



CITIZEN REVIEW COMMITTEE MEETING

Community Oversight of Portland Police Bureau

City of Portland / City Auditor
Independent Police Review (IPR)
Citizen Review Committee (CRC)

Minutes

Date: Wednesday, May 6, 2015 (meetings are typically held the first Wednesday of each month)

Time: 5:30 pm * *Please Note: agenda times are approximate*

Location: **Room C, Portland Building**, 1120 SW 5th Ave. Portland OR 97204

Present: Angelo turner, Vanessa Yarie, Bridget Donegan, Jim Young, Kiosha Ford, Roberto Rivera, Anika Bent-Albert, Irene Konev, Capt. Dave Famous, Lt. Jeff Bell, Robert Magill, Capt. Derek Rodrigues, Dan Handelman, Regina Hannon, Eric Terrell, Nicole Siri, Jeff Bissonnette

Absent: David Green, Mae Wilson, Kristin Malone, Julie Falk, Julie Ramos

AGENDA

5:30 pm—5:45 pm Introductions and Welcome (CRC Vice Chair Bridget Donegan)
Approved of March and April 2015 Meeting Minutes

5:45 pm—6:00 pm Director's Report (IPR Assistant Director Anika Bent-Albert)

- Director Constantin Severe responded to the scene of the officer-involved shooting which occurred in Southeast Portland on March 23
- On May 13, 2015 at 2:00pm Director Severe will be presenting proposed changes to City Council regarding the Case File Review process and the timeline for requesting an appeal
- A community engagement meeting about the code changes was held for community feedback on Tuesday April 21st from 5:30 pm to 6:30 pm in the Lovejoy Room. This meeting was well attended by CRC and the public
- Director Severe spoke at Race Talks, attended and engaged with community at the Community and Police Relations Committee public listening session, presented to the staff of Latino Network, Urban League of Portland and met with the directors of Portland Opportunities Industrialization Center, Community of Color Coalition, Disability Rights Oregon, and with the Chair of the Human Rights Commission
- Community Outreach Coordinator Irene Konev led the Slavic Advisory Council meeting, networked at Asian Pacific American Chamber of Commerce Mega Mixer and National Crime Victims Week event. IPR Investigator Eric Berry presented to Hispanic Metropolitan Chamber of Commerce, and Sisters of the Road Café staff
- The IPR Information and Community Engagement Session has been scheduled for Wednesday May 27th in the Portland Building in Room C from 5:30 to 7:30 pm. Public is welcome and CRC members are encouraged to attend
- Vice Chair Donegan asked Ms. Konev about the community engagement meeting
 - This will be an information and engagement session for all of PPB advisory committees. It will cover IPR complaint process including ordinances and directives
- Ms. Yarie asked Ms, Konev which high school did IPR received the community feedback from?
 - The information is confidential

6:00 pm—6:15 pm Chair's Report (CRC Vice Chair Bridget Donegan)

- Chair Wilson attended the COAB and Use of Deadly Force meeting. She also attended the Use of Deadly Force meeting with Chief O'Dea

6:15 pm—7:15 pm **Case file Review: 2014-C-0107/2015-X-0001**

Portland Police Bureau officers came to Appellant's home to search for her son, who had an active

warrant. Appellant's complaint is that the responding lead officer spoke to her in a demeaning way by calling her a liar when she said her son did not live with her, and entered her home without her permission, but later provided a sworn affidavit in court stating that he was given permission to enter her home.

- IPR portion of the investigation:
 - IPR received the complaint from the appellant on April 15, 2014 via fax and Investigator Eric Nomura was assigned to the case
 - On April 21, the appellant's attorney called IPR office and gave IPR permission to interview the appellant and her son
 - On April 23, IPR Investigator Nomura was able to interview the appellant and her son
 - May 1 appellant called and left a voicemail with Investigator Nomura indicating that the involved officer submitted a false statement in court. Investigator Nomura made attempts to obtain the affidavit and was unable to

- IA portion of the investigation
 - Investigator Magill went to the Multnomah County Court house to review the e-court database regarding the civil case between the appellant and witness 2, the landlord. He was able to review 200+ documents and was unable to find any declaration or affidavit attribute to officer A
 - Investigator Magill tried to contact the appellant via phone and was unable to. He later was able to exchange emails and received documents via fax from the appellant
 - The appellant was adamant that she did not give permission to officer A and witness 2 to enter her resident. She was also adamant that officer called her a liar and untruthful
 - Investigator Magill used the word "affidavit" and "declaration" interchangeably throughout this case
 - Investigator Magill was unable to interview witness 1, the appellant's son
 - Investigator was able to interview citizen 1, who is the landlord's attorney and were told that the declaration for officer A was prepared but it was never signed and was not entered into court, and was never filed. Citizen 1 first agreed to give Internal Affairs a copy of the affidavit but later declined citing attorney-client privilege
 - Witness 2, the landlord first agreed to give Internal Affairs the a copy of the email and a copy of the affidavit but later told IA Investigator Magill that he couldn't find it
 - Officer B stated that he stayed outside while he observed witness 2, the landlord coming inside. He also observed who he thought to be the appellant raising her voice
 - Officer C stayed out in the back and didn't witness anything except hearing a female yelling that she is going to sue
 - Officer D stated that he, Officer B and C stayed outside. Officer D also stated that the appellant was telling them that she is having an ongoing lawsuit against witness 2
 - Officer A stated that he responded to the scene on a report of harassment. Officer A spoke with the appellant and did not recall asking the appellant if he could come inside, he also wasn't sure if he went inside at the time.
 - Officer A was approached by the landlord and he told the landlord that he will only be there as a peacekeeper and he had no standing in the civil issue
 - Officer A did not recall calling the appellant a liar
 - The landlord asked Officer A if he can attend the court hearing and officer A told him he could not but he could write a quick note or email on what happened. Officer A provided to Internal Affairs the email exchange between the him and the landlord
 - Citizen 2, the appellant's attorney in a later interview stated that he had given the only copy of the unsigned affidavit to the appellant

- CRC Vice Chair Donegan asked Investigator Magill several question:
 - Was there any documents in the case file that show the appellant gave permission to officer A to enter her property?
 - There was no mention of the name of officer A. There was also no language indicating that the appellant gave officer A permission to enter. Both citizen 1 and 2 explained that the affidavit

- Ms. Yarie asked Lt. Bell how a person gives permission for an officer to enter her home?
 - Giving consent could be interpreted as a person stepping aside or a shrug. Ideally, you would want to hear a person give a verbal consent
- Ms. Ford asked Investigator Magill if he look into whether if the landlord had a camera or a cellphone and what the landlord's intention was to return to the resident multiple times?
 - We didn't look into if the landlord had a camera or a cellphone. The landlord told the officer he wanted to come back to check on the unit
- Mr. Rivera asked Investigator Magill several questions:
 - During the interview with the appellant, why was she never asked if she knew that she could've said no when being asked to enter her home?
 - I didn't ask her that question because the appellant was adamant that she did not give permission
 - In this type of scenario, is the officer required to advise the person that they have the right to say no if they don't want to?
 - Lt. Bell: There's no requirement for an officer to inform people that they can say no when being asked to enter the property
- Mr. Young asked Lt. Bell if there is any PPB Directive that related to officer conduct when they are acting as peace keeper
 - Directive 825 provides direction for officer to standby as a peace keeper on restraining order cases
- Ms. Young suggested to the Committee to hear the appellant's comments before voting on conducting an appeal hearing
- The appellant's APA Jeff Bissonnette made some comments on behalf of the appellant regarding the case:
 - In regard to the affidavit/declaration. There were some confusions in the appellant's mind between what the landlord's attorney was saying. He said he had it and then later claimed that he lost it. The appellant is wondering if there was ever a request for the landlord to ask his attorney to provide the document
 - In regards to the ongoing civil lawsuit with witness 2, the landlord. The appellant believed court order the guiding the landlord what he can and cannot do when approaching the appellant's resident. There's was not any mentioning of that in the case file
- Mr. Young asked Assistant Director Bent-Albert since the appellant's attorney declined to provide either the email or the affidavit, did IPR Investigator asked the appellant to waive attorney-client privilege? Did anyone informed the appellant that she needs to instruct her attorney to release the affidavit
 - Usually if we know there's an attorney involved in the case, IPR Investigators always try to contact the attorney to get permission to talk to the complainant. After Investigator Nomura conducted the initial interview with the appellant, there were much difficulty getting in touch with the appellant, as well as the landlord
 - Lt. Bell made a comment that the landlord's attorney believed that he gave the only copy of the affidavit to the appellant's attorney
- Mr. Young made a comment that at this point, it is not worth the time for IPR or IA to make further attempts find the affidavit and delay the appeal hearing. It is up to the ask the appellant to contact her attorney and try to get affidavit
- Vice Chair Donegan made a comment that the appellant did talk to her attorney and the attorney was nonresponsive. It seems to be very consistent that the affidavit isn't signed
- Dan Handelman's comments:
 - There was at least one officer who said that the son opened the door and gave permission
 - He was wondering how old the appellant's son is and whether if he is aware of his right
 - There were some confusions about the appellant not giving permission versus actually saying no
 - When a person shows up at your front door with a police officer, it is really intimidating and you might be forced to do whatever because the officer is there

- Mr. Terrell asked Vice Chair Donegan if CRC can ask for an additional investigation after had already scheduled an appeal hearing?
 - Deputy City Attorney Fullilove: CRC can always ask. CRC cannot require IPR or PPB to conduct an additional investigation
- Mr. Turner Made the motion to conduct an appeal hearing for June 3. This was seconded by Ms. Ford.
 - Mr. Turner: YES
 - Mr. Rivera: YES
 - Ms. Ford: YES
 - Vice Chair Donegan: YES
 - Mr. Young: YES
 - Mr. Yarie: YES
- Captain Famous made a comment that CRC can ask for an additional investigation after already scheduled an appeal hearing. It has happened before and if there's a glaring issue, IA would be inclined to conduct an additional investigation

7:15 pm—7:30 pm New Business

- 1) Ms. Yarie attended a community police work session in Salem. Couple notable topics that came up are :
 - The youth being tasered by Portland Police
 - Portland police outreach to various immigrant communities

- Mr. Young suggested CRC members try to eat before the meeting starts

7:30 pm—7:45 pm Old Business

7:45 pm—8:10 pm Workgroup Updates: Please provide the following information —

- 1) Brief summary of the goals and objectives of your workgroup
- 2) Date of last meeting
- 3) Brief summary of the work done at your last meeting
- 4) Next scheduled meeting
- 5) Main topic to be discussed/addressed at the next meeting
- 6) Any assistance from IPR or CRC needed to achieve your goals

ACTIVE WORKGROUPS

1. Outreach Workgroup (5 min.)

MISSION STATEMENT: The Outreach Workgroup engages the community to raise awareness about the Citizen Review Committee (CRC), gather concerns about police services and accountability, and identify issues for the CRC to address.

Chair: Angelo Turner/ Members: Mae Wilson, David Green, Julie Ramos

IPR staff: Irene Konev, Community Outreach Coordinator

- Mr. Turner had a tour of the Sunshine Division food and clothing banks. He encouraged other CRC members to tour the facility
- He asked staff about if people are being background checked when they go there and the staff said no
- He would like the workgroup to start brainstorming on doing outreach in different parts of Portland

2. Directive Workgroup (5 min.)

MISSION STATEMENT:

Chair: Bridget Donegan / Members:

IPR staff: Constantin Severe, IPR Director

- Vice Chair Donegan submitted comment regarding PPB Directive 332 and 335 on behalf of herself since CRC members were not able to vote on the comments in a public setting

3. Recurring Audit (5 min.)

MISSION STATEMENT: The Recurring Audit Workgroup seeks to improve accountability of IPR and the Portland Police Bureau by reviewing closed cases to ensure procedures, policies and protocols are followed and will recommend improvements, if necessary.

Chair: Mae Wilson / Members: Vanessa Yarie

IPR staff: Derek Reinke, Senior Management Analyst

4. Standard of Review (5 min.)

MISSION STATEMENT:

Chair: Vacant / Members: Julie Falk, Kiosha Ford, and Kristin Malone, Roberto Rivera

- The workgroup have couple documents to review and will schedule a meeting soon
- Mr. Young would like to attend the meeting

5. Use of Deadly Force Workgroup (5 min.)

MISSION STATEMENT: The Use of Deadly Force Workgroup examines Portland Police Bureau use of deadly force policies, directives, training and implementation in order to recommend and support any needed change in Portland Police Bureau use of deadly force.

Chair: David Denecke / Members: James Young, and David Green

IPR Staff: Derek Reinke, Senior Management Analyst

- The current draft of the recommendations is out for comments. Mr. Young is hoping the Committee can start discussing the recommendations at the next month's meeting

8:10 pm—8:30 pm Public comment and wrap-up comments by CRC members

- Mr. Handelman's comments:
 - He went out on the May Day protest and witnessed some new flash bang devices used by PPB
 - He was hoping that the teenage who was tasered by the police is aware that IPR is investigating the incident
 - He recommended the Sunshine Division make it clear to the public that they will not be background checked when they go there
 - New Directive currently up for review is bias based policy
 - He agreed with Vice Chair Donegan about asking the Bureau to extend the directive's comments deadline
- Ms. Hannon's comments:
 - The Crowd Control Workgroup Report was insufficient since it did not mention other weapons being used in crowd control
 - She expressed some concerns over PPB use of flash bang devices during the May Day's protest

TBA

Adjournment

A request for an interpreter or assisted listening device for the hearing impaired or for other accommodations for persons with disabilities should be made prior to the meeting—please call the IPR main line 823-0146 (or TYY 503-823-6868).

Visit the website for more information regarding the Independent Police Review division, Citizen Review Committee, protocols, CRC meeting schedules, and approved minutes: www.portlandoregon.gov/auditor/ipr.

CRC Members:

1. If you know you will not be able to attend a CRC meeting or that you will be missing a significant amount of a meeting, please call or e-mail IPR in advance so that the CRC Chair may be made aware of your expected absence.
2. After this meeting, please return your folder so IPR staff can use it for document distribution at the next CRC meeting.

**Note: agenda item(s) as well as the meeting date, time, or location may be subject to change.*