



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, August 3, 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, Kiosha Ford, Jim Young, Michael Luna, Julie Falk, Vanessa Yarie, Julie Ramos, Kristin Malone, Bryan Parman, John Brooks, Constantin Severe, Eric Berry, Deirdre Perez, Dan Simon, Celeste and Herschel Soles, Jeff Bissonnette, Kalei and Ted Luyben, Carol Cushman, Dani, Pamela Fitzimmons, Rochelle Silver, David Denecke, Carly Presh-Dunne, Debbie Aiona, Regina Hannon

AGENDA

5:30 pm—5:45 pm Introductions and Welcome (CRC Chair Kristin Malone)
[Approved of June 21 and July 6 Meeting Minutes](#)

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

- IPR Investigator recruitment ended and 191 applications were received. Interviews are being scheduled
- The Police Review Board recruitment ended on July 14th and 24 applications were received. The selection committee interviewed and selected 17 applicants for consideration to the City Auditor
- IPR Outreach Coordinator Irene Konev attended and networked at the Coalition of Community of Color Fundraising event, made a presentation to program participants of Healthy Baby Initiative, presented the IPR and CRC commendations complaint process in Russian to Russian Radio 7 audiences and attended the National Night Out events at Hacienda CDC. Konev and IPR director Constantin Severe attended the City Council Town Hall meeting on the Proposed Changes to Police Accountability Processes in City Code

6:00 pm – 6:15 pm Chair's Report (CRC Chair Kristin Malone)

- [Attended the City Council town hall on the proposed changes to the appeal process](#)

6:15 pm—7:45 pm **Appeal Hearing: 2014-C-0347/ 2015-X-0004**

On November 29th, 2014, one of several demonstrations occurred in response to the grand jury decision in Ferguson, Missouri. Protesters gathered and traveled through several Downtown Portland locations, including SW 3rd Avenue between Main and Madison, eventually to SW

6th and Morrison and SW 2nd and Main Street. At SW 2nd and Main Street, the PPB Sound Truck informed protestors that they were all under arrest. Some protestors were taken into custody and the remaining people were dispersed from the location.

- Director Severe made a comment that he had provided a summary of IPR side of the investigation:
- Appellant APA Jeff Bissonnette made a comment that the Appellant do not mind her real name being used. She identified herself as Theresa Holloway
- Ms. Holloway provided her testimony of the incident:
 - The police told the protestors that they were under arrest without an explanation on why they are being placed under arrest
- Captain Parman provided Bureau's side of the investigation:

- The case was sent back for an additional investigation and he reviewed all the supplemental investigation materials
- Regarding to allegation 1, there was a probable cause for the arrest due to the protestors being in the intersection
- Regarding to allegation 2 of Sergeant A making passing on the decision to make arrests, authorization was given the authorization by Commander B as well as the Sergeant making his own judgment to order his officers to make arrest
- The last two allegations related to the detention of the individuals in the intersection. Looking at the totality of the circumstances. There was a probable cause for the arrests and there was also a reasonable suspicion to authorize the detention of those people in the middle of the intersection
- Mr. Rivera asked Captain Parman what was the role of the police throughout the protest?
 - This march started out early out during the day. Police Bureau for the vast majority of the evening just facilitating the protest. When the crowd stopped at the intersection between 2nd and Main, they were asked multiple times, but refused to move out of the intersection. The police took advantage of the crowd stopping to make arrests for disorderly conduct
- Mr. Rivera asked Captain Parman if one of the roles of the police is to monitor criminal activities?
 - When we are there, we observe the crowd behaviors and take immediate action if warranted. In a case of low level violation like disorderly conduct, our goal is always to intervene a crowd in a lowest level possible to achieve our intents which is affect the outcome of a criminal behavior
- Mr. Rivera asked Captain Parman if the use of the kettling technique be considered a high level use of force?
 - No it was not
- Ms. Falk asked Captain Parman if it would still be illegal for the protestors to be at the intersection if the protest was permitted? Did Bureau mention the word “un permitted” when they were giving out warnings?
 - If you have a permit, the permit authorizes the closure of the street for the protest. I will have to look back at the video, if the word “unpermitted” was used.
- Ms. Ford asked Captain Parman if the person that jumped on top of a car was ever arrested?
 - I have to go back and look, but my recollection of the event when the officers try to move in and make the arrest, the person disappeared so they were not able to arrest to person
- Mr. Rivera asked Captain Parman about his summary that mentioned about people who got cited for prior crimes for disorderly conduct and inferring with a peace office. Were they cited for previous crimes or the crimes that happened at 2nd and Main?
 - People were observed committing a crime earlier during the evening. All the citations were cited for crimes happened at intersection of 2nd and Main. The Commander authorized the arrest of a person if there’s a probable cause for a crime committed previously
- Mr. Young asked the Ms. Holloway if it is a fair statement that they were blocking traffic?
 - No there was no traffic on the road. Also the intention was not to block traffic but to raise awareness
- Mr. Young asked Captain Parman if he conferred with the DA regarding the case?
 - There was a representative from the DA there at the scene who reviewed all the cases before they were being submitted for consideration. The DA representative believed that there were probable causes for those arrests
- Mr. Young asked Captain Parman if there’s an exception in Oregon law that given people the right to be on the street to exercise their constitutional rights
 - If the event is permitted then there would be no crime. I am not aware of any exemption that said when someone is engaged in free speech they would be exempted from arrest for criminal behaviors
- Chair Malone made a comment the Sergeant had the authority to do so and they acted based on laws that allow them to do. The question that the Committee should look into is whether these officers violated PPB Directive
- Mr. Rivera made a comment the question is not whether the Sergeant had the authority, the question is he was ordered to arrest 10 people
- Ms. Ford made a comment that the main question is whether the decision was reasonable to box these people in and arrest 10 people for a crime that they possibly committed
- Vice Chair Ramos made a comment that the Committee is here tonight to look at the findings not debating about the event that happened that night
- Ms. Falk asked Captain Parman to articulate how he determined that it makes sense for Ms. Holloway to be arrested?

- It was the videos, police report, and her own interview. I don't think it is a dispute that she was on the street
- Mr. Young reminding the Committee of the Standard of Review. The Committee should look into whether Captain Parman made a reasonable decision on the findings
- Mr. Luna and Ms. Falk made a comment it is important to have an allegation that provides a distinction between an arrest and a detention
- Mr. Rivera asked Captain how did the officers identified the 10 individuals? He finds it very difficult for officers to identify people to arrest
 - As officers moving in, anyone who are on the street are in violation of the law and there are probable causes to arrest them. When officers first approached the crowd, people were still laying on the ground
- Director Severe reminded the Committee to make the decision based on the evidence being provided to the Committee.
- Ms. Falk asked Director Severe about Directive 830 being used in this case is not a conduct Directive
 - The act of being arrested. That conduct is a violation of the Directive
- Public comments:
 - Ms. Presho-Dunne made a comment that the police seems to be the one who incited the situation since the protestors were just trying to express support for a person who had passed away
 - Ms. Luyben made a comment a unified policy odd hope to the situation should've been determined to handle these kind of protest
 - Mr. Denecke made a comment that the Crowd Control Workgroup met with the Bureau awhile ago and they were told no technique like the kettling technique is being used by the Bureau
 - Ms. Raiford made several comments:
 - People were being assaulted and harassed during the kettling
 - People should not be treated like criminals when they are protesting for human rights and dignity
 - Mr. Handelman made several comments:
 - CRC needs to ask why was the appellant arrested
 - There were also mainstream media people who got kettled
 - People were complying with the order to move out of the street
 - It was a poor decision making on the Bureau and there were not enough allegations
 - Mr. Soles made a comment the idea of kettling a group of people with the hope that some of them will be arrested is a violation of people's rights
- Ms. Holloway made some rebuttal comments:
 - I would've cooperated with the order of getting out of the street, but those directions were never given
 - In order to arrest someone you need probable cause and probably cause has to be constitutional
- Chair Malone asked City Attorney if the Committee can still challenge the finding even if a reasonable person could've agreed with Captain Parman's findings?
 - The language in City Code 3.21.160 defines supported by the evidence as when a reasonable person COULD make the findings in light of the evidence whether or not reviewing body agrees with the findings
- Regarding to allegation 1 Mr. Luna made a motion to affirm the findings. This was seconded by Chair Malone
 - Mr. Young: YES
 - Mr. Luna: YES
 - Vice Chair Ramos: YES
 - Chair Malone: YES
 - Ms. Yarie: YES
 - Ms. Falk: YES
 - Ms. Ford: NO, there was no criminal activity at 2nd and Main
 - Mr. Rivera: NO, evidences did not support Captain Parman's findings
- Allegation 2 Mr. Luna made the motion to affirm the findings. This was seconded by Chair Malone
 - Mr. Young: YES
 - Mr. Luna: YES, telling everyone that they are "under arrest" as a way to detain people is inappropriate
 - Vice Chair Ramos: YES
 - Chair Malone: YES
 - Ms. Yarie: YES,

- Ms. Falk: YES
- Ms. Ford: NO, the arrest of Ms. Holloway was inappropriate
- Mr. Rivera: NO,
- Allegation 3 Ms. Falk made a motion to challenge findings Sustained. This was seconded by Ms. Ford
 - Mr. Young: NO, the Officer should receive a debriefing on this situation
 - Mr. Luna: YES, telling people they are under arrest is not consistent with PPB Directives
 - Vice Chair Ramos: NO
 - Chair Malone: NO, this is a gray area and the standard was met for Captain Parman to make the finding of exonerated
 - Ms. Yarie: YES, the detention of all the individuals were inappropriate
 - Ms. Falk: YES, People were inappropriately detained
 - Ms. Ford: YES, It was an inappropriate arrest including the people who were not even involved in the protest
 - Mr. Rivera: YES, no evidence to justify the arrests
- Allegation 4 Mr. Luna made a motion to affirm the findings. This was seconded by Ms. Falk
 - Mr. Young: YES
 - Mr. Luna: YES
 - Vice Chair Ramos: YES
 - Chair Malone: YES
 - Ms. Yarie: YES
 - Ms. Falk: YES
 - Ms. Ford: NO
 - Mr. Rivera: NO

7:45 pm—7:50 pm Break

7:50 pm – 8:05 pm New Business

1)CRC response to proposal regarding changes to the appeal process

- The Committee expressed several concerns:
 - The current proposal is closed to the public
 - The consolidated board will still have the same backlog as the current situation
 - The 21-day timeline is too short
- Public comments:
 - Ms. Aiona encouraged the CRC to emphasize on a full civilian body in the proposal
 - Ms. Luyben made a comment that the CRC is the only civilian oversight body and therefore, the Committee should not be involved in a closed consolidated body. There should not be a “secret committee meeting”
 - Dr. Silver made a comment for this whole process to slow down. This consolidated model will turn into a police-run program
 - Mr. Handelman made several comments:
 - The civilians from the PRB should be joining the CRC
 - September 7 vote on this proposal is too soon
 - The issue of timeliness is mostly on the Bureau not CRC
- The Committee agreed on several changes to the Committee formal statement:
 - Break the Committee down into small appeal panels
 - The standard of review should be changed to the preponderance of the evidence
 - CRC should be able to hear Officer Involved Shooting
 - More thought, analysis, and discussion be devoted to developing a model that preserves public access to citizen appeals while streamlining this process
- The Committee unanimously voted to accept the changes

8:05 pm – 8:20 pm Old Business

1. Use of Force Workgroup proposal

- Mr. Denecke urged the Committee to reconstitute the Crowd Control Workgroup to discuss the use of the kettling technique
- Mr. Denecke would like the Committee to authorize the Workgroup to meet with the Chief regarding the workgroup's proposal
- The Workgroup's main recommendation is officers should adopt a de-escalation/disengagement policy where the use of force is most likely. Several other recommendations are the Standard of Review and the review of Officer Involved Shootings
- Vice Chair Ramos asked Mr. Denecke if the workgroup met with the PPA
 - Yes we did twice
- Ms. Ford asked Mr. Denecke if the proposal for de-escalation/disengagement policy included the new tactics that the Bureau is using?
 - It does
- Mr. Young made a comment he is more than happy to continue working with the Workgroup. He recommends the Workgroup should focus solely on the issue of the use of deadly force
- Public Comments:
 - Mr. Handelman asked the Committee to give the public 2 weeks to provide feedbacks regarding the proposal. This proposal also should go to the Chief and City Council
- Ms. Ford made a motion reconstitute the Use of Deadly Force Workgroup. This was seconded by Ms. Falk
 - Mr. Young: YES
 - Mr. Luna: YES
 - Vice Chair Ramos: YES
 - Chair Malone: YES
 - Ms. Yarie: YES
 - Ms. Falk: YES
 - Ms. Ford: YES
 - Mr. Rivera: YES
- Chair Malone made a motion to reconstitute the Crowd Control Workgroup. This was seconded by Vice Chair Ramos
 - Mr. Young: YES
 - Mr. Luna: YES
 - Vice Chair Ramos: YES
 - Chair Malone: YES
 - Ms. Yarie: YES
 - Ms. Falk: YES
 - Ms. Ford: YES
 - Mr. Rivera: YES

8:20 pm – 8:35 pm Workgroup Updates

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: Mae Pfeil/ Members: Michael Luna, and Julie R. Ramos

IPR staff: Irene Konev, Community Outreach Coordinator

2. 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 Pfeil/ Members: Vanessa Yarie, Bridget Donegan, and Jeff Bissonnette

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

8:35 pm—8:50 pm Public comment and wrap-up comments by CRC members

9:30 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.*