



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, June 3, 2015 (meetings are typically held the first Wednesday of each month)

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

Location: Room 4, St. John Community Center, 8427 N. Central Street, Portland, OR

Present: Jim Young, David Green, Kiosha Ford, Kristin Malone, Angelo Turner, Bridget Donegan, Mae Wilson, Julie Falk, Julie Ramos, Roberto Rivera, Vanessa Yarie, Lt. Jeff Bell, Capt. Rodrigues, Commander Dave Hendrie, Dan Handelman, Regina Hannon, Barbara Ross, Debbie Aiona, Jeff Bissonnette, Nicole Siri, Carol Cushman, John Campbell, Jennifer Tenorio

AGENDA

5:30 pm—5:45 pm Introductions and Welcome (CRC Chair Mae Wilson)
Approved of May 6, 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 the Brooklyn neighborhood of Southeast Portland on May 17. The investigation is ongoing
- On May 13, 2015 at 2:00 pm IPR Director Severe presented proposed changes to City Council regarding the Case File Review process and the timeline for requesting an appeal
- The IPR Information and Community Engagement Session was held on Wednesday May 27th in the Portland Building from 5:30 to 7:30 pm. Community stakeholders and CRC members attended, learned about the IPR complaint process and made recommendations for improving police accountability in Portland
- To engage stakeholders in the IPR Information and Community Engagement Session, Community Outreach Coordinator Irene Konev presented to IRCO Africa House staff, Human Rights Commission, African American Advisory Committee, Slavic Advisory Council, Alliance for Safer Communities, and Community Oversight Advisory Board (COAB) Executive Committee meeting. This information was also shared at the COAB monthly meeting
- IPR intern Kaysey Crump set up several high school presentation for the IPR director and staff. Classroom presentations were held Parkrose High School and Jefferson High School. At Roosevelt High School, IPR staff participated in Community Conversations on several topics including public safety and police accountability
- Through coordination of the World Affairs Council, IPR Staff and CRC members met with delegates from Papua New Guinea
- Chair Wilson asked Assistant Director Bent-Albert about the details for the last two bottom independent investigations
 - Those are not use of force cases, but I don't know why there weren't any descriptions on the case
- Ms. Ramos asked Assistant Director Bent-Albert about the code changes
 - Council passed changes and it will be effective in 30 days from the passing date

6:00 pm—6:15 pm Chair's Report (CRC Chair Mae Wilson)

- Met with Ms. Yarie regarding the Recurring Audit Workgroup

- Attended IPR info session and met some representatives from the Human Rights Commission
- Chair Wilson is looking into assigning CRC members with different Commissioner
- Mr. Young thanked the Chair and the Vice Chair for their hard work on leading the Committee

6:15 pm—7:15 pm **Appeal Hearing: 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

- Allegation 1: Officer A entered Appellant's residence without her permission (CONDUCT) (Directive 315.00- Laws, Rules, and Orders)
- Allegation 2: Officer A was demeaning towards Appellant by calling her a "liar" (COURTESY) (Directive 310.40- Courtesy)
- Allegation 3: Officer A was untruthful in a sworn affidavit (CONDUCT) (Directive- Truthfulness)
- The appellant identified herself as Nicole Siri and gave the Committee permission to use her name
- Ms. Siri made comments regarding her case:
 - She had hard time believing that exonerated means it did occur but did not violate policy
 - When the officer arrived at the apartment the second time, he just barged in
 - These officers need to be educated since they cannot just barged into someone's house whenever they want
 - The officer made Ms. Siri and her son leave the house when they searched her property
 - There were so many officers that came to Ms. Siri's apartment the third time that she was scared
 - The officer searched for the Ms. Siri son when he does not even live there. They cannot just come into someone's house just because they want to
- Mr. Bissonnette who is an Appeal Process Advisor for Ms. Siri comments on the case:
 - There are few things Ms. Siri would like to address:
 - Officers enter her house couple times within 15 minutes of one another
 - Officers searched for the son that did not live there
 - The third visit involved the landlord
 - The allegation of officers calling her a liar pertained to the last two visits
 - The allegation of entering Ms. Siri's home without permission when the officers entered her home with the landlord during the third visit. There was an existing judicial order in place between her and the landlord
- Lt. Bell made some comments on the case:
 - IA Investigator went to the court house to look up information on the civil lawsuit
 - The landlord's attorney said he did prepare an affidavit/declaration which was not signed and never entered in court
 - Ms. Siri's attorney gave the only copy of the affidavit/declaration to Ms. Siri and she was unable to find it
 - There were 3 witness officers
 - The landlord asked officer A to accompany him to Ms. Siri apartment during the 3rd visit and was granted permission to enter her apartment. Ms. Siri asked them to leave after they started taking photos
 - According to the CAD record,
- Commander Hendrie provided his reasons for the findings:
 - Allegation 1 finding was based on two versions of this event: The three officers and the landlord

- Allegation 2 alleged that the officer called Ms. Siri a “liar”. IA found nothing in the investigation suggested that he called her that
- Allegation 3 evidence suggested that the officer never signed it. There’s also no evidence to suggest that he was untruthful
- Mr. Young asked Ms. Bissonnette regarding allegation number 3 why does he think that it is not worth the time discussing it?
 - It’s not worth the time discussing about this allegation because it sounded like that something was written but it was never signed
- Ms. Ramos asked Mr. Bissonnette why they would like the Committee to not discussing the 3rd allegation?
 - There’s no substantial evidence. We should talk about more substantial issue like when the officer entered Ms. Siri’s apartment
- Mr. Rivera asked Lt. Bell during the second time the officers went to Ms. Siri home, is it possible for officers to show up and not be in the VCAD?
 - It is possible that the officer is on the call but not showing up on the VCAD
- Mr. Rivera asked Lt. Bell if the question of other officers on scene been asked?
 - Couple officers were asked the question “ who were other officers that present”
- Ms. Ramos ask Commander Hendrie what would make him give a non-sustained finding
 - For a non-sustained that the preponderance of evidence did not suggest that the officer did not violate policy
- Ms. Malone asked Commander Hendrie is it general policy that if you search the premise and the conclusion that the person is not there then the officer shouldn’t be in the resident any longer?
 - Officer usually ask the homeowner for consent. Once the search is complete, the officer usually have a conversation with the homeowner about contacting the police if the person they are looking for is on the premise and then the officers would leave
- Mr. Rivera asked Commander Hendrie if IA asked the officers who were inside during the second visit if they told Ms. Siri that they were done with their search?
 - Yes IA did not ask the officers that question
- Ms. Ramos asked Commander Hendrie what it means when the finding is “unfounded”
 - He looked into this based on conduct piece. Was the officer being disrespectful? Officer routinely challenging people to find the truth
- Ms. Falk asked Commander Hendrie if there are still discrepancies on how many officers were present at the resident?
 - Yes there was a fairly large discrepancy
- Ms. Ford asked Lt. Bell if IA Investigator asked the witness officers if they knew about other officers present at the scene
 - The question was asked “ who were present?”
- Ms. Ford asked Commander Hendrie regarding allegation 1 if Exonerated means PPB directive allowed officers to enter a resident without permission?
 - Exonerated means the officer committed an action and did not violate policy. There’s no policy allowed officer to enter someone home without consent. In this case, the officers did have an indication from Ms. Siri to let them in
- Mr. Young made a comment that in this case the finding should be “unfounded” since there’s a dispute between the officer and Ms. Siri on the consent to enter the resident. He asked Assistant Director Bent-Albert who came up with the allegations?
 - IPR initially drafted the allegations but it was later changed by IA
- Chair Wilson asked how officers are trained to identify a consent in absent of a verbal action?
 - All three described Ms. Siri gesture of opening the door and step aside as a sign that she let the officers in
- Ms. Ramos asked Commander Hendrie regarding to the 3rd visit if an average person would understand that stepping aside could mean giving consent to come in?

- In this case it there wasn't a force entry at any one point. Officers some time have to differentiate a force entry versus asking for consent. For example when officer asking people to search their car or giving them permission to leave the scene
- Mr. Green asked Commander Hendrie several questions:
 - Does the 24-hour permission notice also apply to the police?
 - I don't know
 - What made the RU manager think the officer did receive some sort of consent to enter the apartment
 - During the 2nd visit, officer as Ms. Siri's son if his brother is there and the son responded " no he is not, you can come in and look"
- Chair Wilson asked if the person who give consent need to be a resident of the house?
 - Yes typically the resident of the home will have to give permission
- Ms. Falk asked Commander Hendrie regarding allegation 1, does the Bureau "rock solid" on the current finding or there are some other options?
 - If the officer follow the rules and procedures, he should be exonerated
- Ms. Ford asked Commander Hendrie why does it not a part of the debriefing during the 3rd time, the officer went in with the landlord and the landlord started taking pictures. Where do we draw the line so that people don't feel pressure to let people into their property when a person is accompany by a police officer?
 - The officer was in the car when the landlord approached and asked him to act a civil standby. There wasn't anything to show the officer used his authority to force Ms. Siri to let the landlord in
- Mr. Rivera asked Commander Hendrie several questions:
 - Regarding to allegation 1, what would define as laws and rules?
 - From a policy standpoint, they are statues and city codes. Officers are trained to follow those
 - Did the appellant cooperating with the officer?
 - Based on the interview with the officers, yes she did
- Public Comments:
 - Ms. Cushman made a comment about the restraining order not being mentioned in the discussion
 - Mr. Handelman's comments:
 - Officer can be very intimidating when they are carry gun on their belt even if they there just as a civil standby
 - All three findings should be insufficient of evidence
 - Regarding the civil issues between Ms. Siri and the landlord, the officer could've show up at Ms. Siri apartment and let her know that the landlord would like to talk to her
 - This is the second time in the last two years the allegation issue is confusing. IPR and IA should include the CRC into the allegation fine-tuning process
- Ms. Luyben's comments:
 - The police seems to be escalating the use of force against a home instead of de-escalating
 - The police needs to have better clarification of consent when searching a home
- Mr. Campbell made several comments:
 - Landlord required to give 24-hour notice before entering a tenant home
 - An officer can act a civil standby but he/she cannot acting as the landlord's agent
- Ms. Hannon suggested that the Committee let Ms. Siri provide a rebuttal comment
- Ms. Siri's comments:
 - She insisted that she did not provide consent for the landlord to come in and take pictures of her apartment
 - She urged the Police Bureau to educate their officers on landlord-tenant laws
 - During the third visit, she did informed the officer about her and the landlord civil issue
- Chair Wilson asked Ms. Siri how long did the landlord and officer stayed in her apartment?
 - Roughly around 10-15 minutes
- Ms. Ford asked Ms. Siri if there was ever anytime during the first visit where her interaction with the officer was positive
 - When the officers came to the house the first time to look for the son. She did gave him her word that she would not talk to the son and that they don't need to come back.

- Mr. Green asked Ms. Siri if there was any physical contact between her, the officer, and the landlord
 - Had she not step aside, they would've
- Ms. Falk asked Ms. Siri when did the landlord starting pictures?
 - He started taking pictures right after she stepped aside and the landlord and officer started walking in
- Ms. Rivera asked Commander Hendrie if officers received training in dealing civil issues?
 - Yes officers did receive those kind of training in the academy
- The Committee had a discussion on all three allegations based solely on the standard of review whether a reasonable person would make these findings.
- Ms. Falk abstained from voting since she did not have time to review the audio file
- Mr. Young made a motion the finding of *Exonerated with Debriefing* in allegation 1 is not supported by the evidence. This was seconded by Ms. Ford
 - Ms. Donegan: YES
 - Mr. Turner: YES
 - Ms. Ford: YES
 - Ms. Malone: YES
 - Mr. Young: YES
 - Chair Wilson: YES
 - Ms. Ramos: YES
 - Ms. Yarie: YES
 - Mr. Green: YES
 - Mr. Rivera: YES
- Mr. Young made a motion to challenge allegation 1 to *Not Sustained with Debriefing*. This was seconded by Mr. Turner
 - Ms. Donegan: YES, based on the standard of review a reasonable person would believe that the allegation was false
 - Mr. Turner: YES
 - Ms. Ford: YES, there would be too many conflict of interests if we find this *Sustained*
 - Ms. Malone: YES
 - Mr. Young: YES, a reasonable person would come to this conclusion
 - Chair Wilson: YES as things escalate, seeking a consent to enter should be necessary. The debriefing should also look into what constitute a consent
 - Ms. Ramos: YES Recommended *Not Sustained with Debriefing*. There wasn't enough evidence to prove who's story is accurate
 - Ms. Yarie: YES
 - Mr. Green: YES
 - Mr. Rivera: YES
- Mr. Green made a motion to Affirmed the finding of *Unfounded* on allegation 2. This was seconded by Ms. Donegan
 - Ms. Donegan: YES, officer needs to get better at communicating with the public
 - Mr. Turner: YES
 - Ms. Ford: YES
 - Ms. Malone: YES
 - Mr. Young: YES
 - Chair Wilson: YES
 - Ms. Ramos: YES, the Bureau should debrief the officer on what happened
 - Ms. Yarie: YES
 - Mr. Green: YES, the officer did challenged Ms. Siri but there's no evidence that she was called a "liar"
 - Mr. Rivera: NO, It could be possible that the officer called Ms.Siri a liar
- Ms. Donegan made a motion challenge the finding and recommend the finding of *Unfounded*. This was seconded by Ms. Ford
 - Ms. Donegan: YES
 - Mr. Turner: YES
 - Ms. Ford: NO, the finding should be *Not Sustained*

- Ms. Malone: YES
- Mr. Young: YES, no evidence that the affidavit was signed
- Chair Wilson: YES
- Ms. Ramos: YES
- Ms. Yarie: YES
- Mr. Green: YES
- Mr. Rivera: YES

7:15 pm—7:30 pm New Business

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, and Julie Ramos
 IPR staff: Irene Konev, Community Outreach Coordinator

- Had a discussion on assigning members to different stakeholders

2. Directive Workgroup (5 min.)

MISSION STATEMENT:

Chair: Bridget Donegan / Members:
 IPR staff: Constantin Severe, IPR Director

- The Committee approved the workgroup's mission statement: *The Directive Workgroup reviews bureau directives open for public comment and submits public comment to the bureau*
- Ms. Donegan had a phone call with Stephanie Prybyl regarding extending the timeline for directives comment

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

- The group is looking for an additional two members

4. Standard of Review (5 min.)

MISSION STATEMENT:

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

- The workgroup will be meeting next week. Public notice will be sent out soon

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 workgroup Chair has been out of the country for awhile

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

- Ms. Aiona comments:
 - The standard of review only apply where or not to challenge the finding
- Mr. Handelman comments:
 - It is much less confusing for the public if IPR and IA start using “the son” and “ the landlord” instead of “witness 1” and “witness 2”
 - He supported the idea of extending the directive comments to 45 days
- Ms. Ross thanked the Committee for the thoughtful discussion
- An unnamed community member suggested the Committee to reach out to Ms. Siri to make sure she is completely understand the whole process

9:00 PM

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.*