



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: Thursday, January 26, 2017 (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

* **This is not a general CRC meeting, discussion will be limited to the items on the agenda.**

Present: Julie Ramos, Kiosha Ford, Michael Luna, Neil Simon, Marisea Rivera, Neil Simon, Roberto Rivera, Vanessa Yarie, Andrea Chiller, Constantin Severe, Jeff Bell, Lauren King, Stephanie Lourenco, Mike Bigham, David Kif-Davis, Carol Cushman, Regina Hannon, Rochelle Silver

AGENDA

5:30 pm—5:35 pm Introductions and Welcome (CRC Acting Chair Julie Ramos)

5:35 pm—7:35 pm **Case File Review/ Appeal Hearing:** 2015-C-0365/2016-X-0006

Appellant was arrested at Portland City Hall on 11/25/2015. He alleged that the officers A, B and C used pain compliance techniques though he believed he was not resisting arrest. Appellant also alleged Sergeant D applied handcuffs improperly when taking him into custody

- Director Severe provided initial IPR intake on the case:
 - The complaint was received December 14, 2015.
 - IPR did the intake interview and the case was forwarded to IA February 28, 2016.
 - Case was completed under 180 day timeline.
- Captain Bell provided IA summary of the investigation:
 - Investigator Rhodes collected video evidence of the City Council meeting where the incident happened.
 - Investigator Rhodes spoke with the Appellant, the involved Officer, and some witnesses who were present at the scene.
 - The Appellant provided the names of some of his witnesses who were not interviewed by Investigator Rhodes, but the appellant was not able to provide their contact information.
- Ms. Ford asked Captain Bell if IA made efforts to contact the witnesses provided by the Appellant?
 - Captain Bell stated the issue was the name of the witness is very common and IA was unable to identify the person
- Acting Chair Ramos asked Captain Bell if the videographer was the only community member interviewed by IA other than City staff?
 - Yes.
- Acting Chair Ramos raised concerns about the people who interviewed by IA were either security or police officer.
- Captain Bell made a comment regarding two witnesses provided by the Appellant. One witness had a really common name and the other goes by an alias.
- Acting Chair Ramos asked the Appellant if he brought forward any witnesses? Does he have a way to get a hold of them?
 - The appellant stated, "Yes, Colonel Moses and Charles Johnson. I tried to see if I can have Mr. Johnson here, but he is not allowed to be here."
- Ms. Ford made a comment that even if Mr. Johnson is not able to be at CRC meeting, he should've been interviewed .
- Mr. Rivera raised a concern about the Appellant who identified himself as a member of the media and he was arrested. The investigation went into the use of force, instead of looking into how the City is treating members of the media.

- Acting Chair Ramos asked Mr. Rivera if he would like to send the case back?
 - Mr. Rivera stated, “For the allegations listed in the file, it is complete. I’d like to bring forward to add another allegation of the Appellant wrongfully arrested and removed.”
- Director Severe made a comment the issue of whether or not the Appellant was wrongfully removed from City Hall is outside the purview of the administrative investigation. CRC does have the ability to send the case back for an additional investigation, but CRC doesn’t have the ability to add an allegation.
- Ms. Ford made a comment that these witnesses might not be comfortable being interviewed by Internal Affairs.
- Mr. Rivera asked the Committee relating to all 4 allegations, is there a specific area that was felt short?
- Acting Chair Ramos made a comment that she had concerns about the use of force and handcuffing.
- Mr. Simon made a comment that there were a lot more potential witnesses considering the number of people who were at the hearing. He added some witnesses could be more comfortable being interviewed by IPR.
- Ms. Chiller asked the Appellant if he knows what the two witnesses saw?
 - The appellant stated, “They left the council chambers and then came back into the room when hearing someone screaming.
- Mr. Rivera asked Captain Bell if IA has the resources to keep trying to find the witnesses.
 - Captain Bell answered, “the Investigator tried during the initial investigation, but we are constrained by the DOJ timeline.
- Mr. Troy who is the Appellant’s Appeal Process Advisor made a comment that the Appellant has the Facebook contact info of the witnesses. If the Committee would like to send the case back for an additional investigation, the Committee should decide whether to ask IPR or IA to conduct the additional investigation since the witnesses might not want to talk to law enforcement.
- Mr. Simon asked Mr. Troy if Mr. Johnson, the witness submit a testimony letter sharing his perspective
 - Mr Troy said, “I’ve never seen it happens at an appeal. A written document would not have been a part of the investigation, therefore the committee can not utilize.. Also, the decision maker at the Bureau would have to have the same information to make their findings.
- Public comments:
 - Dan Handelman made several comments:
 - It is concerning that a member of the media being arrested while trying to film an incident. It is a fundamental right in this country and also in International law.
 - IPR should be doing the additional investigation not IA.
 - The Subject was in the room the same time this was happening.
 - CRC questions should be read out loud at the meeting.
 - Its not hard to find one of the witnesses, Mr. Charles Johnson who regularly attending City Council meeting.
 - Ms. Hannon made a comment she agreed with what Mr. Handelman was saying. Mr. Charles Johnson is a well-known individual. Mr. Johnson should be able to come to this appeal hearing and testify.
- Acting Chair Ramos asked Director Severe if IPR can conduct the additional investigation?
 - There’s no prohibition on that. IPR will try its best to locate the 2 witnesses. IPR and IA have similar resources. The timeline for IPR to conduct an additional investigation is the same as IA and IPR Investigators are currently occupied with multiple protest investigations. Regarding to the issue of Mr. Johnson being excluded from CRC meeting this is an order from the Multnomah County. If Mr. Johnson violated the order, it’s an issue between him and his Probation Officer.
- Ms. Ford made a motion to send this case back to IPR to conduct an additional investigation to interview the 2 witnesses. This was seconded by Mr. Rivera.
 - Mr. Simon: YES
 - Ms. Chiller: YES
 - Mr. Luna: YES
 - Ms. Rivera: YES
 - Ms. Yarie: YES
 - Acting Chair Ramos: YES
 - Ms. Ford: YES
 - Mr. Rivera: YES
 - Mr. Luna: YES
- Director Severe made a comment IPR is supposed to have a response back within 10 days. He will assign an Investigator so it will take a period of time for the person to gain all the knowledge and track down the witnesses so it will not be done in 10 days.

7:35 pm—8:00 pm Public comment and wrap-up comments by CRC members

- Mr. Handelman comments:

- Can Mr. Johnson be on speakerphone?
- The Auditor's Charter changes draft wasn't available to the public until right before Council hearing. It is important for the Auditor having an independent Counsel.
- It would be best if CRC should not hold meeting on the same night as other police advisory board.
- Ms. Hannon urged the Crowd Control Workgroup to meet soon.
- Mr. Davis made a comment about Commissioner Fish's staff accusing him to be a sex offender.

7:30 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.***