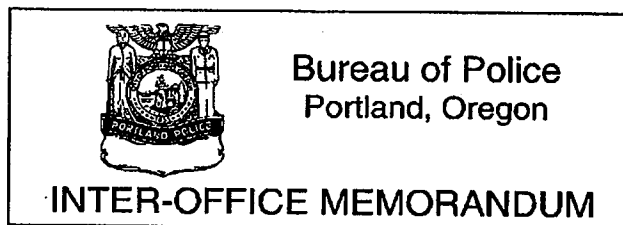


DATE: January 7, 2011
TO: Christopher Paille
Professional Standards Division
FROM: Frances Portillo
Police Review Board Facilitator
SUBJ: Police Review Board Findings and Recommendations



CONFIDENTIAL

The Police Review Board met on January 6, 2011, to review the following case:

IAD Case Number: [REDACTED]-Performance Investigation
Employee: [REDACTED] A
[REDACTED] B
[REDACTED] C
[REDACTED] D
[REDACTED] E

Allegation #1 [REDACTED] C and [REDACTED] A failed to make a sound tactical decision by not concurring with the recommendation that SERT serve this warrant.

Finding: In both the case of [REDACTED] C and [REDACTED] A the findings were the same:

**Unproven With a Debriefing / One member
Exonerated / Two Members
Unproven / Two Members**

Majority Opinion:

While in both the case of [REDACTED] C and [REDACTED] A the board members felt it was unproven. It was felt that in these situations the higher-ups need to be on edge. There will be some failures however, even with the best of intentions.

Board members did not find enough evidence to prove this allegation.

Minority Opinion:

One member felt a review of the procedures and leadership responsibility should be conducted of the prevailing culture that all calls must be answered regardless of fatigue. One must protect the officers from answering every call and therefore saving them from themselves.

Allegation #2

[REDACTED] B and [REDACTED] A failed to adequately staff and manage the personnel assigned to the [REDACTED] Team and the [REDACTED] Team who participated in serving this warrant, because they knew that many of the officers involved did not have adequate rest or sleep prior to the warrant service.

Finding: [REDACTED] **B**

**Exonerated with Debriefing / One Member
Sustained / Four Members**

Directive 315.30 - Unsatisfactory Performance

Majority Opinion:

While the Board believed that even with the best of intentions mistakes and failures can occur the need to be responsible and aware of all that is going on under one's command is crucial.

Minority Opinion:

One Member felt that a debriefing was needed to review the case and understand the need for adequate rest and sleep and how that is determined.

Finding: [REDACTED] **A**

**Exonerated / One Member
Exonerated with Debriefing / One Member
Unproven With Debriefing / One Member
Sustained / Two Members**

Directive 315.30 - Unsatisfactory Performance

Opinions from the discussion:

The notion that the "Buck Stops Here" with all leadership was reinforced and those who advocated for a debriefing wanted that to be emphasized. There was no majority overwhelming majority for this allegation. The two members who found the allegation sustained believed that ultimately the responsibility for overseeing the situation was not to be overlooked or taken lightly. These members wanted the incident to be taken seriously and felt there was sufficient evidence to sustain the allegation.

Allegation #3

[REDACTED] X inappropriately opened the gate to the warrant location.

Finding:

**Sustained / Four Members
Unproven with Debriefing / One Member
Conduct-DIR 315.30 Unsatisfactory Performance**

Majority Opinion:

The Board believed that [REDACTED] X completely ignored tactical information and therefore did not have an opportunity to utilize alternate strategies. [REDACTED] X was specifically told not to open the gate. He also acted without alerting others causing a lack of communication which could have been helpful to others.

Minority Opinion:

One member felt that there was not enough evidence to the inappropriateness of the opening of the gate. Since officers are expected to act upon information as well as the situation as it presents itself he might have had good reason to assume this was a move that would work.

Allegation # 4

[REDACTED] *failed to adequately staff and manage personnel assigned to serve this warrant because both he and several of the officers did not have adequate rest or sleep prior to the warrant service.*

Finding:

**Exonerated with Debriefing / One Member
Sustained / Four Members
Directive 315.30 - Unsatisfactory Performance**

Majority Opinion:

The Board felt that there were two decision points where [REDACTED] X made poor decisions the opening of the gate and the plan after failing to find the man in the motel. At that point he should have called his supervisor for additional counsel.

He should also have been aware of the fatigue level under which he and his officers were operating.

Minority Opinion:

One Member felt that there were many circumstances that led to the decision and [REDACTED] X acted on his instincts. He should be debriefed. The debriefing should emphasize that one does not have to answer all calls especially when people are feeling the fatigue of previous calls.

Allegation # 5

[REDACTED] D ([REDACTED] at the time) and [REDACTED] X
failed to advise fellow officers that [REDACTED] X had opened the gate to the
warrant location prior to executing the warrant.

Finding: [REDACTED] X
Sustained / Unanimous

Opinion:

The Board felt that a serious omission of facts occurred. The agreed upon tactic was abandoned. Had he followed the plan things might have gone differently.

Finding: [REDACTED] D
Sustained / Four Members
Unproven / One Member

Majority Opinion:

[REDACTED] D did not share the information about the gate and might have been acting upon [REDACTED] X's plan.

Minority Opinion:

There was discussion about [REDACTED] and given his experience there was not enough evidence to prove any wrong doing.

Recommendations:

Discipline

[REDACTED] B

No Discipline / One Member

Allegation was sustained for lessons learned by the whole Bureau

Command Counseling / Three Members
To Reinforce Message

[REDACTED] A

No Discipline / One Member

Allegation was sustained for lessons learned by the whole Bureau

Command Counseling / One Member
To Reinforce Message

[REDACTED] **B**

Command Counseling / Three Members

LOR / One Member

No discipline / One member

[REDACTED] **X**

[REDACTED]

Other

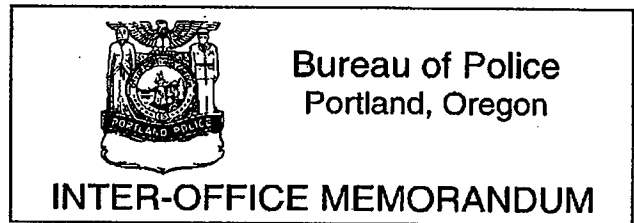
The Board recommended that the Bureau conduct a study of fatigue to determine guidelines for fatigue related issues. It was noted that officers working while extremely fatigued make poorer choices, increase liability and risk. They are often not able to discern the level of fatigue themselves and supervisors must have an understanding of when they need to be "saved from themselves."

One Board member recommended a revisit and reevaluation of the form used to make decisions regarding risk of entering when issuing a warrant. This form should be used as a guide not a sole decision maker.

The Board recommended that reviews should be conducted in a more timely manner. Waiting for months and even years makes it difficult to do a service to the issue and the officers in question.

The Board recommended that an involved member, when assigned to IA and involved with the case under investigation, should not be responsible for IA review of the case because of potential conflicts of interest.

DATE: January 7, 2011
TO: Christopher Paille
Professional Standards Unit
FROM: Frances Portillo
Police Review Board Facilitator
SUBJ: Police Review Board Findings and Recommendations



CONFIDENTIAL

The Police Review Board met on January 6, 2011, to review the following case:

IAD Case Number: [REDACTED]
Employee: [REDACTED]

Allegation #1 [REDACTED] *intentionally consumed excessive amounts of prescribed narcotics, off duty and/or prior to going on duty.*

Finding: Unproven / Unanimous

Opinion: The Board did not feel that the amount of cough syrup was excessive nor was there any medical analysis conducted to determine whether his consumption was medically necessary or excessive.

Allegation #2 [REDACTED] *intentionally consumed prescription drugs not prescribed to him.*

Finding: Sustained / Unanimous
Identify Directive Violated 316.10 - Drug, Controlled Substance Use

Opinion: [REDACTED] admitted to taking the drugs prescribed to another person when he was unable to fill his own prescription or it had run out.

Allegation #3 [REDACTED] *violated BHR 4.01 by calling in sick absenting him from duty or causing himself to be unfit to fully perform his duties for reasonable attributable to indulgence in alcohol , drugs, or the excessive and/or improper use of prescription medications, which precluded his ability to function at work.*

Finding: Unproven/ Unanimous

Opinion: While [REDACTED] did admit to using controlled substances there is no evidence that he called in sick or that he fail to perform his duties for reasons attributable to indulgence in medications or other

Allegation # 4

drugs. The evidence points to usage outside of work.

[REDACTED] failed to notify his supervisor, prior to reporting for duty, his use of prescribed controlled substances that could interfere with the safe and effective performance of duties or operation of city equipment or vehicles.

Finding: Sustained/ Unanimous

Directive Violated: 316.10-Drug/Controlled Substance Use

Opinion: This was unanimous due to the fact that [REDACTED] admitted to taking the controlled substances and did not deny or make excuses for the action. He is well aware of the issue and has taken steps already to remedy the situation.

Recommendations:

Discipline:

The Board combined the recommendation for both sustained allegations numbers 2 and 4.

40 Hours SWOP--One Member

20 SWOP [REDACTED]

[REDACTED] Three Members

20 SWOP [REDACTED]

[REDACTED] and adhere to a work plan that allows for night shift work. (The work plan/night shift recommendation was made in the belief that Lts. are often unable to provide adequate supervision based on the other work requirements. It was suggested that an offer of [REDACTED] 6 months of TRU or something comparable should be extended if it is believed to be beneficial.)

In this matter, board members remarked that [REDACTED] should be commended for the steps he has taken since the incidents noted herein occurred. He has followed all the necessary and recommended steps [REDACTED] and reinstatement of his duties and his abilities to serve on the Police Force.

Other:

One member recommended a re-examination and need for clarification of the reporting requirements outlined in Directive 316.10.

DATE: June 13, 2011
TO: Christopher Paille
Review Board Coordinator
FROM: Joe Hertzberg/Frances Portillo
Police Review Board Facilitator/Note Taker
SUBJ: Police Review Board Findings and Recommendations



Bureau of Police
Portland, Oregon

INTER-OFFICE MEMORANDUM

CONFIDENTIAL

The Police Review Board met on June 1, 2011, to review the following case:

IAD Case Number: [REDACTED]
Employee: [REDACTED] #00000

Allegation #1 [REDACTED] *A failed to fully and truthfully respond to [REDACTED] B questions surrounding his ability to write a report in response to a domestic violence call on [REDACTED] [REDACTED]*

Finding: Unproven with a Debrief / Unanimous

Violation of Directive 310-50 – Truthfulness

Allegation #2 [REDACTED] *A failed to complete Domestic Violence supplemental report in a timely manner.*

Finding: Sustained / Unanimous

Violation of Directive 825.00 – Domestic Dispute Mandatory Reporting

The Board unanimously agreed that a delay of a couple of days can be detrimental to the case and to the injured parties. [REDACTED] A needs to understand the importance of completing reports in a timely manner immediately when asked to do so.

Discipline: 40 hours SWOP / One member
20 hours SWOP / Three members
LOR / One member

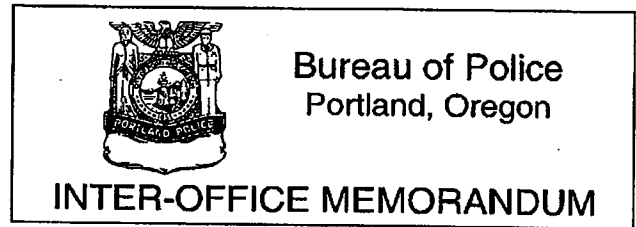
Other recommendations: Based on all three cases, the Board also recommended a comprehensive debrief addressing the full range of [REDACTED] A's behaviors that led to multiple allegations. These include concerns about putting his own needs ahead of others, the vital importance of scrupulous truthfulness, his tendency to move quickly to use of force, questionable decision-making, and seeming inclination to act alone rather than working as a team with other officers. These elements

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might also be addressed in a disciplinary letter.

Finally, the Board recommended that [REDACTED] be assigned a coach or a peer mentor to help him address these concerns and correct the behaviors before they become learned and repetitive.

DATE: June 13, 2011
TO: Christopher Paille
PRB Coordinator
FROM: Joe Hertzberg/Frances Portillo
Police Review Board Facilitator/Note Taker
SUBJ: Police Review Board Findings and Recommendations



CONFIDENTIAL

The Police Review Board met on June 1, 2011, to review the following case:

IAD Case Number: [REDACTED]
Employee: [REDACTED] A #00000

Allegation: [REDACTED] *A used unnecessary and/or excessive use of force during crowd control while confronting a group of protestors by striking one or more protestors with his police bicycle.*

**Finding: Unproven with a Debrief / Three Members
Exonerated with a Debrief / Two members**

Violation of Directive 1010.20 – Use of Force

Majority Opinion:

The Majority noted the difficulty of isolating individual incidents in the overall scheme of a chaotic situation which caught the Bureau off-guard and in which the protest was directly aimed at police officers.

Minority Opinion:

Many officers on that day were in similar situations.

Board members were mindful that this was an extremely challenging situation for a new officer having his first experience with a protest.

Recommendations: The Board spent quite a bit of time discussing the general pattern exhibited in all of the allegations against [REDACTED] A in relation to all three cases under review on the same day. Ultimately, they recommended a comprehensive debriefing, which is described in the memorandum regarding Case Number [REDACTED]

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DATE: September 7, 2010
TO: Christopher Paille
Review Board Coordinator
FROM: Frances Portillo, Sherri Vacarella
Police Review Board Facilitator and Assistant
SUBJ: Police Review Board Findings and Recommendations



Bureau of Police
Portland, Oregon

INTER-OFFICE MEMORANDUM

CONFIDENTIAL

The Police Review Board met on Wednesday, September 7, 2011, to review the following case:

CRB Case Number: 2011-██████████

Allegation: ██████████ *failed to adequately perform his duties as a driver.*

Finding: **Sustained / Unanimous**
Violation of Directives 315.30 – Unsatisfactory Performance as it relates to 317.40 – Authorized Use of Bureau Equipment and 630.10 – Driving Responses

Opinion:

Board members agreed that the crash ██████████ was involved with was preventable and he therefore unsatisfactorily performed his duties as a driver when he attempted to clear an intersection using only his emergency lights without the siren. In determining their finding and recommendation, the board reviewed his past driving history and noted that ██████████ has been involved in three preventable crashes in the last four years. The board looked at his previous discipline and performance related matters and noted that in twenty two years of service the incidents were very minor, this one being the most serious.

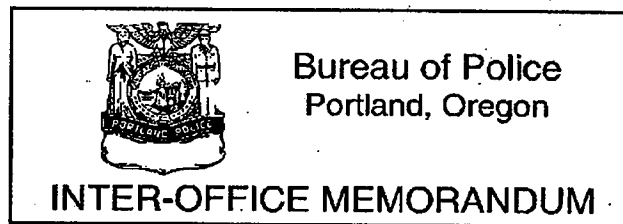
Recommendations: Discipline

10 SWOP – Unanimous

The Board agreed that this is generally the next step after command counseling and a letter of reprimand.

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DATE: November 7, 2011
TO: Christopher Paille
Review Board Coordinator



FROM: Frances Portillo, Sherri Vacarella
Police Review Board Facilitator, Assistant

SUBJ: Police Review Board Findings and Recommendations

CONFIDENTIAL

The Police Review Board met on Wednesday, November 2, 2011 to review the following case:

CRB Case Number: [REDACTED]
Employee: [REDACTED] A

Allegation #1 [REDACTED] *A unsatisfactorily performed his duties as a driver.*

**Finding: Preventable and Sustained / Five members
Violation of Directive 315.30 – Unsatisfactory Performance**

Majority Opinion:

The board agreed that [REDACTED] A's two accidents within two days were the result of inattentive driving. First, he failed to clear the wall in the parking deck due to lack of awareness. The next day, he failed to clear his four corners as he was backing up. His attention was diverted, causing the rear-end collision. The board noted that these two incidents had not involved speed, recklessness, or any other aggravating factor.

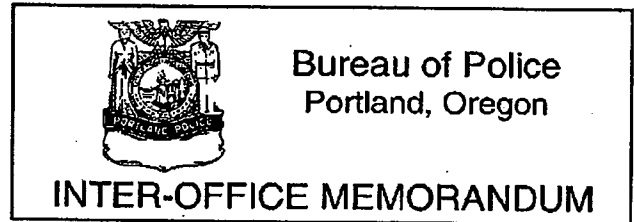
Recommendations: Discipline

Letter of Reprimand– Four members
Command Counseling – One member

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The board believed that [REDACTED] A should hear explicitly that it is his responsibility to himself and the Bureau to make his supervisor aware of any personal difficulty that may cause him to be unfit for duty. One member noted that it had been six years since an incident involving [REDACTED] A and felt that this was good cause to be more lenient than a letter of reprimand. Four members expressed the hope that a letter of reprimand would be more productive in shaping [REDACTED] A's behavior behind the wheel.

DATE: January 24, 2012
TO: Christopher Paille
Review Board Coordinator
FROM: Joe Hertzberg, Randi Moore
Police Review Board Facilitator and Assistant
SUBJ: Police Review Board Findings and Recommendations



CONFIDENTIAL

The Police Review Board met on Wednesday, January 18, 2012, to review the following case:

IAD Case Number: [REDACTED]

Police Review #1 *Operational Planning and Actions Prior to Contact*
Finding (both [REDACTED]): Within policy / Unanimous
Directive 024.00 – Community Police Purpose
Directive 310.00 – Conduct, Professional

Police Review #2 *Application of Deadly Physical Force*
Finding (both [REDACTED]): Within policy / Unanimous
Directive 1010.10 – Use of Deadly Force

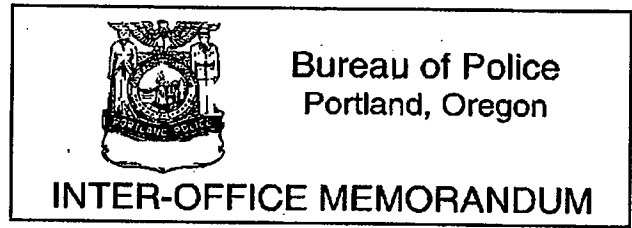
Police Review #3 *Post-shooting Actions and Procedures*
Finding (both [REDACTED]): Within policy / Unanimous
Finding [REDACTED]: Within policy / Unanimous
Directive 630.50 – Emergency Medical Aid
Directive 1010.10 – Use of Deadly Force

Analysis: Board members agreed that [REDACTED] A and B used deadly physical force to protect themselves from what they reasonably believed to be an immediate threat of death or serious injury from Subject C. After hearing presentations from the RU Manager, Detective Division, Internal Affairs Division, Training Division, and [REDACTED] A, the board concluded that all policy standards had been met.

Recommendation: There were no other recommendations.

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DATE: January 24, 2012
TO: Christopher Paille
Review Board Coordinator
FROM: Joe Hertzberg, Randi Moore
Police Review Board Facilitator and Assistant
SUBJ: Police Review Board Findings and Recommendations



CONFIDENTIAL

The Police Review Board met on Wednesday, January 18, 2012, to review the following case:

IAD Case Number: [REDACTED]

Police Review #1
Operational Planning and Actions Prior to Contact
**Finding (both [REDACTED]): Within policy (4 members) /
Within Policy with Debrief (3 members)**
Directive 024.00 – Community Police Purpose
Directive 310.00 – Conduct, Professional

Analysis: The board discussed at some length the fact that [REDACTED] A and B did not announce themselves as police officers when they knocked on Subject C's door and whether that could have impacted the outcome of this contact. Overall, it was felt that announcing themselves is a tactical decision made on a case-by-case basis by officers in the field. The board concluded that the officers made appropriate decisions and responded reasonably to this police action with appropriate tactical strategies. However, three members of the board felt that a debrief with the officers should address this issue.

Police Review #2
Application of Deadly Physical Force
Finding (both [REDACTED]): Within policy (Unanimous)
Directive 1010.20 – Physical Force
Directive 1051.00 – Taser
Directive 1010.10 – Use of Deadly Force

Analysis: Board members agreed that [REDACTED] A and B used deadly physical force to protect themselves from what they reasonably believed to be an immediate threat of death or serious injury from Subject C. After hearing presentations from the RU Manager, Detective Division, Internal Affairs Division, and Training Division, the board concluded that all policy standards had been met.

Police Review #3
Post-shooting Actions and Procedure
Finding (both [REDACTED] plus [REDACTED] D): Within policy (unanimous)

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January 18, 2012

Directive 630.50 – Emergency Medical Aid

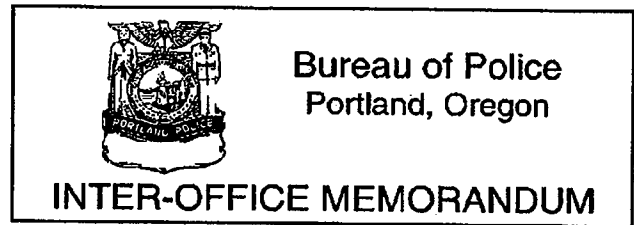
Recommendations:

The board unanimously agreed on a recommendation that BOEC should dispatch medical any time there is a use of force. Medical can be staged nearby or cancelled if not needed. Additionally, anyone listening to, or directly involved in, any deadly force situation should also be delegated the responsibility to ensure medical is dispatched.

The board unanimously agreed on a recommendation regarding BOEC accuracy in reporting. Errors and problems in this case seem to reflect larger issues that need to be addressed between the two bureaus.

The board was divided (3 in favor / 4 against) on whether to recommend that the Training Division conduct research on when officers should announce themselves. The majority stated that this is just one of many decisions officers in the field must make every day and with every contact. The minority believed that the Bureau can benefit from learning what other police departments do and how they manage this.

DATE: April 6, 2012
TO: Christopher Paille
Review Board Coordinator



FROM: Frances Portillo, Sherri Vacarella
Police Review Board Facilitator and Assistant

SUBJ: Police Review Board Findings and Recommendations

CONFIDENTIAL

The Police Review Board met on Wednesday, April 4, 2012, to review the following case:

IAD Case Number: [REDACTED]
PPB Case Number: [REDACTED]

1. Operational planning and actions prior to contact.

Employees: [REDACTED] A
[REDACTED] Z

Recommended Findings:

[REDACTED] A- In-Policy / Unanimous
[REDACTED] Z-In-Policy/ Unanimous

Directive 024.00 – Community Purpose
Directive 310.00 – Professional Conduct

2. Application of Less-Lethal Force, Taser and Bean Bag

Employees: [REDACTED] B
[REDACTED] A
[REDACTED] C

Recommended Findings:

[REDACTED] B –In-Policy/Unanimous
[REDACTED] A-In-Policy/Unanimous
[REDACTED] –In-Policy/Unanimous

Directive 1050.00 – Less Lethal Weapons and Munitions
Directive 1051.00 – Taser, Less Lethal Weapon System
Directive 1010.20 – Physical Force

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April 6, 2012

3. Application of Deadly Force

Employee:

[REDACTED] D

Recommended Finding: In-Policy / Unanimous
Directive 1010.10 – Deadly Physical Force

4. Post Shooting Actions and Procedures

Employee:

[REDACTED] Z

Finding: In-Policy / Unanimous
Directive 630.50 – Emergency Aid
Directive 1010.10 – Deadly Physical Force

Analysis:

The board heard comprehensive evidence presented by the Detective Division, Internal Affairs Division, the Training Department, and the Precinct Commander which it believed demonstrated that all the standards of the policies in question had been met. This information indicated that [REDACTED] Z assumed leadership, identified his tools and resources, and led the team composed of [REDACTED] B, A, D and C to a successful solution of the critical incident. The board believed that the police team showed restraint; [REDACTED] B, A, and C remained committed to their assignments with the less than lethal force of the bean bag and taser weapon systems, thus relying on their team for protection even though Mr. Q was aggressively moving toward them with a deadly weapon in hand. The board agreed that [REDACTED] D used deadly physical force to protect himself and others from what he reasonably believed to be an immediate threat of death or serious injury. The board noted after Mr. Q was taken into custody, he received appropriate and immediate medical care, consistent with PPB training policies. The board believed that the [REDACTED] response to the incident showed effective teamwork, quick decision-making based on critical analysis of the situation, and the use of appropriate tactical strategies.

Recommendations:

Training Case Study

Board members concurred that the police response to this critical incident demonstrated many of the factors associated with exemplary police action and should be used as a positive case study in training.

Recognition of Involved Police Officers

The Board also recommended that [REDACTED] G be considered for a commendation for outstanding leadership as well as commendations

April 6, 2012

for all officers involved.