



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, June 7, 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

Present: Kristin Malone, Julie Ramos, Kiosha Ford, Roberto Rivera, Michael Luna, Andrea Chiller, Marisea Rivera, Jeff Bell, Larry Graham, Constantin Severe, Jason Pierce, Lauren King, Kalei and Ted Luyben, Herschel Soles, Carol Cushman, Jeff Bissonnette, Kristin Bowling, Daniel Schwartz, Debbie Aiona, David Kif-Davis, Katie Houle, Robert West, Jeff Bissonnette, Dan Handelman

AGENDA

5:30 pm—5:35 pm Introductions and Welcome (CRC Chair Kristin Malone)
[Approved May 3, 2017 Meeting Minutes](#)

5:35 pm – 5:45 pm Director's Report (IPR Director Constantin Severe)

- Chair Malone asked Director Severe if IPR received any complaints from the protest last Sunday?
 - We received a number of complaints in more of a policy review area. The number of individual complaints we received were regarding officers who are outside our jurisdiction.
- Chair Malone asked Director Severe if there's a plan to investigate general policy complaints?
 - We have a tracking list of policy concerns particularly around controlled events. Based on what we received, we will make a determination whether we need to do a policy review on all the things that the public brought to our attention.
- Mr. Luna asked Director Severe if CRC members be provided with policy concerns IPR received from the community?
 - Yes, CRC can have access to that. Please send me an email.

5:45 pm—6:00 pm Chair's Report (CRC Chair Kristin Malone)

- Chair Malone met with the Mayor shortly after the May Day protest. They had a discussion about the use of crowd control by PPB. Mayor assured Chair Malone a representative of the Committee will be able to have a seat on the Police accountability work session table.
- Chair Malone raised concerns about the number of CRC members unable to attend or calling into the meeting.
- Director Severe made comment it is not IPR responsibility to urge CRC members to attend meeting.
- Ms. Ford made a suggestion for Chair Malone to send out a reminder urging Committee members to try their best to attend meetings.
- Ms. Chiller made a comment the membership issue should be revisited if a Committee member missed to many meeting.

6:00 pm—7:00 pm **Conference Hearing:** 2016-C-0090/ 2017-X-0002

Per [City Code 3.21.160](#) and [Protocol 5.03](#): At a conference hearing, the Police Bureau Command staff will have the opportunity to advise the Committee of any concerns or disagreements they might have with respect to the Committee's prior recommendations. IPR will have the opportunity to discuss any opinions or concerns about the disagreement between the Committee and the Police Bureau.

- Ms. Ford summarized the Committee’s concerns on this case:
 - There wasn’t a clear verbal warning to the Appellant. The Sergeant didn’t need to grab the Appellant and move him.
 - There wasn’t a media filming area. The Sherriff department who oversaw the work crew didn’t seem to have any concerns about Appellant’s filming.
- Ms. Rivera made a comment it might have resolved in a different outcome if the Officer did not know the Appellant from a previous encounter.
- Mr. Luna made a comment the Officer didn’t need to physically move the Appellant out of the way. A verbal warning would’ve been sufficient.
- Assistant Chief Chris Davis made some comments on behalf of Chief Marshman regarding this case:
 - The most compelling piece of evident was the video. The Involved Sergeant did not “grabbed” the Appellant. Officers are trained to “touch” people to remove a person out of the area when he/she reasonably believed that given verbal order will not work. In this situation the Sergeant had a reasonable concern since the Appellant was close to the inmate work crew.
- Mr. Rivera asked Assistant Chief Davis if he thinks the Sergeant in this case could’ve done something better?
 - You can always find something better to improve the situation. The question in this case is whether the Sergeant violated Bureau’s policy. Based on the totality of the circumstances, the Sergeant behaviors during this incident is within policy.
- Mr. Rivera made a comment it seems like the Sergeant was annoyed with the Appellant’s behaviors which led to him grabbing the Appellant.
- Assistant Chief Davis made a comment there’s no evidence to suggest the Sergeant was annoyed by the Appellant’s behaviors.
- Mr. Luna asked Assistant Chief Davis if Bureau member received de-escalate training while interacting with community member? Being in someone personal’s space can escalate the situation.
 - De-escalation is incorporated in all our patrol tactic. There isn’t an escalation class that we know, but sometime, the way to accomplish an objective is to use force. The question is not so much that did you do something that can possibly escalate the situation, but did you do something in the moment that is reasonably calculated.
- Mr. Luna made a comment the Sergeant didn’t just “guided” the Appellant. He physically grabbed him by the arm.
- Ms. Chiller asked Assistant Chief if there’s a threshold where the Officer will need to physically touch someone?
 - The use of force directive talks about the standard based on totality of circumstances. It is impossible for us to come up with every possible scenario when writing a policy.
- Ms. Rivera made a comment during the interview, Sergeant did mention that he couldn’t give the Appellant a verbal warning because he was too far away. It seems like at some point, the Sergeant could’ve given a verbal warning.
- Assistant Chief made a comment we shouldn’t speculate what could’ve happened in this situation. The question in this case is whether the Sergeant’s action reasonable based on the circumstances. If I know based on prior experience with someone, asking them to move is not likely to work. And my objective is to get him to move so we go on about our lawful objective. How long am I try to think that I know it’s not likely to work.
- Ms. Rivera asked Assistant Chief Davis when he was talking about an officer’s prior experience with a person, does that considered as profiling? If not, can he elaborates on the definition of profiling?
 - Not at all. Profiling is finding someone in the community that we don’t know at all and drawing some conclusions about them based on some things that you see about them. For example, racial profiling. There’s also criminal profiling where we draw some conclusions from people based on the person’s behaviors.
- Mr. Rivera made a comment there’s a separate video that show the interaction between several Officers and the Appellant and one of the Officers gave the Appellant a verbal order to get out of the street and the Appellant complied with the order.
- Assistant Chief Davis made a comment that was a different situation. We must analyze the Sergeant’s action based on this specific situation.
- Several Committee members had a discussion regarding several video evidences in this case, and whether the involved Sergeant retaliates against the Appellant.

- Assistant Chief Davis made a comment retaliation allegation is a very hard case to close and in this case, the evidence is not even close.
- Director Severe made a comment the Committee must stick to the reasonable person standard. If the Committee disagrees with the RU Manager findings, then it should state in that manner. Regarding to the matter of a personal opinion that the RU Manager got it wrong and that people could've done it differently if they were there. It would be something that the City will have a difficult time to prove.
- Public Comments:
 - Unnamed community member made a comment she was grabbed by the involved Sergeant during a similar situation and it left a bruise on her arm for 16 days.
 - Mr. West made a comment he too had an encounter with the involved Sergeant.
 - Ms. Houle made a comment it seems like people who are mentally ill don't have the same constitutional rights as others.
 - Unnamed community member made a comment the police use of force on the mentally ill needs to stop.
 - Mr. Soles made a comment the Bureau did not taking the Sergeant's past history into consideration, but they do take the past history of the Appellant into consideration.
 - Ms. Luyben made a comment what the Sergeant did to the Appellant was a grab. When she puts her hand on the Appellant, he did not react adversely.
 - Mr. Handelman made several comments:
 - If anyone touched or grabbed an officer that is considered as assault.
 - Other officers action is part of the totality of the circumstances.
 - Not sustained findings with a debriefing should be an appropriate finding.
- Chair Malone reminded the Committee to only considers the evidences presented in the case file. She would like to stick with her vote during the appeal hearing which she voted to affirm the findings. She would like add a debriefing to the Sergeant.
- Vice Chair Ramos made a motion to Challenge the findings of Exonerated and proposed a new finding of Exonerated with Debriefing. This was seconded by Chair Malone:
 - Mr. Luna: NO
 - Ms. Ford: NO
 - Mr. Rivera: NO
 - Ms. Chiller: YES
 - Chair Malone: YES
 - Vice Chair Ramos: YES
 - Ms. Rivera: YES
- Assistant Chief Davis accepted the Committee challenge. The case is now closed.
- Mr. Rivera asked Assistant Chief Davis about the reasoning of Chief Marshman not able to show up to the Conference Hearing tonight.
 - He had another event to attend tonight.

7:00 pm—7:05 pm Break

7:05 pm—9:05 pm **Case File Review/Appeal Hearing:** 2016-C-0260/ 2017-X-0003

Complainant submitted an online complaint with IPR regarding his contact with several Portland Police officers. The Appellant who is one of the involved officers would like to appeal the allegation that he improperly conducted a civil standby.

- Vice Chair Ramos asked Lt. Pearce if civil standby falls under a specific Directive or it general falls under conduct?
 - During finding stage, Satisfactory performance is more appropriate directive for this case. The only reference to civil standby falls under falls under our domestic violence directive, but in this situation, that is not the case.
- Mr. Rivera asked Director Severe Officer A pulled the criminal history of the person who own the house, but not the person who made the phone call.

- Director Severe made a comment IPR pulled information that are relevant to the investigation. The Subject's criminal history is not relevant to the investigation.
- Director Severe provide IPR side of the investigation:
 - IPR received the complaint on August, 2016.
 - IPR Investigator went to Complainant house and take pictures of the shed.
 - There's a video of the second interaction between the involved Officer, another Officer, the Complainant, his mother and sister.
 - IPR Investigator interviewed the Complainant, and his mother.
 - IPR Investigator was not able to interview the Sister and the Subject.
- Public comment:
 - Mr. Handelman made a comment it would be helpful for the public if IPR talks about other allegations in this case.
- Vice Chair Ramos made a motion to move forward with the appeal. This was seconded by Chair Malone:
 - Mr. Luna: YES
 - Ms. Ford: YES
 - Mr. Rivera: YES
 - Ms. Chiller: YES
 - Chair Malone: YES
 - Vice Chair Ramos: YES
 - Ms. Rivera: YES
- The Appellant identified himself as Officer Pirv made a comment in regarding to his case:
 - Officer Pirv met the Subject at a gas station. The Subject explained to him that one of his friends tried to run him over because he was trying to get his stuff back. They both went to the address that the incident took place.
 - Officer Pirv took picture of the car that the Subject's friend try to run him over, but the Subject did not want to press charges.
 - Officer Pirv never seen the storage area where the Subject was trying to break into. He walked away and never encourage or give the Subject to take anything from the house.
 - Officer Pirv only observed the Subject taking an old lawnmower.
- Lt. Pearce provided an explanation on the RU Manager findings:
 - When conducting a civil standby, the Police officer's job is to not determine the ownership of a property.
 - Based on the interview with Officer Pirv. He gave the "go ahead" permission to the Subject to go on the property and retrieved several items.
- Director Severe made a comment the RU Manager did a good job on balancing out the different statements between people.
- Ms. Ford asked Lt. Pearce how extensive training do officers go through in regarding to civil standby:
 - All officer go through basic and advance academy, but those trainings do not go through everything. Outside of the academy, when officers go on probation he/she assigned to a Field Training Officer. The training on civil standby is probably be covered with the Field Training Officer.
- Chair Malone asked Lt. Pearce what is the right course of action if an officer knocks on a door of a house and no one is answering?
 - The right course of action on this is to tell the other person that we are unable to work on this dispute of property without both party present. We would tell the person to call us back when the other party is here.
- Mr. Rivera asked Lt. Pearce if the Bureau doing anything to make sure that officers are aware of PPB Directives?
 - Yes, there are constant review of Directives. Officers are required to take a test after he/she had reviewed a Directive.
- Mr. Rivera asked Lt. Pearce if officers constantly exercising Directives?
 - Yes, civil standby happens every day in every single shift.
- Chair Malone asked officer Pirv about his interview with IPR. It seems like he understood the Subject going back and forth and taking things.

- Once those people inside refused to come out, I told the Subject: We are done. The only reason why I am in front of the house for a couple minutes was because my computer crashed.
- Vice Chair Ramos asked officer Pirv about where did the Subject finds the lawnmower?
 - It was in the driveway.
- Ms. Chiller asked Lt. Pearce what happened after the disengagement in this kind of situation?
 - There was a discussion about couple items on the property and the conscious decision for the Officer to allow the Subject to go onto the property and take those items.
- Mr. Rivera asked officer Pirv what he would like the Committee to do in this case?
 - When I walked away from the scene, I told the Subject, we are done. I never give him permission to taking things from the property.
- Mr. Rivera asked officer Pirv how did he handled civil standby in the past?
 - If there's no one answering the door, then I will tell the person, we cannot help you. Either the person will walk away or we walking away together.
- Ms. Ford asked officer Pirv if it raises any red flag when he saw the Subject moving the lawnmower?
 - I asked him what he was doing and he said he is moving it next door.
- Chair Malone made a comment that officer Pirv contained the people inside the house while the Subject went around and took some items from the property.
- Vice chair Ramos asked officer Pirv what is his understanding of trespassing?
 - There was no trespass. The second call initiated by the sister of the complainant. She asked me about the property. I pointed at the piece of property 20 feet from us and she knew very well that the property was right next to her.
- Public comments:
 - Mr. West made a comment it is a criminal offense to take something off someone property.
 - Mr. Handelman thanked the officer for showing up tonight. The officer should've prevented the Subject from taking the lawnmower.
- Officer Pirv made several rebuttal comments:
 - He is curious if the lawnmower ever gone to someone else other than the complainant.
 - IPR should've gotten in touch with the person who initiated the call and question the person about the officer's actions.
 - He would've been gone from the scene if it were not for the computer that crashed on him.
- Mr. Bissonnette, the Appellant's APA made a comment from perspective, the civil standby had already completed when the Subject took the lawnmower.
- Chair Malone asked Lt. Pearce what he thinks about the argument that the standby was already over when Subject took the lawnmower?
 - I don't want to get into a speculation. I made my findings based on the information that was provided to me.
- Ms. Chiller made a motion to affirmed Bureau's findings on allegation 1. This was seconded by Vice Chair Ramos:
 - Mr. Luna: YES, based on the standard of review.
 - Ms. Ford: YES, based on the standard of review.
 - Mr. Rivera: YES, based on the standard of review.
 - Ms. Chiller: YES, based on the standard of review.
 - Chair Malone: YES, this was a strange standby, but evidence was clear.
 - Vice Chair Ramos: YES, based on the standard of review.
 - Ms. Rivera: YES, the evidence was clear. The officer did not intervene when he saw the Subject taking the lawnmower from the property.
- Mr. Luna asked Captain Bell what happens if an officer found to be sustained on an allegation?
 - We have a discipline guide that breaks down behaviors. It also based on an officer's history to dictate what the corrective action would be.
- Ms. Rivera asked Lt. Pearce if it is up to the officer to let the person who called 911 know that the standby is over and the person can call the police to show up again when both parties are present?
 - Officers will approach it differently. It is up to the person who called 911. Usually the officer would ask the person what else can he/she can help.

9:05 pm—9:10 pm Break

9:10 pm—9:35 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 / Members: Neil Simon, 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 / Members: Vanessa Yarie, Bridget Donegan, and Jeff Bissonnette

- Mr. Bissonnette made a comment the group is entering all the dismissal data into a spread sheet. The work group is hoping to have some kind of report to the Committee by September.

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 on May 6 to discuss updating the standard of review. There will be 3 phrases in this process:
 - Phrase 1: Looking into what the Committee had done in the past and as well as similar standards from other oversight committee.
 - Phrase 2: how to engage stakeholder buy-in on June 14 at 5:30 PM.
 - Phrase 3 meeting discussion will be on June 21
- Vice Chair Ramos asked Director Severe what does it takes to change the standard of review?
 - With any provision within the City Auditor codes, she will need to agree to this. The CRC's standard of review is included in the DOJ Settlement Agreement. The change in CRC's standard of review will required a change in the agreement or all the parties involved must agree to this.

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

- The Workgroup met earlier today to determine an objective for the workgroup.
- The Workgroup would like to create a forum to gather data from the public, as well as providing a space for people to share their story.
- Director Severe made a comment IPR is doing a policy review on tactics being used by PPB at protests.

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

9:35 pm —9:50 pm Public comment and wrap-up comments by CRC members

- Ms. Luyben made a comment she really likes the annual report from 2016. She would like to know what happened to officers who received more than 3 complaints. She also would like to know how many commendations IPR received and what happened to those.
- Ms. Hannon made a comment she is glad that the Crowd Control Workgroup is up and running again.
- Mr. Handelman's comments:
 - Portland Copwatch did an analysis on IPR annual report. This should be presented to City Council
 - If Officer's past history shouldn't be brought up then the past history of a complainant shouldn't be brought up either.
 - DOJ said that they will not be object to anything that make the system stronger.
 - Crowd Control Workgroup should create a online forum for people to post their comments.

9:00 pm

Adjournment

To better serve you, a request for an interpreter or assisted listening device for the hearing impaired or for other accommodations for persons with disabilities should be made three (3) days 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/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.**