



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 5, 2020 (meetings are typically held the first Wednesday of each month)

Time: 5:30 pm * *Please Note: agenda times are approximate*

Location: Virtual Meeting

Present: Candace Avalos, Taylor Snell, Vadim Mozyrsky, Julie Falk, Jihane Nami, Andy Chiller, Sylvan Fraser, Adam Green, Dana Walton-Macaulay, Irene Konev, Chuck Lovell, Bryan Parman, Cliff Bacigalupi

AGENDA

5:30 pm—5:35 pm Introductions and Welcome (Chair Candace Avalos)

(Approved of June 3, 2020 and July 1, 2020 meeting minutes)

6:00 pm—6:15 pm Director's Report (IPR Deputy Director Dana Walton-Macaulay)

6:15 pm—6:30 pm Chair's Report (CRC Chair Candace Avalos)

- Chair Avalos facilitated a CRC retreat last week. The Committee agreed on keep hearing appeal despite the uncertainty with the ballot measure
- Chair Avalos, Vice Chair Mozyrsky, PCCEP and TAC Chair met with Chief Lovell, and the Mayor last Monday to discuss how all the advisory bodies can assist with policy changes

6:15 pm—7:15 pm **Conference Hearing: 2019-C-0144/2019-X-0003**

Per City Code [3.21.160](#) and [Protocol 5.03](#): At a conference hearing, the Police Bureau Command staff will have the opportunity to advise the Committee of any concerns or disagreements they might have with respect to the Committee's prior recommendations. IPR will have the opportunity to discuss any opinions or concerns about the disagreement between the Committee and the Police Bureau.

- Chief Lovell made some comments:
 - Looking at all the facts in the case, I came to the finding of not sustained with debriefing. What was presented to the officer at the time, he would not been able to verify of proof of ownership and be in a position to file a stolen car report
 - I do feel there should be a debrief regarding how the officer should do an additional follow up to the complainant

- Mr. Mozyrsky asked Chief Lovell if the debrief would entails?
 - The debrief could be a discussion on how the officer should follow up with the complainant since she said she would follow up with some additional information. There's a potential of follow up with DMV, but their process is something we don't control at the Police Bureau. Some of the document at the DMV anyone can pick up get a receipt
- Mr. Mozyrsky made a comment there was a discussion during the appeal hearing stage regarding there's a lag of time during the title transferring process. It would take a month for DMV to send the new owner the updated registration. If a car is stolen during the interim time then the person couldn't prove that they own the car
- Ms. Chiller asked Chief Lovell regarding the document the Appellant provided to the Officer. That was indeed a document from DMV indicating a start of the process of transferring of title. Sub section H in the directive required the Officer to elevate the situation to a supervisor to get a second opinion if the document is not part of the list of documents listed. Why wouldn't he elevate it?
- They might elevate it but, in that situation, if DMV doesn't accept that as valid proof. You could end up in a situation where someone fill out that paperwork. Even if the Officer take a good faith approach and file a report, you could end up in a situation where the vehicle the person might not be the owner
- Chair Avalos made a comment if the Officer is unsure, he should've asked someone
- Chief Lovell made a comment this will be part of the debrief. The Officer could've done more
- Ms. Nami asked Chief Lovell, what would be considered as an indicating a process of transfer of title that the Bureau would accept?
 - The most common are registration and a notarized bill of title
- Ms. Nami made a comment to Chief Lovell it takes a while for the DMV to send a new title. In the meantime, what the person is supposed to show as proof of transfer of title?
 - This tied to what Mr. Mozyrsky was alluding to. We are tied to what can be accepted. There could be a window of time where there's some gray area
- Ms. Chiller made a comment the Committee had this discussion about the gray area at the last hearing. It is not a reasonable interpretation of the directive to have the gray area benefits the hypothetical person and harm the actual person. The benefit of the doubt should be toward the appellant who held a piece of paper stamped by the DMV. The Appellant went to the DMV and this is the only document she got
- Chief Lovell made a comment the issue here is what document the DMV would accept as proof. The Officer could've done more follow up or could've worked with the Appellant more that's why he ended up with Not Sustained with Debrief
- Ms. Falk asked the Committee if they agreed that the Appellant did provided document indicating a process of transfer of title?
- Ms. Chiller made a comment Appellant went back to the DMV and confirmed that document she had is the only document she gets. This should be considered a start of the process of transferring of title

- Captain Bacigalupi made a comment the Officer did make a note the Appellant provided a notice of transaction submitted. In the note itself, it talks about this notification is intended for information purposes for only. It doesn't constitute an assignment or release of a vehicle
- Commander Parman made a comment the Officer's note stating the Appellant only provided a handwritten bill of sale. When he was being interviewed his response was the Appellant doesn't have a registration or a notice of title transferred. The evident in the record is it is unclear what was the Appellant showing to the Officer. Section 131 in the Directive stated one or more of the following may establish proof of ownership. The list provides the types of document people might be able provide Simply possessing this one notice of transfer. The qualifier over the list said one or more proof of ownership. The notice of the transaction itself doesn't qualify as proof of ownership
- Captain Bacigalupi made a comment the proof of owner is intentionally a high barrier. The Officer have to have a significant amount of confident before entering a stolen vehicle into the system
- Mx. Fraser made a comment the wording of the Directive seems very simple. The Directive required the Officer to contact a supervisor if piece of document is not on the list. A reasonable person who reviewing the language of the Directive and the evidence in the case would find that the Officer failed to contact a supervisor
- Ms. Falk made a comment it seems like the Directive said in order to accept a stolen vehicle report they must bring it up to the chain of command, but it doesn't say they must bring it up to the chain of command to not accept a stolen vehicle report
- Mr. Mozyrsky made a comment to add up to the confusion, the Appellant forgot to sign the registration form and the DMV tried to contact her, but it didn't go to the correct mailing address, so they ended up refunding her the money
- Chair Avalos made a comment that she will allow the Appellant to speak
- The Appellant made a comment she was under the impression that the Committee agreed that the piece of paper she was showing during the appeal hearing was a notice of transaction
- Ms. Browning, the Appellant APA made a comment the officer stated in his interview with IA that we were handed the yellow written note with a stamp from the DMV. It is not just a piece of paper anyone can just go in and pick up. At the Appeal Hearing, she submitted a letter from the DMV stating that because of the mess up they are returning all the documents to her including the original bill of sale. The DMV had the bill of sale so there's no way the Appellant could've provide to the Officer the bill of sale. She went to the DMV and confirmed that the piece of paper they provided to the Appellant is the only piece of paper she gets from the DMV
- Chair Avalos asked Chief Lovell on where he is at now after listening to the discussion.
 - This is something that is we can try and have a conversation with the DMV. About the real meaning behind that piece of paperwork. We can then add this document into a list of approved documents. This is something that will require us to do some research

- Deputy Director Walton-Macaulay made a comment this is a perfect for a policy review. This is where the Committee's power lies - to make a policy recommendation
- Chair Avalos asked Chief Lovell if he is coming closer to the Sustained finding?
 - This is a tough one. Do I have to make a decision right now?
- Mr. Nguyen made a comment code is silent in this situation. The Conference Hearing if for the Committee to have a discussion with the Chief on the disagreement on the finding
- Chief Lovell asked Deputy Director if he can still change his decision between the Conference hearing and Council hearing?
- Mr. Nguyen made a comment this situation had happened in the past where the Chief changed their mind on the finding during the interim period
- Several Committee members had a discussion on whether to wait for the Chief the make his final decision or continue with the previous motion of challenging the finding
- Ms. Falk made a comment this is a tough case and she is uncomfortable to vote without the Chief's point of view to set and stone
- Chief Lovell made a comment he doesn't want this situation to happen in the future if PPB can clarify more in the Directive. This is something that will need to take some time
- Ms. Nami asked Chief Lovell based on the previous Chief's memo the Bureau will discuss with the DMV to see if the process is aligned
 - I am not sure if that process has started. This is why I need some time to look into
- Chair Avalos made a comment she is totally understand the desire of fixing the directive being unclear in this situation. The Committee's responsibility is to make a decision based on the current directive and evident presented in the case file. Based on the evident it seems like everyone are in agreement that there's a performance issue. She doesn't want to be in a place where the directive is wrong instead of the Officer misinterpreted the directive
- Chief Lovell made a comment he thinks the Committee to vote on it and then in the meantime, the Bureau will have a discussion with DMV
- Commander Parman made a comment he went back and re-read the officer's interview the Officer was asked if he is familiar with the DMV paperwork. He responded by saying yes, he used to be a car salesman
- Mr. Snell made a comment the DMV paperwork for retail car sale is different from private car sale. He doesn't know if he would buy that explanation
- Ms. Nami made a comment the Officer also went on and said that he is not sure what document would be required for a private sale
- Commander Parman made a comment the RU Manager have to make their finding based on the preponderance of evidence and the evidence in the record that document doesn't clearly establish proof of ownership. This is an area where it is very difficult to get the preponderance of evidence in regarding to what kind of document was shown to the Officer

- The Appellant made a comment at the appeal hearing, they brought a document from the tow yard showing the original owner had released the ownership interest of the vehicle to her
- Mr. Snell asked Chief Lovell for his opinion under section 1.3.1.8 seems like even if the Appellant provided to the Officer a bill of sale which Ms. Browning, the Appellant APA proved that it would be impossible since the bill of sale is with the DMV. there were several indications that there would be a need for more investigation to establish proof of ownership. It seems like the towing company did more investigation into this than the Officer
 - This is where the debrief might come in about the need for conducting a follow up. In this situation it is very hard to sustain the officer since there's so much ambiguity
- Mr. Fraser made a comment about everyone is spending a lot of time talking about how high of the bar it is. The directive allows people to file a stolen car report via phone
- Ms. Chiller made a comment under subsection H, the Officer should've contacted his supervisor
- Commander Parman made a comment in practice if the Officer believes the person has some other unique document that is on the list that can be established as ownership. He is not required to contact a supervisor he doesn't believe that the person has proof of ownership
- Ms. Chiller made a comment she still believes the Officer violated subsection B. If a person presented some kind of document from the DMV, the Officer should've conducted additional investigation
- Commander Parman made a comment this goes back to the policy review and how PPB can provide more clarity to public
- Public Comments:
 - Mr. Handelman made several comments:
 - This is a kind of conduct where a police officer failed to act and ended up hurting someone
 - It is pretty clear that this officer doesn't want to file a stolen car report
 - Why didn't the officer take a photo of the document so he can show another officer?
 - The incident happened in August 2018 and the person didn't report it until May 2019. There's plenty of time for the DMV to straighten out the paperwork
 - At the very least, this officer needs to be talked to about how he should've done more follow up
 - Ms. Aiona made a comment, back in 2008 there was an outside review of IPR process and one of the recommendations was to add a supplemental finding as an option. This is a good example of a policy failure finding
 - TJ Browning made a comment her main concern is the Officer refusing to contact a supervisor. The Appellant made a request for the Officer to check with a supervisor and he refused to do that. If a citizen made a reasonable request and ask for the Officer to check with the supervisor, at the very least, he could've done that
 - A comment member with a username heavenlyheld made a comment she has to report child and elderly abused without all the facts. The Officer had months and months to follow up to the Appellant
 - Mr. Delegato made a comment it seems that there are two issues the Committee is currently deliberating: One is what was handed to the Officer, the second is the broader issue of meeting the standard guideline in the Directive. In the insurance industry they look at any document that could show the ownership of a vehicle

- Barbara made a comment she sold a car privately and its different than the actual car dealership sale. Any documents should've been followed up by the Officer
- Mx. Fraser made a comment she looked at a different part of the directive where the officer eventually is required to file a police report once sufficient proof of ownership has been shown.
- Ms. Chiller made a motion to continue with the previous challenge of the original finding and recommend the finding of Sustained on allegation 1. This was seconded by Mx. Fraser
 - Ms. Chiller: YES, the Officer violate subsection B, the document Appellant provided to the Officer falls under subsection B
 - Mx. Fraser: YES, based on all the reasons discussed
 - Mr. Mozyrsky: NO, this could've handled much better by the Officer. A reasonable person could've found the chief's finding reasonable.
 - Ms. Nami: YES, Subsection B in the directive included the piece of paper the Appellant given to the Officer
 - Ms. Falk: NO, based on the evidence Not Sustained with Debrief makes more sense
 - Mr. Snell: YES, The Appellant did provide a DMV document to the Office indicating process of transfer of title
 - Chair Avalos: YES, same reasons as Mr. Green and Ms. Chiller
 - Mr. Green: YES, the Officer performed an inadequate investigation and caused a lot of harm to the Appellant
- The Committee voted 6-2 to continue with the previous motion of challenging allegation 1 and recommend the finding of Sustained. This case will be referred to City Council
- Chief Lovell made a comment he will get back to the Committee before the next CRC meeting. He would like to look into the DMV piece
- Chair Avalos made a comment scheduling City Council meeting will likely takes months
- Ms. Nami made a comment the Outreach & Policy Workgroup can look into coming up with recommendations regarding to the stolen police report directive
- Mr. Mozyrsky and Mr. Green made a comment the workgroup will look into the subsections of the directive

6:30 pm—7:30 pm New/Old Business

1) CRC retreat follow up

- The Committee had a discussion on the ballot measure in related to the future of the Committee and what are ways the Committee can make an impact aside from appeal
- Mr. Green made a comment he is wondering how the Committee can best support IPR and their staff during this challenging time

- Mr. Mozyrsky made a comment the support from IPR staff has been outstanding and he hopes that if the ballot measure passes, IPR staff would transition to a different role
- Deputy Director Walton-Macaulay made a comment there's still an overwhelming commitment from staff to continue doing the work
- Mr. Snell raise a question whether if the Committee can write a resolution in support of IPR?
- Mr. Nguyen made a comment the Committee haven't done a resolution before only press releases
- Ms. Chiller made a comment since the CRC have a voice in the reform, the Committee can try and advocate for IPR
- Chair Avalos made a comment she participated in the drafting of the ballot measure and spoke at City Council in support of the measure. She expressed gratitude for staff at IPR and the difficulty of supporting the ballot measure and IPR in the same time. No matter what vote will happen in November there still a transition process. She is hoping the good part of the oversight system will transferred over
- Ms. Pomerantz made a comment she is excited for the changes and it is important to keep people accountable.

7:30 pm—7:40 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. Policy & Outreach Workgroup (5 min.)

MISSION STATEMENT: The Policy & 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.

Chair: Vadim Mozyrsky, Adam Green / Members: Julie Falk, David Lin, Carol Johnson, and Shaina Pomerantz

IPR staff: Irene Konev, Community Outreach Coordinator

- Ms. Pomerantz made a comment she had sent an email to Commissioner Hardesty's office to schedule a meeting

2. Recurring Audit (5 min.)

MISSION STATEMENT: The Recurring Audit Workgroup seeks to improve accountability of IPR and PPB by reviewing closed cases and other relevant data to ensure procedures, policies and protocols are appropriate and followed, and that recommendations for improvements are made based on emerging evidence and analysis. The Recurring Audit Workgroup will also work with other CRC Workgroups to develop policy recommendations for improvements.

Chair: / Members: Hillary Houck, Vadim Mozyrsky and Jihane Nami

- The agenda for the next workgroup meeting is how this workgroup will move forward. The workgroup will meet on the 4th Wednesday of the month

3. Crowd Control & Use of Force Workgroup (5 min.)

MISSION STATEMENT: The Crowd Control & Use of Force Workgroup examines existing use of force policies, training, and tactics of the Portland Police Bureau, reviews best practices, legal standards and other information, and makes appropriate recommendations.

Chair: Candace Avalos / Members: Andy Chiller, Sylvan Fraser, Taylor Snell, Yume Delegato, Sarah Malik, Amanda Boman, Barak Goodman, Val Barlow, and Alec Condon

- The workgroup learned a lot from the operating the virtual forum. All the notes from the forum are saved in the google folder. The workgroup is meeting in 2 weeks. The big thing is how this workgroup will continue to move forward

7:40 pm—8:00 pm Public comment and wrap-up comments by CRC members

- Mr. Handelman made some comments:
 - In the future, the Committee should ask the Appellant if they do/dont want to be filmed, he would like to know
 - Conference Hearing was put in place by IPR Director. There's no need for the Chief to come back again if the Committee is referring the case to Council
 - The predecessor of CRC worked right up until the last minute. Some even transitioned onto the CRC.
 - The Committee should encourage council to support IPR as much as they can until the new board comes online
 - Workgroup's recommendations should come to the main CRC
 - The Brady's review was a resulted of IPR's policy review
 - The Recurring Audit workgroup should look into the 20 cases that the COCL looked at
- Ms. Aiona made a comment the League of Women Voters encouraged Council to incorporate the strengths of the current system to the new board. Tonight was a perfect illustration on how an appeal leads to the policy recommendations

8:45 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.*