



Case Summary for Appeal Hearing

2019-C-0128

September 2, 2020

INVESTIGATION OVERVIEW

Involved Persons

Appellant
 Officer A

Allegations

No.	Allegation Summary	Category	Finding
1	An unknown officer used excessive force when taking Appellant into custody. (FORCE) (Directive 1010.00 – Use of Force)	Force	Unfounded

Complaint Received: 4/26/2019

Investigation Completed: 6/28/2019

Findings Completed: 10/24/2019

Appeal Received: 11/08/2019

Incident/Complaint Summary

On July 20, 2016, Appellant was taken into custody by PPB SERT team. Appellant filed a tort claim notice on April 26, 2019 alleging that he was injured by an unidentified officer during his arrest in 2016 and denied medical care. PPB Internal Affairs conducted the investigation.

Summary of Interviews

The investigator interviewed sixteen current and former officers who were documented as part of the response to the scene.

Interviewees stated the arrest was uneventful and nothing noticeable happened while Appellant was being taken into custody. None of the interviewees recalled that force was used or noted that Appellant had sustained any injury during his arrest, that Appellant complained of injury or was injured at the time he was taken into custody.



Review of Records

The investigator reviewed after-action reports completed after the Appellant was taken into custody; documentation noted pepper spray as a force event.

The investigator reviewed Portland Fire Records; Fire Bureau assessed Appellant when he was taken into custody and no injury was noted.

The investigator reviewed AMR records, which noted that the CERT medics needed to check Appellant's blood glucose because he had indicated he was diabetic and requested to use AMRs glucometer.

The investigator reviewed the Multnomah County Booking Intake form which documents treatment for a medical condition sometime in the 24 hours prior to booking.

There was no documentation found from arrest or detention records, or medical records peripheral to Appellant being taken into custody where Appellant reported any injury when he was taken into custody.

Findings and Definition of Findings

Finding: A determination of whether an allegation against a member is unfounded, exonerated, not sustained or sustained. These findings have the following meanings:

Unfounded: The allegation was false or devoid of fact or there was not a credible basis for a possible violation of policy or procedure.

Exonerated: The act occurred but was lawful and within policy.

Not Sustained: The evidence was insufficient to prove a violation of policy or procedure.

Sustained: The evidence was sufficient to prove a violation of policy or procedure.

Any of these findings could be accompanied by a debriefing, which would involve the superiors of an involved officer talking about the incident and providing instruction as to how the situation might have been handled better.

Options Available to the CRC

At the appeal, the CRC has the following options available to it:

1. The CRC can affirm the finding, meaning that it believes that a reasonable person can make the same decision based on the available information, **whether or not the committee agrees with the decision**; or
2. It can challenge the finding; meaning that the committee believes a reasonable person would have reached a different finding based on the available information. The CRC can recommend a debriefing as part of any challenged finding; or
3. It can refer the case to the Independent Police Review or Internal Affairs for further investigation.

Addendum

The case was returned to IA for additional investigation. That investigation was completed and submitted in February, but COVID delayed the re-convening of this hearing. The investigator re-interviewed complainant, gathered additional medical records and reviewed the initial investigation report. The records and investigation report have been presented for review by the Committee.