



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, October 7, 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: Jim Young, Angelo Turner, Kiosha Ford, Julie Falk, Bridget Donegan, Julie Ramos, Vanessa Yarie, Erica Hurley, Robert Magill, Michael Frome, Anika Bent-Albert, Judy Prosper, Mary Hull-Caballero, TJ Browning, Matthew Klug, Barbara Ross, Debbie Aiona, Eric Terrell, Joseph Pugh, Daryl Turner

Absent: David Green, Kristin Malone, Mae Wilson, Roberto Rivera

AGENDA

5:30 pm—5:45 pm Introductions and Welcome (CRC Vice Chair Bridget Donegan)
[Approved of September 2, 2015 Meeting Minutes](#)

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

- IPR Director Constantin Severe presented as part of panel of speakers at Race Talks “Community Police Forum” at Maranatha Church with several local church pastors.
- From September 8th through September 10th, IPR Investigator Eric Berry observed PPB’s 2015 Fall Regional Rapid Response Team (RRT) Training at Camp Rilea, near Warrenton, Oregon. During the training, PPB’s RRT Team trained with other teams from other regional law enforcement agencies, practicing tactics and techniques developed by RRT Command Staff. The training scenarios were rigorous, dynamic, and designed to accurately reflect the challenges RRT faces when responding to protests and other mass events.
- IPR is happy to announce the placement of an intern from the PSU Masters’ of Social Work program. Freda Ceaser is currently a Program Manager at Central City Concern, and on the home stretch of her master’s degree. She will be working on policy, police practices, as well as engaging in outreach.
- Last month, IPR started the first round of interviews for the available Complaint Investigator position in our office. We hope to start the next stage of interviews later this month.
- IPR Community Outreach Coordinator attended and networked the Oregon Assembly for Black Affairs Annual meeting, Slavic Advisory Council, Dalnofest Slavic Trucking Festival, The Pitch, a women’s networking event, Noche Bella – Latino Network annual fundraising event, and presented to students at the Lewis and Clark Volunteer Fair. She gave a presentation to the Community Oversight Advisory Board outreach subcommittee on outreach strategies with immigrant community, attended the End Racial Profiling and Ban the Box Celebration at Center for Intercultural Organizing, where the State Governor signed two new bills into law. Konev gave an update on IPR and CRC activities to the Community and Police Relations Committee.
- Community feedback:
 - Law students acknowledge and appreciate that the City of Portland has an independent civilian police oversight system.
 - Parents living in North Portland are concerned that their youth are being stopped and searched while on their way to and from school.

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

- CRC Chair Mae Wilson is out attending the NACOLE Conference

6:15 pm—7:15 pm **Case File Review/Appeal Hearing: 2015-C-0104/ 2015-X-0002**

Appellant alleged that Sergeant A and Officer B used inappropriate force while taking him into custody.

- Assistant Director Bent-Albert explained that the complaint was first filed with City Risk Management. During the Tort Review Board meeting, IPR Assistant Program Manager recommended IA to start the administrative investigation into the incident
- Lt. Hurley provided IA side of the investigation:
 - The case was assigned to Investigator Magill. He started by going through the 940 report of the incident
 - Investigator Magill interviewed all of the involved PPB members and one witness
- Lt. Hurley went over all the questions raised by CRC members while reviewing the case file
- Ms. Ramos asked Lt. Hurley what is a taser log?
 - Every time a taser is used, there's a chip inside that actually records how many times the taser is fired
 - Lt. Frome: The taser officer B was using is one he is testing for the training division. Taser log goes back as long as the particular battery has been installed. The difference in the new taser is that the probes do not need to be fire in order to use the taser. An officer can taser someone (dry stunt) by directly touching someone with the taser
- Lt. Frome explained to the Committee how to read to taser log of the taser being used in the incident
- Vice Chair Donegan asked how long the probes stay in someone body?
 - Those will stay attached in someone body until they are being removed by medical
- Vice Chair Donegan tried to read the taser log to Lt. Frome to see if her reading is correct: The taser was first deployed in dry stunt mode for 5 seconds and then it stopped for 10 seconds. The second dry stunt happened for 3 seconds. The final time where the probes were actually deployed was for 5 seconds
 - Lt. Frome confirmed that her interpretation is correct
- Ms. Falk asked Lt. Hurley about the two allegations that applied to officer B if they are two separate directives or they are being combined into one?
 - I wasn't the Captain who created the directives but if I were the one who created these directives then I would say it would be the same. The use of force directive 1010 also covers the use of electronic weapons
- Ms. Browning spoke on behalf of the appellant:
 - Even though all witnesses were interviewed by the Sergeant at the scene which was recorded in the 940 use of force report, the appellant is concerning about how IA investigator did not follow up and interview the 3 civilian witnesses who said it was a use of excessive force during the initial interview while he only interviewed one witness who supported the officer's actions
- Vice Chair Donegan asked Ms. Browning if she thinks by interviewing these 3 witnesses would gain more information on what happened
 - Yes I do. The appellant deserves a complete investigation
- Ms. Falk asked Lt. Hurley if there are no other allegation regarding to the use of force other than the use of the taser by officer B?
 - That is correct
- Vice Chair Donegan asked Investigator Magill why did he interviewed one person, but not the others?
 - Lt. Hurley made a point that an IA investigator can discuss interviewing witnesses with a Lieutenant or Sergeant about the case and if he/she feels that there are enough information based on the 940 report, the Lieutenant or Sergeant can make the decision to not re-interview those witnesses
- Ms. Ramos asked Investigator Magill if the person what was interviewed the one that filmed the incident?
 - No he was not. The one witness who was re-interviewed provided us with a report that we did not have
- Ms. Ford asked Investigator Magill why did he not follow up and re-interview the witness who filmed the incident?

- The person was of the group of 3 that was interviewed by the sergeant who conducted the 940 use of force report
- Ms. Falk asked Investigator Magill to clarify which report he did not have from the security company?
 - On June 29, I contacted the supervisor of the security firm where the security guard works for an electronic copy of incident report. Through the re-interview process, we were able to obtain the report
- Public comments:
 - Mr. Handelman's comments:
 - It's made a huge different to have an APA at a case file review hearing since they are able to explain what the appellant concerns are
 - It seems like the person who recorded the video didn't have time to review the video when he was being interviewed by the Sergeant right after the incident
 - This is a good case to go back for more investigation so the investigator can ask some more follow up questions
- Mr. Terrell made a comment that it is worthwhile to go back and interview the other 3 witnesses to make sure we are not missing out on anything
- The appellant made a comment that there were several things on taser log the date of the incident which were not recorded in Investigator Magill's report
- Mr. Turner thought the 3 witnesses statements right after the incident were pretty clear and he was wondering if it is worth it to go back and re-interview those witnesses now since the incident happened long time ago
- Ms. Ford had concerns about the witness who filmed the incident did not get re-interview. The only person who got re-interviewed was the security officer
- Ms. Ramos thought it would be helpful to re-interview the 3 witnesses fully. They did made some very brief statements in the 940 report
- Lt. Hurley made a comment regarding the witness that was re-interviewed since the person was there from the beginning until the end
- Vice Chair Donegan agreed with Mr. Turner that the first statement those 3 witnesses were really what they saw and thought. She thought that the investigation would be more complete if those 3 witnesses are being re-interviewed
- Ms. Ramos asked Investigator Magill if he had gone through the 940 report?
 - Yes I had that report and an electronic copy of the video of the incident
- Mr. Young made a suggestion to re-interview the 3 witnesses since the statements that they provided at the scene might've been their emotional reaction. It is important and relevant information to see exactly what did they see and not see
- Ms. Ford made a point that the Sergeant who wrote the 940 report had previously encountered the appellant in the past and that might affect his judgement while writing the report
- Ms. Falk asked IA if they can give the Committee more information on why those 3 witnesses were not re-interview?
- Mr. Young asked Lt. Frome if these issues had been raised at the time he made the decision on whether to re-interview witnesses, is there any reason why the witnesses should not get re-interview
 - No
- Mr. Young made the motion to send the case file back for further investigations based on the Committee's protocols on whether the Committee have enough information for an appear hearing. This was seconded by Ms. Ford
 - Ms. Falk: Yes
 - Ms. Yarie: Yes
 - Ms. Ramos: Yes
 - Vice Chair Donegan: Yes
 - Ms. Ford: Yes
 - Mr. Young: Yes
 - Mr. Turner: Yes
- The Committee unanimously voted to request IA to go back and re-interview the 3 witnesses

- Mr. Young made a suggestion for IA to look into the taser log in terms of complying with the Bureau's policy

7:15 pm—7:30 pm New Business

- Ms. Ford attended several fundraising events:
 - Urban League fundraising dinner
 - Self Enhancement Incorporated: Youth Potential Realized
- Vice Chair Donegan met with a City employee who is a staff liaison to the Multnomah Youth Commission about the possibility of CRC coming to talk to the Commission about police related issues

7:30 pm—7:45 pm Old Business

7:45 pm—8:05 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

- The Workgroup is looking into designing a CRC info brochure. Ms. Ramos has a friend who is willing to design a CRC logo for free
- Mr. Turner went to several ride alongs. He also had a meeting with Commander Ueha
- Ms. Ramos met with the Director of Street Roots regarding homeless interaction between the homeless and various private security firms.
- Mr. Turner made a suggestion to have CRC meeting at a PPB's precinct's community room once a year. This is a good chance for officers to see how the CRC operates
- Lt. Hurley supported the idea of having CRC meeting at the precinct so officer can stop by after roll call or during their shift
- Mr. Turner made a suggestion to start an Outreach Workgroup meeting at a police precinct next month
- Vice Chair made a suggestion to leave this topic open for more discussions
- Ms. Ramos ask Ms. Konev to send the Outreach Workgroup a list of possible locations for CRC meeting in the community
- Other suggestions for possible meeting locations: Columbia Villa, TPI, Sister of the Road Cafe

2. Directive Workgroup (5 min.)

MISSION STATEMENT: The Directive Workgroup reviews bureau directives open for public comment and submits public comment to the bureau.

Chair: Bridget Donegan / Members:

IPR staff: Constantin Severe, IPR Director

- Vice Chair Donegan had a phone conversation with a Disability Rights Oregon representative regarding PPB disability directives that are up for comments
- Ms. Yarie sent out some PPB Directives on domestic violence for comments to her colleagues

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, Jeff Bissonnette

IPR staff: Derek Reinke, Senior Management Analyst

- Ms. Yarie is still waiting from the Bureau to see if PRB member can join the Workgroup

4. Standard of Review (5 min.)

MISSION STATEMENT: The Standard of Review Workgroup examines CRC jurisdiction and the standard of review and recommends action to the CRC

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

- The Workgroup would like the Committee to vote to reaffirm the CRC 2010 structural report and the 2007 letter to City Council contain recommendations for CRC standard of review to be changed to preponderance of evidence
- The Workgroup will use the research that was conducted in the past by previous CRC Workgroups as resource for a write up on a new version of the Standard of Review
- The workgroup also would like the Committee to vote to empower the Workgroup to conduct research and to recommend a strategy to implement changes to the Standard of Review
- The Committee unanimously voted to support these proposals

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

- Before the September's CRC meeting, Mr. Young sent out an email with detail on his and Mr. Denecke's meeting with the Chief
- He will follow up with Mr. Denecke regarding putting a draft of the Use of Deadly Force Workgroup report in front of the whole Committee for approval

8:05 pm—8:35 pm Public comment and wrap-up comments by CRC members

- Mr. Handelman Comments:
 - He was glad that the appeal process worked tonight where the appellant had an Appeal Process Advisor
 - Couple issues he would like the Committee to think about: The question about the officer said something about not wanting to use a "higher level of taser", the number of taser cycles. The record stated that there were 6 cycles, and any overuse of more than 2 cycles are considered as a use of deadly force un the DOJ agreement
 - The Sergeant who wrote the 940 report might be bias since he had encountered the appellant in the past
 - He supported the idea of having just an Outreach workgroup meeting at the precinct, but not the actual CRC meeting

- Ms. Ross would like invite the Committee to attend a public forum on racism in the Oregon Criminal System next Tuesday October 13 at 7PM in Multnomah Village. This forum will also be re-broadcast on public channel
- Lt. Hurley made a comment that IA will no longer send out case file CDs. CRC members will need to come to IA or IPR to review the case file for the November appeal. For the December's appeal, IA is working on the remote access system where CRC member can log onto a share drive and access the files that way

7:30 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.***