



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, December 6, 2017 (meetings are typically held the first Wednesday of each month)

Time: 5:30 pm * *Please Note: agenda times are approximate*

Location: **Lovejoy Room, Portland City Hall**. 1221 SW 4th Ave. Portland, OR 97204

Present: Julie Falk, Kiosha Ford, Daniel Schwartz, Kristin Malone, Michael Luna, Marisea Rivera, Candace Avalos, Marisea Rivera, Clifford Bacigalupi, Michael Crebs, Shelly hall, Doug Brown, Jasmine Moneymaker, Mat Dos Santos, Regina Hannon , Dan Handelman

AGENDA

5:30 pm—5:35 pm Introductions and Welcome (CRC Chair Kristin Malone)
(Approved of November 1, 2017 meeting minutes)

5:35 pm – 5:40 pm Director’s Report (IPR Assistant Director Anika Bent-Albert)

5:40 pm – 5:45 pm Chair’s Report (CRC Chair Kristin Malone)

- Chair Malone met with the Mayor and his Policy Director Nicole Grant. She gave the Mayor an update about the CRC recruitments.
- Chair Malone is trying to schedule an introduction meeting with Chief Outlaw.

5:45 pm – 7:45 pm **Case File Review/Appeal Hearing:** 2016-C-0407/ 2017-X-0007

Appellant received a traffic citation while at a protest. Appellant alleged Sergeant A improperly threatened to arrest Appellant for filming him.

- Chair Malone made a comment the Committee is only reviewing the second allegation since the first allegation was sustained.
- Assistant Director Bent-Albert and Investigator Perez provided a summary of IPR Investigation:
 - IPR received a complaint from the Appellant on November 30, 2016 regarding his interactions with a Portland Police officer on the same day.
 - The Appellant received a citation for failure to obey a traffic control device while participating in a protest.
 - While a witness officer was filling out the citation, the Appellant began filming his interaction with the involved officer.
 - The involved officer advised the Appellant he needs to inform officers prior to filming them. The Appellant responded by saying he doesn’t need to do that.
 - Later during the protest, Appellant alleged, he ran into the involved officer again and the officer threaten to arrest him for filming. The Appellant indicated he recorded the interaction, but did not have the footage available.
 - Investigator Perez reviewed hours of video footages of the protest, but she was not able to observe the alleged interaction.
 - Investigator Perez interviewed the Appellant twice, a community member who witnessed the incident, involved officer and 3 witness officers. She attempted to interview another community member who was also a witness, but the person declined to be interviewed.

- Investigator Perez obtained PPB incident action plan, police report, PPB criminalist's videos and pictures of the protest, involved officer's training records.
 - Investigator Perez also obtained copy of the court recordings for the trial of the Appellant's citation and reviewed relevant traffic laws.
- Chair Malone asked Assistant Director Bent-Albert why did IPR dismissed the allegation about the Appellant being given a citation?
 - Our code allows IPR to dismiss them since that issue was resolved through another remedy. In this case, a traffic court judge reviewed the citation and it was resolved under the courts system.
- Ms. Falk asked Assistant Director Bent-Albert was wondering why the 1st allegation was reworded but not 2nd allegation?
 - The second allegation pertains to the alleged second interaction between Sergeant A and the Appellant. if you look at the video, the Sergeant did not say the Appellant is "under arrest".
- Captain Crebs made comment the first allegation's wording was changed from "inadequately" to "improperly". The second allegation was the Appellant was "threatened".
- Several Committee members made a comment this investigation was investigated very thoroughly.
- Public comments:
 - The Appellant made a comment the investigation was sufficient and the Committee should move forward with the appeal.
 - Mr. Handelman asked the Chair to read CRC questions and IA responses out loud. IPR should have a list of words to use since the Bureau interprets certain words differently.
- Chair Malone read the questions and responses.
- The Committee voted unanimously to moved forward with the Appeal Hearing.
- Appellant provided his statement of the incident:
 - The Appellant participating in a Phillip 66 protest regarding their involvements in the Dakota Access Pipeline.
 - Most vehicles were stopped before they could get to the protest site.
 - Sergeant A and several other officers from the forensic division came over and began filming protestors.
 - An hour into the protest, police officers started citing people for traffic violations.
 - The Appellant entered the crosswalk to cross the street legally. After he crossed the street and began filming, an officer came over and cited him for illegally crossing the street.
 - Sergeant A came over and told the Appellant that it is illegal to film. The Appellant told him that it's not true.
 - Sergeant A threatened to arrest him twice on that day.
 - When the Appellant shows up to court for his traffic citation, the Sergeant, City Attorney, and another officer offered to dismiss the citation if the Appellant never attend a protest again.
 - Traffic courts doesn't provide a remedy for officer's misconducts. City code stated if the complainant re-alleged the complaint after the proceeding had concluded, IPR can re-investigate it again.
- Captain Crebs provide his explanations for the finding regarding to allegation 2:
 - "Could be arrested" is not a sufficient enough to considered as a "threat".
 - Sergeant A should be debriefed regarding to his interactions with the Appellant.
- Assistant Director Bent-Albert made some comments regarding the case:
 - Regarding to allegation 2, Investigator Perez asked the Appellant when did the Sergeant made that threat about him could be arrested for filming. The Appellant stated that the Sergeant made that threat during a different interaction which was not recorded on film.
- Investigator Perez made a comment during the original interview with the Appellant, he stated that he filmed Sergeant A while he was with several other officers in a different location.
- Several Committee members made a comment they would considered what the Sergeant said to the Appellant a threat.
- Ms. Avalos asked the Appellant about what Sergeant A said during the second interaction?
 - He said close to something to the effect of" I could arrest you if you keep filming".
- Ms. Falk asked the Appellant if he felt threatened during the first interaction with Sergeant A?

- Yes I did. That's why I started filming.
- Ms. Avalos asked Captain Crebs when he made the findings on the second allegation, was it based on the first or second interaction between the Appellant and Sergeant A.
 - I considered it as one single action. If I found that at any point Sergeant A threatens the Appellant, I would've Sustained the second allegation.
- Ms. Avalos asked Captain Crebs about officers using the tactic of lying to get someone to do something.
 - In this situation, Sergeant A should've not lied to the Appellant that it is illegal to film.
- Ms. Falk made a comment Sergeant A during the interview he provided his explanations regarding to allegation 1, but when asked about allegation 2, he stated that he had already covered that.
- Public comments:
 - Mr. Terrell asked Captain Crebs if the Appellant was lawfully recording or was he recording in a way that is illegal?
 - The Appellant was lawfully recording.
 - An unnamed community member made a comment it is not always just what people says, but how they say it. She questioned the Sergeant's tone of voice when he told the Appellant that he could be arrested.
 - Mr. Dos Santos from the ACLU read a prepared statement that protecting people's rights to record is important for police accountability. It is being protected by the constitution and state's law. The ACLU is very concerned that after PPB trained its officers on this issue, the Sergeant in this case still try and dissuade the Appellant from filming. The ACLU urged the Committee to sustained allegation 2.
 - Ms. Hannon made a comment in order for officers to enforce the laws, they need to first understand the laws. The Sergeant in this case needs an additional training.
 - Mr. Handelman made several comments:
 - IPR should considers the allegation about the officer improperly cited the Appellant.
 - Based on a reasonable person's standard what the Sergeant said the Appellant is considered as a threat.
- The Appellant made some rebuttal comments:
 - If Captain Crebs thinks that there's a need to be a declaration of intends, then try to come to Central Precinct and say, "I have a gun" and see how quickly a person can be taken into custody.
 - CRC needs to think of how a regular individual perspective would feel if an Officer said this to him/her.
 - He is troubled that the Sergeant who is a supervisor of other officers acted deceitfully.
 - He also troubled by IPR dismissed one of the allegations.
 - City of Portland's risk management is in discussion with him regarding to the 2 allegations.
- Mr. Schwartz made a motion to challenge Bureau's findings of Not Sustained and recommend the finding of Sustained. This was seconded by Ms. Avalos :
 - Ms. Falk: YES, based on the standard of review.
 - Ms. Ford: YES, based on the standard of review.
 - Mr. Schwartz: YES, based on the standard of review.
 - Chair Malone: YES, based on the standard of review.
 - Mr. Luna: YES, based on the standard of review. The threat can be also looked as an unprofessional conduct.
 - Ms. Avalos: YES, based on the standard of review.
 - Ms. Rivera: YES, based on the standard of review.
- Motion to challenge passes 7-0.
- The Committee unanimously agreed that what the Sergeant said to the Appellant can be considered as a threat.
- Ms. Avalos asked Captain Crebs if the Bureau monitoring protest activities on social medias?
 - Yes we do pay attention to that.
- Ms. Falk made a comment that the Bureau need to train officers on the topic of people filming in public since the Sergeant in this case seems to think its ok to lie to the Appellant.
- Captain Crebs made a comment this is the first case that he seen a Sergeant believing it's okay to lie to someone in this circumstance.

- Ms. Avalos urged the Bureau to retrain officers on the issue of filming in the public.
- Captain Crebs made a comment if the Bureau takes everything as a training issue then the Bureau would not have time to train officers on other issues like de-escalation. He urged the Committee to address this recommendation directly to the Chief.
- Chair Malone made a request for IPR to leave a space holder in the challenge memo so the Committee can fill in some policy recommendations.

7:45 pm—8:10 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, Candace Avalos and Roberto Rivera

IPR staff: Irene Konev, Community Outreach Coordinator

- The Workgroup had finished reviewing the random dismissal files. The next step is to write a report and then present it to the Committee.

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, Daniel Schwartz 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 Julie Ramos, and Kristin Malone

- The Committee voted unanimously to appoint Daniel Schwartz as the Workgroup's Chair.

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 and Candace Avalos

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, Andrea Chiller, Kristin Malone and James Young

- The Workgroup met with City Attorney Mark Amberg to get his inputs regarding the latest Use of Force Directive. The Workgroup will draft a list of questions and submit them to him.

8:10 pm —8:30 pm Public comment and wrap-up comments by CRC members

- The Committee will be holding an election at the next CRC meeting.

7:30 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.*