



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, September 4, 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: Kristin Malone, Hillary Houck, Vadim Mozyrsky, Candace Avalos, Jihane Nami, Andy Chiller, Ross Caldwell, Dana Walton-Macaulay, Jasmine Moneymaker, Carol Cushman, Regina Hannon, Debbie Aiona, Pamela Fitzsimmons, Dan Handelman

AGENDA

5:30 pm—5:35 pm Introductions and Welcome (CRC Chair Kristin Malone)
(Approved of August 7, 2019 meeting minutes)

5:35 pm – 5:40 pm Director’s Report (IPR Director Ross Caldwell)

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

- Chair Malone met with new IPR Director Caldwell and Deputy Director Caldwell prior to tonight meeting

5:45 pm—6:00 pm New/Old Business

1) Discuss upcoming CRC retreat

- Chair Malone and Vice Chair Avalos made a comment they would like to coordinate retreat with the PCCEP and TAC. This is a good opportunity
- Ms. Chiller made a comment weekend retreat would be great and there should be a portion of time set aside for CRC team building.
- Vice Chair Avalos made a comment the Committee could set aside an hour at the beginning of the retreat.
- Mr. Mozyrsky made a comment it is possible to have 2 separate retreat and then come together for part of it.
- Ms. Chiller made a comment PCCEP members can also join CRC workgroups.
- Mr. Mozyrsky made a comment the PCCEP also have workgroups.
- Vice Chair Avalos raised a question about whether TAC have a workgroup?
- Mr. Handelman made a comment they do have what they are called as “task forces”. Their agenda list the names of taskforce members. The Committee can reach out to them via email.
- Vice Chair Avalos made a comment she will reach out to the TAC.

6:00 pm—6:25 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

6:25 pm—8:25 pm

Case File Review/ Appeal Hearing: 2019-C-0024/2019-X-0002

Allegation that Officer A, B, and C used inappropriate force and were discourteous to the Appellant

- Director Caldwell provided IPR side of the investigation:
 - IPR received a 3rd party complaint on January 20 regarding to an incident on January 3. Complainant did not leave a phone number or an email. Multiple attempts were made to contact the complainant. Eventually IPR investigator found out that the complainant had an attorney, so the investigator contacted the attorney for permission to contact the complainant. The attorney provided an address where the investigator can send correspondences to.
 - IPR investigator obtained police report, videos, and went to the scene to measure the wall. This was then referred to internal affair for a full investigation on February 12. Findings were made April 25.
 - Appeal request was signed by the Appellant May 18 after the deadline had passed. IPR accepted the appeal due to Appellant being in custody.
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- Captain Bacigalupi provided IA side of the investigation:
 - The investigation was reviewed by both IA and IPR before going out for findings. The Commander then submitted the findings to an Assistant Chief for approval.
- Mr. Handelman made a comment based on the case summary, it doesn't seem like the Appellant had anything to say about what happened to him. It also seems like the Complainant have anything to say aside from submitting the video.
- Ms. Chiller made a motion to move the case to the appeal portion of the hearing. This was seconded by Chair Malone:
 - Ms. Chiller: YES
 - Ms. Nami: YES
 - They Fraser: YES
 - Chair Malone: YES
 - Mr. Mozyrsky: YES
 - Ms. Houck: YES
- Mr. Mozyrsky had to leave due to another commitment.
- Commander Krantz provided the RU manager explanation of the findings:
 - The incident generated from a 911 call at 7:54 PM on January 2 from a Safeway's security guard who is the Witness 1 complaining that the Appellant was acting high and erratically inside the Safeway's bathroom. Officer A was dispatched to the call for service. Witness 1 told Officer A the Appellant kept flushing the toilet over and over and when asked to leave, he ran out of the bathroom, danced and ran around the store. He then ran out of the store and ran back in multiple times. Officer A observed the Appellant in the middle of the intersection between 10 and Jefferson and followed the Appellant in his vehicle while waiting for back up.
- Commander Krantz showed the surveillance video of the Appellant outside the Portland Art Museum.
 - Officer A determined the Appellant is an endanger to himself. Officer A and B exited the vehicle and asked the Appellant if he is ok. Officer A then decided to take the Appellant into custody. Officer A and B reached and held onto the Appellant arms. Appellant started to scream, struggling, and kicking at the officers. Officer A warned the Appellant that they are going to use force if he keeps resisting. Officer A changed tactic of control by telling Officer B rotate the Appellant from sitting to laying on the ground. Appellant still not comply and continue to scream and kicking at the officers. The officers struggled to control the Appellant's upper body and hands. Officer C arrived and assisted with controlling the Appellant's legs. Officer A described using the segmenting tactic to control the Appellant and eventually it worked, and the officers were able to handcuff the Appellant. Officer A placed the Appellant in a recovery position while searching his body.
 - Officer A Believed the Appellant was suffering from an exciting delirium episode. While conducting a search, Officer A believed the Appellant had some hypodermic needles in his pants pocket. Officer cut his pocket in order to safely recover the needles. Officer A recovered needles, and pipe with heroin and crack cocaine residue, and crystalized substance which was later on tested positive for meth.

- While putting the Appellant in the car, the Appellant continue to resist and kicking the officers. Officer A pinned the Appellant against the end of the patrol car instead of putting the Appellant inside a patrol car since it could lead to more injuries to the Appellant as well as the officer.
- Commander Krantz showed a video obtained from the Complainant.
 - The original complaint was that the officers did not provide any assistant to the Appellant, but in the video submitted by the Complainant officers can be heard telling the Appellant tor relax. Medical Personnel were also there
 - Officer A, B, and C tried to put the Appellant into the back of the patrol car. Appellant resist so the officers performed a control tactic and put the Appellant onto the ground. Appellant continue to be kicking the officers, so Officer B put a hobble restrain on the Appellant’s legs and put him in a recover position while waiting for medical. The officers then put the Appellant onto a medical gurney and allow medical personnel to put a soft strap on the Appellant. At that point, the officers took the handcuff off.
 - The Bureau recognizes that members may require to use objectively reasonable amount of force necessary to perform their duty. Under the totality of circumstances, the use of force in this situation by all the officers was reasonable. Officers involved in this situation acted out of compassion for the Appellant by evaluating his medical needs.
 - Regarding to allegation 1, Officer A’s use of force was within policy. Officer A also waited for back up to arrive prior to making contact with the Appellant. Officer A and B established control quickly by using only reasonable force necessary to control the appellant’s hands and place him on his stomach to handcuff him rather than allowing him to be more resistance. Prior force being used the officer also warned the Appellant. Officer A used the following force: force against resistance, take down and perform a complete controlled manner without resulting to injuries, and handcuff against resistance. Officer B’s use of force was within policy
 - Regarding to allegation 2, Officer B arrived on scene to assist Officer A. He was aware of Officer A did provided use of warning to the Appellant. Officer B used the following force: force against resistance, take down and perform a complete controlled manner without resulting to injuries, handcuff against resistance, and use of a hobble restrain. Officer B’s use of force was within policy
 - Regarding to allegation 3, Officer C was on scene to assist Officer A. Officer C used the following force: force against resistance, control head, legs, and arms of the Appellant take down in a control manner without resulting to injuries. Officer C’s use of force was within policy.
 - Regarding to Allegation 4, 5 and 6, Officer A contacted the Appellant out of concerns for the Appellant’s possible injuries and his stage of excited delirium due to his drug use. During the Officer’s contact with the Appellant, Medical care was also called, and the Appellant was transported to the hospital. There’s no credible bases for possible violence policy and procedure
- Ms. Chiller asked Commander Krantz what the phrase “roll code” was referring to?
 - It means light and siren
- They Fraser asked Commander Krantz what was the basis for the search of the Appellant?
 - Once someone is arrested, we are required to search the person
- Ms. Chiller asked Commander Krantz policy procedure to deal with people who are experiencing mental health crisis or drug issues?
 - There are Bureau directives that are specifically for when officers should call for medical, and deal with mental health related issue contacts. There’s also a judgement part of the officers to call for medical out of the abundant of caution. In this case, the officers were not interesting in pursuing criminal charges on the Appellant that’s why they called for medical the beginning.
- They Fraser asked Commander Krantz to articulate the basis regarding to putting the appellant next to the patrol vehicle?
 - It was a judgement call. I believe the Officers initially thought it would take too much work to put the Appellant into a car.
- Chair Malone made a comment to Commander Krantz it took 9 minutes for medical to arrive
 - That sounds right. They could’ve been stuck in traffic. I don’t know what their target response time is.
- Chair Malone asked Commander Krantz to explain a little bit more why officers used a hobble on the Appellant?

- It is important to recognize that the use of force's event is usually not nice, but using a hobble is one of the few tools that we must control someone legs. It is a lot better than having someone trying to physically hold down his legs.
- They Fraser asked Commander Krantz regarding to the courtesy allegation, it seems like the officer's report to be conflicting with the Appellant's account of the incident. The Officer's report described the Appellant being incoherent while the Appellant told a different story of him talking to the officers. The finding should be exonerated instead of unfounded.
 - I had the same kind of reaction when I read the original complainant. The complainant made it sounds like Appellant and Officers were having coherent conversation while the video's evidence showing the Appellant screaming and not listening to anything the officers are saying. It is obvious in the video that the Appellant was suffering from excited delirium. The reason it is unfounded instead of exonerated was because the officers did not ignore the Appellant's medical's needs. The whole reason why they were there was because they want to provide his medical's needs
- Ms. Chiller made a comment to Commander Krantz these kinds of situation is incredibly difficult for officers to respond to. It would be beneficial for a combined respond from officers and medical professionals.
 - This is a situation that officers often dealt with dozens of times in downtown Portland. Officers do receive crisis intervention training. There are also officers who received enhanced crisis intervention training and officers who are part of the behavior health unit. This situation was more of a drug used issue than a mental health crisis. Medical and fire personnel won't come in until police officers make the scene safe. The mental health aspect of this occurs later on at the hospital'
- Public comments:
 - Mr. Handelman made several comments:
 - He is troubled by the fac that there's no Complainant or Appellant present at the meeting tonight.
 - There was no audio in the CCTV video. There is a possibility that the Appellant complained about the injury to their arm.
 - The courtesy allegations should be Not Sustained due to conflicting statements
 - Just because the officer called medical, doesn't mean that excessive force wasn't used if the officer ignored the Appellant's complain and still twisted the appellant's arm
- Chair Malone made a comment she can see how Not Sustained is a possible finding, but it is also not unreasonable for the RU Manager using the preponderance of evident standard can find the allegations as Unfounded.
- Ms. Chiller made a comment it is possible that even if someone is expressing their arm is injured while putting themselves and officers in a dangerous situation, it is still reasonable for officers to take the actions that they did considering the person's physical action
- Chair Malone made a motion affirm finding of Unfounded on Allegation 4. This was seconded by Ms. Chiller:
 - Ms. Chiller: YES, based on the standard of review
 - Ms. Nami: YES, officer met the directive and exhibited as much courtesy as he can under the circumstance
 - They Fraser: YES, based on the standard of review.
 - Chair Malone: YES, based on the standard of review
 - Ms. Houck: YES, based on the standard of review
- Chair Malone made a motion to affirm the finding of Unfounded on allegation 5. This was seconded by Ms. Chiller:
 - Ms. Chiller: YES, based on the standard of review
 - Ms. Nami: YES, based on the standard of review
 - They Fraser: YES, based on the standard of review
 - Chair Malone: YES, based on the standard of review
 - Ms. Houck: YES, based on the standard of review
- Chair Malone made a motion to affirm the finding of Unfounded on allegation 6. This was seconded by Ms. Chiller:
 - Ms. Chiller: YES, based on the standard of review

- Ms. Nami: YES, based on the standard of review
- They Fraser: YES, based on the standard of review
- Chair Malone: YES, based on the standard of review
- Ms. Houck: YES, based on the standard of review
- Ms. Houck made a motion to affirm the finding of Exonerated on allegation 1. This was seconded by Chair Malone:
 - Ms. Chiller: YES, based on the standard of review
 - Ms. Nami: YES, based on the standard of review
 - They Fraser: YES, officer used reasonable force
 - Chair Malone: YES, the video showed the officer used appropriate force
 - Ms. Houck: YES, based on the video evidence
- Chair Malone made a motion to affirm the finding of Exonerated on allegation 2. This was seconded by Ms. Houck:
 - Ms. Chiller: YES, based on the standard of review
 - Ms. Nami: YES, based on the standard of review
 - They Fraser: YES, officer used reasonable force
 - Chair Malone: YES, the video showed the officer used appropriate force
 - Ms. Houck: YES, based on the video evidence
- Chair Malone made a motion to affirm the finding of Exonerated on allegation 3. This was seconded by Ms. Houck:
 - Ms. Chiller: YES, based on the standard of review
 - Ms. Nami: YES, based on the standard of review
 - They Fraser: YES, officer used reasonable force
 - Chair Malone: YES, the video showed the officer used appropriate force
 - Ms. Houck: YES, based on the video evidence

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: Vadim Mozyrsky, and Julie Falk

IPR staff: Irene Konev, Community Outreach Coordinator

- Mr. Mozyrsky made a comment that Mr. Simon's term has ended.
- Ms. Chiller made a comment Ms. Konev reached out to her and let her know that Mr. Simon agreed to stay on for couple more month. She also agreed to stay on the Committee until her replacement is appointed. She also is thinking about serving another term

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

- Ms. Houck will send out an email to the workgroup to check on the status

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

- Vice Chair Avalos made a comment urged workgroups member to fill out the workgroup goals sheet.
- Vice Chair Avalos will send out an agenda for a meeting in the next couple weeks.
- The workgroup will discuss whether to send out a survey seeking public feedbacks regarding august 17 protest.
- There also a possibility for the workgroup to collaborate with Race Talks

4. Use of Force Workgroup (5 min.)

MISSION STATEMENT: The Use of Force Workgroup examines Portland Police Bureau use of 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

- Chair Malone would like someone to take over this workgroup as Chair

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

- Mr. Handelman made several comments:
 - This is a good example on how a 3rd party account of the incident is better than body camera since the camera footage can be a lot of shakiness
 - The officers could've left the Appellant on the sidewalk while waiting for the ambulance instead of dragging him to the car.
 - In the Director's Reports, it is not clear about which stage is Officer Involved Shooting currently at. There were multiple IPR investigations listed in the report, but IPR did not provide more detail on why is IPR investing these cases.
 - PPA bargaining will be up for discussion at a City Council work session soon. CRC should engage City Council members about the change in the standard of review
 - Flying Focus uploaded the video of CRC council appeal hearing on YouTube.
 - During City Council hearing about the PRB code change, Copwatch addressed some of the CRC concerns about not able to review the material for the PRB hearing remotely.

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.*