



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, January 8, 2020 (meetings are typically held the first Wednesday of each month)

Time: 4:00 pm * *Please Note: agenda times are approximate*

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

Present: Vadim Mozyrsky, Jihane Nami, Hillary Houck, Julie Falk, Dana Walton-Macaulay, Cliff Bacigalupi, Art Nakamura, Bryan Parman, Pamela Fitzsimmons, Dan Handelman, Regina Hannon

On the phone: Sylvan Fraser, Kristin Malone

AGENDA

4:00 pm—4:05 pm Introductions and Welcome (CRC Chair Kristin Malone)
(Approved of December 4, 2019 meeting minutes)

4:05 pm—6:05 pm **Case File Review/ Appeal Hearing 2019-C-0128/ 2020-X-0001**
Appellant alleged an unidentified Officer used inappropriate force when taking the Appellant into custody

- Deputy Director Walton-Macaulay provided IPR summary of the intake investigation:
 - IPR received an appeal request from the Appellant at the end of 2019.
 - IPR opened an intake investigation based on a tort claim filed by the Appellant regarding his injuries from being arrested back in 2016
 - IA Investigator interviewed 16 sworn and one former officer. The investigator also reviewed the Appellant's AMR and booking report.
 - Based on all the materials the Investigator recommendation the finding of Unfounded
- Captain Bacigalupi provided IA summary of the investigation:
 - The
 - The case was review by an IA Sergeant and Lieutenant before going out for RU Manager for findings. The finding was reviewed by IA Captain, an Assistant Chief, and one of IPR Manager.
- Ms. Malone asked Captain Bacigalupi if any effort was made to obtain the Appellant's medical records?
 - The Appellant was checked by a CERT team medic before being taking to jail. The AMR report was also very thorough
- Commander Nakamura made a comment the only medical records were the initial on scene AMR report documenting that there were no injuries
- Deputy Walton-Macaulay made a comment at the time of the investigation, the attorney made a request to not contacting him until after the trial had been completed
- Ms. Malone asked Deputy Walton-Macaulay whether the trial is now complete?
 - Yes, it has
- Ms. Falk asked Commander Nakamura regarding there were reference 17 officers being interviewed, while other part referenced 16 officers. There seems to be discrepancies about pepper spray being referenced in the report, but throughout the case, it was referenced as tear gas. There was also mentioning of spun rounds being used.
 - Patrol officers carry pepper spray so when they hear about chemical agent, they often think that its pepper spray. CERT team member carrying both pepper spray and tear gas. Patrol officers don't know which one the CERT officer deployed. The after-action report will document what was actually used.

Spun round is used to open up a structure to get the chemical agent into a structure. There were a total of 16 sworn and 1 non-sworn officers who got interviewed

- Public comment:
 - Mr. Handelman made a comment the summary is too short and doesn't talk about how many officers were interviewed.
- They Sylvan made a comment regarding to the Appellant's medical records, there's no report of the Appellant medical's check at the jai even though there was a reference that medical check happened at the jail. One of the interviews mentioned officers presenting a duty notebook. The Committee did not have access to that
- Commander Nakamura made a comment the only thing they have from jail is the intake interview when they ask the Appellant about injuries and health history.
- Acting Chair Mozyrsky asked Commander Nakamura about the notebook if there's anything medical evaluation at the jail?
 - They asked for injuries and the person can let them know. An on-scene nurse would've come out and either deny or accept admittance. From this one, it seems like the only medical condition is that the Appellant being a diabetic
- Captain Bacigalupi another thing that might trigger medical evaluation is the person being booked having medications
- Acting Chair Mozyrsky asked Commander about the duty notebook that might give an insight on who was involved?
 - For CERT officers don't carry notebook since they get dressed at the scene and being called on a moment notice
- Deputy Walton-Macaulay made a comment she made an error on the number of current officers who were interviewed
- Ms. Malone made a comment the case is being driven by several set of deadlines and he was not able to openly talk to investigator and provide his medical records. It is reasonable to make an attend to interview Appellant about the incident now and also try and obtain his medical records. She would like to make a motion to send the case back for an additional investigation so the Appellant can be interviewed about his injuries and as well as for investigator to obtain his medical records and jail report. This was seconded by they Sylvan
 - Ms. Falk: YES
 - Ms. Nami: YES
- The Appellant made a comment he would like the Committee to send the case back and obtain those records because he believes that the records will support his statement.
- Ms. Nam asked Acting Chair Mozyrsky if they found substantial evidence through the medical records that excessive use of force was use, but they are still unable to find the involved officer, would the Committee still able to proceed with the appeal process?
 - I think we can still do our job by making a finding that there was an incident and excessive force was used.
- Acting Chair Mozyrsky asked the Appellant how long did it take for him to go to OHSU after the incident had occurred?
 - It was over two years. When I first admitted to the jail I was put in a sling and taken to a medical unit and stayed there for couple days because of the injuries
- Acting Chair Mozyrsky asked the Appellant if he is willing to be interviewed by an investigator?
 - Yes, in fact I have information that can be helpful with the medical file. My initial MRI and X ray shows injuries
- Appellant asked Acting Chair Mozyrsky if his mailing address changed does, he has to let someone know?
- Captain Bacigalupi made a comment they should be able to find the Appellant in the prison system

6:05 pm—6:10 pm Director's Report (IPR Deputy Director Dana Walton-Macaulay)

- Mr. Handelman made several comments regarding to the Director's Report:
 - IPR open investigation does not clearly show what kind of case it is and which stage it is currently at
 - The list of Officers Involved Shooting cases should show if PRB hearing has been held

- Deputy Walton-Macaulay made a comment at some point in 2020, IPR will release an interactive dashboard where people can search for case number and where it is currently at in the complaint process
- Ms. Falk asked if there's any update regarding inviting the Auditor to the CRC retreat?
- Acting Chair Mozyrsky asked Deputy Director Walton-Macaulay there's any conversation being made since the last time the Committee had this discussion?
 - Ross and I did make her aware of the concerns that were raised in the last meeting. She did send me correspondence that she sent to you all stating her position in regarding to the proposal to change the standard of review. She is always willing to have new conversation. She is not interested in revisiting conversation that you guys already had

6:10 pm—6:15 pm Chair's Report (CRC Chair Kristin Malone)

6:15 pm—6:30 pm New/Old Business

6:30 pm—6:55 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: 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

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: / Members: Andy Chiller, and Sylvan Fraser,

6:55 pm—7:15 pm Public comment and wrap-up comments by CRC members

- Mr. Handelman made some comments:
 - Regarding to the latest Officer Involved Shooting, dispatch record shows it took 13 seconds for an officer to shot at the person. OIR report on PPB using an AR-15 to kill people. There was an DOJ investigation into PPB treatment of the mentally ill. It is not the mental health system that pulled the trigger, it was the officer
 - There's a Training Advisory Council meeting tonight that starts at 6:30
- Acting Chair Mozyrsky made a comment there's also a PCCEP subcommittee meeting going on right now and they are having a discussion on facial recognition
- Ms. Fitsimmons made a comment she really enjoys the meeting tonight since the Chair is facing the public and it is easier for her to hear.

5:00 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.*