 311.00 -- Duty Required**

Majority Opinion:

The Board found that Employee 1's evasiveness did not rise to the standards required to sustain this allegation. However, the Board agreed that his attitude toward the incident could unfortunately be characterized by minimization and deception, particularly during the first conversation with his supervisor.

Allegation #3: *Employee 1 failed to adequately perform his duties on August 30, 2012.*

Finding: **Sustained / Five members**

**Violation of Directive 315.30 – Unsatisfactory Performance**

Majority Opinion:

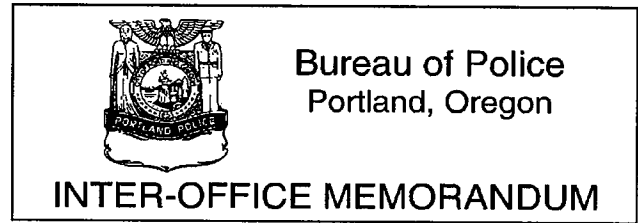
The Board unanimously agreed that Employee 1 took personal time away from his duties without notifying his supervisor and that he failed to receive the necessary approval for diversion from his responsibilities. One member noted that the precinct in question is 58 square miles and that during the 43 minutes of personal activities only one was felt to respond to the needs of the Bureau and the community.

Recommendations: Discipline

20 SWOP – One Member  
10 SWOP – Three Members  
LOR – One Member

Four members of the Board recommended that Employee 1 receive time off from his duties because his behavior was completely unprofessional and it left his unit without the police support that the community is paying for. One member noted that the discipline should reflect the serious nature of the allegations without overreaching; what Employee 1 did does not constitute a crime and this member felt that the discipline should be consistent with previous cases similar to this one.

DATE: March 6, 2013  
TO: Christopher Paille  
Police Review Board Coordinator  
FROM: Joe Hertzberg  
Police Review Board Facilitator  
SUBJ: Police Review Board Findings and Recommendations



**CONFIDENTIAL**

The Police Review Board met on March 6, 2013, to review the following case:

IAD Case Number: **2012-B-0036**  
Employee: **Employee A**

Allegation #1 *Employee A was careless in securing and handling his firearm off duty. (Conduct)*  
Finding: **Sustained / unanimous**  
**Violation of Directive 315.30 – Unsatisfactory Performance**

**Opinion:**

The board found that Employee A dropped his weapon at the transfer station and Employee A admitted this in his interviews.

Allegation #2 *Employee A was untruthful during the initial investigation by MCSO. (Conduct)*  
Finding: **Sustained / unanimous**  
**Violation of Directive 310.50 – Truthfulness**

**Opinion:**

The investigation delved into the veracity of Employee A's explanation that he dropped the weapon in response to a vehicle back-fire and that his weapon did not in fact discharge. The Lieutenant from the Personnel Division found the witnesses were credible and their reports of hearing a gunshot were believable, given that one was a member of the Multnomah County Sheriff's Office (MCSO) and another was a military veteran. Additionally, the Sheriff's officer found what looked like a fresh gunshot hole in the pavement.

One member asked if officers carry weapons with a round in the chamber when off duty. The response was that this is frequently true, but it's not part of training.

One member said it would have been important for Employee A to tell the MCSO investigator that he did keep a round in his chamber when off duty.

One member noted that Employee A suddenly retired the day after this happened and it seems likely the two were connected.

Allegation #3

*Employee A failed to notify a supervisor after having a negligent discharge while off duty. (Procedure)*

Finding: **Sustained / three members**

**Unproven / one member**

**Unproven with debrief / one member**

**Violation of Directive 315.30 – Unsatisfactory Performance (changed from Directive 1010.10 – Deadly Physical Force)**

Several board members noted that Directive 1010.10 (Deadly Physical Force) does not apply to the off-duty actions of officers. In the absence of a specific directive pertaining to an officer discharging a firearm while off duty, members agreed to substitute Directive 315.30 – Unsatisfactory Performance (Failure to Notify).

Opinion:

Employee A did not exercise his responsibility to protect the public when he tried to sweep the matter under the rug.

One member believes that one can infer from Directive 1010.10 that if detectives are supposed to investigate an incident then the officer is required to report it.

One member noted that he has an issue with holding officers accountable for something that is not actually written in the policies and procedures. This member also noted that the Unsatisfactory Performance directive is a catch-all that does not really apply to this matter.

The member who voted for unproven with debrief would like the debrief to be about the need to report a firearm discharge.

Allegation #4

*Employee A was untruthful during his internal affairs interview. (Conduct)*

Finding: **Remove the allegation / unanimous**

**Violation of Directive 310.50 – Truthfulness (IA Allegation – Type II)**

Opinion:

Board Members agreed that because Employee A had been retired for two months at the time of this interview, he was no longer under the auspices of the Bureau.

Recommendations: The recommendation for discipline in this case is in conjunction with IA Case #2012-C-0133.

Discipline

Termination – unanimous

The board had a lengthy discussion about its authority to recommend disciplinary action for an officer who is no longer employed by the Bureau. Several members believed that the Board should not recommend discipline for an individual who is no longer with the Police Bureau. Several members expressed concern that Employee A's next career move could involve police work in another jurisdiction, employment in a different role with the City of Portland, or private security. They believe it important for Employee A's personnel file to reflect the recommended disciplinary action for the safety and sake of future employers. Another member agreed with this rationale, but was concerned that if this information is transmitted to DPSST there could be a bigger issue. This member ultimately voted for termination.

As part of this discussion, one member said that without the truthfulness issue his recommendation would be for one-day suspension or a letter of reprimand for the weapon discharge and the unauthorized use of computers. However, the issue of truthfulness and Employee A's disciplinary history lead this member to vote for termination.

An advisory member suggested that we may not have needed to have this Board. The Bureau could have written a recommendation and submitted it to DPSST, and DPSST would have taken (or will take) their own action regarding Employee A's certification, which will affect his future ability to work as an officer. Another advisory member noted that past Bureau employees have resigned before the Board convened, no letter was put into their file, and they have been rehired by other bureaus as their history was not known within BHR.

Other

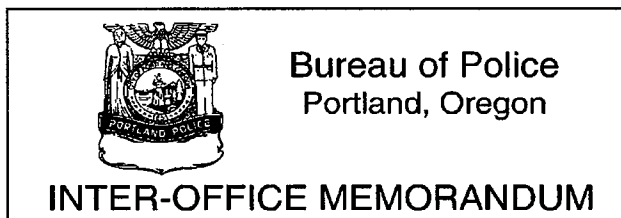
The board unanimously recommended that the Bureau make it clear to future boards that they are charged with reviewing the behavior of an employee while employed, even if they are no longer employed.

The board recommended that notification language about negligent discharge of firearms be included in the policies manual.

Note

After the Personnel Division gave an overview of the case, PPOA president spoke on behalf of Employee A. He noted that Employee A is now retired. PPOA questions the City's policy about bringing a case of a retired employee to the Board and the authority of the Board to impose discipline in such matters.

DATE: March 6, 2013  
TO: Christopher Paille  
Police Review Board Coordinator  
FROM: Joe Hertzberg  
Police Review Board Facilitator  
SUBJ: Police Review Board Findings and Recommendations



**CONFIDENTIAL**

The Police Review Board met on March 6, 2013, to review the following case:

IAD Case Number: **2012-C-0133**  
Employee: **Employee A**

Allegation #1 *Employee A behaved in an unprofessional manner during an encounter with his neighbor (Conduct)*  
Finding: **Unproven with Debrief / Four members Sustained / One member**  
**Violation of Directive 310.00 – Conduct, Professional**

**Opinion:**

Those members who voted Unproven with Debrief recommend that the debrief cover the importance of perceptions of police officers in the public even when officers are off-duty. One member said that even though someone knows you are a police officer, this does not mean that the profanity directive applies to an off duty officer who is not engaged in a police action.

The sustaining member applied the profanity directive to this recommendation. The member believed that the use of profanity did not defuse the situation but rather escalated it.

Allegation #2 *Employee A improperly accessed the Portland Police Data System (PPDS) for personal reasons (Conduct)*  
Finding: **Sustained / Five members (unanimous)**

Note applicable directive(s) violated here. Example:

**Violation of Directive 315.30 – Unsatisfactory Performance**  
**Violation of Directive 1226.00 – Computer Technology**

**Opinion:**

Employee A did in fact run his neighbor in the computer nine times and he did admit this in his interview with the investigator. He said it was out of concern for his family. It was ascertained that Employee A did not use LEADS inappropriately.

Recommendations: The recommendation for discipline in this case is in conjunction with IA Case #2012-B-0036.

Discipline

Termination – unanimous

The board had a lengthy discussion about its authority to recommend disciplinary action for an officer who is no longer employed by the Bureau. Several members believed that the Board should not recommend discipline for an individual who is no longer with the Police Bureau. Several members expressed concern that Employee A's next career move could involve police work in another jurisdiction, employment in a different role with the City of Portland, or private security. They believe it important for Employee A's personnel file to reflect the recommended disciplinary action for the safety and sake of future employers. Another member agreed with this rationale, but was concerned that if this information is transmitted to DPSST there could be a bigger issue. This member ultimately voted for termination.

As part of this discussion, one member said that without the truthfulness issue his recommendation would be for one-day suspension or a letter of reprimand for the weapon discharge and the unauthorized use of computers. However, the issue of truthfulness and Employee A's disciplinary history lead this member to vote for termination.

An advisory member suggested that we may not have needed to have this Board. The Bureau could have written a recommendation and submitted it to DPSST, and DPSST would have taken (or will take) their own action regarding Employee A's certification, which will affect his future ability to work as an officer. Another advisory member noted that past Bureau employees have resigned before the Board convened, no letter was put into their file, and they have been rehired by other bureaus as their history was not known within BHR.

Other

The board unanimously recommended that the Bureau make it clear to future boards that they are charged with reviewing the behavior of an employee while employed, even if they are no longer employed.

The board recommended that notification language about negligent discharge of firearms be included in the policies manual.

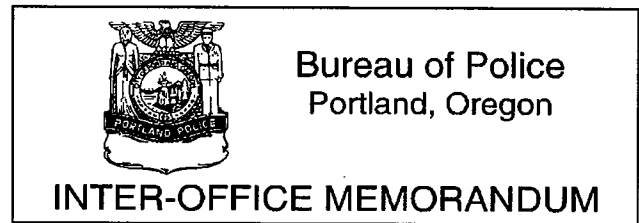
Note

After the Personnel Division gave an overview of the case, PPOA



president spoke on behalf of Employee A. He noted that Employee A is now retired. PPOA questions the City's policy about bringing a case of a retired employee to the Board and the authority of the Board to impose discipline in such matters.

DATE: April 3, 2013  
TO: Christopher Paille  
Police Review Board Coordinator  
FROM: Joe Hertzberg  
Police Review Board Facilitator  
SUBJ: Police Review Board Findings and Recommendations



**CONFIDENTIAL**

The Police Review Board met on April 3, 2013, to review the following cases:

IAD Case Number: **2012-B-0041**  
Employee: **Employee A**

Allegation #1 *Employee A endangered his partner, and himself, by engaging in two foot pursuits and failing to consider established principles for initiating or continuing foot pursuits. (Conduct)*  
Finding: **Sustained / unanimous**  
**Violation of Directive 630.15 – Foot Pursuits**

Opinion:

The board found that Employee A endangered his partner and himself during two foot pursuits.

Allegation #2 *Employee A failed to take appropriate action as it relates to officer safety and procedure while in contact with two criminal suspects. (Procedure)*  
Finding: **Sustained / unanimous**  
**Violation of Directive 315.30 – Unsatisfactory Performance**

Opinion: The board found that Employee A failed to take appropriate action to ensure his own safety and that of his partner while in contact with two criminal suspects.

IAD Case Number: **2012-C-0315**  
Employee: **Employee A**

Allegation #1 *Employee A failed to conduct an adequate investigation (Conduct)*  
Finding: **Sustained / unanimous**  
**Violation of Directive 310.00 – Conduct, Professional**

Opinion: The board found that Employee A failed to conduct an interview at the time of an incident or to follow up.

Recommendations:

Discipline

Termination – unanimous

Opinion

The board agreed that Employee A has a long-term pattern of putting himself and others in danger. PPB has made its best efforts to provide training, coaching, supervision, and counseling. He is either unwilling or unable to change his behavior, and continues to put himself and others in danger.

The board reviewed the progressive actions the Bureau has taken to help Employee A improve his performance ~~past corrective actions~~ ~~past corrective actions~~ Employee A has been mentored by a variety of partners who have provided strict oversight when he's been on the street. As one member expressed it, the Bureau has "used every tool in its tool box" to help Employee A: "our best trainers, our best supervisors, our best street officers." No one could identify anything more that could be done.

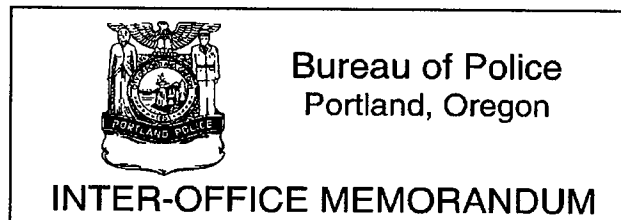
Several members commented that Employee A seems to lack common sense, which cannot be taught. One member noted that these incidents occurred while Employee A was under investigation for another incident. At a time when one would expect officers to be "on their best behavior," Employee A could not or would not change. He not only puts himself at risk but has "dragged other people" into dangerous situations that put them at risk.

Board members genuinely fear a tragedy in the future if Employee A remains on the street.

Other

The board unanimously recommended that the Bureau review Employee A's pre-employment psychological profile as well as his probationary evaluation and his training records to see if there is anything to learn from it for future hiring purposes.

DATE: May 10, 2013  
TO: Christopher Paille  
Police Review Board Coordinator  
FROM: Joe Hertzberg  
Police Review Board Facilitator  
SUBJ: Police Review Board Findings and Recommendations



**CONFIDENTIAL**

The Police Review Board met on Friday, May 10, 2013, to review the following case:

IAD Case Number: **2012-B-0027**

**Allegation #1** *Application of Deadly Force*

Employee: **Employee A**  
**Finding: In Policy / Four members**  
**In Policy with Debrief / Three members**  
**Directive 1010.10 – Deadly Physical Force**

The members who voted for In Policy believe that Employee A knew where his backstop was and he was aware of it. He was thinking about it. He was firing at a moving vehicle and hit it with all six shots. He was focused and did a great job.

The members who voted for In Policy with Debrief believe there is something to be learned from this incident.

**Allegation #2** *Operational Planning and Supervision*

Employees: **Employee A**  
**Employee B**  
**Employee C**  
**Employee D**  
**Employee E**  
**Finding: In Policy with Debrief / Six members**  
**In Policy / One member**  
**Directive 1010.10 – Deadly Physical Force**

Board members agreed that these are good officers who take on some leadership for themselves. However, while their actions were within policy, the board would have liked them to have engaged in more communication and to have had a clearer plan.

One member noted that the officers were looking for a moving target and a dozen scenarios could have happened. It is difficult to come up

with a plan on the radio when you don't know what you're going to find. Another member noted that having too many plans or options can be confusing.

Several members suggested that it might be valuable to bring all of the officers together for a team debrief.

Employee:

**Employee F**

The Board unanimously agreed to remove Employee F from this allegation as he was not on scene until after the shooting.

Employee:

**Employee G**

**Finding: Out of Policy / Unanimous**

**Directive 1010.10 – Deadly Physical Force**

**Directive 315.30 – Unsatisfactory Performance**

The Board unanimously agreed to add Directive 315.30. Members agreed that Employee G's lack of leadership may have had an impact on the outcome of this incident. He had time to formulate a plan and convey it to the other officers before the encounter with the subject. One member suggested that Employee G could have been setting the tone during the seven-minute window before the vehicle was found. Another member noted that his lack of leadership forced the other officers to have to make decisions on their own.

A member noted that Employee G was a relatively new rank at the time and his unpreparedness is a poor reflection on the Bureau. The Board learned that he had not yet received tactical leadership training at the time of the incident. However, another member noted that in prior years he had been to both detective and supervisor academy and that he had been in a supervisory role with agency. The need to have a lead in tactical situations is trained at all levels.

One member noted that the leader shares the risks and rewards with his team. When he was separated from his team, Employee G was in charge and could have radioed. He did not demonstrate due diligence in planning the situation.

**Allegation #3**

***Post Shooting Procedures***

Employees:

**Employee A**

**Employee B**

**Employee C**

**Employee D**

**Employee E**

**Finding: In Policy / Unanimous**  
**Directive 1010.10 – Deadly Physical Force**

Employees:

**Employee F**  
**Employee G**  
**Finding: In Policy / Unanimous**  
**Directive 1010.10 – Deadly Physical Force**

**Recommendations:**

**Discipline**

The board unanimously recommended that Employee G should receive command counseling. One member argued that the Bureau is in part responsible for some of his deficiencies due to lack of training.

**Training**

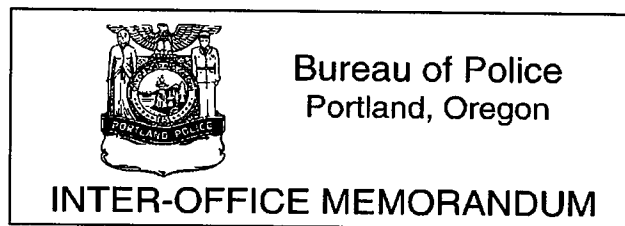
The Board unanimously recommended that the Bureau develop a protocol to review personnel when they come into a unit to make sure they are fully trained for their new position.

**Police Review Board Procedures**

The Board unanimously recommended that future Police Review Boards be informed of an officer's commendations as well as disciplinary history during the corrective action phase.

The Board requested that actual photos or color copies of scenes be included in members' packets to help with understanding the incidents. The black-and-white copies of photos are often difficult to understand. Citizen members asked to have access to audio recordings in advance of meetings.

DATE: May 15, 2013  
TO: Christopher Paille  
Police Review Board Coordinator  
FROM: Joe Hertzberg  
Police Review Board Facilitator  
SUBJ: Police Review Board Findings and Recommendations



**CONFIDENTIAL**

The Police Review Board met on Wednesday, May 15, 2013, to review the following case:

IAD Case Number: **2012-B-0035**

**Allegation #1** *Application of Deadly Force*  
Employee: **Employee A**  
**Employee B**  
**Finding: In Policy / Unanimous**  
**Directive 1010.10 – Deadly Physical Force**

One Board member expressed concern that the officers fired a total of 17 shots and that none of them hit the subject. This member believed their accuracy should have been higher and was also concerned about the backdrop. Several Board members responded, noting that the officers had been in a pursuit and knew that the subject had already shot someone. They were shooting from an unstable position and considered the backdrop in the populated area. If the subject had moved away from the truck, the backdrop would have been several houses or the street. The officers were trying to contain the subject and survive. They shifted from deadly force to a less lethal option.

**Allegation #2** *Initiation and Continuation of the Vehicle Pursuit*  
Employees: **Employee A**  
**Employee B**  
**Employee C**  
**Employee D**  
**Finding: In Policy / Unanimous**  
**Directive 630.05 – Vehicle Pursuits**

Employee: **Employee E**  
**Finding: In Policy / Unanimous**  
**Directive 630.05 – Vehicle Pursuits**

The board heard a portion of the radio transmission from the pursuit and noted that the officers talked about road conditions, the subject's speed, traffic volume, and absence of pedestrians, indicating that they were keenly aware of their surroundings and the impact of the pursuit.

Employee:

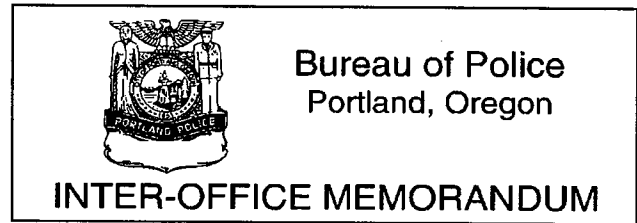
**Employee E**

**Allegation #3**

***Operational Planning and Supervision – SERT & CNT (HNT) Use***  
**Finding: In Policy / Unanimous**  
**Directive 720.00 – SERT & CNT Use**



DATE: May 15, 2013  
TO: Christopher Paille  
Police Review Board Coordinator  
FROM: Joe Hertzberg  
Police Review Board Facilitator  
SUBJ: Police Review Board Findings and Recommendations



**CONFIDENTIAL**

The Police Review Board met on May 15, 2013, to review the following case:

IAD Case Number: **2012-B-0028**  
Employee: **Employee A**

**Allegation #1** *Application of Deadly Force*  
**Finding: In Policy with Debrief / Unanimous**  
**Directive 1010.10 – Deadly Physical Force**

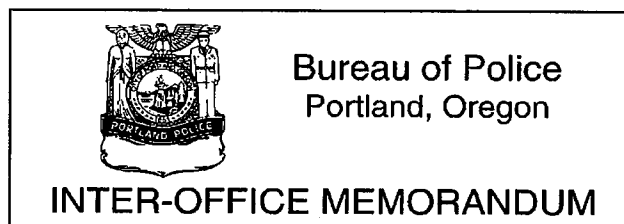
**Allegation #2** *Operational Planning and Actions Prior to Contact*  
**Finding: In Policy with Debrief / Unanimous**  
**Directive 1010.10 – Deadly Physical Force**  
**Directive 310.00 – Conduct, Professional**

Several Board members were concerned that there was not a plan for what to do if the subject was in the apartment. One member asked what Employee A's role was in planning and/or agreeing to the plan. It was explained that Employee A was the cover officer responsible for keeping the lead officer safe. Several members believed that the lead officer should have anticipated the subject's presence and had a plan. Board members agreed that there should have been more conversation between Employee A and the lead officer once they knew the subject was on the premises. One member noted that failure to control the subject's hands was an issue and the lead officer should have taken physical control.

**Allegation #3** *Post Shooting and Procedures*  
**Finding: In Policy with Debrief / Unanimous**  
**Directive 1010.10 – Deadly Physical Force**  
**Directive 630.50 – Emergency Medical Aid**

The board found that the officers did exactly what they needed to do. They notified supervisory staff, called medical, and secured the area.

DATE: May 28, 2013  
TO: Christopher Paille  
Police Review Board Coordinator  
FROM: Joe Hertzberg  
Police Review Board Facilitator  
SUBJ: Police Review Board Findings and Recommendations



**CONFIDENTIAL**

The Police Review Board met on Tuesday, May 28, 2013, to review the following case:

IAD Case Number: **2012-B-0032**  
Employees: **Employee A**  
**Employee B**  
**Employee C**

**Allegation #1** *Employee A engaged in inappropriate conduct in his interactions with Employee B and others.*  
**Finding: Exonerated with Debrief / Unanimous**  
**Directive 310.00 – Conduct, Professional**  
**Directive 310.20 – Retaliation Prohibited**  
**Directive 344.00 – Prohibited Discrimination**

Following the presentation of the case, Employee A addressed the Board and expressed anger and frustration along with his belief that the allegations are unfounded and he should be fully exonerated.

The Board discussed, in detail, all 23 items pertaining to this allegation. They were able to come to definitive conclusions on some but not all. Several came down to one person's perspective vs. another's. However, the Board agreed unanimously that the preponderance of evidence is clearly on the side of exoneration. They found no misconduct, retaliation or discrimination in Employee A's interactions with Employee B.

The Board recommends that the debrief with Employee A focus on his use of profanity in a meeting with his staff. While his purpose was to underscore a point rather than to insult or dismiss anyone, the Bureau should be clear and consistent in its message that use of profanity is not appropriate, particularly by senior officers.

**Allegation #2** *Employee C engaged in inappropriate conduct in his text message conversations with a subordinate.*

The Board does not review allegations concerning non-sworn employees.

**Allegation #3**

*Employee B engaged in inappropriate conduct in text message conversations with Employee C.*

**Finding: Sustained / Unanimous**

**Directive 310.00 – Conduct, Professional**

Board members were clear that they were looking at the inappropriate nature of Employee A's text messages, not the actions taken when showing them to others.

**Recommendation:**

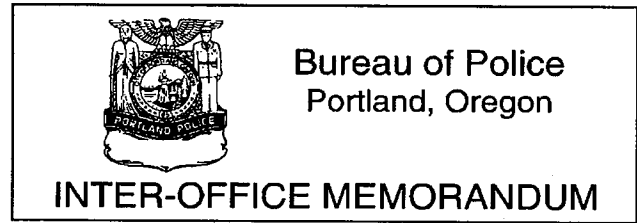
**Discipline**

Letter of Reprimand – 4 members

Command Counseling – 1 member

The member who recommended Command Counseling noted that Employee B did not initiate the text messages and felt that the employee was getting validation from a superior for this interaction. The other members felt that Employee B could and should have discontinued the string.

DATE: May 30, 2013  
TO: Christopher Paille  
Police Review Board Coordinator  
FROM: Joe Hertzberg  
Police Review Board Facilitator  
SUBJ: Police Review Board Findings and Recommendations



**CONFIDENTIAL**

The Police Review Board met on Tuesday, May 28, 2012 to review the following case:

IAD Case Number: **2012-B-0023**

**Allegation #1** *Application of Deadly Force*  
Employee: **Employee A**  
**Finding: In Policy / Unanimous**  
**Directive 1010.10 – Deadly Physical Force**

One member asked why Employee A shot from a low ready position rather than center of mass. It was explained that if his weapon was up at center mass he would not have been able to see the entire scene. The member followed up and asked if officers are trained this way or if this is the officer's decision. The Training Division representative said it is important for officers to be able to see as much as possible. The muzzle of their weapon is kept lower so they can see the subject's hands.

**Allegation #2** *Application of Less-Lethal Force*  
Employee: **Employee B**  
**Finding: In Policy / Unanimous**  
**Directive 1010.20 – Use of Physical Force**

**Allegation #3** *Operational Planning and Supervision*  
Employees: **Employee A**  
**Employee C**  
**Employee B**  
**Employee D**  
**Employee E**  
**Employee F**  
**Employee G**  
**Finding: In policy – unanimous**  
**Directive 1010.10 – Deadly Physical Force**

Employee: **Employee H**  
**Finding: In policy – unanimous**  
**Directive 1010.10 – Deadly Physical Force**

Board members agreed that it was beneficial that the officers decided to slow things down when they realized they did not have enough assets on hand and waited for less lethal and a K-9 unit.

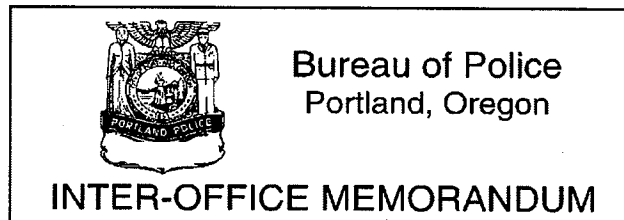
One member asked if there should have been an extra perimeter. A Board member said that is always a preference, but waiting to set one up could have given occupants of the vehicle time to come up with a plan to escape. He noted that a wider perimeter was set up quickly once the subject ran from the scene.

One member asked about Employee G's statement to IA that he was planning to shoot regardless of backstop. Is this the kind of thought process officers are trained in? The Training Division representative said that they would take exception to an officer not *caring* what their backstop was. But once the backstop is taken into consideration, they expect officers to balance that with other factors in a given situation.

One member asked if the officers had requested rifles and it was noted that both Employee B and one of the Gresham officers had rifles.

One member wanted it noted that he believed Employee H delegated appropriately, set up two scenes well, and did a great job.

DATE: June 5, 2013  
TO: Christopher Paille  
Review Board Coordinator  
FROM: Frances Portillo  
Police Review Board Facilitator  
SUBJ: Police Review Board Findings and Recommendations



**CONFIDENTIAL**

The Police Review Board met on Wednesday, June 5, 2013, to review the following case:

IAD Case Number: **2013-B-0001**  
Employee: **Employee**

Allegation #1 *While off duty, Employee was driving under the influence of intoxicants and arrested (CONDUCT)*  
Finding: **Sustained / Unanimous**  
**Violation of Directive 310.00 – Conduct, Professional**  
**Violation of Directive 315.00 – Laws, Rules & Orders**

Finding: **Unanimous to withdraw this allegation**  
**Violation of Directive 316.00 – Alcohol Use**

The board heard a statement from Employee. He told the board that he knows he made a huge mistake by drinking and driving, and makes no excuses. He has greatly embarrassed himself, the bureau and his coworkers, which he regrets. The board had no questions regarding the use of alcohol.

The board voted unanimously to remove Directive 316.00 – Alcohol Use from this allegation as it pertains to on-duty alcohol use.

Allegation #2 *Employee inappropriately identified himself as a police officer during a traffic stop. (CONDUCT)*  
Finding: **Exonerated with Debrief / Unanimous**  
**Violation of Directive 313.00 – Misuse of Official Position or Identification**

Board members discussed Employee's explanation of identifying himself as a police officer "as a matter of course." One member did not see the need to do this if his firearm was in the trunk in a duffle bag. Other members noted that they have been admonished by other officers when they have not identified themselves as police. One member said they would want to know if someone they stopped was an officer.

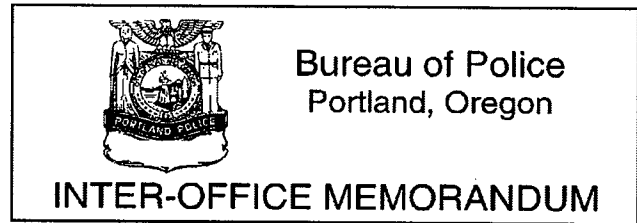
**The board sustained on the applicable directives and found exonerated on the other directives.**

Recommendations:        Discipline

For Allegation #1 the board recommends 40 SWOP – Unanimous

For Allegation #2 the board recommends a debrief that clarifies when identifying yourself as an officer you are not attempting to benefit or solicit special treatment in any way.

DATE: June 5, 2013  
TO: Christopher Paille,  
Review Board Coordinator  
FROM: Frances Portillo  
Police Review Board Facilitator  
SUBJ: Police Review Board Findings and Recommendations



**CONFIDENTIAL**

The Police Review Board met on Wednesday, June 5, 2013, to review the following case:

IAD Case Number: 2013-C-0005  
Employee: [REDACTED]

Allegation #1 [REDACTED] *used excessive force against Mr. B. (FORCE)*  
Finding: **Unproven / Three members**  
**Unproven with Debrief / Two members**  
**Violation of Directive 1010.20 –Physical Force**

The board heard an overview of the allegation and [REDACTED] made a statement to the board. The board members agreed that there was not a preponderance of evidence to show [REDACTED] used excessive force.

Allegation #2 [REDACTED] *was unprofessional in his interactions with the medical staff and Mr. B at Providence Mental Health Outpatient Clinic on January 2, 2013. (CONDUCT)*  
Finding: **Sustained / Unanimous**  
**Violation of Directive 310.00 –Conduct, Professional**

One member said this was more problematic and felt some of [REDACTED] A's comments were taunting and was "adding fuel to the fire." Other members believe that [REDACTED] crossed the line into unprofessional conduct.

**Note: Directive violated changed from 315.00 – Laws, Rules and Orders, to 310.00 - Conduct Professional.**

Allegation #3 **\*\*This allegation was removed from the finding\*\***

Allegation #4 [REDACTED] *failed to adhere to the Police Bureau's Use of Force policy. (PROCEDURE)*  
Finding: **Sustained / Unanimous**  
**Violation of Directive 1010.20 – Physical Force**

Board members expressed concern that [REDACTED] did not have a clear



plan and did not communicate adequately with the other officer on scene. There was a lack of two-on-one control. One member concurred with this and said that Employee should have taken more time in the beginning to figure out what they needed to do before engaging in a fight with Mr. B. Another member suggested that Employee should have gathered more information about Mr. B and his mental status from the clinic staff prior to engaging Mr. B.

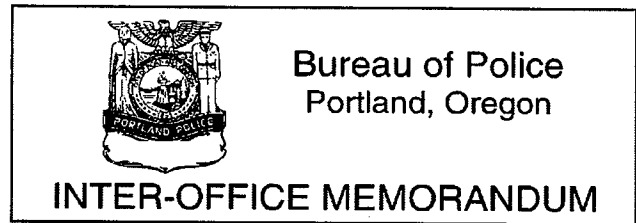
Recommendations:

Discipline

40 SWOP – Unanimous

Members were concerned that Employee showed poor judgment and engaged in harassing behavior. Several members noted that when Employee addressed the board he did not say he had learned anything from this or that he would change his actions in the future. Members noted that Employee's actions are a disservice to the bureau and that he puts other officers and the public at risk.

DATE: June 5, 2013  
TO: Christopher Paille  
Review Board Coordinator  
FROM: Frances Portillo  
Police Review Board Facilitator  
SUBJ: Police Review Board Findings and Recommendations



**CONFIDENTIAL**

The Police Review Board met on Wednesday, June 5, 2013, to review the following case:

IAD Case Number: **2012-B-0043**  
Employee: **Employee**

Allegation #1 **Employee** failed to follow procedure for the evaluation of further retention and disposition of evidence and authorized the destruction of evidence for an open Measure 11 criminal case awaiting prosecution. (CONDUCT) Directive 315.30 – Unsatisfactory Performance as it relates to the following policy and procedure.

Finding: **Sustained / Unanimous**  
**Violation of Directive 315.30 – Unsatisfactory Performance**  
**Violation of Directive 660.10 – Property and Evidence Procedure/**  
**Disposition of Property and Evidence**

Majority Opinion:  
The board unanimously agreed to combine the two allegations into one.

**Employee** admitted to the RU Manager that he knows he made a mistake. One member said they are glad to know that **Employee** has taken responsibility for his actions, which clarified his truthfulness. Board members had no other questions or comments.

Recommendations: **Discipline**

10 SWOP – Three members  
LOR – Two members

The RU Manager noted that **Employee** has a past corrective action in his file already for similar behavior and that this incident made prosecution of the case difficult (although a conviction was made). Another member said he recommends the suspension because he did not initially own up to the mistake and that this is repeat behavior of a seasoned **Employee**.

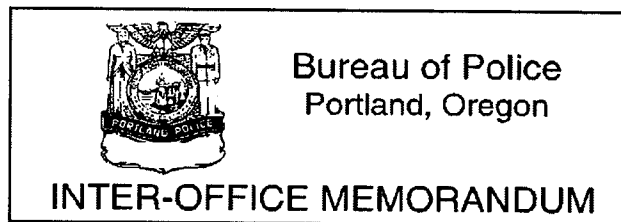
Other

The Board unanimously recommends review by Dave Virtue and Training for clarification of Directive 660.10, page 335, paragraph F. This needs to be done especially in light of the new procedures that are coming in.

DATE: July 5, 2013

TO: Christopher Paille  
Review Board Coordinator

FROM: Frances Portillo, Sherri Vacarella  
Police Review Board Facilitator, Assistant



SUBJ: Police Review Board Findings and Recommendations

**CONFIDENTIAL**

The Police Review Board met on Wednesday, July 3, 2013 to review the following case:

Employee: [REDACTED]  
IAD Case Number: **2012-C-0096**

Allegation #1 [REDACTED] *inappropriately pepper sprayed complainant.*  
Finding: **Exonerated / Four members Sustained / One member**  
**Violation of Directive 1010.20 – Physical Force**

**Majority Opinion:**

The members of the Police Review Board extensively reviewed the facts of this case and the majority agreed that [REDACTED] was within policy in his use of pepper spray in this incident. These four members noted the aggressive physical resistance the complainant offered to the line of skirmish during the incident and found that the pepper spray was an appropriate measure of de-escalation in the tense, uncertain, and rapidly changing situation. One member observed that pepper spray is the lesser level of force in comparison to the baton jab strike, which had already been used by another member of the force. The majority of the Board found that [REDACTED]'s response was a reasonable one and followed the standards set by PPB training.

**Minority Opinion:**

One member of the Board felt strongly that upon evaluating the severity of the crime, its impact on the public, and the complainant's level of force against the police, the pepper spray was not a reasonable response. This member found that [REDACTED]'s use of force in this incident failed to fall within PPB standards and policies.

Recommendations: Discipline

Command Counseling – One Member

One member of the Board believes there is a disconnect between Employee's interpretation of Directive 1010.20 and the actual words that compose it.