



# 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, November 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 5<sup>th</sup> Ave. Portland, OR 97204

Present: Michael Luna, Marisea Rivera, Neil Simon, Julie Ramos, Kristin Malone, Mae Pfeil, Kiosha Ford, Vanessa Yarie, Roberto Rivera, Anika Bent-Albert, Jeff Bell, Erica Hurley, Kelli Sheffer, Dan Simon, TJ Browning, Hershel and Celeste Soles, Kalei and Ted Luyben, Debbie Aiona, Dan Handelman, Carol Cushman, Tovah Blumenthal, Jason Renaud

## AGENDA

5:30 pm—5:45 pm Introductions and Welcome (CRC Chair Kristin Malone)

[Approved of October 5, 2016 Meeting Minutes](#)

- [Ms. Pfeil made a comment that she will be resigning from the Committee](#)

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)

- [Reached out to National lawyer Guild regarding the protest incident on October 12. They have express interests in learning about IPR and CRC process.](#)
- [Reached out to Mayor-elect Wheeler to set up a meeting, but she has not heard from him](#)

6:15 pm—7:30 pm **Case File Review/Appeal Hearing:** 2015-C-0254/ 2016-X-0005

The Appellant filed a complaint about a traffic stop incident with a motorcycle officer between I-205 northbound and I-84 eastbound. The Appellant alleged that officer called him "stupid". Appellant also alleged that officer A used inappropriate force by kicking him in the knee

- [Chair Malone check with Committee and received a confirmation from all Committee members present at the meeting that they all have reviewed the case file](#)
- [Assistant Director Bent-Albert provide a summary of the investigation:](#)
  - [IPR received the complaint on August 15, 2015 and it was assigned to Investigator Bieberich](#)
  - [The Appellant was pulled over and cited for a speeding violation](#)
  - [Investigator Bieberich recommended 3 allegations: A courtesy, a use of force and an allegation related to the traffic citation. The traffic citation was dismissed pending judicial review](#)
  - [After the reviewing the complete case file, IPR referred the first 2 allegations to IA for a full administrative investigation](#)
- [Lt. Hurley provided IA summary of investigation:](#)
  - [IA Investigator Renna interviewed the Appellant, his witness, and the involved officer](#)
  - [IA also reviewed the citation and VCAD report sent over by IPR](#)
- [Chair Malone asked Assistant Director Bent-Albert on the role of IPR and IA in the investigation?](#)
  - [In this case, IPR did the intake investigation and then referred to IA for a full administrative investigation](#)
- [Vice Chair Ramos ask Lt. Hurley what is VCAD?](#)

- VCAD containing all the information that was sent over to Bureau of Emergency Communication (BOEC) by the officer
- Ms. Ford asked Lt. Hurley about the mention in the case file of the officer's motorcycle being replaced
  - It was replaced due to the age of the motorcycle
- Public comments:
  - Mr. Handelman asked if any other witness or highway camera caught a footage of the incident?
  - Why did the word "kick" in a quotation mark
- Lt. Hurley made a comment there's no way to determine if anyone passed that traffic stop at 10pm at night. The highway cameras do not record. Regarding to the question about the quotation mark on the word "kick", Appellant specifically used to the word "kick" and that's why it is in quotation
- Mr. Rivera and Ms. Ford raised concern on there should be an allegation added regarding the officer possibly chewing tobacco since the Appellant noted that he observed the officer spitting multiple times
- The Committee members debated on whether if it would make sense to send the case back for additional investigation to look into the possibility of adding another allegation. The Committee concluded based on the standard of review, it would be very hard to prove either way
- Lt. Hurley provided a summary of the investigation:
  - Case was sent over to IPR. IA investigated interviewed the Appellant, his witness, and the involved officer and reviewed all the supplemental documents
- TJ Browning made some comments on behalf of the Appellant:
  - The word "stupid" was used. The Officer agreed that he used the word stupid. There should be a debriefing on the officer's language
  - There was a comment made by the IA Investigator about the Witness colluding with the Appellant. The Witness is not allowing to use his phone while at work
  - The Appellant did not realize he was being pulled over
- The Appellant made some comments regarding the incident:
  - The Officer came to his left side, yelling at him to pull over
  - The Officer kicked him several times while he was still on his motorcycle. Inexperience rider would've gone down
- Ms. Ford asked the Appellant if he can explain the word "crowding"? What did the Appellant means by saying "2 against 1 is hell of a record"?
  - Basically people coming in front of you and then come right over into you and force you off the road. 2 vs. 1 as in 2 people saw the event versus the Officer. I was told by other officers that he had a bad track record
- Ms. Browning made a comment she cannot find a PPB directive that talks about "crowding". This should be a policy issue since this practice is dangerous
- Chair Malone read out loud CRC questions submitted to IA and the answers
- The Appellant made a comment the Officer first kicked him in the leg and then "crowded" him and force him to move to the right shoulder
- Mr. Rivera asked the Appellant if he can see behind him with his mirrors? Can he see the police light's reflection on his motorcycle?
  - Depending on what you are doing it can change the angle of what you can see behind you. You lean forward on the bike when you ride so its block a lot of the reflection on the fuel tank. I can see the mirrors a lot of that being blocked by your shoulder
- Mr. Rivera asked the Appellant about when did he get rubbed mark that he mention in his interview?
  - I don't know when I got the rubbed mark. From between the time of the initial impact to the stall

- Lt. Hurley made some comment the APA talked about the Investigation using the word “crazy”. There’s no mention in the file about the Investigator
- Vice Chair Ramos made a comment that the word “crazy” was used during the interview with the Witness
- Commander Sheffer provided the RU Manager explanations of the findings:
  - Regarding to allegation 1, the Officer described during his interview that he witnessed a traumatic motorcycle early on during the day. He explained that the Appellant’s behavior was reckless and dangerous. The Appellant recalled the Officer called him “fucking stupid” while the Officer said he used the word “stupid”
  - Regarding to allegation 2, the Witness testimony of the incident was not consistent with the Officer’s and the Appellant’s version of the event. The Witness described the Appellant on the left side of the Officer while both the Officer and the Appellant said they were on the same side and pulling off to the right. There’s no evidence that it had occurred. It’s not a practice of officers to kick people. Officers do come up along the side of the motorcycle to get the rider’s attention
- Ms. Pfeil asked Commander Sheffer how officers pull over a motorcycle?
  - They do pull along the side. It is very dangerous to bump someone while doing 55 miles per hour. I am not sure if you can bump someone at that speed and not lead to a crash which lead me to the conclusion that it did not happen
- Mr. Simon asked Commander Sheffer what does it like from going 55 miles per hour to a complete stop?
  - When we pulling folks over, the officer will be on the left and pulling people over to the right
- Chair Malone asked Commander Sheffer how did she get from unfounded to not sustained? Officers do violate policy. The Appellant agreed that this was a very dangerous maneuver
  - Yes, we all can violate policy and procedure. I am talking about an action that is so outrageous that can cause significant injuries to both the Officer and the Appellant. The Officer did the maneuver by pulling up to the side of the rider when he doesn’t think the person is yielding to him and pull over to the side
- The Committee had a discussion on the Officer describes seeing the Appellant shifting gears on his motorcycle. Lt. Hurley provided an explanation on how to a motorcycle shifting down gear to accelerate faster
- Ms. Yarie asked Commander Sheffer when she describing any kind of contact would’ve caused a crash and that how she came to the conclusion of unfounded. Is it a kick or the act of ramming the motorcycle?
  - The Appellant said the Officer rammed and then kicked him. I can’t find any evidence that the Officer touched the Appellant in any way
- The Committee had a discussion on the officer’s attitude when he pulled the Appellant over.
- Ms. Pfeil made a comment the Committee should not be speculating what was on the Officer’s mind at the time
- Commander Sheffer made a comment a reasonable person would not find it credible that nothing had happened after the Officer’s allegedly kicking the Appellant. There’s no evidence that shows otherwise
- Public Comments:
  - Mr. Soles made a comment a reasonable person would not go through this process if it didn’t happen
  - Ms. Luyben made a comment the use of the word “stupid” is unprofessional and there should be a conversation with the Officer about the language that he used
  - Mr. Handelman made several comments:
    - The use of tobacco by the Officer was investigated, but it wasn’t listed in the record
    - The use of the word “stupid” was not professional and not within policy
    - The Officer had a reason not to record him kicking the Appellant because that would’ve been a use of force and he would’ve to call a Sergeant out on scene
- Ms. Browning made some rebuttal comments on behalf of the Appellant:
  - This action by the Officer of getting close to the Appellant is very dangerous and the Officer said repeatedly that it is not dangerous

- The use of the word “stupid” was unprofessional, the Officer should be debriefed on this issue
- Appellant made a comment a making a high speed contact like that would’ve taken an inexperienced ride down
- Captain Bell made a comment the Investigator used the word “crazy” was in the finding memo which is appropriate
- Mr. Luna made a motion to challenge the Bureau’s finding of Not Sustained to be changed to Not Sustained with Debriefing on allegation 1. This was seconded by Mr. Rivera
  - Mr. Luna: YES, using the word “stupid” is not appropriate
  - Mr. Rivera: YES, the debriefing should be around people might interpret the word “stupid” as an insult
  - Mr. Simon: YES, not support by the evidence that the Officer called the Appellant “stupid”
  - Vice Chair Ramos: YES, the use of the word “stupid” was unprofessional
  - Chair Malone: YES, there’s a better way to explain to the Appellant so he doesn’t feel like the word “stupid” was an insult to him
  - Ms. Pfeil: YES, debriefing should be about using discourteous word during a heated situation
  - Ms. Ford: YES, for the reasons everyone stated
  - Ms. Rivera: YES, the Officer should’ve used a different wording
  - Ms. Yarie: YES, for the reasons everyone stated
- Mr. Simon made a motion to affirmed the Bureau’s finding of Not Sustained. This was seconded by Chair Malone
  - Mr. Luna: No, the evidence was insufficient, but there’s a possible violation
  - Mr. Rivera: YES, not enough evidence
  - Mr. Simon: YES, not enough evidence
  - Vice Chair Ramos: YES, based on the standard of review
  - Chair Malone: YES, there was a rational basis for Unfounded
  - Ms. Pfeil: YES, based on the standard of review
  - Ms. Ford: NO, Not Sustained would’ve been more fitting due to the Officer’s conflicted statement
  - Ms. Rivera: YES, for the reasons everyone stated
  - Ms. Yarie: YES, allegation was on the “kick” nut not the “rammed”. A reasonable person would’ve made the same decision
- Ms. Browning made a recommendation to the Committee to look into making suggestion to the Bureau to not train officers on the “crowding” technique
- Mr. Luna would like to see the exact policy and procedure on how officers should act when someone is trying to eluding on a motorcycle
- Commander Sheffer made a comment this is more of a training issue not a policy and procedure
- Mr. Rivera would like some kind of visual illustration on how this technique is done
- Lt. Hurley made a comment that Committee could go through her for any training related questions or issues. She will be more than happy to help coordinate people coming to CRC meeting and provide a demonstration or an analysis

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

- Mr. Simon have a list of 30 different community groups and he is wondering if the Workgroup members would like to divide them up
- Vice Chair Ramos made a comment last year, they assign each workgroup member to several community group
- Ms. Pfeil made a comment she followed up on researching racial profiling reports and she sent out several reports to workgroup members
- Chair Malone is willing to help facilitate the meeting while the workgroup is looking for a new Chair

### 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 met to sort through 45 randomly chosen dismissal cases. The goal is to have everything done by the 3<sup>rd</sup> week of December

### 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 will meet on December 7

### 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 met with Captain Krantz to discuss the Crowd Control Report. He would like the workgroup to appoint a contact person so it would be easier to communicate
- Mr. Luna will be the point person and will report back to the Committee on updates from the Bureau regarding crowd control policy

### 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

- Mr. Handelman made several comments:
  - It's possible that the Officer was upset from the traffic accident earlier during the day and chewed tobacco
  - The old members of Crowd Control Workgroup should join Mr. Luna and have a public meeting to discuss about the kettling issue
  - The Stakeholder Workgroup to talk about the CRC appeal's process will take place on November 14
  - Directive and police are the same thing
- Ms. Hannon urged other CRC members to join the Crowd Control Workgroup
- Ms. Aiona made a comment for IPR to provide a list of pending appeals in the Director's Report
- Ms. Browning made a comment the Appellant in this case was never told why he was pulled over. It would be really nice to have some kind of policy on de-escalation
- Mr. Soles made a comment there's no excuse for police being disrespectful. Officers should

8:45 pm      Adjournment

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**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](http://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.***