



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 5, 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, Roberto Rivera, Kiosha Ford, Michael Luna, Marisea Rivera, Julie Falk, Anika Bent-Albert, Jeff Bell, Charles Fender, George Burke, Dan Simon, Rochelle Silver, Debbie Aiona, Daniel Schwartz, Carol Cushman, Pamela Fitzimmons, Ryan Davis, Celeste and Herschel Soles, Regina Hannon

AGENDA

5:30 pm—5:45 pm Introductions and Welcome (CRC Chair Kristin Malone)
[Approved of September 7, 2016 Meeting Minutes](#)

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

- [Ms. Falk made a comment there has been a lot of work from IPR and the Auditor's office on various policy issues and those should be on the Director's Report](#)

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

- [Chair Malone and several other CRC members attended the City Council meeting on the code changes. Chair Malone and Vice Chair Ramos have been invited in the stakeholder workgroup to work on the changes](#)
- [Vice Chair Ramos attended the NACOLE Conference](#)

6:15 pm – 6:30 pm Use of Deadly Force Workgroup Directives discussion (Rochelle Silver)

- [Dr. Silver made a comment that the Workgroup spent a large amount of time talking to different divisions within the Police Bureau and various other organizations like League of Women Voters, PPA, Portland Copwatch, and OHSU Police. The Consensus that the Workgroup received is that things move too fast and guns are quickly drawn](#)
- [The Workgroup also studied the Use of Force in other police jurisdictions that's why they decided to add Seattle Police as an example in the proposal](#)
- [The Workgroup is asking the Committee to adopt the Workgroup's proposal to urge the Bureau to consider having de-escalation be the principle as a way to conduct themselves](#)
- [Mr. Rivera asked Dr. Silver if the Workgroup had a chance to meet with the Training Division to figure out a training module?](#)
 - [We've met with the previous Chief and Bureau staff and have been told that they will look into this proposal](#)
- [Ms. Pfeil asked Dr. Silver if the Workgroup has done a comparison between the de-escalation directives in Seattle, versus the existing Portland Police directives](#)
 - [The word de-escalation came up in couple directives, but it is not as a comprehensive approach like Seattle](#)
- [Mr. Rivera asked Dr. Silver if they Workgroup is proposing new directives about de-escalation?](#)
 - [All of the directives need to be rewritten to emphasize the use of de-escalation](#)
- [Ms. Pfeil asked Dr. Silver what it would look like to implement this proposal. Is it just presenting the proposal to Chief Marshman?](#)

- It will be depend on the Bureau's reception of this proposal. The Workgroup is more than happy to work collaboratively with the Bureau rather than just meet with the Bureau and present it to them
- Mr. Handelman made a comment that the Committee should post this online for comments before voting on it
- Mr. Soles made a comment that the Bureau resists every time the community tries to work with the Bureau on various issues
- Chair Malone made a comment that Committee will vote on this proposal at the October 26 meeting to allow time for public comment
- Ms. Pfeil reminded Dr. Silver that the Workgroup meeting with the Chief will be a public meeting

6:30 pm—7:30 pm **Appeal Hearing:** 2015-C-0157/ 2016-X-0002

On 06/09/15, the Appellant submitted an online complaint regarding an incident that took place on 06/06/15. The Appellant indicated officer A and B used inappropriate control techniques while taking him into custody. The Appellant also alleged that officer B cursed at him.

- Assistant Director Bent-Albert provided IPR's summary of the investigation:
 - The date of the incident was June 6, 2105. Investigator Berry made multiple attempts to contact the Appellant for an interview, but was not able to. The case consists of 3 allegations
 - Case was referred to IA for a full administrative investigation on July 21, 2015.
 - CRC case file review was held February 3, 2016
 - IPR received an email from the Appellant declined to participate in the appeal process on April 11, 2015
 - CRC voted to continue with the appeal at the June 1 meeting
- Captain Bell provided IA's summary of the investigation:
 - Investigator Courtney was able to speak with the Appellant and his father who showed up at the scene
 - Investigator Courtney also interviewed the 2 involved officers
- Lt. Fender provided the RU Manager's explanation of the findings:
 - The case was sent to RU Manager for findings on October 2, 2015
 - Officer stopped the Appellant for a traffic infraction. Prior of making the stop, the officer ran the license plate of the vehicle and found that a person associated with the vehicle had his license suspended for a recent DUI conviction. As soon as the Appellant pulled over, he and the other occupants in the vehicle immediately exited the vehicle and walked away from the traffic stop
 - Appellant made several conflicting statements during his interview on whether or not he knew it was the police that stopped him. Based on my review of the case, he knew it was the police as soon as he stopped the vehicle
 - Officer A and B were driving a marked police car. Officer A observed the Appellant immediately being hostile toward the officers. Officer A attempted to de-escalate while continuing to ask for the Appellant's driver license.
 - The appellant continued to escalate his behaviors and refused to provide his driver license, saying that it was not a legal stop
 - A relative of the Appellant who was one of the occupants in the car begin videotaping the encounter, and IA made a request to obtain those videos, but ended up not receiving any
 - Appellant made several statements during the IA interview that he would not cooperate with the police
 - The Appellant's father showed up while the officers were trying to put him into a police car and was able to de-escalate the situation so that officers were able to get the Appellant's name and decided not to charge him with failing to provide a driver license
 - Regarding allegation 1 and 2, I recommended the finding of exonerated
 - Regarding allegation 3, I made a recommendation of not sustained due to insufficient evidence
 - Officers learned of a prior injury to the Appellant through his father when he showed up
- Mr. Luna asked Lt. Fender if officers can just randomly run people's license plates
 - Officers are trained to run the plate through DMV as much as they can
- Mr. Rivera asked Lt. Fender if the car was registered to the Appellant or the person with the DUI
 - When we run a license plate through DMV, the computer will show all the names associated with the vehicle - not necessarily just the owner of the vehicle

- Ms. Falk asked Lt. Fender about the Bureau's policy on officers using profanity
 - The policy is pretty clear that whenever an officer uses profanity it has to be documented. It probably is difficult to document every time it happens. I would hope officers document these whenever they are making contact with the community so we can refer to it whenever someone is making a complaint
- Ms. Falk asked Lt. Fender if he looked into whether if the officers used profanity other cases
 - No because I was just dealing with the allegations at hand. Officers write thousands of reports a year and it would take me a long time to look into all those report to find one where he talks about the use of profanity in this case
- Ms. Rivera asked Lt. Fender if a 2-person control technique would turn into a 3-person technique when the third officer arrived
 - That third officer wasn't a part of the arrest of the Appellant. He was there to control the crowd
- Vice Chair Ramos asked Lt. Fender about the father of the Appellant calming him down
 - Absolutely, the father not only calmed the Appellant down, but the crowd as well
- Ms. Rivera asked Lt. Fender if it was the father or the officer who informed the Appellant about the DUII conviction being associated with the car
 - I don't think the father had any recollection of the DUII until the officer told him
- Ms. Falk asked Lt. Fender if the action of the officers was a use of force, but within policy
 - Taking a person into custody by making people place their hands behind their back is why the allegation is more specific to inappropriate control technique and not a use of force
- Ms. Ford ask Lt. Fender about why there's no audit being done to see if the officer properly documented his use of profanity in the past. He stated in his interview that he doesn't remember using profanity while the Appellant insisted that the officer used profanity
 - I only review the reports and interviews relating to this particular incident. It would have taken me months to go back and review prior reports from this officer
- Chair Malone made a comment this would have been a good case for IPR to conduct a full investigation instead of giving it to IA because of the complainant's history of negative interaction with the Bureau
- Mr. Roberto asked Lt. Fender if officers are being encouraged or discouraged from the use of profanity?
 - Police Bureau does not encourage the use of profanity, but due to dynamic situations that officers encounter, the use of profanity sometimes helps prevent them from using a higher force option. Talking to people using more direct and aggressive language can get their attention
- Public Comments:
 - Ms. Hannon make a comment that she doubts that she has ever had her car license plate checked by the police. It is also seems like officers were just waiting for the Appellant to commit an infraction to pull him over
 - Mr. Handelman's comments:
 - There's nothing in the case summary that mentions that the officers recognized the car
 - This should've been investigated as a racial profiling incident
 - Appellant stated that he was scared that he would've been killed by the police
 - The use of profanity is not a good way to de-escalate
 - Dr. Silver made a comment that she had some concerns about the profanity allegation on whether the officer used a specific word. From the totality of the circumstances, it's more important what the officer says to a person than whether or not he used profanity
 - Mr. Soles made a comment that the involved officer must've use a lot of profanity while on the job if he could not remember if he used it or not
 - Unnamed community member made a comment that she would not respect the officer if he swore at her. Also why didn't the officer explain to the Appellant that the car is associated with a DUII case before asking him for the ID?
- The Committee had a back and forth discussion on whether or not the appellant's statement about declining to continue with the appeal process should be read out loud at the meeting, with some members believing it was of value for the public and bureau to hear it, and others raising concerns about the appellant's privacy and apparent desire not to be part of the public meeting.
- Assistant Director Bent-Albert made a comment that the statement is not a part of the case file record. This simply a statement from him to withdraw from the appeal process after IPR sent him a notice of the appeal hearing

- Commander Burke asked the City Attorney what precedent is being set if this email is read into the record prior to the CRC vote?
 - If this were something that was submitted earlier on with the intention to submit as a statement, it could be read as part of the appeal process. The email was sent after the case file review. I believe this would be considered as an additional evidence which is not allowed by code
- Chair Malone made a comment that she considered this as a statement from the Appellant not as evidence
- Ms. Pfeil made a comment that the Committee can discuss this statement after the vote and consider it as a policy issue
- Ms. Falk asked Assistant Director Bent-Albert if there's a presumption of privacy on email correspondences with IPR
 - The Appellant did not give an indication that he would like this email to be shared with CRC
- Ms. Pfeil asked Bureau staff if there's a racial profiling directive
 - Yes
- Ms. Ford and Mr. Riveria members expressed concerns that this case is an example of racial profiling
- Ms. Falk asked Lt. Fender if he feel like there would be an opportunity for a debrief in this case
 - Yes, anytime when we have an incident like this, there's an opportunity to learn
- Ms. Falk made a motion affirm the findings and add the debriefing to allegation 3. This was seconded by Chair Malone and Ms. Rivera
 - Ms. Falk: YES,
 - Mr. Rivera: YES, officers should not be cursing at people
 - Ms. Ford: YES, there seems to be a breakdown in communication since even the officer said he wasn't sure if the Appellant is aware of the instruction that was given
 - Ms. Pfeil: YES, de-escalation technique needs to be used in these kind of situation
 - Chair Malone: YES, officer needs to be mindful of when he cursed
 - Vice Chair Ramos: YES, officer needed to be debriefed on the language that he used
 - Mr. Luna: YES, officers need to be mindful of when he cursed. The Appellant's email should be shared with the officer
 - Ms. Rivera: YES, officer should receive some kind of de-escalation training
- The Committee decided to not reading the whole email out loud, but instead, Ms. Ford summarized the email the Appellant sent to IPR:
 - He feels that if he were a female of a difference race than he would've not been pulled over
 - He does not believe in the process and feels mistreated
- Mr. Rivera made a suggestion that the police need to ask people for their driver license and not ID when pulling people over because there's a distinction between the 2. It would be great to assign a workgroup that look into the practice of officers running plate for disparities in different areas of Portland
- Ms. Pfeil made a comment there's probably a study somewhere and she will look into it

7:30 pm – 7:35 pm Break

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, Neil Simon, and Julie R. Ramos

IPR staff: Irene Konev, Community Outreach Coordinator

- The workgroup met to discuss CRC member's liaison to City Council members:
 - Commissioner Fish
 - Ms. Yarie
 - Ms. Rivera
 - Commissioner Novick
 - Kiosha Ford
 - Julie Falk
 - Commissioner Saltzman
 - Roberto Rivera
 - Jim Young
 - Commissioner Fritz
 - Julie Ramos
 - Michael Luna
 - Mayor Wheeler
 - Jim Young
 - Kristin Malone
- The workgroup urged Committee members to develop relationships with each of the Commissioner's schedulers to get on their calendar. The agenda for meetings with the elected officials are:
 - Keeping CRC meeting in a public space and the importance of public comments
 - Number of appeals being handled by the Committee and possible changes
- The workgroup also talked about being more aware of other civilian oversight groups out there

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: Bridget Donegan/ Members: Vanessa Yarie, 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

- The workgroup met in September to discuss the code changed that the Auditor proposed in front of council.
- The next workgroup meeting will be more specific to the Standard of Review

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 try to meet with the new Chief to share the Crowd Control report and also to discuss the box-in issue

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

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

- Ms. Aiona urged IPR to release the list of open appeals to the public
- Mr. Handelman made several comments:
 - The reason the appeal for this case was delayed was because the commander didn't show up
 - The Chair should've asked if all CRC members had reviewed the files
 - It would be great if the Chair explained why some Committee members did not show up to the meeting tonight
 - The piece that got lost is Officer B stated that the reason why he ran the plate because he thought the Appellant stopped for too long at flashing red light
 - There is some camera mounted onto a police car that is automatically scanning people license's plates

8:30 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.*