



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, August 1, 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: Kristin Malone, Julie Falk, Albert Lee, Andy Chiller, Hillary Houck, Jihane Nami, Daniel Schwartz, Candace Avalos, Albert Lee, Vadim Mozyrsky, Rachel Mortimer, Jeff Bell, Tina Jones, Ted and Calei Luyben, Carol Cushman, Debbie Aiona, Regina Hannon, Dan Handelman, Alex Zielinski, Malcom Chaddock

AGENDA

5:30 pm—5:35 pm Introductions and Welcome (CRC Chair Kristin Malone)
(Approved of June 6, 2018 meeting minutes)

5:35 pm – 5:40 pm Director’s Report (IPR Assistant Program Manager Rachel Mortimer)

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

- Chair Malone worked on finalizing the proposal to the standard of review

5:45 pm – 6:45 pm **Case File Review/ Appeal Hearing:** 2018-C-0001/ 2018-X-0003

The Appellant alleges that Officer A wrongfully stopped and cited her for jaywalking after she was filming the police. She alleges that Lieutenant B used force on her, threatened arrest and was intimidating. She alleges that they were both untruthful regarding this interaction when they testified in court regarding the citation.

- Assistant Program Manager Mortimer provided IPR summary for the investigation:
 - This was the first case of 2018. The incident happened in May of 2017.
 - IPR investigator conducted interview with the Appellant with her attorney present.
 - The Appellant also provided additional written materials, police report, and the transcript from the court hearing
- Captain Bell provided IA summary of the investigation:
 - IA investigator reviewed materials sent over by IPR.
 - IA investigator interviewed one civilian witness and all involved officers and Lieutenant.
 - IA investigator then wrote a report and sent over to RU Manager for findings.
- Mr. Schwartz asked Captain Bell if there’s any security footage at North Precinct?
 - I am not aware of any footage.
- Public comments:
 - Mr. Handelman made a comment IPR’s appeal summary used to include the internal affairs summary of the investigation. The public would rather have more information.
 - An unnamed community member made a comment why didn’t IPR investigate the case instead of passing it over to Internal Affairs.
 - Another unnamed community member made a comment on August 20 ,2017 she attended a rally and witnessed an unmarked police vehicle drove through a group of protestors. She reported the incident and her complaint was also referred to Internal Affairs.

- Mr. Chaddock made a comment he was also have similar concern and would like the Committee to see some formal action by the Committee.
- The Appellant made a comment she specifically requested IPR to investigate her case.
- Chair Malone asked Assistant Program Manager Mortimer would the subject of this case be enough to keep the case as an IPR independent investigation?
 - It potentially falls into one or more of the priority categories but we aren't required to keep all cases that do. I considered keeping this case as an independent, but at the time this case came in, IPR didn't have the capacity since we just hired 2 new investigators and was in the process of hiring a 3rd investigator.
- Schwartz made a motion to move the case to the appeal hearing. This was seconded by Mr. Lee.
 - Mr. Mozyrsky: YES
 - Ms. Chiller: YES
 - Ms. Nami: YES
 - Vice Chair Avalos: YES
 - Chair Malone: YES
 - Mr. Schwartz: YES
 - Ms. Houck: YES
 - Mr. Lee: YES
 - Ms. Falk: YES
- The Appellant's attorney Zack Duffly made a statement on behalf of the Appellant:
 - The officers' credibility is questionable based on their accounts of the incident; therefore, a reasonable person would not come to Lt. Jones's conclusions.
 - The independent Witness contradicted the officers' testimonies.
 - Lt. A had a history of using excessive force.
- Lt. Jones provided the RU Manager's summary of the case:
 - Allegation 1, the Appellant's description of the injuries was inconsistent based on her interview with IPR and her written statement. the Appellant described Lt. A grabbing her left upper arm and left bruises. Lt. A described grabbing the Appellant's elbow. The Witness Officer did not see any of the touching.
 - Allegation 2, 5, 6 and 13 in the Appellant Alleged Lt. A threaten her with arrest multiple times, but written statement Appellant given to IPR there was no mention of Lt. A being rude to her. At the traffic trial the Appellant also talked about being threatened with arrest. Advising people of the consequence if they don't comply with an officer's order is not a threat. The interaction could've led to an arrest, but it didn't happen in this case.
 - Allegation 7 the Appellant alleged Lt. A was dishonest due to the way he talked about the incident at the traffic court. She also addressed the Lt. A's use of force's history. I found no discrepancy in Lt. A testimony on the interaction with the Appellant.
 - Allegation 8, 9, and 11, the Appellant was not just taking photos of a police vehicle, she was in the street and violated traffic law. She also took steps to cross the threshold by reaching into the chain links area in the parking garage. Officer A was busy securing a vehicle so he didn't immediately go out and address the Appellant. He asked Lt. A to assist because he wasn't wearing a uniform. The Appellant behavior was uncooperative, and the officer could've making an arrest, but he chose not to. The involved Lt. and Officer also mentioned there was a recent vandalization. Looking at all the interview transcripts and court trial, there's no evidence that Officer A was untruthful in court. He didn't have to right a report, but he chose to do so knowing this might go to court. There's one discrepancy in this report where Officer A referring to Lt. A's police report. Officer A made an assumption that Lt. A wrote a police report. Lt. A wasn't required to write a police report.
 - Allegation 10 there were conflicting information in the interviews. Civilian Witness stated he was asked by Lt. A to leave. Lt. A stated he asked the Witness to step back, but he didn't ask the Witness to leave. Officer A asked the civilian witness to stand at a corner. The Appellant described where the civilian was asked to move to the corner and she stated they were within earshot of each other. It was reasonable for the officer to ask the Civilian Witness to move to the corner for safety reasons and that is within policy.

- Allegation 12 Officer A was returning equipment from a CERT mission. He didn't have his regular police uniform that's why he asked Lt. A to talk to the assist. He provided the citation with his name and badge number written. The Appellant did not ask Officer A for his business card. She did get a business card from Lt. A.
- Mr. Duffy asked if Lt. Jones can repeat the inconsistency in the Appellant's statement in regarding to allegation 1.
- Ms. Falk thanked Lt. Jones for the thorough explanation of all the findings.
- Chair Malone asked Lt. Jones to clarify the Appellant's inconsistency that Mr. Duffy had asked.
 - In the Appellant's written statement and her interview with IPR. The inconsistency is in the Appellant statements about officer digging his fingers into her arm. Based on my experience investigating domestic violence, the bruise in the photo is one big bruise. If someone is digging their fingers in the arm it would create more bruises.
- Mr. Lee asked Lt. Jones about the relevant of the traffic court when it comes to allegation 1?
 - In this case judge is also a 3rd party who weighing in all the facts of the case. It is helping me determine a 3rd party's consideration of the credibility of the Appellant.
- Vice Chair Avalos asked what does the traffic court's decision have anything to do with the Appellant's injury?
 - Credibility has to do with that. In the findings, my job is to weigh all the information provided.
- Ms. Falk asked Lt. Jones if the Appellant was lying about being on the street then she would lie about her bruises?
 - Yes
- Chair Malone made a comment the circumstance related to the citation was problematic. She raised a concern that the officer was retaliating against the Appellant. She asked Lt. Jones about her statement that Officer A could've arrest the Appellant, but he decided to give her a citation instead?
 - There were couple phases in this interaction. The first phase was when Officer A was putting away his equipment in the vehicle's bay and observed the recording. He continued to do his work and then later he saw the Appellant on streets. Later he contacted her when the Appellant was reaching into this chained off fence area. When the Appellant was contacted while on the street, Lt. A gave her command to get out of the street and she refused to get out of the street. That is an arrest-able offense.
- Ms. Chiller asked Lt. Jones if the Appellant is required to produce a driver license and failure to provide a driver license will result in an arrest?
 - For the purpose of a citation, the officer was asking the Appellant for an ID. The Appellant wasn't driving in this case so it wasn't arrest-able. She would've been providing a verbal identification for a purpose of a citation. Failure to get out of the street and impeding traffic is also an arrest-able offense.
- Chair Malone made a comment she was concerned about Officer A might be retaliating against the Appellant. Based on his interview, he had a problem with the Appellant filming.
- Ms. Chiller agreed with Chair Malone's comment based on Officer A's interview, he would not have given the Appellant a citation had she not filming him. Explaining to someone the consequence of their action is not a threat, however if Appellant heard that if she doesn't provide an ID she could be arrest and that is not true then that is a threat.
- Vice Chair Avalos made a comment when asked about if any de-escalation was made, Lt. A's response was he told the Appellant what the consequences of her action were.
- Lt. Jones made a comment at the time of the incident, de-escalation wasn't in the Bureau's policy
- Chair Malone and Ms. Chiller made a comment even though de-escalation wasn't in the policy at the time, the officers should've been more courteous toward the Appellant. During the interview, the officer explained in detail why the Appellant should be out of the street, but he did not communicate that to the Appellant.
- Chair Malone asked Captain Bell about IA's position on retaliation?
 - I would say we don't have a lot of retaliation cases go through Internal Affairs. I can think of one case that was sustained. The interpretation was despite the fact that the officer acted within policy, it appeared upon the preponderance of evidence, the officer's reasoning was as described in the retaliation directive.
- Ms. Falk raised a concern that the officer was taking photos of the Appellant with the intention to identify her.

- Mr. Schwartz asked Lt. Jones The first time Officer A saw the Appellant was on the street was the citation for that particular time he saw her on the street? He then later observing the Appellant reaching through a chained links fence, why didn't Officer A approach the Appellant when he first saw her? The only reason the Appellant was contacted by Lt. A later was because Officer A was able to get Lt. A to assist at that time?
 - Yes, the citation was for that particular incident. Officer A wasn't in uniform. I can't speak for his thought process at the time and can only go what was in the record. He wasn't in uniform, so he asked someone to assist him.
- Mr. Lee and Ms. Nami made a comment it seems like Lt. Jones weighed the discrepancies in the Appellant's testimony while she doesn't weigh in the discrepancies in the officers' testimonies. In the findings Lt. Jones quoted the inconsistencies the Appellant's bruises as well as the Civilian Witness. It seems the Witness Officer had some consistencies as well.
- Lt Jones made a comment the Witness Officer got on the radio and forgot that he had done so. That was an inconsistency in his recollection.
- Ms. Chiller made a comment there was also another consistency that the officer would not run a driver license check on someone who is Jay walking, but he did. She wasn't sure how Officer B became involved
- Vice Chair Avalos made a comment the two officers needed the citation book and didn't want to leave the scene, so they called for Officer B.
- Lt. Jones made a comment Lt. A needed a citation book so he called for Officer B. regarding the running a check on someone, even if it's just for a citation, we do run a check on someone.
- Mr. Schwartz and Mr. Lee asked Lt. Jones if people are required to provide ID and how would officer verify people without an ID?
 - If the person is driving, then he/she is required to provide a license. If not, then the person can just verbally give the officer their name. We then run their name in the computer system to verify their name. We frequently run into people who don't have ID so there are other ways we can verify people's identity.
- Mr. Schwartz asked Lt. Jones if officers can arrest someone for not having an ID?
 - We can detain them and transport them to a place where we can identify them. If we believe that the person is providing false information, then that is an offense.
- Chair Malone asked Lt. Jones if the statement of "identify yourself or you could be arrested" a lawful statement?
 - In this case, there was already a disorderly conduct for standing on the street. Reaching into the chain links fence could also be a trespass. There were already multiple things she can be arrested for.
- Mr. Schwartz made a comment regarding to allegation 5 stated Lt. A threaten the Appellant with arrest if she doesn't provide her ID.
- Mr. Mozyrsky asked Lt. Jones if Lt. A said "I have the ability to detain you have you don't provide an ID". Would that still be within policy?
 - In this case I don't think it's out of policy to say that the Appellant is subjected to arrest. It is also not out of policy to say she could be detained.
- Several Committee members raised the issue of whether Lt. A threatened the Appellant with arrest while it is not against the law for the Appellant not providing her ID. The Not Sustained findings should be a more accurate finding since there were conflicting witness statements on the exact wordings that Lt. A said to the Appellant.
- Lt. Jones made a comment a debriefing can be added into this allegation.
- Ms. Falk asked Lt. Jones in regarding to allegation 1, the Appellant used the word "assault" multiple times. Where does that fit into the finding's process?
 - I quoted the Appellant using that word several times and took it into account that it was her perception. People have different language especially when they are not in law enforcement for what constitutes an assault.
- Ms. Chiller asked Lt. Jones about the part where the Civilian Witness was moved half a block away. The purpose of rule is let the Witness see and hear the interaction, but since the person was moved so far away would that interfere with his observation? Do officers receive training or instruction on moving people out to a certain distance where it is safe for them to observe?
 - There were conflict statements on how far the Witness were. The Appellant described the Witness being within hearing distance. I can't think of any specific training, but it is environment's specific. If you get a

call with someone who is armed with a rifle, we will have to expand the distance on how far people have to be.

- Mr. Lee asked to Lt. Jones about whether the Officers were afraid of the Appellant or the Witness?
 - I can't speak to the officers' mindset, but in my experience can cause damage too.
- Vice Chair Avalos asked Lt. Jones about her questioning the Witness's truthfulness.
 - In the Civilian Witness interview, he said he did not see the Appellant after the incident, but in the Appellant's interview, she said she came to his house afterward and they had a discussion about having him show up at her traffic court.
- Ms. Houck made a comment in her opinion; a reasonable person can see it as a same incident not after.
- Ms. Nami asked Lt. Jones if there's a restriction for officers to not discuss a case that is under investigation?
 - On certain case like officers involved shooting there would be a communication restriction.
- Captain Bell made a comment that he doesn't know of any communication restriction in this case.
- Ms. Falk asked Lt. Jones about her opinion on the bruising on the Appellant's arm?
 - I believe the officer did not cause the bruises on the Appellant's arm based on the inconsistency in Appellant's statements.
- Ms. Houck asked Lt. Jones if she thinks the Lt. and officer were being totally truthful?
 - Detain and arrest can be used in a way that is not indicating that someone is being untruthful. Where is Someone is alleging force being used on them but was not consistent in how that was happened.
- Ms. Chiller asked Lt. Jones on how she got to Not Sustained finding in regarding to allegation 12?
 - I don't have anything else to add aside from the reasoning I've already explained.
- Chair Malone asked the Appellant to demonstrate how the Lt. grabbed her arm and pulled her.
- Vice Chair Avalos asked the Appellant if she recalled pulling away and saying "ok ok ok" when Lt. A went to grab her to get her onto the sidewalk?
 - Their framing is that I am refusing to move. I was just asking questions when they told me that I am being cited for J-walking. I was standing between two parked cars so there wasn't a safety issue. Officer B was blocking traffic down the street. I believe he wanted to get me onto the side walk so there would be more space for them to intimidating me and they can see my license plate. I honestly don't know about whether I pulled away. I was just trying to find out why is he asking me all these questions.
- Vice Chair Avalos what was the first thing Officer A said when he came up to her? What about Lt. A
 - A came down the roof pulling his cellphone at me while I am taking pictures of the armor vehicle. Officer A asked what I was am doing and I told him I am taking picture of the armor vehicle. He I repeatedly asked for a business card and he kept saying it will be in the citation. Lt. A came up to me and said I need to see your ID because you were J-walking. Officer A wanted back up from Lt. A to intimidate me.
- Public comments:
 - Ms. Cushman made a comment in the past there was a synopsis of a case being read out loud. She was hoping someone either from IPR or IA will do that again.
 - Unnamed community made a comment this is not the first time this kind of situation happen to a community member. Lt. A should not be in charge of training future police officers.
 - Mr. Handelman made several comments:
 - It would be nice to hear about the 2 allegations not listed in the summary.
 - Lt. A was involved in another case where he escorted another videographer.
 - What kind of uniform was Officer A wearing at the time? Why don't they have a pocket to carry a business card.
 - What is the government interest in using force and threatening someone with arrest over a J-walking violation.
 - Unnamed community member made a comment there's no point filing a complaint with IPR since they just hand the case over to Internal Affairs.
- Mr. Duffly provide some rebuttal comments:
 - Based on the reasonable person standard, the Officers statements made it very difficult to reach Lt's Jones conclusions. Lt. Jones does not
 - Regarding to Allegation 1 Lt. A in his interview stated that he was concerned for the Appellant's safety because she was on the street. The Appellant disputed that and stated she was in between 2 cars. Officer B also used his vehicle to block traffic.

- There's a photo of the Appellant on the sidewalk taken by Officer A, but there's no photo of the Appellant in the street.
- To exonerated Lt. A in allegation 1, Lt. Jones had to discredit all the other testimonies.
- Regarding to allegation 2, 5, 6 and 13 Lt. Jones findings here relied on very minor inconsistencies by the Appellant.
 - Officer A didn't even introduce himself when he came up to the Appellant and taking photos of her.
 - Lt. A had a history of using excessive force.
- The Appellant provided a closing statement:
 - Lt. A provided me with a business card expecting that I will file a complaint. Yet, he didn't write a report about the incident.
 - I asked all 3 officers if I can go into my car to get a piece of paper and pen to take notes and was denied.
 - Officer A did not identify himself.
 - I assumed that they ran my plate even though my car wasn't running at the time.
 - The Witness is an African American male who lives across the street from North Precinct. He told me he doesn't want to talk to the police, but he came in and did an interview with IA. There are missing pieces in his story due to the length of time between the incident and the interview and his fear of the police.
 - Officer A just returned from a mission and still hopped up on adrenaline, so he assumed me as enemy combatant.
 - The J-walking charge is a way for the officers to intimidate me.
 - I believe if I had not been white, I would've been given worsen treatment.
 - Lt. A had a history of excessive force, but he still got promoted and was recently transferred to the Training Division.
- Ms. Falk left.
- Chair Malone reminded the Committee to vote on each allegation based on the evidence provided in the case file.
- Ms. Chiller made a motion to affirm the finding of Not Sustained for allegation 9. This was seconded by Mr. Mozyrsky:
 - Mr. Mozyrsky: YES, based on the standard of review.
 - Ms. Chiller: YES, based on the standard of review.
 - Ms. Nami: YES, based on the standard of review.
 - Vice Chair Avalos: YES, based on the standard of review.
 - Chair Malone: YES, based on the standard of review.
 - Mr. Schwartz: YES, based on the standard of review.
 - Ms. Houck: YES, based on the standard of review.
 - Mr. Lee: YES, based on the standard of review. This was ultimately a case that police officers abusing their power over something they don't like.
- The Committee voted 8-0 to affirm allegation 9.
- Mr. Schwartz made a motion to affirm the finding of Not Sustained for allegation 10. This was seconded by Ms. Nami:
 - Mr. Mozyrsky: YES, based on the standard of review.
 - Ms. Chiller: NO, the distance that the officer asked the Witness to move.
 - Ms. Nami: YES, the Appellant stated that the Witness can still hear her.
 - Vice Chair Avalos: NO, I had the same concern as Ms. Chiller about the distance.
 - Chair Malone: YES, based on the standard of review.
 - Mr. Schwartz: YES, based on the standard of review, the evidence provided the Witness can observe the interaction from where he was at.
 - Ms. Houck: YES, based on the standard of review.
 - Mr. Lee: NO, for the same reason as Ms. Chiller.
- The Committee voted 5-3 to affirm allegation 10.
- Ms. Chiller made a motion to affirm the finding of Not Sustained allegation 7. This was seconded by Mr. Schwartz:
 - Mr. Mozyrsky: YES, based on the standard of review.

- Ms. Chiller: YES, based on the standard of review.
- Ms. Nami: YES, based on the standard of review.
- Vice Chair Avalos: YES, based on the standard of review.
- Chair Malone: YES, based on the standard of review.
- Mr. Schwartz: YES, based on the standard of review.
- Ms. Houck: YES, based on the standard of review.
- Mr. Lee: YES, based on the standard of review.
- The Committee voted 8-0 to affirm allegation 7.
- Chair Malone made a motion affirm the finding of Exonerated on allegation 2. This was seconded by Mr. Schwartz:
 - Mr. Mozyrsky: YES, based on the standard of review.
 - Ms. Chiller: YES, based on the standard of review.
 - Ms. Nami: YES, based on the standard of review.
 - Vice Chair Avalos: YES, based on the standard of review, there wasn't a de-escalation directive at the time of the incident.
 - Chair Malone: YES, based on the standard of review.
 - Mr. Schwartz: YES, based on the standard of review.
 - Ms. Houck: YES, based on the standard of review.
 - Mr. Lee: YES, based on the standard of review.
- The Committee voted 8-0 to affirm allegation 2.
- Ms. Chiller made a motion to affirm the finding of Not Sustained on allegation 11. This was seconded by Mr. Schwartz:
 - Mr. Mozyrsky: YES, based on the standard of review, the Officer's court testimony was consistent with his IA interview.
 - Ms. Chiller: YES, based on the standard of review.
 - Ms. Nami: YES, based on the standard of review.
 - Vice Chair Avalos: YES, based on the standard of review.
 - Chair Malone: YES, based on the standard of review.
 - Mr. Schwartz: YES, based on the standard of review.
 - Ms. Houck: NO, the basis of the citation was retaliation.
 - Mr. Lee: YES, based on the standard of review.
- The Committee voted 7-1 to affirm allegation 11.
- Mr. Schwartz made a motion to challenge allegation 12 and change it to Sustained. This was seconded by Ms. Chiller:
 - Mr. Mozyrsky: YES, the Officer was wearing some sort of uniform.
 - Ms. Chiller: YES, based on the standard of review, officers are required to identify them self and hand out business card.
 - Ms. Nami: YES, based on the standard of review
 - Vice Chair Avalos: YES, based on the standard of review
 - Chair Malone: YES, based on the standard of review
 - Mr. Schwartz: YES, based on the standard of review, the policy and the behavior were clear
 - Ms. Houck: YES, based on the standard of review
 - Mr. Lee: YES, based on the standard of review
- The Committee voted 8-0 to challenge allegation 12 and recommended the finding of Sustained
- Ms. Chiller made a motion to challenge allegation 8 and change it to Sustained. This was seconded by Chair Malone:
 - Mr. Mozyrsky: NO, Directive 310.20 the J-walking did happen, and the Officer is authorized by Directive 310.20 to issue a citation. The court also substantiated the violation.
 - Ms. Chiller: YES, based on the standard of review, even though there's a basis for the citation, the Officer stated that he initiated the contact because the Appellant was filming.

- Ms. Nami: YES, based on the standard of review
- Vice Chair Avalos: YES, based on the standard of review.
- Chair Malone: YES, based on the standard of review.
- Mr. Schwartz: YES, based on the standard of review.
- Ms. Houck: YES, based on the standard of review.
- Mr. Lee: YES, based on the standard of review.
- The Committee voted 7-1 to challenge allegation 8 and recommended the finding of Sustained.
- Mr. Schwartz made a motion to challenge allegation 13 and change it to Not Sustained. This was seconded by Chair Malone:
 - Mr. Mozyrsky: NO, Similar reason to allegation 8. Officer A acted within the Directive.
 - Ms. Chiller: YES, based on the standard of review, there's enough fuzziness in the officers account that a Not Sustained is more appropriate.
 - Ms. Nami: YES, based on the standard of review.
 - Vice Chair Avalos: YES, based on the standard of review.
 - Chair Malone: YES, based on the standard of review, there are many inconsistencies in various statements.
 - Mr. Schwartz: YES, based on the standard of review, Lt. A didn't effectively manage the confrontation with the Appellant.
 - Ms. Houck: NO, this allegation should be Sustained
 - Mr. Lee: NO, this allegation should be Sustained
- The Committee voted 5-3 to challenge allegation 13 and recommended the finding of Not Sustained.
- Chair Malone made a motion to challenge allegation 1 findings and change it to Not Sustained. This was seconded by Mr. Schwartz:
 - Mr. Mozyrsky: YES, looking at the evidence, there were inconsistencies between Lt. A and the Appellant's testimony.
 - Ms. Chiller: YES, based on a standard of review there's no definitive evidence to show that Lt. A didn't use force
 - Ms. Nami: YES, based on the standard of review.
 - Vice Chair Avalos: YES, based on the standard of review.
 - Chair Malone: YES, based on the standard of review.
 - Mr. Schwartz: YES, based on the standard of review.
 - Ms. Houck: YES, based on the standard of review.
 - Mr. Lee: YES, based on the standard of review.
- The Committee voted 8-0 to challenge allegation 1 and recommended the finding of Not Sustained.
- Mr. Schwartz made a motion to affirm allegation 6 of Not Sustained. This was seconded by Chair Malone:
 - Mr. Mozyrsky: YES, based on the standard of review.
 - Ms. Chiller: YES, based on the standard of review.
 - Ms. Nami: YES, based on the standard of review.
 - Vice Chair Avalos: YES, based on the standard of review.
 - Chair Malone: YES, based on the standard of review.
 - Mr. Schwartz: YES, based on the standard of review.
 - Ms. Houck: YES, based on the standard of review.
 - Mr. Lee: YES, based on the standard of review.
- The Committee voted 8-0 affirm allegation 6.
- Chair Malone made a motion to challenge allegation 5 and recommended the finding of Sustained. This was seconded by Mr. Lee:
 - Mr. Mozyrsky: NO, based on the standard of review, Lt. A acted within policy.
 - Ms. Chiller: YES, based on the standard of review.
 - Ms. Nami: NO, the finding should be Not Sustained.
 - Vice Chair Avalos: YES, based on the standard of review.

- Chair Malone: YES, based on the standard of review.
- Mr. Schwartz: NO, based on the standard of review.
- Ms. Houck: YES, based on the standard of review.
- Mr. Lee: YES, based on the standard of review.
- The Committee voted 5-3 to challenge allegation 5 and recommended the finding of Sustained.

6:45 pm – 7:00 pm New/Old CRC Business

1) IPR draft protocols

- Chair Malone asked Assistant Program Manager if IPR can provide additional notices instead of just mailing people their appeal notice letter. A lot of people don't check their regular mail box. IPR should send the notice via email if the complainant provided one. If not, then IPR staff should give the person a call to ensure he/she received the appeal notice letter.
 - Normally if we have a person email's address, we usually email it to them. We also ask them their preferred method of receiving correspondence from us.
- Chair Malone asked Assistant Program Manager Mortimer regarding to protocol 5.08, paragraph 10, at the last sentence of paragraph, it stated "no public comment by the workgroup shall be permitted without the approval of the majority of the CRC"
 - I think it's the same thing as when the workgroup is wanting to publish a recommendation, they have to ask the whole Committee for approval. I will make sure Director Severe will provide more clarification.
- Chair Malone asked Assistant Program Manager Mortimer about the CRC being able to review sample of closed mediation cases.
 - The Recurring Audit Workgroup is the required Workgroup that the Committee needs to have. The Workgroup has been looking at dismissal cases, but they can also look at mediation or other types of cases.
- Ms. Chiller had accepted a new position at the OLCC where she will be working with police officers on administrative hearings. She will recuse herself if there's a conflict of interest at future appeals.

7:00 pm—7:25 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, and Candace Avalos

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, Daniel Schwartz and Jeff Bissonnette

3. Policy and Protocol (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

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

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

7:25 pm —7:45 pm Public comment and wrap-up comments by CRC members

- Ms. Aiona made several comments:
 - She thanked IPR for extending the deadline for public comments on the protocols changes and also for opening a policy review to look into the Oregonian’s story about homeless people getting arrested.
 - She urged IPR to take the suggestions from Copwatch on things to include in the report.
 - The Recurring Audit Workgroup should be revised to look into other cases aside from the dismissal.
 - IPR should provide a presentation to the Committee on its annual report.
- Mr. Handelman made several comments:
 - Regarding to the appeal tonight, why is a Lieutenant reviewing another Lieutenant.
 - The summary used to have more detail. The use of letters on the involved officers is confusing. No two people should have the same letter.
 - Lt. Jones made a comment about police officers being ambushed all over the country. Copwatch don’t advocate for that, but there are plenty of situations where officers shooting and harassing community members.
 - A page on IPR’s annual report was changed due to Copwatch’s corrections in regarding to the CRC’s findings.
 - The annual report used to include a whole entire page dedicated to the CRC.

10:30 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.*