



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, February 7, 2018 (meetings are typically held the first Wednesday of each month)

Time: 5:00 pm * *Please Note: agenda times are approximate*

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

Present: Andy Chiller, Julie Falk, Michael Luna, Roberto Rivera, Candace Avalos, Albert Lee, Vadim Mozyrsky, Andy Chiller, Jeff Bell, Charles Fender, Jeff McDaniel, Jasmine MoneyMaker, Dan Handelman, Carol Cushman, Debbie Aiona, TJ Browning, Ted and Kalei Luyben, TJ Browning

AGENDA

5:00 pm—5:00 pm Meet and greet new CRC members

5:30 pm—5:35 pm Introductions and Welcome (CRC Chair Kristin Malone)
(Approval of January 3, 2018 meeting minutes)

- Chair Malone commented that there were not enough people who attended December's meeting present tonight so approval of the minutes will be delayed until next month. She asked IPR to post draft minutes online in the interim.

5:35 pm – 5:40 pm Director's Report (IPR Director Constantin Severe)

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

- Chair Malone met with Chief Outlaw and discussed changing the CRC's standard of review.
- Chair Malone and Vice Chair Avalos met with Mayor Wheeler and his staff.
- Chair Malone met with Vice Chair Avalos, and Recorder Schwartz to talk about training new CRC member.
- Chair Malone signed up for a PRB case.

5:45 pm – 7:45 pm **Case File Review/Appeal Hearing:** 2016-C-0170/ 2018-X-0001

Appellant alleged Officer A used an epithet against him while conducting a DUII investigation. Appellant also alleged Officer B Used inappropriate force while detaining and arresting the Appellant.

- Mr. Lee did not fully review the case file; therefore, he will abstain from voting on the appeal tonight.
- IPR Director Constantin Severe made some comments regarding the case:
 - There were two allegations generated from the Appellant's complaints.
 - IPR did the intake investigation on this case and then forwarded to IA for a full administrative investigation. It later on went to North Precinct for findings.
 - IA Investigator interviewed the involved officers as well as several members of the Multnomah County Sheriff Office.
- Chair Malone asked Director Severe about the booking video which was not initially included in the case file.
 - Originally, the booking video wasn't provided to the RU Manager therefore it wasn't provided to CRC. When the Chair raised the issue, the video was provided to the RU Manager and he did not change his findings. IPR made the video available to CRC members.
- Captain Bell provide IA summary of the investigation:

- The complaint was received by IPR and IA was able to obtain the booking video since it was kept longer than the video footage at the exit ramp of the Multnomah County Detention Center.
- IA Investigator interviewed the involved and witness officers as well as several Multnomah County sheriff deputies.
- Ms. Chiller asked Captain Bell how long are security videos usually kept?
 - I am not sure about Multnomah County Sheriff's Office policy regarding keeping videos. When IPR went to check with them, the exit ramp video was no longer available.
- Director Severe said within a week of receiving the complaint, IPR reached out to MCDC and was able to obtain the booking video, but for some reason and it wasn't fully articulated to us, the video footage of the exit ramp wasn't available.
- Chair Malone asked Director Severe about how IPR was not able to obtain the video footage at the exit ramp.
 - I cannot talk about what Multnomah County does. IPR reached out to the Multnomah County Detention Center, and they provided us with a booking video. The person that my investigator spoke to was only able to provide us with the booking video. When the Appellant came back around in November 2016. An investigator conducted additional intake and the investigator reached out to MCDC again and they told us that the video does not exist.
- Mr. Rivera asked Captain Bell if there's an internal procedure on how to write a report where a PPB officer acknowledge that there was a video?
 - There's no policy that would require them to do that.
- Ms. Chiller asked Director Severe if IPR made any effort to obtain the Appellant's medical records?
 - We would need a release from the Appellant.
- Chair Malone asked Director Severe if IPR asked the Appellant for a release?
 - A release was requested.
- Chair Malone expressed some frustrations in not being able to obtain the exit ramp security video.
- Chair Malone asked Director Severe if either IPR or IA can subpoena the video?
 - Generally, one government agency cannot subpoena an equivalent government within the state. During different stages of the investigation, we were told by the County's representatives that they did not have the video.
- Chair Malone said it was not the first time that Multnomah County has not retained video relevant to an administrative investigation. Perhaps there should be an interagency conversation about the needs to adequately maintaining security video footages.
- Ms. Chiller said at the very least, there should be a clear policy from the County stating how long videos are being kept.
- Director Severe said this is something that he can reach out to the County and then follow up with the CRC.
- Ms. Falk commented that she was frustrated that a lot of the questions were focused on the allegation that was withdrawn.
- Public Comments:
 - Appellant's APA made some comments:
 - The MCSO officer who signed the security video footage request wasn't listed anywhere in the summary.
 - This investigation relied heavily on officer's notes. The notes were read verbatim during officer's interview.
 - The Appellant have seen the video footage of his car entering the exit ramp.
 - The Appellant stated that the FBI had looked into the matter. It would be worth checking with the agency and see if they can provide a copy of the video.
 - Mr. Handelman made several comments:
 - The missing video footage was not referenced in the summary.
 - If the Appellant being charged with a criminal allegation then the exit ramp video should've been preserved.
 - Unfounded physical contact should be considered as use of force.
 - CRC should read questions that was submitted to IA into the record.
 - The Appellant's APA and Ms. Falk, both commented that they found the general tone of the IA investigation to be disturbing. The IA investigator was asking the Officer about the specific allegation

about the Officer calling the Appellant name. The Investigator said "I don't think this officer called him name anyways".

- Chair Malone asked the Appellant when did the FBI subpoenaed the exit ramp video?
 - Around March 2017.
- Chair Malone asked Director Severe when was IPR told that the video was no longer available?
 - In May 2016 Multnomah county said they couldn't find it, and in November 2016 they told IPR that the video doesn't exist.
- Chair Malone said she is not sure if IPR will be able to get the video. In the same time, the video could still be available.
- Ms. Chiller commented that she is leaning toward sending the case back since there's a possibility of the existent of the video.
- Mr. Rivera commented that he also supports sending the case back since there was a possibility of the officer using force on the Appellant so the video might be able to clear that up.
- Vice Chair Avalos commented that she also supports sending the case back to look for the video.
- Mr. Luna asked the Appellant if the exit ramp video show the rear or front of his vehicle?
 - It shows the front of the vehicle as it is coming in.
- Ms. Falk asked Director Severe if he had previously heard the video being subpoenaed by the FBI?
 - That I have not heard. Let says the FBI had subpoenaed and in possession of the video, if there's an ongoing criminal probe, they will not turn it over to us.
- The Appellant commented that all of his criminal charges has been dismissed.
- Ms. Falk asked Captain Bell if he had any concern with the tone of the IA investigator? Did this affect the thoroughness of the investigation?
 - I had a same concern as you and it had been dealt with. I don't think it affects the thoroughness but it is up to the Committee to decide.
- Chair Malone asked the Appellant if he would like to Committee to send the case back?
 - In the interest of the people of the City and the State, it should be known what happened on that day.
- Vice Chair Avalos made a motion to send the case back to IPR for an additional Investigation. IPR should contact the FBI to enquire about the exit ramp video. This was seconded by Ms. Chiller:
 - Ms. Chiller: YES
 - Vice Chair Avalos: YES
 - Mr. Lee: ABSTAINED
 - Mr. Mozyrsky: NO
 - Mr. Luna: YES
 - Mr. Rivera: YES
 - Chair Malone: YES
 - Ms. Falk: YES
- The Committee voted 6-1 to send the case back to IPR for an additional investigation.
- Chair Malone asked Captain Bell to provide more explanation on what happens when an investigator is a little off-base during an interview?
 - Once the interview has been completed there's not a lot we can do. This is not a normal occurrence. This was dealt with in terms of personnel issue.

7:45 pm – 8:00 pm New/Old CRC Business

- Chair Malone commented that the Recorder will be keeping a list of parking lot issues.
- Mr. Mozyrsky joined IPR Outreach Coordinator at a Slavic Advisory council meeting. The group had a discussion on translating driver manual to another language to Russian and other languages.
- Parking lot issue: Look into changing the rule on approving meeting minutes.

8:00 pm—8:25 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

- Outreach workgroup still trying to find a time to meet.
- Vice Chair Avalos met with Ms. Konev to find out what the group had done in the past.
- Vice Chair Avalos would like to find out what the social media boundaries are to see if the group can have more social media contact.

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

- Chair Malone reached out to the workgroup and was told that the workgroup is still working on the report.

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: Daniel Schwartz / Members: Julie Falk, Andrea Chiller and Kristin Malone

- The workgroup met earlier this month to discuss a working document to submit to City Council. The workgroup hopes to get the document finalized and send it out for public comments and then have the whole Committee votes on it at the April's meeting.
- IPR sent out a survey to gather Committee's member opinions on possible changes to the Committee in light of recent resignations.

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: Candace Avalos /Members: Andrea Chiller

- The workgroup met today and talked about the history of the group.
- The workgroup discussed having a community forum and meeting with other stakeholders.
- The workgroup next meeting will be March 7 inside city hall.

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, Kristin Malone and James Young

- Chair Malone will check in with the workgroup's Chair.

8:25 pm —8:45 pm Public comment and wrap-up comments by CRC members

- Ms. Luyben asked Captain Bell about the decision of providing training to IPR and IA staff.
 - We spent the past 2 days in an investigation training provided by OIR Group. This is a DOJ required joined training to make sure both IA and IPR can provide the same service to the community.
- Ms. Moneymaker asked Captain Bell about most recent DOJ report referenced about increase PPB's trust in IPR
 - My interpretation of that is in order for an accountability system to work, you have to have a buy-in for folks who are subjected to an investigation and discipline. If both agency have the same training, hopefully, the idea is officers will buy into that.
- Ms. Aiona made some comments:
 - She thanked Captain Bell for acknowledging the short coming in the investigation and explaining what steps his office took to fix the issue.
 - She also would like to thank Policy and Protocol Workgroup for making process in changing the standard of review.
- Mr. Handelman made some comments:
 - Copwatch was created because community distrusts in the police. Having IPR and IA train together actually undermine community trust.
 - Some of IA Investigators were former police officers.
 - There are 6 things listed under the workgroup report including the date of the new workgroup meeting, but there was not announcement of the next workgroup meeting.
 - One thing to avoid changing the protocol on the minutes is to not require people have to attend a meeting to vote.
 - CRC used to have many retirees, but now the Committee have too many working people.
 - He is troubled by IPR not able to subpoena the video.
- Ms. Aiona commented that she would like an apology from IPR for one of its staff members closing a door on Mr. Handelman.

7:15 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.*