



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: Tuesday, January 21, 2016 (meetings are typically held the first Wednesday of each month)

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

Location: Auditorium, Portland Building, 1120 SW 5th Ave. Portland, OR 97204

Present: Jim Young, Angelo Turner, Julie Falk, Michael Luna, Vanessa Yarie, Kiosha Ford, Judy Prosper, Constantin Severe, Captain Derek Rodrigues, Lt. Mike Frome, Anika Bent-Albert, Deirdre Perez, Ramsey AlQaisi, Eric Nomura, Eric Berry, Dan Handelman, Regina Hannon, Debbie Aiona

AGENDA

5:30 pm—5:45 pm Introductions and Welcome (CRC Chair Mae Wilson)

- Due to the absence of CRC Chair Mae Wilson and Vice Chair Bridget Donegan, the Committee voted to elect Angelo Turner as an Interim Chair to lead the Committee tonight

5:45 pm—7:45 pm **Case File Review/Appeal Hearing: 2014-C-0109/ 2016-X-0001**

On 05/01/15, the appellant contacted IPR by phone regarding her interaction with Portland Police officers on 04/26/15. Appellant alleges Officer A used unnecessary force and engaged in unprofessional conduct during his contact with her. The appellant also alleges Officer B engaged in unprofessional conduct and used inappropriate force when taking a suspect into custody.

- Director Severe asked all the Committee to confirm that they have review all the files related to the complaint
- The Committee confirmed that they all have read the complaint files
- Investigator Nomura provided a brief summary of the complaint:
 - On April 26, 2015, around 3:15 PM Officer A and Officer B. were dispatched to a Goodwill Industries store located in Southeast Portland to conduct a welfare check on a Subject in a vehicle. The Officers then arrested the Subject for drug related offenses
 - The appellant observed Officer B removing the Subject. The appellant made verbal contact with the Subject
 - Officer A grabbed the appellant and moved her away from the vehicle. After a verbal exchange with the Officer, the appellant then made contact with a male who later determined to be an associate with the Subject
 - Interviews were conducted with the appellant, the male associate, and the officers
 - Investigator Nomura was able to confirm that there's no surveillance video in the area of the incident
 - The allegations were formed based on information obtained by the appellant and the associate
- Interim Chair Turner read over the Case File Review Protocol
- Director Severe went over all of the allegations related to this case:
 - Officer A's use of a control hold on Appellant constituted unnecessary force. (CONTROL)(Directive 1010.00 – Use of Force)
 - Officer A engaged in unprofessional conduct during his contact with Appellant. (CONDUCT)(Directive 310.00 – Conduct, Professional)
 - Officer A used profanity during his contact with Appellant. (COURTESY)(Directive 310.40 – Courtesy)
 - Officer B engaged in unprofessional conduct. (CONDUCT)(Directive 310.00 – Conduct, Professional)
 - Officer B used inappropriate force when taking Subject into custody. (FORCE)(Directive 1010.00 – Use of Force)
- Director Severe controverted allegations 2 and 4 and they both went to the Police Review Board. The Board then voted 4-1 to keep the original findings

- This case is unique in a way that it was an IPR independent investigation
- Interim Chair Turner asked Director Severe to explain the definition of all the findings:
 - **Finding:** A determination of whether an allegation against a member is unfounded, exonerated, not sustained or sustained. These findings have the following meanings:
 - **Unfounded:** The allegation was false or devoid of fact or there was not a credible basis for a possible violation of policy or procedure.
 - **Exonerated:** The act occurred, but was lawful and within policy.
 - **Not Sustained:** The evidence was insufficient to prove a violation of policy or procedure.
 - **Sustained:** The evidence was sufficient to prove a violation of policy or procedure.
- Ms. Falk asked Director Severe if a CRC member served on the Police Review Board (PRB) on this case? Does it matter if that CRC member is here tonight?
 - Yes there was. The CRC member who sat on the PRB on this case cannot vote at this appeal
- Mr. Young asked Director Severe what was the PRB vote?
 - The PRB voted to affirm Lt. Frome's findings
- Ms. Falk asked Director Severe regarding the decision not to interview the subject who was taken into custody
 - IPR reached out to the Subject's attorney and did not receive permission to interview the subject
- Mr. Denecke, the appellant APA made some comments regarding the case:
 - The public defender person IPR contact was not the one who represented the Subject
 - The record is not complete since the Subject's actual lawyer was not contacted about making the subject available for the interview. The Subject's case is now disposed and the subject is now can be interviewed
- Ms. Ford made a comment that the Subject's testimony could be valuable to this case
- Mr. Young also made a suggestion for IPR to reach out to interview the subject to complete the record
- Director Severe made a comment that IPR is required to complete the investigation within 60 days. The Public Defender should've rerouted IPR's request to the Subject's lawyer and they didn't do so. If CRC would like an additional investigation, IPR can certainly do that
- Mr. Denecke made a comment that he has the name of the actual attorney who handled the case
- Director Severe made a comment that the likelihood of IPR able to contact the Subject is very minimal. This was a very complete investigation. It answered every questions that could be asked. The Subject who was taken into custody
- Ms. Falk made comment that all the questions weren't answered by the Subject
- Director Severe made a comment that when the Subject was taken into custody there was evidence that showed very recent drug use. Possibly heroin or meth. The likelihood of her being able to provide us with her testimony regarding the incident is very unlikely
- Cassandra from the Marion County Public Defender's comments:
 - Ms. Fox is our community court's point person. Every time a case is eligible for a community court, her information is being given. The chance of the individual would make contact with Ms. Fox is depend on whether the person would like to go through community court or not
 - If the person doesn't want to go through community court then it goes to the other attorney without Ms. Fox meeting with that person
 - If the Subject was convicted of something she is most likely going through probation right now. The probation department might have her contact information
- Mr. Handelman comments:
 - IPR should get a copy of the court transcript to find out relevant information to the case
 - The case should be sent back for additional investigation to realigned more to reflect what the appellant said since her testimony was that the Officers "pushed her and shoved her"
- Interim Chair Turner asked the committee members if they are ready to vote?
- Mr. Young asked Director Severe if we can separate the allegations since 4 out of 5 allegations are related to the appellant?
 - At this point, if we send the case back, we should just send the whole thing back because it's hard to break apart one allegation from another since the appellant was there as well.
- Ms. Ford asked Director Severe if that is a possibility?
 - CRC can make the motion. There's nothing in the code that prohibited that

- Mr. Denecke made a comment that from the appellant's standpoint the Subject was sitting right next to her when this occurred so she witness everything that happened
- Mr. Young asked Captain Rodrigues if he would have any problems with making contact with this person related to allegation 5?
 - From an IA's point of view if it get sent back then it gets sent back. If we have to re-interview the Officer then we will re-interview the Officer
- Ms. Falk made a comment that it doesn't make sense to break up the allegations
- Mr. Young made the comment that in term of fairness, the Subject should be interview since there's a reasonable chance of making contact with her
- Director Severe reiterated that the chance of making contact with the Subject is very low. IPR had to proceed in a timely manner after unsuccessfully getting a response from the lawyer
- Mr. Luna asked Director Severe about the Subject's mental stage at the time?
 - Based on the evidence she was slumped over in the car when Officers arrived
- Ms. Ford made a comment that the concern should be whether she can be located and has the insight of what happened
- Ms. Falk made a comment that since the case is now resolved, IPR can contact the Subject directly without having to go through the attorney
- Mr. Denecke made a comment that the appellant believes the Subject is on probation and the court record can be obtained to get the Subject's contact information
- Interim Chair Turner asked Director Severe if IPR made contact with the Subject's probation officer? Is it something IPR normally would do?
 - No. Typically a use of force cases get investigated 100% of the time now. IPR reaches out to the person subject to the use of force early in the process and if they do not participate then IPR still have to continue with the investigation
- Mr. Luna asked Investigator Nomura of the amount of times he tried to contact the Subject's lawyer
 - I will have to back and look at the file
- Mr. Young made a comment that her mental stage is not a factor based on the transcript he read of the Officer asking the Subject for consent to search the car and she did gave the consent. He moved that the case be sent back for additional investigation for IPR to make an attempt to contact the Subject. This was seconded by Ms. Ford
 - Mr. Luna: YES
 - Ms. Falk: YES
 - Interim Chair Turner: YES
 - Mr. Young: YES
 - Ms. Yarie: YES
 - Ms. Ford: YES

7:45 pm—8:15 pm Public comment and wrap-up comments by CRC members

- Mr. Handelman comments:
 - Copwatch did an analysis of the latest PRB report
 - He would like to encourage Committee members to attend the OIR hearing
- Mr. Denecke made a comment the appellant will talk to the public defender office to improve the process of contacting the right attorney representing a defendant on a case

7:00 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.*