

Community Oversight of Portland Police Bureau



Minutes

Date: Wednesday, March 2, 2016 (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: Roberto Rivera, Julie Falk, Vanessa Yarie, Mae Wilson, Julie Ramos, Jim Young, Kiosha Ford, Constantin Severe, Ellen Osonach, Lt. Erica Hurley, Commander Mike Leloff, Dan Handelman, Ted and Kalei Luyben, Debbie Aiona, Carol Cushman

AGENDA

5:30 pm—5:45 pm Introductions and Welcome (CRC Vice Chair Julie L. Ramos)

Approved of February 3rd Meeting Minutes

5:45 pm—6:00 pm Director's Report (IPR Director Constantin Severe)

- The Citizen Review Committee (CRC) recruitment begins today, the application has been posted on the IPR
 website
- IPR Community Outreach Coordinator Irene Konev attended and connected with East Portland Youth Advocates
 and met with the new director of Russian Oregon Social Services to plan a TV and radio segment on the IPR
 commendation and complaint process. She met with the executive director of Ahishka Turkish Community
 Center, and attended Metro's Equity Community Conversation which took place with many of Portland's
 executive directors of social service agencies in attendance
- Konev has continued outreach with some of the participants from last month's Community Dialogue with Latino Network, and made a presentation to the staff of Hacienda CDC
- IPR director Constantin Severe spoke on KBOO Radio and expanded awareness of IPR's police oversight role. IPR
 Assistant Director Anika Bent-Albert continues to attend and engage with community stakeholders and
 members of the Police Bureau at the Developmental Disabilities Advisory Committee meeting
- Community Feedback
 - Latino community members request further community engagement with IPR and are interested in applying to serve on the CRC and PRB
 - o Service providers working with Latino youth report positive engagement with Portland Police officers

6:00 pm—6:15 pm Chair's Report (CRC Vice Chair Julie L. Ramos)

- Chair Malone and Vice Chair Ramos worked with the Auditor and IPR to revise protocol 5.22 to reflect the new executive proposal
- Mr. Rivera resigned as a Chair of the Outreach Workgroup
- Chair Malone and Vice Chair Ramos has been trying to find time to meet with the Auditor
- Chair Malone met with PPA president Daryl Turner, and Angelo Turner to discuss increase Bureau members participation in CRC appeal
- Chair Malone, Vice Chair Ramos discussed with IPR on filming setup in room C and possible room changes

Appellant alleged Officer A used inappropriate force while trying to inspect her TriMet's Honor Citizen pass by grabbing her backpack and pulled her back to his area.

- Lt. Hurley explain IA side of the investigation:
 - o IPR did the initial intake and it was forwarded to IA
 - IA interviewed the complainant, the witness TriMet's Inspector, and the involved Bureau Member
 - IA was able to obtain surveillance videos from several angles at the scene, but the cameras did not capture the incident
- Ms. Wilson asked Vice Chair Ramos if she was able to observe anything happening while watching the videos
 - o It showed a lot of TriMet's trains come and go and it did not show the incident
- Mr. Rivera expressed several concerns to Lt. Hurley that he did not understand why the Investigator told the
 complainant that the involved officer has over 20 years of experience. Also, on page 12 of the interview
 transcript, the Investigator shared with a PPB Union rep that he reviewed the videos and he did not notice the
 officer making any contact with the appellant
 - My guess is the Investigator made that comment was because he was trying to explain that the officer knows the law. Regarding the concern of the Investigator sharing with the Union rep. It was because the Investigator tried to confirm that officer A was indeed the officer involved in the incident. There was no police report written
- Ms. Ramos asked Lt. Hurley if the 2 witnesses that the appellant mentioned were interviewed by IA?
 - We did interviewed on witness which was the TriMet's Inspector. I don't know if there were other witnesses
- The Appellant made a comment that she remembered there were three people standing in front of her one of them was the involved officer
- Ms. Ford made a comment that the investigation was thorough. She agreed with Mr. Rivera regarding some unneutral questions that the IA Investigator asked the appellant
- Mr. Meo made a comment that it seems to be an extra witness that IA failed to interview
- Mr. Handelman made a comment that IA should be reading questions that CRC members had regarding to the case
- TJ Browning thanked several committee members for raising the issue of the IA Investigator providing information to the involved officer. She also raise the issue of the missing part in the witness interview transcript
- Lt. Hurley made a comment that the Investigator had already started the conversation, but he forgot to start the recorder at the beginning
- The Appellant asked if the Committee members reviewed the initial complaint conversation she had with Investigator Nomura?
 - Yes we did
- Ms. Wilson made a motion to move forward with the appeal hearing. This was seconded by Mr. Young
 - Ms. Ford: YESMr. Young: YES
 - o Vice Chair Ramos: YES
 - Ms. Wilson: YESMs. Yarie: YESMs. Falk: YESMr. Rivera: YES
- IPR Director Severe provided a quick summary of the case:
 - o Incident occurred August 19, 2015. Appellant contacted IPR via phone. The incident happened at the Rose Quarter Transit Center
 - o The Officer asked the Appellant for her TriMet's pass. She showed it to him walked away.
 - o The Officer proceed to ask her for her ID in order to use the Honored Citizen pass
 - Appellant stated that she was in a hurry and the Officer grabbed her backpack stopping her forward movement
 - The allegation started out at a control hold, but then changed slightly to indicate that it was a use of force
 - o IA Interviewed three people: Appellant, the involved Officer, and the witness who is a TriMet's Inspector

- The witness recalled the involved Officer asking the Appellant for her TriMet's pass. He also recalled seeing the Officer grabbed her backpack. She came to a stop. It was more likely to get her attention than anything else
- o The Officer has served with the Transit's Division for about 4 years
- The Officer described the interaction was that he asked for proof of payment and she did not show it to him right away. Eventually Appellant showed him a ticket that required that he view some form of proof of identification. The Officer wanted to see Appellant's honored citizen pass which would have her identification and expiration date
- Appellant made some comments regarding incident:
 - She showed the Officer both her Honor Citizen pass and her ID which is right next to each other in her wallet and walked away
 - She was in the hurry to catch the green line when the officer grabbed her. She asked him to let go of her but he refused
 - o She had a bad experience with the police in the past. This incident brought back old memory
 - o The Officer did not grab her backpack. It was actually a bag on her left shoulder
- Commander Leloff provided his explanations for his findings:
 - The Officer asked for ID multiple times
 - The Officer did not realized that his action was a use of force, therefore, he did not write the use of force report
 - The Officer had over 20 years of experience and several years ago this would not be considered as a use of force
 - o We exonerated the Officer, but we also debrief him that a report needs to be written in the future
 - o The use of force in this situation was appropriate and reasonable
- Ms. Wilson asked Lt. Leloff what would be handled differently if a report was written? Is it possible to incorporate additional interpersonal feedback to the Officer as part of the debriefing process?
 - o If the involved officer had written a report, IA and IPR would have had a basis to determine whether complaint would go through a full investigation or not. Regarding interpersonal feedback, the experience is valuable to the Bureau and there's always an opportunity take back and learn from it
- Ms. Falk asked Commander Leloff on the training process on what would be considered as a use of force?
 - This is the issue that we have been looking at using different lenses. 15 years ago, this was not a use of force. We have different stages of use of force and people are still learning
- Mr. Falk asked Lt. Hurley on the issue of identifying a bag Vs. a back pack.
 - The issue of the "backpack" started with IPR initial intake report. When IA interviewed the Appellant, she did clarified with the Investigator that was a bag
- Mr. Rivera asked Lt. Hurley if the officer grabbed her arm?
 - o The officer recalled that he never grab her arm in any way
- Mr. Rivera asked Commander Leloff to provide an overview of what a fare enforcement system looks like?
 - o The global picture is it is a fair system and our job to do fare enforcements. Fare evasions take 9 − 10% of the loss to the system 10- 11 million dollars a year. We have about 91% compliance. We do have abuse and fraudulent tickets where people just flash their pass real quick and we also have some really good fraudulent tickets. We are making somewhere between 200-400 arrests a month
- Ms. Ford asked the appellant to demonstrate how she showed the officer her pass. Did you hear the officer calling for you
 - I pulled out my wallet and showed the officer my pass. I did hear the officer, but I did not bother looking back because there were other people around me
- Mr. Young asked Commander Leloff to explain why grabbing the appellant from the back is reasonable? Wouldn't it be reasonable to follow the Appellant and ask for her ID?
 - As we are trying to check each person when they are coming of the train. The Appellant refused to stop
 to show her ID after the Officer asking her multiple times. I find simply grabbing a bag and stop her
 movement is reasonable. We are checking for a lot of people so we try to station by the door the check

everyone's IDs as they are walking off the train. In this situation, the Appellant didn't stop to show her ID

- Ms. Yarie asked Commander Leloff how often a Transit officer have to grab onto a person belonging to check for proof of fare?
 - o About 2 3%
- Ms. Yarie asked the Appellant if there's a sidewalk to she had to walk across to get to the TriMet sign that show the max's schedule?
 - o I walked through the center at the front end of the Rose Quarter transit station
- Vice Chair Ramos asked commander Leloff about the ratio of the use of force versus government interests?
 - o We only able check 2-4% of riders. If they take off and running, we won't chase them
- Mr. Rivera asked the appellant if she mentioned to the doctor regarding her injuries from the altercation?
 - o I explained to the doctor that I was "manhandled" and they wanted to check my blood pressure to make sure everything is ok. I did mentioned to the doctor that my arm hurts
- Mr. Ford asked Commander Leloff if the there's a disconnect between an "old guard" and "young guard" when it comes to interacting with the public? Is part of the debriefing includes explaining to the officer that if it is worth to grab someone bag because they didn't provide proof of fare?
 - We just completed the new use of force training cycle in December. We are continuing on training all the officers, but it takes times to train all 950 officers. That can be done since we have not done the debrief since the case is incomplete
- Ms. Falk made a comment that she is very concerned about issue of identifying the difference between a bag
 and a backpack. If this allegation read officer used inappropriate force when he grabbed her "purse" to stop her
 then we all would have a different perception
- The appellant made a comment that she does not own a backpack
- Lt. Hurley made a comment that IPR's summary listed the bag as a "backpack". When IA did the interview the appellant clarified that it was a bag. IA don't see that it would be significant enough to change the allegation
- Mr. Rivera would like asked Lt. Hurley to confirm that the officer did admitted to grabbing the bag
 - o Yes he did
- Public comments:
 - o Mr. Handelman made several comments:
 - If you are a woman and someone grabbed your bag from the back then it must be terrifying especially for people who are traumatized
 - The price different between an Honor Citizen and a regular TriMet pass is less than \$2.50
 - The officer used excessive force in this case especially when he didn't even write a report
 - o Ms. Luyben comments:
 - Officers should be trained on trauma informed and should be treating people with dignity
 - We are talking about \$2.50 fare. It's not worth the use of force
- Appellant's APA made her closing comments
 - The appellant testimony of the incident was very accurate based on her interview with IPR and IA. She really believed that she had comply
 - o The appellant would like this incident to never happened again to another person
 - The debriefing process should also include an explanation on how a citizen who does nothing wrong and she being treated like a criminal
 - o She urged the Committee to provide specific on what officer should be debriefed about
- Director made a comment to the Committee that they need to articulate what they would like the Bureau to do
- City Attorney Ellen Osoinach explained to the appellant what the CRC are here to do and the decision they have to make regarding the finding on her case
- Mr. Young made a comment that the best course to take for the officer in this case is to get in front of her face to face instead of grabbing the appellant like that
- Ms. Falk asked Mr. Young about his use of the word "reasonable" and "unreasonable' since the allegation said "inappropriate"
 - o I use it interchangeably. If you look into the use of force's directive the word they used are "reasonable" and "unreasonable"

- Ms. Wilson made a motion to affirm the Bureau's finding with debriefing for the officer to take a trauma informed approach in the future. This was seconded by Ms. Ford
 - Ms. Ford: YESMr. Young: YESVice Chair Ramos: YESMs. Wilson: YES

Ms. Wilson: YESMs. Yarie: YESMs. Falk: YESMr. Rivera: YES

- The appellant made a comment that she is seeking counseling to assist her with her police related trauma
 - Vice Chair Ramos made a comment that she will provide to the appellant with some free counseling options

8:15 pm—8:30 pm New Business

- Ms. Ford, and Mr. Turner met with PPA President Daryl Turner on how to encourage offers to attend CRC meeting
- Mr. Young made a comment that he has been involved with the Accountability Workgroup and he is hoping IPR will provide a summary of what the Workgroup does be available at the next CRC meeting
- Ms. Yarie asked if the Committee would like to discuss forming a taskforce to look into the Box-in technique?
- Vice Chair Ramos made a comment that Policy and Protocols workgroup will take a look at this issue

8:30 pm—8:45 pm Old Business

8:45 pm—9:00 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. Following up with appellants and others community requests will supplement current work group tasks. Additionally, outreach committee members will serve as point for ongoing communications with IPR, the City, the Bureau, community members and/or act as the face of CRC.

Chair: Vacant / Members: Mae Wilson, and Julie Ramos IPR staff: Irene Konev, Community Outreach Coordinator

2. Recurring Audit (5 min.)

<u>MISSION STATEMENT:</u> 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

3. Policy and Protocols (5 min.)

MISSION STATEMENT: The Policy and Protocols Workgroup examines CRC jurisdiction and the standard of review and recommends action to the CRC. Additionally, the workgroup will review community letters/input on policy issues and police bureau issues and present findings to full CRC.

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

9:00 pm—9:30 pm Public comment and wrap-up comments by CRC members

- Mr. Handelman comments:
 - He urged the Committee to get the Bureau to release the disposition letter
 - He doesn't understand why the complainant and officers first being interviewed by IPR and then by IA
 - o When the Committee deciding on what the finding should be, one of the options is not sustained
 - Community will not feel safe if the whole room filled with police officers
 - Use of Deadly Force workgroup still need to produce some kind of report to the committee
 - o In terms of the Box-in technique, Crowd Control work decided not to look into that
- Unnamed community member made a comment on who created different kind of findings? And these findings are made to protect the police and not community member
 - o Director Severe made a comment that these findings are created by Police Bureau
- Ms. Ford made a suggestion for the Committee to discuss the issue regarding Mr. Handelman filming right behind Bureau members
- Mr. Rivera asked Vice Chair Ramos if this issue should be looked at by the whole Committee or a Workgroup?
- Ms. Wilson made a comment that this issue can be discussed in an Executive Committee meeting and then
 maybe bring it to the whole Committee for a vote

7:30pm 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.