



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, September 7, 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: Kristin Malone, Julie Ramos, Neil Simon, Michael Luna, Kiosha Ford, Vanessa Yarie, Mae Pfeil, Marisea Rivera, Anika Bent-Albert, Jeff Bell, Mike Frome, Dan Handelman, Kalei and Ted Luyben, Celestes and Herchel Soles, Mr. Burnett, Carol Cushman, Pamela Fitzimmons, Barbara Ross, Susan Boston, Peter Parks, Mr. Eng

AGENDA

5:30 pm—5:45 pm Introductions and Welcome (CRC Chair Kristin Malone)
Approved of August 3, 2016 Meeting Minutes

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

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

- Chair Malone and Vice Chair Ramos went to a public discussion at Maranatha Church regarding the Code Changes

6:15 pm—7:15 pm **Appeal Hearing:** 2015-C-0104/ 2015-X-0002
Appellant alleged that Sergeant A and Officer B used inappropriate force while taking him into custody.

*The first part of this meeting was not recorded due to human error

- Ms. Pfeil made a comment this Directive on electronic control is much more explicit than the previous Directives that the Committee reviewed
- Chair Malone made a comment about the taser Directive description of "active aggression". The way she read the Directives sounded like the officer may have violated the Directives
- Mr. Luna made a comment referring back to his time working in a psychiatric hospital when a person being actively restrained, things did not end well. The setting argument in this case is not a good argument. The Appellant was restrained by multiple officers and did not show the "active aggression" as listed in the report
- Ms. Pfeil raised an issue on what's the line between physical resistant and aggression
- Ms. Ford made a comment there's no reason for the officer to tase the appellant multiple times when there are already 3 officers on top of him
- Chair Malone made a comment after tasing the Appellant 3 times and being restrained by 3 officers, there must be another option aside from tasing him some more
- Ms. Pfeil made a comment that the officers at the scene were not aware of the current Directives
- Ms. Ford made a comment there's no excuse. Officers have the obligation to be up to date with Directives
- Mr. Luna made a comment that he would hope the last resort would mean the last resort since they cannot predict people's medical condition and the taser can cause serious bodily harm
- Vice Chair Ramos made a comment that the use of force should be used as a last resort. The video did not show what happened before that. She is stuck between "aggression vs. "resistant"

- Chair Malone made a comment that she was concerned about the initial escalation. Mr. Luna made a great point about restraining a person. While other discharges could also be found unreasonable, at the very least, the last discharge does not comply with the directive, because it was inadvertent and the officer had no justification
- Ms. Pfeil the current Directives made it very explicit and it is hard not to feel the action was unreasonable
- Chair Malone made a motion to challenge the allegation's findings and recommending the findings of Sustained. This was seconded by Ms. Ford
 - Ms. Yarie: YES, a reasonable person cannot find the tasing when the Appellant is on the ground appropriate
 - Ms. Ford: YES, the tasing of the Appellant was unreasonable since he wasn't resisting. No de-escalation tactic being used
 - Ms. Pfeil: YES, based on the Directives, it was unreasonable force used by the officer
 - Chair Malone: YES, at minimum, the final discharge was unreasonable because the officer did not even intend it to occur
 - Vice Chair Ramos: YES it was unreasonable based on the Directives
 - Mr. Luna: YES, the Appellant wasn't resisting and did not show aggression
 - Ms. Rivera: Abstained
 - Mr. Simon: Abstained
- The Committee voted 6 to 2 to challenge the findings and recommend the findings of Sustained
- Vice Chair Ramos and Ms. Pfeil urged the police bureau to look into this issue to help improve training for officers
- Captain Bell made a comment that this case was brought to the Training Division's attention due to the accidental discharge and the Bureau made several changes in the training for officers who are transitioning from the old taser to the new taser. Regarding to the issue of officers being aware of PPB Directives, Bureau members are now required to go through an online training module and answer several questions to make sure officers are well aware of the new directives. There also a follow up training of the application of the Directives

7:15 pm—7:20 pm Break

7:20 pm—7:35 pm Old Business

1) Discussion of proposed code changes to CRC appeal process

- Vice Chair Ramos raised some concerns about a 3-person panel and would like it to grow to 4-5 members panel
- Several CRC members raised the issue of allowing public comment during appeal hearing. People should be able to at least make comments at the end of the hearing after the Committee had voted
- Chair Malone made a comment that she recognizes that there's a back log of appeals and the need to create appeal panels will enable the CRC to hear more appeals
- Vice Chair Ramos made a comment that she raised the appeal timing issue on whether it really an issue with the CRC several times with the City, but has not received a response
- Ms. Ford made a comment that public comment has been beneficial to the Committee
- Ms. Pfeil emphasized that allowing open public comment has been proven beneficial. She cited the past meeting where a mother came to speak about her son
- Vice Chair Ramos made a comment that Council will take public testimony next Wednesday and then vote on the changes
- City Attorney made a clarify comment that Council will take public comment and then it will go to second reading the week after
- Public comments:
 - Mr. Burnett made a comment
 - Ms. Houle made a comment that the biggest thing is that the Internal Affairs investigation process takes a long time
 - Ms. Eng made a suggestion for the Committee to have an open meeting to listen to what people had to say. She thanked the Committee for their service

- Ms. Ross made a comment that public comments has been helpful and respectful
- Ms. Luyben made a comment that the proposed code changes is an attempt to abolish the CRC. She urged the Committee to think about the constitutional issue and check and balance
- Mr. Handelman made several comments
 - Public comment is very important and Portland copwatch is opposed to not allowing public comment at CRC appeal
 - He was surprised to hear that new PRB members are currently going through training and they have not been confirmed by City Council. PRB members should join the CRC so they can listen to public inputs and bring it back to their closed door meeting
 - He urged people to show up to the Council meeting next Wednesday
- Mr. Simon thanked the public for voicing their inputs

2) Use of Deadly Force Workgroup proposal

- 7:35 pm—8:00 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: Mae Pfeil/ Members: Michael Luna, and Julie R. Ramos

IPR staff: Irene Konev, Community Outreach Coordinator

- The Workgroup met today and looked into the current status of CRC members who are assigned to each City Council member
- The Workgroup is looking into best outreach practices and looking into what the group need to conduct these outreach

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

- The Workgroup is still waiting for a response from Mr. Bissonnette regarding the worksheet

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

- The Workgroup met today at 4 and had a robust discussion on where the CRC stands regarding the proposed changes that are coming up to City Council

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4. Crowd Control Workgroup (5 min.)

MISSION STATEMENT: The Crowd Control Workgroup examines existing crowd control policies, training, and tactics of the Portland Police Bureau, reviews crowd control best practices, legal standards and other information, and makes appropriate recommendations.

Chair: /Members: Michael Luna

- Mr. Luna will looking into the current status of the Workgroup

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: Rochelle Silver, James Young

- Mr. Young will discuss about the Workgroup's proposal at the next hearing

8:00 pm—8:20 pm Public comment and wrap-up comments by CRC members

- Mr. Handelman made several comments:
 - The Committee should discuss where the missing members are at the beginning of the meeting. Also the Committee should ask the Appellant if he understood everything that happened at the appeal hearing
 - The Crowd Control Workgroup was supposed to add “box-in” technique into the recommendations
 - Even though the case was sent back for new findings, there's no explanation on why
 - At the least hearing, there was a mention of a “warning arc”, now that seems to go away from official narrative
 - Officers are required to sign off on the Directives as part of the DOJ agreement. He is wondering if that was in place at the time of this incident
- Ms. Cushman made a comment there should've been another allegation added to the effect that Training Division did not adequately train the officer
- Ms. Aiona made a comment regarding the OIR Report that was released back in 2008. One of the recommendations was to add a supplementary finding such at training, equipment and supervisor failures. She also made a suggestion for IPR to release the list of appeals pending
- Ms. Ross made a comment that police have a need for more de-escalation tactics
- Ms. Eng made a comment about Investigator Rhodes from Internal Affairs is investigating her current case against the Mayor
- Mr. Klug made a comment that last time he was here were May 4th. He thanked witness officer D who is an Enhance Crisis Intervention Team member. He also would like to thank the Committee
- Mr. Parks made a comment that it is important for community members to speak at these meetings. He also urged the City not to let the Police Union use the CRC as part of their bargaining agreement

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.*