



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 7, 2019 (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: Jihane Nami, Hillary Houck, Julie Falk, Vadim Mozyrsky, Sylvan Fraser, Christopher Gjovik, Jeff Bell, Amanda Lamb, Dan Handelman, Carol Cushman, Julie Ramos, Barbara Ross, Regina Hannon, Alex Zielinski, Sam bouman,

AGENDA

- Committee voted 5-0 to appoint Julie Falk as Acting Chair for the duration of this meeting

5:30 pm—5:35 pm Introductions and Welcome (CRC Chair Kristin Malone)
(Approved of July 10, 2019 meeting minutes)

5:35 pm – 5:40 pm Director’s Report (Chief Deputy Auditor Amanda Lamb)

- Ms. Nami asked Acting Director if she have an update on barriers that preventing CRC members from participating the PRB?
 - I’ve reached out to several folks over at PPB and briefed Director Caldwell about it. We are committing on addressing some of those and will reach out to the Committee once we have an update.

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

- Acting Chair Falk made a comment Chair Malone and Vice Chair Avalos met with the Mayor last week.

5:45 pm—7:45 pm **Case File Review/ Appeal Hearing:** 2019-C-0047/ 2019-X-0001

Allegation that Detective A was discourteous to Appellant and unprofessional when he demonstrated favoritism during his investigation. Appellant also alleges Detective A inappropriately contacted her after she instructed him to communicate through her attorney.

- Acting Director Lamb made a comment regarding to her case:
 - The incident happened on 2/3/2019. IPR received the complaint on 2/14/2019
 - IPR sent a letter to the Appellant’s attorney asking for permission on 2/15/2019 and received a response from the attorney 2/26/2019
 - The intake investigator interviewed the appellant on March 4. The Appellant’s attorney was present during the interview. The investigator also interviewed the Appellant’s attorney on the same day
 - The investigator obtained a Police report and recording of voicemails that Detective A left for the Appellant
 - Case was referred to IA 3/23/2019 formal investigation and IPR sent a letter to the Appellant notifying her of the investigation.
 - IPR notified the Appellant of the findings of 6/5/2019. IPR received the appeal request on 6/19/2019.
- Lt. Gjovik provided IA side of the investigation:
 - IA received the case from IPR 4/01/2019. It was assigned to investigator Kim Adams
 - Investigator Adams interviewed Detective A and the community member involved in the case, and Appellant’s attorney.
 - Investigator Adams reviewed IPR’s investigator Nomura intake interview with the Appellant. Investigator Adams also reviewed surveillance video, still photos, text messages, voicemail recordings
 - Investigator Adams completed the investigation 5/8/2019. Investigation then was sent out for findings and and was returned to IA with findings of Exonerated on 5/20/2019

- Mr. Mozyrsky made a comment he feels that the investigation is complete.
- Mr. Handelman made a comment it seems like some of the phone calls between the Detective and Appellant were not recorded.
- Ms. Houck made a motion to move the case to the appeal hearing stage. This was seconded by Acting Chair Falk:
 - Ms. Nami: YES
 - Ms. Houck: YES
 - Acting Chair Falk: YES
 - Mr. Mozyrsky: YES
 - They Fraser: YES
- Appellant made some comments regarding her case:
 - Detective A called and accusing me of breaking into my neighbor's car and stole their belongings. Detective A threaten me and told me that there's overwhelming evidences that I've committed theft. I told him that I couldn't believe he is calling me based on a neighborhood's dispute and that I am going to talk to an attorney
 - Detective A did not independently verify, interview, or investigate any of the complaints. In his IA interview, Detective A stated that he is barely familiar with the community member who made the allegations against me and yet, Detective A complete acceptant of the provided video and statement from the community member. He should've verified those information.
 - Detective A was being defensive
 - Detective A deliberately ignored/ my 6th amendment right to be represented by a legal Counsel. I told him it was a neighborhood dispute and I was going to hire an attorney
 - My neighbor and I resolved the dispute and I paid him 130\$ for the missing stuff and we called it good.
 - After receiving a bill from my attorney, I instructed my attorney to stopped all communication.
 - I sent a letter to the Mayor, Chief of Police, head of Detective and the Commander of East Precinct complaining about Detective A's behaviors. I don't understand why Detective A didn't get the message.
 - This whole experience has been troubling. I didn't think the police was listening to me. Favoritism was rampant.
- Commander Bell made provided an RU explanation of the findings:
 - Regarding to Allegation 1, the Appellant told IPR investigator during the intake interview that the community member told her that he knew Detective A from another incident, so he contacts him directly. When interviewed by IA investigator, the community member said he met Detective A 5 years ago and he had Detective A's number saved in his phone. He decided to called Detective A directly in this case. Detective A when interviewed by IA investigator said that he remembers the community member from a previous case due to his distinctive name. Detective A was asked if he ever met the community member in person, Detective A made a comment about he wouldn't recognize the community member if they were in the same room. There's nothing in the records that show they have a relationship. Detective was simply providing a good customer service since the community member had all evidences. He could've asked the community member to call the non-emergency number and get an officer. Had that gone to the emergency number route, the officer could've arrested the appellant. Instead, Detective A called the Appellant and asked her to turn her self in. Detective A received a call
- Commander Bell asked Acting Chair Falk if the Committee would like to wait until after he had gone over all the allegations before asking question?
 - Yes
- Regarding to Allegation 2, February 3rd when the Detective first called the Appellant and the Appellant told Detective A that she will be retaining an attorney. Detective A received a call from the attorney the next day. Couple days later the attorney called Detective A again and left a voicemail. Detective A called the attorney couple weeks later. There are no recordings of this, but Detective A was told by the attorney that they are going to work on a civil compromise. During the final conversation, the attorney told Detective A that he is no longer representing the Appellant on the civil compromise. Detective A then left 2 voicemails to the Appellant The first voicemail was to ask the Appellant to turn herself in and the second was telling her that he heard that the Appellant and the community member had already resolved the dispute. There's no evidence in the case file that shows the Detective calling the Appellant

before the Attorney telling him that he is no longer representing her. Detective A wasn't interviewing the Appellant he was just trying to get the Appellant to turn her self in and then he learned that the Appellant and the community member had already resolved the civil dispute.

- Regarding to Allegation 3, based on the recording, Detective A's tone was consistently polite, he did not threaten her with arrest. He was basically telling her that she had a criminal charge and she needs to turn her self in. Detective A could turn this case over to an officer and that officer would've just arrested the Appellant
- Acting Chair Falk asked Acting IPR Director Lamb if she have anything to add?
 - No, we don't have anything to add
- Mr. Mozyrsky asked Commander Bell regarding to favoritism allegation. Was there anything that was brought up regarding the community member getting special conservation from the Detective or any outside influencing, anything that was giving to the Detective
 - I didn't see any evidence or statement from anyone to show that is a case. There was certainly no physical evidence
- Mr. Mozyrsky asked Commander Bell whether he would find it odds if any other detectives or police officer would receive this call and acted the same as Detective A?
 - I've seen both, but it is more common for the officers to make an arrest. In this case Detective A have a high caseload, but this is something that he can resolve via phone calls.
- Acting Chair Falk asked Commander Bell how much time does he thinks Detective A spent on this case?
 - An hour or two
- Ms. Nami asked Commander Bell had the community member did not provide such extensive amount of evidences, would he expect Detective A to still conducting the investigation?
 - I would guess that Detective A and other detectives might ask the community member to call the nonemergency and request for a patrol officer.
- Acting Chair Falk asked Commander Bell with the probable cause to make the arrest, why does Detective A still call the Appellant to turn herself in?
 - There was a total of three voicemails and one phone call. After the attorney told Detective A that he is no longer representing the Appellant, it was reasonable for Detective A called the Appellant and ask her to turn her self in. He was trying to make it less embarrassing for her. The final call to the Appellant was when Detective A had talked to the community member and found out that they had resolved the issue. He was just trying to call her one last time to close the circle
- Mr. Mozyrsky asked the Appellant about what her view in regarding to Commander's Bell explanation regarding to Detective A was trying to make the situation easier for her?
 - I was never going to turn myself in. I considered it as a harassment.
- Acting Chair Falk and Ms. Houck made a comment they were surprised that this was found to be within policy. This was also a unique situation where the community member called the Detective directly instead of going through the regular reporting procedure of calling the non-emergency number.
- Ms. Houck asked Commander Bell regarding to Detective A's statement about how this wasn't a SE drug house. She was wondering if someone who lives in a less nice neighborhood would receive the same kind of treatment.
 - I remember this was the conversation he had with the Appellant. I didn't this this was necessary an inappropriate thing to say. It is not common for detectives, but more for district officers to give out their phone number to people who live in the same area and they would call the officer directly.
- Public comments:
 - Mr. Handelman made several comments:
 - He is confused about the number of phone calls. Commander Bell said it was 3 while the Appellant said it was a series of phone calls. If the calls were not recorded, the findings should be Not Sustained
 - It seems like the attorney said if Detective A is following up to the case then he got to go through him. It doesn't sound like the Detective asked the Appellant if she is represented by someone else
 - There should be a policy where the Appellant can contact a civilian who can explain to her different kind of options does, she has
- Acting Chair Falk made a comment she is confused about whether the CRC had all the recordings between Detective A and the Appellant

- Lt Gjovik made a comment there were a total of four phone calls. One was the actual phone conversation and three were voicemails and they all were transcribed.
- Appellant made some final rebuttal comments:
 - Detective A didn't come to the Portland plaza and verify the information provided the community member
 - The community member originally wanted me to donate \$3000 to a charity. This was relayed to the Detective A and it sounded like Detective A participated in an extortion
 - The surveillance video did not show me breaking into my neighbor car
- Jeff Bissonnette, the Appellant APA made a comment regarding to the Commander Bell's point about providing good customer service, there are two customers in this case. Detective A should've at least listened to the Appellant's side of the story
- They Fraser made comment where is the line of favoritism versus it being convenient for the Detective in this case
- Mr. Mozyrsky made a comment community member should appreciate and not find it as favoritism when an officer or a detective in this case could make an arrest, but they decided not to
- Acting Chair Falk made a comment PPB directive does not defines favoritism
- Mr. Mozyrsky made a motion to affirm the finding on allegation 1. This was seconded by Ms. Nami
 - Ms. Nami: YES, based on the standard of review
 - Ms. Houck: YES, based on the standard of review
 - Acting Chair Falk: YES, based on the standard of review the explanation was clear
 - Mr. Mozyrsky: YES, based on the standard of review, Detective acted within policy
 - They Fraser: YES, based on the standard of review
- Committee voted 5-0 to affirm Bureau's finding of Exonerated
- Mr. Mozyrsky made a motion to affirm the finding on allegation 2. This was seconded by Acting Chair Falk:
 - Ms. Nami: YES, based on the standard of review, timeline and evidence showed he acted within policy
 - Ms. Houck: YES, based on the standard of review, the timeline made sense
 - Acting Chair Falk: YES, based on the standard of review
 - Mr. Mozyrsky: YES, based on the standard of review, based on the attorney testimony he understood that he was no longer representing the appellant
 - They Fraser: YES, based on the standard of review, the attorney did mention in his statement that he would be representing the Appellant again if the criminal proceeding had gone forward
- Committee voted 5-0 to affirm Bureau's finding of Exonerated
- Ms. Houck made a motion to affirm the finding on allegation 3. This was seconded by they Fraser:
 - Ms. Nami: YES, based on the standard of review
 - Ms. Houck: YES, based on the standard of review, Detective A was courteous
 - Acting Chair Falk: YES, based on the standard of review
 - Mr. Mozyrsky: YES, based on the standard of review
 - They Fraser: YES, based on the standard of review, there's no evidence to show that Detective A was discourteous
- Committee voted 5-0 to affirm Bureau's finding of Exonerated
- Ms. Houck expressed concerns about Detective A's comment about the SE Portland drug house since this could be a form of discrimination based on economic status. This could either be a policy change or a conversation with Detective A.
- Commander A made a comment he is more than happy to have the conversation with Detective A
- Mr. Bissonnette made a comment it would be great if the Detective A went and verify the information and not just taking it as silver platter
- Commander Bell made a comment Detective A did try and get the Appellant's side of the story during one of the phone conversations

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

8:00 pm—8:20 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: Neil Simon / Members: Vadim Mozyrsky, and Julie Falk

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: Daniel Schwartz / Members: Hilary Houck, and Jihane Nami

3. 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, and Kayla Wade

4. Use of Force Workgroup (5 min.)

MISSION STATEMENT: The Use of 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 force.

Chair: Kristin Malone / Members: Andy Chiller, Sylvan Fraser, and Kayla Wade

8:20 pm —8:35 pm Public comment and wrap-up comments by CRC members

- Mr. Handelman made several comments:
 - When speaking about favoritism, when an officer response to a person who lives in a rich place versus a poor place and used the term “victim”. That is a form of bias. The term “customer service” should not be used when talking about an uninvited call from a police officer
 - The Committee could always add a debriefing to any findings so that the Bureau have to talk the officer
 - The case summary could include a list everything that was reviewed by the CRC so community members can see what was included in the case file
 - The Flying Focus show aired the City Council hearing on TV, and they are working uploading it onto youtube. There will be a new edition of Copwatch newsletter coming out in couple weeks
- Acting Chair Falk made a comment regarding to favoritism’s allegation, bias and favoritism are related, but they are not the same and that made it really hard for her to not feel like it was bias.

- Ms. Nami made a comment the Committee would not have to hear about this appeal had the incident happened at a different neighborhood
- They Fraser made a comment she found it is interesting that Commander Bell made a comment that it is not uncommon for officers to give out their business card to home/business owners with their direct line. Maybe not everyone will get the same chance of getting that direct line
- Acting Chair Falk made a comment she is not sure where the questions arise from this case would go, but this is one of the unique cases that she will remember for a long time
- Acting IPR Director Lamb made a comment this is an unusual case. She understands this would be a very difficult allegation to write since complainant who received good treatment from the police because of the social economic. This is something that the Outreach workgroup can work on by gathering community concerns

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.*