Portland Police Bureau

Police Review Board: Summaries and Reports

July 2014

Portland Police Bureau
1111 SW 2nd Ave.
Portland OR 97204

CITY OF PORTLAND, OREGON

Bureau of Police
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About this report:

The Police Review Board is an advisory body to the Chief of Police. The Review Board makes recommendations as to findings and proposed officer discipline to the Chief of Police.

The Board is composed of five voting (V) members and eight advisory (A) members: one community member (V), one peer member (V), the assistant branch chief who is the supervisor of the involved member (V), the Director of IPR (or designee) (V), a commander or captain who is the supervisor of the involved member (V), the Professional Standards Division Captain (A), a representative of the Bureau of Human Resources (A), a representative of the City Attorney's Office (A), the Review Board Coordinator (A), the Policy Director for the Mayor's Office (A), the Training Division Captain (or designee) (A), and the assistant chiefs who are not the supervisors of the involved member (A).

The attached Police Review Board findings memos and summaries are provided in accordance with City Charter Chapter 3.20.140 - Police Review Board. The memos provided are for cases that closed during the time period January 1, 2014 and June 15, 2014. All cases in this release and are related to conduct and performance issues.

The board memos provided with this release are for boards that occurred during a span of time which includes both the previous and amended versions of City Charter Chapter 3.20.140 (amended by Ordinance Nos. 183995 and 186416, effective February 7, 2014). The summary reports are provided to deliver relevant information in a uniform format and include:

a. Allegation(s) heard by the Board.
b. A factual summary of the case.
c. Summary of the Board's discussion.
d. Record of the Board's vote, including recommended findings and discipline.
e. Training and policy recommendations, including whether the recommendations were accepted by the Chief.
f. The final decision of the Chief or Commissioner in Charge.

Prior to a hearing by the Police Review Board, investigations are reviewed by the Office of Independent Police Review, the Police Bureau Professional Standards Division, the Police Bureau manager of the involved member, and the Police Bureau Assistant Chief who oversees the assigned branch of the involved member.

Case #	2012-B-0015 (Employee resigned prior to Police Review Board (PRB) hearing)
Summary	While on an Educational Leave of Absence, employee engaged in outside employment in violation of BHR Administrative Rule 4.05 - Outside Employment and Unpaid Activities.
Allegation 1	Employee obtained outside employment without the authorization of the Chief of Police while on an unpaid educational leave of absence.
Recommended finding Allegation 1	Sustained (Unanimous).
Opinion	PRB members discussed the sequence of events and past history and agreed that employee obtained outside employment without authorization. Employee provided union representative with a statement to read on employee's behalf. The statement confirmed evidence that the employee was working for another employer while on an Educational Leave of Absence.
Allegation 2	Employee was untruthful in memo requesting a leave of service.
Recommended findings Allegation 2	Sustained (Unanimous).
Opinion	Former employee had previously requested a leave of absence which was denied because the employee would have been engaged in outside employment. In the leave of absence application that was granted, the employee identified sources of funds but did not cite employment. Because of the employee's previous experience with requesting leave, members concluded that this omission was an intentional hiding of their pursuit of outside employment during the leave of absence.
Recommended discipline	PRB would recommend termination if the employee were still employed with PPB (Unanimous). PRB recommended the employee be ineligible for reinstatement.
Opinion	Employee is no longer an employee of the PPB. If employee were still employed by PPB, the recommendation would be termination, under the new Discipline Guide for sustained findings of Untruthfulness. Given employee's status, the unanimous recommendation was ineligibility for re-instatement.
Final disciplinary outcome	Same as above.
Reason discipline outside recommended range	Not applicable.
Other recommendations	1. Policy - Add language to Leave of Absence letters that clearly outline prohibited activities. 2. Personnel Division review existing leave of absence letter communications for clarity; determine what additional information should be included to clearly identify employee responsibilities.
Status of recommendations	1. Accepted/Assigned to Personnel Division. 2. Accepted/Assigned to Personnel Division.

Bureau of Police
Portland, Oregon

INTER-OFFICE MEMORANDUM

DATE: April 1, 2014

TO: Mike Reese
Chief of Police

FROM: Mark Fulop
Police Review Board Facilitator

SUBJ: Police Review Board Recommended Findings

CONFIDENTIAL

The Police Review Board met on Wednesday, March 26, 2014, to review the following case:

IAD Case Number: **2012-B-0015**

Employee: **Employee**

Allegation #1: *Employee obtained outside employment without the authorization of the Chief of Police while on an unpaid educational leave of absence*

Recommended Finding: Sustained/Unanimous
Applicable Directives: 210.80 – Extra Employment; 210.21 – Leaves of Service

Opinion: Board members discussed the sequence of events and past history and agreed that Employee obtained outside employment without authorization. Former Employee provided Representative with a statement to read on his behalf. The statement confirmed evidence that Employee was working [redacted] while on an Educational Leave of Absence.

Allegation #2: *Employee was untruthful in [redacted] memo dated November 22, 2011 when [redacted] requested a leave of absence solely for educational purposes*

Recommended Finding: Sustained/Unanimous
Applicable Directives: 310.50 – Truthfulness

Opinion: Former Employee had previously requested a Leave of absence, which was denied because [redacted] would have been engaged in outside employment. In the leave of absence application that was granted, Employee identified sources of funds, but did not cite employment. Because of Employee's previous experience with requesting leave, members concluded that this omission was intentional hiding of [redacted] pursuit of outside employment during the leave of absence.

Recommendations: Corrective Action/Discipline

Ineligible for re-instatement/Unanimous

Opinion: Employee is no longer an employee of the PPB. If Employee were still employed by PPB, the recommendation would have been termination, under the new Discipline Guide for sustained findings of

Untruthfulness. Given Employee's status, the unanimous recommendation was ineligibility for re-instatement.

Additional Recommendation

While the facts of this case resulted in the sustained findings and recommendation, there was discussion of how similar actions might be prevented in the future. Although in this case there was a clear violation of policy Personnel, in the future should include additional language in Leave of Absence letters that clearly outlines what employees are prohibited from doing during leave; and Personnel should review existing Leave of Absence communications for clarity and determine what additional information should be included in documentation to clearly identify employee responsibilities during Leaves of Absence and foster employee transparency when requesting a Leave of Absence.

Case #	2013-B-0006
Summary	Person A could hear portions of a conversation a PPB employee was having with another PPB employee. Person A heard PPB employee say it was unfair that homosexuals could obtain benefits that person A and person A's wife could not obtain before they were married. Person A believed the comments were inappropriate and offensive given the environment and their role in anti-oppression work.
Allegation 1	Employee made inappropriate remarks in the workplace when discussing benefits received by same-sex domestic partnership relationships.
Recommended finding Allegation 1	Exonerated with debriefing (4 members), Exonerated (1 member).
Opinions	Majority: A review of policies and procedures determined that the used of the word "homosexual" in this context was not a violation. Four board members added the debriefing to ensure that the employee understand the need to use neutral language and respect the potential sensitivities and experiences of the different groups and audiences the employee works with in a professional context. Minority: One board member felt the employee could not be expected to know all the specific sensitivities of all groups they encounter within earshot, especially with common words and language.
Recommended discipline	None.
Opinions	Not applicable.
Final disciplinary outcome	None.
Reason discipline outside recommended range	Not applicable.
Other recommendations	Debrief include discussion around language and labels and a general awareness about how the use of labels can be interpreted or perceived. Encourage the use of neutral language.
Status of recommendations	Employee debriefed by command staff as recommended.

Case #	2013-C-0064
Summary	Employee alleged to have made racist comments to another during a conversation.
Allegation 1	Employee made inappropriate, offensive, and racist remarks.
Recommended finding Allegation 1	Exonerated with debriefing (4 members), Exonerated (1 member).
Opinions	Majority: Review found nothing that violated policy. Minority: One member felt there should be less sensitivity around the use of common language.
Recommended discipline	None.
Opinion	Not applicable.
	Not applicable.
Final disciplinary outcome	None.
Reason discipline outside recommended range	Not applicable.
Other recommendations	Debrief include discussion around language and labels and a general awareness about how the use of labels can be interpreted or perceived. Encourage the use of neutral language.
Status of recommendations	Employee debriefed by command staff as recommended.

Bureau of Police
Portland, Oregon

INTER-OFFICE MEMORANDUM

DATE: February 6, 2014

TO: Christopher Paille
Review Board Coordinator

FROM: Mark Fulop
Police Review Board Facilitator

SUBJ: Police Review Board Recommended Findings

CONFIDENTIAL

The Police Review Board met on Wednesday, February 5, 2014, to review the following case:

IAD Case Number: **2013-B-0006**

Employee: **Employee 1**

Allegation #1: *Employee 1 made inappropriate remarks in the workplace when discussing benefits received by same-sex domestic partnership relationships.*

Recommended Finding: **Exonerated w/debriefing / 4 Board Members**
Exonerated / 1 Board Member

Applicable Directives: **344.00 – Prohibited Discrimination**
HRAR 2.02

Majority Opinion:
A review of policies and procedures determined that the used of the word "homosexual" in this context was not a violation. Four board members added the debriefing to ensure that Employee 1 understands the need to use neutral language and respects the potential sensitivities and experiences of the different groups and audiences we works with in a professional context.

Minority Opinion:
One board member felt that Employee 1 could not be expected to know all the specific sensitivities of all groups [redacted] encounters within earshot, especially with common words and language.

IAD Case Number: **2013-C-0064**

Employee: **Employee 1**

Allegation #1: *Employee 1 made inappropriate, offensive, and racist remarks to* [redacted] *1.*

Recommended Finding: **Exonerated w/debriefing/Four Members**
Exonerated/One Member

Applicable Directives: **344.00 – Prohibited Discrimination**
310.00 – Conduct, Professional
HRAR 2.02

Majority Opinion:
Review found nothing that violated policy.

Minority Opinion:
One member felt there should be less sensitivity around the use of common language

Recommendations:

Corrective Action/Discipline

Debriefing – Four Members

Majority Opinion:
Debrief should include discussion around language and labels and a general awareness about how use of labels can be interpreted or perceived. Encourage use of neutral language. Have an overall discussion around the two cases and how to prevent such case in the future.

Minority Opinion:
One member felt there was no need for de-briefing.

No other recommendations.

Case #	2013-B-0020 (Employee resigned prior to PRB hearing)
Summary	Approximately 16 years ago, employee engaged in inappropriate sexual contact with another employee at a party.
Allegation 1	Employee 1 engaged in unwanted sexual contact with employee 2.
Recommended finding Allegation 1	Sustained (Unanimous)
Opinion	To the extent corroborated by witnesses, employee 1's actions violated the General Orders as they were written and applicable in 1997. There is no statute of limitations written into the directives, which is why it was thoroughly investigated through the PRB process.
Recommended discipline	PRB would recommend significant discipline if employee 1 was still employed with PPB (Unanimous).
Opinion	Though the incident occurred 17 years ago, the extent to which employee's behavior, as corroborated by witnesses, was not only a violation of policy but runs counter to the professional culture of the PPB. Several voting members ascribed the word "reprehensible" to employee's actions. Significant discussion of this case led to the recommended corrective action. Voting members extensively discussed how to reconcile the differences in rules and organizational culture from 1997 to the present, and expressed significant concern about how the outcome of this case would reflect on the PPB today, as well as the message it would send to employees about the safety of the workplace and reporting misconduct. Ultimately, all voting members agreed and voted for a Letter of Instruction as the appropriate action given the fact that employee is no longer employed by the Police Bureau. It was directed that the Letter of Instruction explicitly states the minimum discipline that would have been imposed if it had been investigated then, as well as the minimum discipline that would be recommended if employee's actions had occurred and come to light today. Specifically, the actions in question would have invoked application of discipline guidelines including consideration of mitigating and aggravating factors. Had the event been recent, and not seventeen years ago, the discipline would likely include demotion, significant SWOP at minimum, and possibly termination.
Final disciplinary outcome	None.
Reason discipline outside recommended range	Not applicable.
Other recommendations	Disposition letter to employee 1 included specific language.
Status of recommendations	Accepted/Assigned to Professional Standards.

Bureau of Police
Portland, Oregon

INTER-OFFICE MEMORANDUM

DATE: May 7, 2014

TO: Mike Reese
Chief of Police

FROM: Mark P. Fulop
Police Review Board Facilitator

SUBJ: Police Review Board Recommended Findings

CONFIDENTIAL

The Police Review Board met on May 7, 2014, to review the following case:

IAD Case Number: **2013-B-0020**

Employee: **Employee**

Allegation #1: *Employee engaged in unwanted sexual contact with now employee.*

Recommended Finding: **Sustained/Unanimous**

Applicable Directive: **General Order 310.00 - Standard of Conduct; General Order 310.90 – Sexual Harassment Prohibited**

Majority Opinion:
To the extent corroborated by witnesses, Employee's actions violated the General Orders as they were written and applicable in 1997. There is no statute of limitations written into the directives, which is why it was thoroughly investigated through the PRB process.

Recommendations: Corrective Action/Discipline

Letter of Instruction

Majority Opinion: Though the incident occurred 17 years ago, the extent to which Employee's behavior, as corroborated by witnesses, was not only a violation of policy but runs counter to the professional culture of the PPB. Several voting members ascribed the word "reprehensible" to Employee's actions. Significant discussion of this case led to the recommended corrective action. Voting members extensively discussed how to reconcile the differences in rules and organizational culture from 1997 to the present, and expressed significant concern about how the outcome of this case would reflect on the PPB today, as well as the message it would send to employees about the safety of the workplace and reporting misconduct.

Ultimately, all voting members agreed and voted for a Letter of Instruction as the appropriate action given the fact that Employee is no longer employed by the Police Bureau. It was directed that the Letter of Instruction explicitly states the minimum discipline that would have been imposed if it had been investigated then, as well as the minimum discipline that would be recommended if Employee's actions had occurred and come to light today. Specifically, the actions in question would have invoked

application of discipline guidelines including consideration of mitigating and aggravating factors. Had the event been recent, and not seventeen years ago, the discipline would likely include demotion, significant SWOP at minimum, and possibly termination.

No other recommendations.

Case #	2013-C-0084
Summary	Complainant was talking to son who was on his cell phone as he was walking to his apartment. As they were speaking on the phone, son told his mother that he was being stopped by two police officers. Complainant told her son to stay on the phone with her and to get the officers' names. Son told mother he could not get the officers' names because they were covering up their nameplates. The officers told son to hang up the phone. Complainant called 911 and hung up. Officers arrived at complainant's apartment in response to the 911 hang-up call. Complainant answered the door and, seeing two police officers, assumed they were the officers who had stopped her son. She said that the officers told her she should not have called 911. She told them that she wanted to report them to their sergeant for not giving her son their names. One of the officers then allegedly accused her of "playing the race card" and allegedly threatened to go back to her son's apartment and cite him for jaywalking.
Allegation 1	Employee inappropriately threatened to cite complainant's son due to race.
Recommended finding Allegation 1	Exonerated (Unanimous)
Opinion	The PRB found no evidence to support the claim that the complainant's son was stopped due to race. Both employee 1 and employee 2 denied making any statement about returning to the complainant's son's apartment to issue him a citation.
Allegation 2	Employee made a discourteous statement concerning citing complainant's son.
Recommended findings Allegation 2	Sustained (3 members), Unproven with Debriefing (2 members)
Opinions	Majority: Three board members stated that Portland Police Officers should be held to a high standard of professional conduct in accordance with directive 310.40. These three members believed the term "race card" is not an acceptable term to use in this situation and should probably never be used on duty. While these members thought employee 1 showed no evidence of disrespect or racial animus, employee's action demonstrated a lack of sensitivity and resulted in escalating the situation instead of de-escalating it. Minority: Two board members believed that employee 1 should have used a term other than "race card" but felt the term did not violate directive 310.40 in this situation. These two members said they thought employee 1 was trying to explain that the complainant's son was not cited due to race when employee used the term "race card."
Recommended discipline	None. Corrective action in the form of command counseling (Unanimous).
Opinion	The board unanimously agreed that command counseling was an appropriate corrective action. The board suggested that counseling include a discussion about the term "race card," how it is disrespectful, inflammatory, and inappropriate. The counseling should also include a discussion to train Employee #1 to be more sensitive about how employee's language may affect others and use language that will de-escalate situations.
Final corrective action outcome	Command Counseling.

Reason discipline outside recommended range	Not applicable.
Other recommendations	None.
Status of recommendations	Not applicable.

Bureau of Police
Portland, Oregon

INTER-OFFICE MEMORANDUM

DATE: 11/15/2013

TO: Christopher Paillé
Review Board Coordinator

FROM: Karyn Criswell, EnviroIssues
Police Review Board Facilitator

SUBJ: Police Review Board Recommended Findings

CONFIDENTIAL

The Police Review Board met on Wednesday, November 6, 2013, to review the following case:

IAD Case Number: **Internal Affairs Case#**

Employee: **Employee #1**

Case Summary: On 3/29/13 at approximately 2:00 a.m. Community Member #1 was talking to her son, Community Member #2, on his cell phone as he was walking to his apartment. As they were speaking on the phone, Community Member #2 told his mother that he was being stopped by two police officers. Community Member #1 told her son to stay on the phone with her and to get the officers' names. Community member #2 told her he could not get their names because they were covering up their nameplates. The officers told Community Member #2 to hang up the phone.

According to BOEC records, at 2:12 a.m. Community Member #1 called 911 and hung up. At 2:16 a.m. Employee #1 and Employee #2 arrived at Community Member #1's apartment in response to the 911 hang-up call. Community Member #1 answered the door and, seeing two police officers, assumed they were the officers who had stopped her son. She said that the officers told her she should not have called 911. She told them that she wanted to report them to their sergeant for not giving her son their names. One of the officers then allegedly accused her of "playing the race game." Employee #1 allegedly threatened to go back to her son's apartment and cite him for jaywalking. Employee #2 cleared the call at 2:29 a.m. and Employee #1 cleared at 2:43 a.m. At 2:25 a.m. Community Member #1 called BOEC again and said she wanted to speak to a sergeant. After the officers left, a sergeant spoke on the phone with Community Member #1. Community Member #1 said that the sergeant assured her that the officers would not go back and cite her son.

Allegation #1: Employee #1 *inappropriately threatened to return to Community Member #1's son's apartment and cite him due to race.*

Recommended Finding: **Exonerated / Five members**
Applicable Directive: **344.00 – Prohibited Discrimination**

Majority Opinion:
The board found no evidence to support the claim that Community Member #1's son was stopped due to race. Both Employee #1 and the other officer involved deny making any statement about returning to Community Member #1's son's apartment to issue him a citation.

Minority Opinion:
N/A

Allegation #2: Employee #1 *made a discourteous statement to Community Member #1 concerning citing her son.*

Recommended Finding: **Sustained / Three members**
Unproven with debrief / Two members
Applicable Directive: **310.40 – Conduct, Professional**

Majority Opinion:
Three board members stated that Portland Police Officers should be held to a high standard of professional conduct in accordance with directive 310.40. These three members believed the term "race card" is not an acceptable term to use in this situation and should probably never be used on duty. While these members thought Employee #1 showed no evidence of disrespect or racial animus, [redacted] action demonstrated a lack of sensitivity and resulted in escalating the situation instead of de-escalating it.

Minority Opinion:
Two board members believed that Employee #1 should have used a term other than "race card" but felt the term did not violate directive 310.40 in this situation. These two members said they thought Employee #1 was trying to explain that Community Member #1's son was not cited due to race when [redacted] used the term "race card."

Recommendations: Corrective Action/Discipline

CC – Five members

Majority Opinion:
The board unanimously agreed that CC was an appropriate corrective action. The board suggested that counseling should include a discussion about the term "race card," how it is disrespectful, inflammatory, and inappropriate. The counseling should also include a discussion to train Employee #1 to be more sensitive about how [redacted] language may affect others and use language that will de-escalate situations.

Minority Opinion:
N/A

No other recommendations.

Case #	2013-B-0016
Summary	Employee A received pictures of the exterior of employee 1's office door from another employee. The pictures showed a memorandum from the Bureau of Human Resources addressed to employee 1. Certain sections of the letter were highlighted and the name of employee A was written near the top of the letter in red ink.
Allegation 1	Sustained (Unanimous)
Recommended finding Allegation 1	Employee 1 posted material on the outside of employee's office door that was offensive and retaliatory towards employee A.
Opinion	Board members reviewed all investigative materials in this case and reviewed employee 1's past actions. Based on the facts presented in this case, by a preponderance of the evidence, the board unanimously sustained a finding of retaliatory behavior under HRAR 2.02.
Recommended discipline	Letter of Reprimand (3 members), 80 hour suspension without pay (1 member).
Opinion	Three members voted for a Letter of Reprimand, expressing confidence that employee 1 understood the impact of employee's actions, did not act with retaliatory intent, and would not engage in similar behavior in the future. One member voted for an 80-hour Suspension Without Pay (SWOP), expressing concern that a lack of adequate training in HRAR 2.02, combined with employee 1's role as command staff and strong leadership qualities present a heightened need to address the issue firmly.
Final disciplinary outcome	Letter of Reprimand.
Reason discipline outside recommended range	Not applicable.
Other recommendations	1. Improved HRAR 2.02 training for command staff. 2. Improved definition of the term "retaliation" for investigative staff.
Status of recommendations	Under consideration.

DATE: December 16, 2013

TO: Christopher Paille
Review Board Coordinator

FROM: Dena Marshall, Marshall Mediation
Police Review Board Facilitator

SUBJ: Police Review Board Recommendations

Bureau of Police
Portland, Oregon

INTER-OFFICE MEMORANDUM

CONFIDENTIAL

The Police Review Board met on Wednesday, December 4, 2013, to review the following case:

IAD Case Number: **Internal Case Number**

Employee: **Employee 1, Employee 2, Employee 3**

Case Summary: Employee 2 received pictures of the exterior of Employee 1's office door – East Precinct - from Employee 3. The pictures showed a memorandum from the Bureau of Human Resources addressed to Employee 1 and dated April 29, 2013. Certain sections of this letter were highlighted and "Employee 2" was written near the top of the letter in red ink.

Allegation #1: *Employee 1 posted material on the outside of [redacted] office door that was offensive and retaliatory towards Employee 2.*

Recommended Finding: **Sustained / Unanimous**
Applicable Directive: **344.00 – Disparate Treatment; HRAR 2.02 – Prohibition Against Workplace Harassment, Discrimination and Retaliation**

Majority Opinion:
Board members reviewed all investigative materials in this case and reviewed Employee 1's past actions which included [redacted] and zero reported instances of workplace harassment or retaliatory behavior while serving on the Portland Police force. Based on the facts presented in this case, by a preponderance of the evidence the Board unanimously sustained a finding of retaliatory behavior under HRAR 2.02.

Minority Opinion:
There was no minority opinion in this finding.

Recommendations: Corrective Action/Discipline

The Board recommended the following discipline by three-to-one vote: A Letter of Discipline/Reprimand (LOR).

Three members voted for a Letter of Discipline, expressing confidence that Employee 1 understood the impact of [redacted] actions, did not act with retaliatory intent, and would not engage in similar behavior in the future.
One member voted for an 80-hour Suspension Without Pay (SWOP),

expressing concern that a lack of adequate training in HRAR 2.02, combined with Employee 1's role as command staff and strong leadership qualities present a heightened need to address the issue firmly.

Training

The Board unanimously the Bureau pursue a course of improved training for command staff in HRAR 2.02, specifically tailored to address issues of retaliation. The training would be jointly conducted through the Independent Police Review, Police Bureau Human Resource Department, and City Attorney Office. The City Attorney Office, Training Division, and BHR agreed to hold a first meeting on this issue by no later than December 31, 2013.

Further, the Board unanimously called for an improved definition of the term "retaliation" for investigative staff.

Additional recommendations

There were no additional recommendations.

END

Case #	2013-C-0078
Summary	Employee took an unrestrained prisoner to Hooper Detox who was still in possession of a 4" knife and a beverage in a brown paper bag. Employee wrote in police report that the subject was handcuffed, searched, and transported to Hooper Detox. Surveillance video showed an unrestrained subject getting out of the front seat of the patrol car.
Allegation 1	Officer failed to write an accurate police report.
Recommended finding Allegation 1	Sustained (2 members), Unproven (2 members), Unproven with Debriefing (One member).
Opinions	Majority: Three members of the board did not find sufficient evidence that the employee willfully attempted to deceive when employee wrote an inaccurate police report. One member suggested that the employee might have written the report while on "automatic pilot", suggesting that the order of custody procedures were so ingrained in the employee's mind that employee wrote the steps (handcuffed, searched, and transported) without attention to their inaccuracy in this specific case. Another member pointed out that the employee never seemed sure of the facts of the case. This member said that the lack of certainty cannot be conclusively construed as intentional deception. These three members noted that the employee had made a personal connection with the subject and this might have caused the employee to overlook the deviation from standard transporting procedures when employee wrote the police report on the incident. Minority: Two members of the board believed the employee knowingly wrote an inaccurate police report in order to cover employee's deviation from custody procedures. These members recalled the details of the video that showed that the subject arrived at Hooper Detox without handcuffs even though the police report described the standard order of custody procedure: handcuffing, searching and transporting. One member noted that an accurate report on the event would have been embarrassing to the employee and would certainly have drawn the attention of employee's supervising sergeant. Both of these members agreed the employee attempted to gloss over the errors by intentionally writing an inaccurate report. They found that the preponderance of evidence supports willful deception in the writing of an inaccurate police report.
Allegation 2	Officer transported a prisoner to Hooper Detox who was still in possession of a knife and an alcoholic beverage.
Recommended findings Allegation 2	Sustained (Unanimous).
Opinion	The allegation of a poorly performed transport was sustained. All the board members agreed that the evidence showed that when the employee brought the subject into the Hooper Detox facility, the subject was in possession of a knife and possibly a beer wrapped in a paper bag.
Allegation 3	Officer transported a custody to Hooper Detox who was not handcuffed.
Recommended findings Allegation 3	Unproven with Debriefing (Unanimous).

Opinion	The allegation of transporting a custody without first handcuffing was found unproven. One member noted that the IA interview indicated the employee did not consider the subject to be in police custody until after the employee saw the subject drink from the beer while in the parking lot. The subject was handcuffed soon after this. The board unanimously agreed that the timing of custody was in question because of the employee's sloppy police work, primarily the police report that contained numerous inaccuracies. Because the report was unreliable, it was not possible for the board to determine exactly when the subject was in police custody.
Allegation 4	Officer was untruthful during IA interview.
Recommended findings Allegation 4	Unproven with Debriefing (1 member), Unproven (2 members), Sustained (2 members)
Opinions	Majority: Three members found the allegation of untruthfulness to be unproven. The key element of this discussion was the question of knowing or willful deception on the part of the employee during the IA interview. One member of the board observed that the employee admitted to inaccuracies during the interview and seemed to change the story as the process proceeded. Another member stated that the employee was the key witness in this case and the employee's testimony was unreliable. The majority agreed that the evidence in the case did not rise to the high standard required for a conclusive finding of willful and knowing untruthfulness. Minority: Two members of the board believed that the evidence showed that the employee willingly and knowingly departed from the truth in the IA interview. One member noted that integrity is the primary value of police work and that the evidence showed that the employee changed the story during the IA investigation, adding inconsistencies to the description of the incident. The other sustaining member noted that these inconsistencies made it difficult to keep the order of facts straight and that each lie required another deception in order to put the story together. These two members observed that the employee was not equivocal in responses to IA and they believed that these unambiguous responses were clearly meant to cover up intentional deception in reporting on sloppy police work.
Recommended discipline	Letter of Reprimand (1 member), 20 SWOP (1 member) 40 SWOP (1 member), Termination (2 members).
Opinion	The two members who sustained on allegations 1, 2 and 4 recommended termination because once the value of integrity and truthfulness is violated, a police officer is no longer able to perform their professional duties, specifically to testify in court. The remaining three members based their discipline recommendations on their sustaining of allegation 2.
Final disciplinary outcome	80 hour suspension without pay.
Reason discipline outside recommended range	Not applicable.
Other recommendations	None.
Status of recommendations	Not applicable.

Bureau of Police
Portland, Oregon

INTER-OFFICE MEMORANDUM

DATE: September 5, 2013

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 Friday, August 30, 2013, to review the following case:

IAD Case Number: **2013-C-0078**
Employee: Employee **A**

Allegation #1 Employee *A failed to write an accurate police report.*
Finding: **Sustained / Two members**
Unproven / Two members
Unproven with Debrief / One member

Violation of Directive 310.50 – Truthfulness

Majority Opinion:
Three members of the Board did not find sufficient evidence that Employee A willfully attempted to deceive when wrote an inaccurate police report. One member suggested that might have written the report while on "automatic pilot", suggesting that the order of custody procedures were so ingrained in the Employee mind that wrote the steps (handcuffed, searched, and transported) without attention to their inaccuracy in this specific case. Another member pointed out that Employee A never seemed sure of the facts of the case. This member said that the lack of certainty cannot be conclusively construed as intentional deception. These three members noted that Employee A had made a personal connection with the subject and this might have caused him to overlook deviation from standard transporting procedures when wrote the police report on the incident.

Minority Opinion:
Two members of the Board believe that Employee A knowingly wrote an inaccurate police report in order to cover his deviation from custody procedures. These members recalled the details of the video that showed that the subject arrived at Hooper Detox without handcuffs even though the police report described the standard order of custody procedure: handcuffing, searching and transporting. One member noted that an accurate report on the event would have been embarrassing to Employee A and would certainly have drawn the attention of supervising sergeant. Both of these members agreed that Employee A attempted to gloss over errors by intentionally writing an inaccurate report. They found that the preponderance of evidence supports willful deception in the writing of an inaccurate police report.

Allegation #2

Employee *A transported a prisoner to Hooper Detox who was still in possession of a knife and possibly an alcoholic beverage.*
Finding: **Sustained / Five members**

Violation of Directive 650.00-Search, Seizure and Inventories

Majority Opinion:
The allegation of a poorly performed transport was sustained. All the Board members agreed that the evidence showed that when Employee A brought the subject into the Hooper Detox facility, the subject was in possession of a knife and possibly a beer wrapped in a paper bag.

Allegation #3

Employee *A transported a custody to Hooper Detox who was not handcuffed.*
Finding: **Unproven w debrief / Five members**

Violation of Directive 870.20 -- Custody and Transportation of Subjects

Majority Opinion:
The allegation of transporting a custody without first handcuffing was found unproven. One member noted that the IA interview indicated that Employee A did not consider the subject to be in police custody until after he saw the subject drink from the beer while in the parking lot. The subject was handcuffed soon after this. The Board unanimously agreed that the timing of custody was in question because of Employee A's sloppy police work, primarily the police report that contained numerous inaccuracies. Because the report was unreliable, it was not possible for the Board to determine exactly when the subject was in police custody.

Allegation #4 *A was untruthful during IA interview on April 9, 2013.*

Finding: **Sustained / Two members**
Unproven / Two members
Unproven w debrief / One member

Violation of Directive 310.50 -- Truthfulness

Majority Opinion:
Three members found the allegation of untruthfulness to be unproven. The key element of this discussion was the question of knowing or willful deception on the part of A during the IA interview. One member of the Board observed that A admitted to inaccuracies during the interview and seemed to change his story as the process proceeded. Another member stated that A was the key witness in this case and testimony was unreliable. The majority agreed that the evidence in the case did not rise to the high standard required for a conclusive finding of willful and knowing untruthfulness.

Minority Opinion:
Two members of the Board believed that the evidence showed that A willingly and knowingly departed from the truth in the IA interview. One member noted that integrity is the primary value of police work and that the evidence showed that A changed story during the IA investigation, adding inconsistencies to description of the incident. The other sustaining member noted that these inconsistencies made it difficult to keep the order of facts straight and that each lie required another deception in order to put the story together. These two members observed that A was not equivocal in responses to IA and they believed that these unambiguous responses were clearly meant to cover up intentional deception in reporting on sloppy police work.

Recommendations: Discipline

Termination -- Two members
40 SWOP -- One member
20 SWOP -- One member
LOR -- One member

The two members who sustained on allegations 1, 2 and 4 recommended termination because once the value of integrity and

truthfulness is violated, a police Employee is no longer able to perform professional duties, specifically to testify in court.

The remaining three members based their discipline recommendations on their sustaining of allegation 2.

Case #	2013-C-0156
Summary	Employee and ex-wife were arguing over the telephone. During the conversation, employee called ex-wife's husband a coward. The husband then spoke with employee on the phone and the employee suggested that they meet at Fred Meyer to fight. Employee and husband met at Fred Meyer and the employee asked husband to hit (employee) several times. Husband refused to hit employee. Both parties left the Fred Meyer without any physical contact.
Allegation 1	Employee was unprofessional in interactions with complainant and complainant's husband.
Recommended finding Allegation 1	Sustained (Unanimous)
Opinion	Board members reviewed the investigative materials in the case and considered the employee's comments at the hearing. The board concluded the employee, during a phone conversation with ex-wife, talked to ex-wife's current husband and suggested that they meet to fight. Board members further concluded that the two met and that the employee confronted the husband and asked the husband to hit (employee). Board members determined the employee was in violation of Directive 310.00 Professional Conduct.
Allegation 2	Employee violated the direction given by supervisor.
Recommended findings Allegation 2	Sustained (Unanimous)
Opinion	Board members agreed the employee's confrontation with the husband was contrary to orders contained in November 12, 2012 memorandum from Commander Henderson and was in violation of Directive 315.00 Laws, Rules and Orders.
Recommended discipline	Termination (Unanimous)
Opinion	The board reviewed employee's disciplinary history and determined that the current allegations were part of an extensive pattern of sustained violations of rules, directives, policies and orders rather than an isolated incident. The board concluded that numerous past corrective disciplinary actions, including specific orders in a letter memorandum, had not altered the employee's performance. The board agreed that additional progressive discipline would not be effective in changing the employee's performance.
Final disciplinary outcome	Employee resigned.
Reason discipline outside recommended range	Not applicable.
Other recommendations	None.
Status of recommendations	Not applicable.

DATE: January 6, 2014

TO: Christopher Paille
Review Board Coordinator

FROM: Mike Greenfield, Marshall Mediation
Police Review Board Facilitator

SUBJ: Police Review Board Recommended Findings

Bureau of Police
Portland, Oregon

INTER-OFFICE MEMORANDUM

The Police Review Board met on Wednesday, December 11, 2013, to review the following case:

IA Case Number: **Internal Case Number**

Involved Member: **Employee 1**

Case Summary: Employee 1 and [redacted]-wife were arguing over the telephone about [redacted] issues regarding [redacted] During the conversation, Employee 1 called [redacted] wife's husband, Citizen 1, a coward. Citizen 1 then spoke with Employee 1 on the phone and Employee 1 suggested that they meet at the [redacted] Fred Meyer to fight. Employee 1 and Citizen 1 met at the [redacted] Fred Meyer and Employee 1 asked Citizen 1 to hit [redacted] several times. Citizen 1 refused to hit Employee 1. Both parties left the Fred Meyer without any physical contact.

Allegation #1: *Employee 1 was unprofessional in [redacted] interactions with [redacted] ex-wife and Citizen 1 on June 16, 2013.*

Recommended Finding: **Sustained / Unanimous**
Applicable Directive: **310.00 – Conduct, Professional**

Majority Opinion:
Board Members reviewed the investigative materials in the case and considered Employee 1's comments at the hearing. The Board concluded that Employee 1 did, during a phone conversation with [redacted] ex-wife concerning [redacted], also talk to Citizen 1, and suggest that they meet to fight. Board members further concluded that the two [redacted] did meet and that Employee 1 confronted Citizen 1 and asked Citizen 1 to hit [redacted] Board Members determined that Employee 1 was in violation of Directive 310.00 Professional Conduct.

Minority Opinion:
None

Allegation #2: *Employee 1 violated the direction given to [redacted] by (then) Supervisor 1, as outlined in the memorandum dated November 12, 2012, by confronting Citizen 1 on June 16, 2013.*

Recommended Finding: **Sustained / Unanimous**
Applicable Directive: **315.00 – Laws, Rules and Orders**

Majority Opinion:
Board Members agreed that Employee 1's confrontation with Citizen 1 was

contrary to orders contained in November 12, 2012 memorandum from Supervisor 1 and was in violation of Directive 315.00 Laws, Rules and Orders.

Minority Opinion:
None

Recommendations:

Discipline

The Board recommends that Employee 1 be terminated.

Majority Opinion:
The Board reviewed Employee 1's disciplinary history and determined that the current allegations were part of an extensive pattern of sustained violations of rules, directives, policies and orders rather than an isolated incident. The Board concluded that numerous past corrective disciplinary actions, including specific orders in a letter memorandum, had not altered Employee 1's performance. The Board agreed that additional progressive discipline would not be effective in changing Employee 1's performance. The Board voted unanimously to recommend termination.

Minority Opinion:
None

No other recommendations.

Case #	2013-C-0277
Summary	Employee was a witness in a criminal trial at the Multnomah County Courthouse. While in the hallway, employee spoke with jurors.
Allegation 1	Employee made inappropriate contact with jurors prior to a criminal trial.
Recommended finding Allegation 1	Sustained (Unanimous)
Opinion	The board concluded the employee spoke with and made inappropriate comments to jurors in advance of a trial for which he had been called as a witness.
Recommended discipline	Termination (Unanimous)
Opinion	The board reviewed the employee's history of progressive discipline and corrective actions taken. The board also reviewed examples of other discipline and corrective actions taken in similar cases. None of the previous, extensive actions taken have changed or improved the employee's conduct. The board concluded that additional corrective action and/or progressive discipline would not be effective with employee 1.
Final disciplinary outcome	Employee resigned.
Reason discipline outside recommended range	Not applicable.
Other recommendations	1. Training - Training Division prepare a formal training package focused on judicial processes and inappropriate bureau staff roles related to jurors and the court. 2. Policy - Specific language regarding judicial processes and appropriate staff roles related to jurors and the court be added to Bureau directives.
Status of recommendations	1. Accepted/Assigned to Training Division. 2. Accepted/Assigned to Detectives Division.

Bureau of Police
Portland, Oregon

INTER-OFFICE MEMORANDUM

DATE: March 3, 2014

TO: Christopher Paille
Police Review Board Coordinator

FROM: Michael Greenfield, Marshall Mediation
Police Review Board Facilitator

SUBJ: Police Review Board Recommended Findings

CONFIDENTIAL

The Police Review Board met on Wednesday, February 19, 2014 to review the following case:

IAD Case Number: **Internal Case Number**

Employee: **Employee 1**

Case Summary: Employee 1 was a witness in a criminal trial at the Multnomah County Courthouse. While in the hallway, [redacted] spoke with jurors saying something similar to "I wanna let you know, the detective on this case is outstanding."

Allegation #1: *Employee 1 made inappropriate contact with jurors prior to a criminal trial.*

Recommended Finding: **Sustained / Unanimous**
Applicable Directive: **310.00 – Conduct, Professional**

Majority Opinion:
The board's concluded that Employee 1 spoke with, and made inappropriate comments to, jurors in advance of a trial for which [redacted] had been called as a witness.

Recommendations: Corrective Action/Discipline

The Board recommends that Employee 1 be terminated

Majority Opinion:
The Board reviewed Employee 1's history of progressive discipline and corrective actions taken. The Board also reviewed examples of other discipline and corrective actions taken in similar cases. None of the previous, extensive, actions taken have changed or improved [redacted] conduct. The Board concluded that additional corrective action and/or progressive discipline would not be effective with Employee 1.

Minority Opinion:
None

Training

The Board recommends that the Training Division prepare a formal training package focused on judicial processes and appropriate Bureau staff roles related to jurors and the court. The Board was unanimous in this recommendation.

Directives

The Board recommends specific language regarding Judicial processes and appropriate Bureau staff roles related to jurors and the court be added to Bureau Directives. The Board was unanimous in this recommendation.

Case #	2012-C-0371
Summary	Employee arrived at complainant's residence on a non-visitation weekend despite being told not to come over. Complainant reported to police that employee argued with complainant and tried to get complainant's husband to come outside to talk to employee. Complainant fearful of employee and believes that this type of behavior will escalate.
Allegation 1	Employee unprofessional in dealings with ex-wife and complainant's husband during November 2012.
Recommended finding Allegation 1	Unproven with debriefing (3 members), Sustained (2 members).
Opinions	Majority: The board listened to the evidence regarding employee's interactions with ex-wife. The majority found that, though it was inappropriate and unfortunate, they could not conclude that the employee's behavior rose to the level of unprofessional. One member noted that the employee did not attempt to use status as a police officer in the conflict with the complainant. Another member stated that the interactions were not conducted in a public place, except for the third incident and this venue was not under the employee's control. The majority of the board believed that the employee made no threats or yelling and the employee left when asked to by complainant. Minority: Two members of the board sustained the allegation. The crude comments the employee made to the complainant and complainant's husband were particularly problematic. In addition, the employee twice arrived at the complainant's home without permission, once after being specifically denied permission by the complainant and the other after text messages to ex-wife had not been answered. These two members stated that police officers are expected by the community and the Bureau to maintain professional behavior both in the workplace and in their private lives. They noted that this is a high standard of behavior, but it is the reality of living as a professional member of PPB. They believed that the employee fell short of this standard during these three incidents.
Recommended discipline	No discipline (3 members), 40 hour suspension without pay (2 members).
Opinion	Three members found the employee should receive a debrief from PPB supervisors, and all members discussed the content of this debrief. They asked that it include attention to the Letter of Expectation that employee earlier received from the Chief's office, as well as a discussion of the necessity of accepting responsibility for part in the contentious relationship shared with ex-wife. The debrief should stress the need for immediate correction of this situation. The two sustaining members recommended a 40 hour SWOP. They suggested that this could be mitigated with professional counseling. Specifically, the High Conflict Parenting program should be seriously considered by employee 1 to address communication issues with ex-wife and the impact of behavior on the welfare of child.

Final disciplinary outcome	Recommended finding appealed to CRC. CRC recommended sustained finding. Chief of Police agreed with PRB minority recommendation of sustained finding upon further review. Employee resigned prior to the conclusion of the disciplinary process.
Reason discipline outside recommended range	See above.
Other recommendations	The bureau consider methods to more explicitly educate its members on the community's expectations of a high standard of behavior both on and off duty. The bureau conduct research to find national best practices.
Status of recommendations	Accepted/Assigned to Professional Standards.

DATE: August 8, 2013

TO: Christopher Paille
Police Review Board Coordinator

Bureau of Police
Portland, Oregon

INTER-OFFICE MEMORANDUM

FROM: Joe Hertzberg, Sherri Vacarella
Police Review Board Facilitator, Assistant

SUBJ: Police Review Board Findings and Recommendations

CONFIDENTIAL

The Police Review Board met on Wednesday, August 7, 2013 to review the following case:

IAD Case Number: 2012-C-0371
Employee: Employee 1 #

Allegation

Employee 1 conducted in an unprofessional manner in dealings with ex-wife and her husband during November, 2012.
Finding: Unproven With a Debrief / Three members
Sustained / Two members
Violation of Directive 310.00 – Conduct, Professional

Majority Opinion:
The board listened to the evidence regarding Employee 1's interactions with ex-wife. The majority found that, though it was inappropriate and unfortunate, they could not conclude that behavior rose to the level of unprofessional. One member noted that Employee 1 did not attempt to use status as a police officer in the conflict with ex-wife. Another member stated that the interactions were not conducted in a public place, except for the third incident and this venue was not under Employee 1's control. The majority of the board believed that made no threats or yelling and left when was asked to by ex-wife.

Minority Opinion:
Two members of the board sustained the allegation. The crude comments Employee 1 made to ex-wife and her husband were particularly problematic. In addition, Employee 1twice arrived at the ex-wife's home without permission, once after being specifically denied permission by ex-wife and the other after text messages to ex-wife had not been answered. These two members stated that police officers are expected by the community and the Bureau to maintain professional behavior both in the workplace and in their private lives. They noted that this is a high standard of behavior, but it is the reality of living as a professional member of PPB. They believed that Employee 1 had fallen short of this standard during these three incidents.

Recommendations:

Discipline

40 hour SWOP – Two members

Three members found that Employee 1should receive a debrief from PPB supervisors, and all members discussed the content of this debrief. They asked that it include attention to the Letter of Expectation that earlier received from the Chief's office, as well as a discussion of the necessity of accepting responsibility for part in the contentious relationship shares with ex-wife. The debrief should stress the need for immediate correction of this situation.

The two sustaining members recommended a 40 hour SWOP. They suggested that this could be mitigated with professional counseling. Specifically, the High Conflict Parenting program should be seriously considered by Employee 1to address communication issues with ex-wife and the impact of behavior on the welfare of child.

Other

The board recommended that the Bureau consider methods to more explicitly educate its members on the community's expectations of a high standard of behavior both on- and off-duty. Further explication of the types of behavior that are considered unprofessional by the Bureau and the community might be useful. The board recommended that the Bureau conduct research to find national best practices.

Case #	2013-B-0024
Summary	Credible information was provided indicating employee spent a considerable amount of work time on bureau computers conducting personal business on the internet. An audit was requested of computer use and the information from the audit indicated the need for an investigation.
Allegation 1	Employee used bureau computer and internet access to conduct personal business while at work
Recommended finding Allegation 1	Sustained (Unanimous).
Opinion	The PRB unanimously agreed the employee violated directive 1226.00. Employee admitted use of Bureau computers to conduct personal business. Internet logs and employee's own admission show use was neither occasional nor brief.
Allegation 2	Employee engaged in prohibited retaliation against another employee.
Recommended findings Allegation 2	Unproven with debriefing (2 members), Unproven (1 member), Sustained (1 member).
Opinions	Majority: Two board members found the allegation unproven with debriefing because while the people involved did not think the employee's actions were retaliation, it could be perceived that way by others and have a chilling effect on those who might report misconduct in the future. Minority 1: One member found the allegation unproven, because the language of the directive did not cover the employee's behavior. There was no intimidation or ridicule according to those involved. Minority 2: One board member found the allegation sustained because the long term employee should not have made an effort to find out who reported employee's actions and then use that information to confront the reporting party. The confrontation occurred when there was an open Internal Affairs investigation on the matter. In addition, the employee was warned in advance that any action to discuss the matter with the reporting party could be considered retaliatory. During the confrontation, the employee insulted the reporting party. The employee's actions could have the effect of intimidating people from reporting wrong-doing.
Allegation 3	Employee was untruthful to another employee when employee talked about investigation.
Recommended findings Allegation 3	Unproven (Unanimous).
Opinion	Board members unanimously found the allegation to be unproven. The PRB determined the employee and the reporting party had different interpretations of their discussion and the employee did not intend to be untruthful.
Allegation 4	Employee conducted personal business while on duty on specific dates.
Recommended findings Allegation 4	Unproven (Unanimous).
Opinion	Board members found the allegation unproven because the dates related to the allegation were different than the dates in the record related to personal use of Bureau computers. The PRB concluded the allegation was not clearly written and found the allegation could not be proven.
Allegation 5	Employee frequently did not show up for work on time.

Recommended findings Allegation 5	Exonerated with debriefing (Unanimous)
Opinion	Employee did not have specific reporting times and there was no indication the employee was working less than a full work day. The PRB recommended a finding of exonerated with a debriefing because the employee's actions were within policy but there was a perception that the employee was not doing their work and needs to address that perception. One member suggested the employee could make a point to increase communication with coworkers about arrival times and/or schedule when it departs from usual.
Recommended discipline	Letter of Reprimand (Unanimous).
Opinion	The board unanimously recommended a Letter of Reprimand be given for the sustained finding that the employee used bureau computers and internet access to conduct personal business while at work. Members said this corrective action was appropriate given the employee's attitude, accountability regarding the incident and lack of past disciplinary action. One member who also recommended a sustained finding for allegation #3 (Employee #1 engaged in prohibited retaliation against Employee #2) said if a sustained finding is accepted, then a two-day SWOP is warranted. Given the employee's status as an exempt employee under FLSA, a SWOP would be 40 hours. The member recommended that a Letter of Reprimand include a stipulation that any other disciplinary action in the future result in SWOP of at least 40 hours, where 16-20 hours would be attributable to this case. All board members agreed this corrective action is appropriate if allegation #3 is sustained and that the employee's actions do not support a 40 hour SWOP.
Final disciplinary outcome	Letter of Reprimand (Unanimous).
Reason discipline outside recommended range	No applicable.
Other recommendations	1. Remind IA investigators to frame their questions to mirror language in directives in question. 2. Professional Standards review Directive 310.20 - Retaliation Prohibited, and determine whether language reflects bureau practices and whether it should be modernize.
Status of recommendations	1. Accepted/Assigned to Internal Affairs. 2. Accepted/Assigned to Professional Standards.

Bureau of Police
Portland, Oregon

INTER-OFFICE MEMORANDUM

DATE: February 12, 2014

TO: Christopher Paille
Chief of Police

FROM: Anne Pressentin
Police Review Board Facilitator

SUBJ: Police Review Board Recommendations

The Police Review Board met on Wednesday, Jan. 29, 2014, to review the following case:

IA Case Number: **Internal Case Number**

Employee: **Employee #1**

Case Summary: Credible information was provided indicating Employee #1 spent a considerable amount of work time on bureau computers conducting personal business on the internet. An audit was requested of computer use and the information from the audit indicated the need for an investigation.

Allegation #2 *Employee #1 used Bureau computer and internet access to conduct personal business while at work.*

Recommend Finding: **Sustained / Unanimous**

Applicable Directive: 1226.00 Computer Technology

Majority Opinion:
The Board unanimously agreed Employee #1 violated directive 1226.00. [redacted] admitted that [redacted] used Bureau computers to conduct personal business. Internet logs and [redacted] own admission show [redacted] use was neither occasional nor brief.

Allegation #3 *Employee #1 engaged in prohibited retaliation against Employee #2*

Recommended Finding: **Unproven with a debriefing / Two members**
Unproven / One member
Sustained / One member

Applicable Directive: 310.20 – Retaliation Prohibited

Majority Opinion:
Two board members found the allegation unproven with debriefing because while the people involved did not think [redacted] actions were

retaliation it could be perceived that way by others and have a chilling effect on those who might report misconduct in the future.

Minority Opinion 1:
One member found the allegation unproven, because the language of the directive does not cover Employee #1's behavior. There was no intimidation or ridicule according to those involved.

Minority Opinion 2:
One board member found the allegation sustained because, as a 25-year Bureau employee, Employee #1 should not have made an effort to find out who reported [redacted] actions and then use that information to confront Employee #2. The confrontation occurred when there was an open Internal Affairs investigation on the matter. In addition, Employee #1 was warned in advance that any action to discuss the matter with Employee #2 could be considered retaliatory. During the confrontation Employee #1 insulted Employee #2 by implying he was less than a man. Employee #1's actions could have the effect of intimidating people from reporting wrong-doing.

Allegation #4

Employee #1 was untruthful to Employee #2 when [redacted] talked about this investigation.

Recommended Finding: **Unproven / Unanimous**

Applicable Directive: 310.50 - Truthfulness

Majority Opinion:
Board members unanimously found the allegation to be unproven. The board determined Employee #1 and Employee #2 likely had different interpretations of their discussion and Employee #1 did not intend to be untruthful.

Allegation #5

Employee #1 conducted personal business while on duty between April 18, 2013 and July 16, 2013.

Recommended Finding: **Unproven / Unanimous**

Applicable Directive: 311.00 – Duty Required

Majority Opinion:
Board members found unanimously that the allegation is unproven because the dates related to this allegation are different than the dates in the record related to personal use of Bureau computers. The investigation report states the computer use occurred from June –

July, 2013. The Board concluded the allegation was not clearly written and members found the allegation could not be proven.

Allegation #6

Employee #1 frequently did not show up to work at the [redacted] on time.

Recommended Finding: **Exonerated with a debriefing / Unanimous**

Applicable Directive: 311.00 – Duty Required

Majority Opinion:
Employee #1 is a [redacted] who is classified as an FLSA-exempt employee. Thus, [redacted] does not have specific reporting times and there was no indication Employee #1 was working less than a full work day. The Board recommended a finding of exonerated with a debriefing because [redacted] actions were within policy but there was a perception that Employee #1 was not doing [redacted] work and [redacted] needs to address that perception. One member suggested that Employee #1 could make a point to increase communication with [redacted] coworkers about [redacted] arrival times and/or schedule when it departs from usual.

Recommendations:

<u>Corrective Action / Discipline</u>

LOR – Unanimous

The Board unanimously recommended a Letter of Reprimand be given for the sustained finding that Employee #1 used Bureau computers and internet access to conduct personal business while at work. Members said this corrective action was appropriate given Employee #1's attitude, accountability regarding the incident and lack of past disciplinary action.

One member who also recommended a sustained finding for allegation #3 (Employee #1 engaged in prohibited retaliation against Employee #2) said if a sustained finding is accepted, then a two-day SWOP is warranted. Given Employee #1's status as an exempt employee under FLSA, a SWOP would be 40 hours. The member recommended that a Letter of Reprimand include a stipulation that any other disciplinary action in the future result in SWOP of at least 40 hours, where 16-20 hours would be attributable to this case. All Board members agreed this corrective action is appropriate if allegation #3 is sustained and that Employee #1's actions do not support a 40 hour SWOP.

Other:

Two other recommendations were recommended by the Board:

1) Remind internal affairs investigators to frame their questions to mirror language in the directive that would be in question during a Police Review Board proceeding.

2) Professional Standards Division should review Directive 310.20 - Retaliation Prohibited and determine whether the language reflects Bureau practices and whether it should be modernized.

Rationale:

Board members said they could not recommend sustained findings for two of the allegations because the investigation did not result in information with which to draw a conclusion. If Internal Affairs investigators had directly asked whether Employee #2 felt intimidated or ridiculed – words that describe retaliation in the directive – then a different conclusion might have been reached related to Allegation 3 and Directive 310.20 Retaliation Prohibited.

Board members also said the language in Directive 310.20 does not address whether it is necessary for the recipient of a potential retaliatory action to interpret the action as such. The recommendation is that the Bureau should update the directive.

Case #	2012-B-0003
Summary	Employee physically confronted a subject without cover officers present and absent circumstances requiring employee to take action alone. Subject became combative and struck officer.
Allegation 1	Employee physically confronted a subject without cover officer present and absent circumstances requiring employee to take action alone.
Recommended finding Allegation 1	Sustained (Unanimous).
Opinion	The board found that employee unnecessarily confronted a subject when dispatched to a remote location. One member recalled that this incident occurred during an event and that during each and every roll call all PPB members had been reminded of staffing challenges. The board noted that the evidence showed the employee engaged with an uncooperative subject who was not an immediate danger to himself or others. However, as a result of this contact with the subject, the employee was assaulted and a significant police response was required. A board member cited the employee's failure to recognize the totality of the circumstances and respond in a reasonable manner.
Allegation 2	Employee submitted an inaccurate report regarding use of force incident.
Recommended finding Allegation 2	Unproven with debriefing (Unanimous).
Opinion	The board considered the allegation based on the same incident as cited in allegation #1. The board noted that there were third party witnesses to the conflict and subsequent assault and confusion was apparent in the witness reports, with statements not matching one to the other. One PRB member noted that there did not seem to be any intent to deceive on the employee's part.
Allegation 3	Employee was untruthful with supervisor regarding status of medical condition.
Recommended finding Allegation 3	Unproven with debriefing (3 members), Sustained (2 members).

Opinions	Majority: Three members of the board found the employee's comments did not rise to the standards of untruthfulness when considering a determination against a PPB member. A board member noted that the call in the middle of the shift could certainly be perceived as a genuine threat to the employee's professional status and the employee's response to it might have indicated a real concern about the employee's ability to perform satisfactorily under the circumstances. One member noted that [*medical information - not disclosed*] could all be used by the employee to say [*medical information - not disclosed*]. Two members observed that the final outcome of the incident was exactly what the PPB wanted; that is, the employee accomplished the required goal. Minority: Two members sustained the allegation, calling the board's attention to the utter importance of the employee's ability to be trusted by the public, peers, supervisors, and courts. One noted that employees are trained by the PPB that "If we lie, we're done." These board members found that the context of the statements concerning the employee's medical condition was troubling in that they seemed to be offered with the intention to put the employee in a more favorable position in regards to meeting a required goal.
Allegation 4	Employee was untruthful with supervisor regarding submission of report.
Recommended finding Allegation 4	Sustained (Unanimous).
Opinion	The board unanimously found the employee failed to be truthful when the employee told their supervisor that they submitted a burglary report in a timely fashion. The board noted that all reports are submitted electronically to the DRF system and the report in question was not completed on the day of the burglary. The DRF system showed that the report was submitted one week after the incident, within an hour of the employee returning to duty after days off.
Allegation 5	Employee was untruthful during interview regarding submission of Force Data Collection Report.
Recommended finding Allegation 5	Sustained (Unanimous).
Opinion	All the members of the board agreed the employee had not told the truth as to when the employee turned in a report. While the employee admitted going home prior to writing the report, the employee did not in fact turn the report in within the first few days afterwards. Although the board found that there was not a clear line of timing, it noted that the report was turned in just short of two weeks after the incident.
Allegation 6	Employee was untruthful during IA interview in regards to medical information.
Recommended finding Allegation 6	Sustained (3 members), Unproven (2 members).

Opinions	Majority: Three members of the board considered the evidence to be clear that during the Internal Affairs interview the employee had offered diagnoses of medical conditions as an explanation for unsatisfactory performance, and yet these diagnoses were not supported by the documentation offered from the medical authority. One member noted that the medical documentation that the PPB received was contrary to what the employee reported during the IA interview. A board member cited the importance of PPB members telling the truth in any investigation interview, regardless of the presumed consequences. Minority: Two members of the board believed the employee should be given latitude and flexibility in regards to this allegation of untruthfulness because the employee may not have had a clear understanding of the diagnoses and treatments received from the medical professional. One member thought the employee might have been confused about treatment details and that the employee's response was a presentation of the employee's understanding that was most favorable to the case. Another member questioned whether the employee had the intent to be untruthful to the investigator.
Recommended discipline	Termination (Unanimous); recommendation for discipline made in conjunction with Case #2011-P-0012.
Opinion	The board unanimously recommended termination of employee from the PPB. The board mentioned the bureau has a long history of the expectation that PPB members are truthful in all circumstances, regardless of the consequences that may ensue. Board members noted that veracity is required because of the impact untruthfulness has on the public safety and trust, as well as on the safety to fellow officers. Furthermore, employee would be disqualified to testify in court because of the employee's history of questionable credibility. For these reasons, the board found the employee is no longer fit to serve as a police officer within the PPB.
Final disciplinary outcome	80 hour suspension without pay with a Last Chance Agreement.
Reason discipline outside recommended range	Untruthfulness charges found unproven by Chief of Police. Insufficient evidence to show knowing or willful departures from the truth.
Other recommendations	1. Training - Training Division review employee's probation history to determine if there were indicators to pointed to potential difficulties with employee's abilities to serve as a police officers, and if there were any reasons to extend or terminate employee prior to completion of probation. 2. Hiring - Review employee's hiring process and psychological evaluations for factors and details that might be identified which would improve the process for future employee decisions. 3. Supervision - Supervisors be directed to contact any member who is injured in the line of duty in a timely manner.
Status of recommendations	Under consideration.

DATE: June 19, 2013

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, June 19, 2013, to review the following case:

IAD Case Number: **IAD 2012-B-0003**
Employee: Employee **A**

Allegation #1: Employee *A physically confronted a subject without a cover officer present, absent circumstances requiring to take this action by*

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

Majority Opinion:
The Board found that Employee A unnecessarily confronted a subject when dispatched to a remote place to investigate a wreck. One member recalled that this incident occurred during the event and that during each and every roll call all PPB members had been reminded of the staffing challenges resulting from The Board noted that the evidence showed that Employee A engaged with an uncooperative subject who was not an immediate danger to himself or others. However, as a result of this contact with the subject, Employee A was assaulted and a significant police response was required. A Board member cited failure to recognize the totality of the circumstances around and respond in a reasonable manner.

Allegation #2: Employee *A submitted an inaccurate report regarding a use of force incident.*

Finding: **Unproven w/ debrief / Five members**
Violation of Directive 310.50 – Truthfulness

Majority Opinion:
The Board considered this allegation, which is based on the same incident as cited in allegation #1. The Board noted that there were third party witnesses to the conflict and subsequent assault and that the confusion was apparent in the witness reports, with statements not matching one to the other. One Board member noted that there did

not seem to be any intent to deceive on Employee A's part.

Allegation #3: Employee *A was untruthful with* Employee *B regarding the status of*

Finding: **Unproven w/ debrief / Three members**
Sustained / Two members
Violation of Directive 310.50 – Truthfulness

Majority Opinion:
The Board discussed this incident at length and agreed that Employee A had not mentioned prior to reporting to duty, but had mentioned it in two different forms later in the shift when was called to report A Board member noted that Employee A had always had qualification scores on the low end and this member suggested that Employee A might have been anxious because of this past experience.
Three members of the Board found that comments did not rise to the standards of untruthfulness that the Board set to when considering a determination against a PPB member. A Board member noted that the call in the middle of the shift could certainly be perceived as a genuine threat to professional status and response to it might have indicated a real concern about ability to perform satisfactorily under the circumstances. One member noted that could all be used by Employee A to say that was not functional at that time and that didn't intend to refer to a particular medical diagnosis. Two members observed that the final outcome of the incident was exactly what the PPB wanted; that is, Employee A accomplished the goal of becoming qualified at the range.

Minority Opinion:
Two members sustained the allegation, calling the Board's attention to the utter importance of the police officer's ability to be trusted by the public, peers, supervisors, and courts. One noted that officers are trained by the PPB that "If we lie, we're done." These Board members found that the context of the statements concerning Employee A's were troubling in that they seemed to be offered with the intention to put in a more favorable position in regards to .

Allegation #4: Employee *A was untruthful with* Employee *C regarding the submission of a burglary report.*
Finding: **Sustained / Five members**
Violation of Directive 310.50 – Truthfulness

Majority Opinion:
The Board unanimously found that Employee A had failed to be truthful when told sergeant that had submitted a burglary report in a timely fashion. The Board noted that all reports are submitted electronically to the DRF system and the report in question was not completed on the day of the burglary. The DRF system showed that the report was submitted one week after the incident, within an hour of Employee A returning to duty after days off.

Allegation #5: Employee *A was untruthful in interview for case 2010-P-0028 regarding the submission of a Force Data Collection Report.*
Finding: **Sustained / Five members**
Violation of Directive 310.50 – Truthfulness

Majority Opinion:
All the members of the Board agreed that Employee A had not told the truth as to when turned in a report on this incident. While admitted that went home prior to writing the report, did not in fact turn the report in within the first few days afterwards. Although the Board found that there was not a clear line of timing, it noted that the report was turned in just short of two weeks after the incident.

Allegation #6: Employee *A was untruthful during the Internal Affairs interview in regards to the medical treatment claimed to have received for*

Finding: **Sustained / Three members**
Unproven / Two members
Violation of Directive 310.50 – Truthfulness

Majority Opinion:
Three members of the Board considered the evidence to be clear that during the Internal Affairs interview Employee A had offered diagnoses of medical conditions as an explanation for performance, and yet these diagnoses were not supported by the documentation offered from the medical authority. One member noted that the medical documentation that the PPB received was directly contrary to what had reported during the IA interview. A Board member cited the importance of PPB members telling the truth in any investigation interview, regardless of the presumed consequences.

Minority Opinion:
Two members of the Board believed that Employee A should be given latitude and flexibility in regards to this allegation of untruthfulness because may not have had a clear understanding of the diagnoses and treatments was receiving from the medical professional. One member thought might have been confused as to the details of

treatment and that [redacted] response was a presentation of [redacted] understanding that was most favorable to [redacted] case. Another member questioned whether [redacted] had the intent to be untruthful to the investigator.

Recommendations: Considered in conjunction with **IAD 2011-P-0012.**

Discipline

Termination / Five members

The Board unanimously recommends termination of Employee A from the PPB. The Board mentioned that Bureau has a long history of the expectation that PPB members are truthful in all circumstances, regardless of the consequences that may ensue. Board members noted that veracity is required because of the impact untruthfulness has on the public safety and trust, as well as on the safety to fellow officers. Further, Employee A would be disqualified to testify in court because of [redacted] history of questionable credibility. For these reasons, the Board found that Employee A is no longer fit to serve as a police officer within the PPB.

Training

All five members of the Board recommend that the Training Division review Employee A's eighteen months of probation in order to see if there were indicators within this time that might have pointed to potential difficulties with [redacted] ability to serve the public as a sworn officer of the PPB and whether, in retrospect, there were reasons to extend [redacted] probation or terminate [redacted] employment prior to completion of the probationary period. This review should be done in order to improve the future evaluations of members during their probationary periods.

Other

The Board unanimously recommended that the details of Employee A's hiring process and psychological evaluations be reviewed so that factors and details might be identified which would improve the process for future employee decisions.

One member of the Board recommends that sergeants be directed to contact any member who has been hurt in the line of duty in a timely manner.

Case #	2011-P-0012
Summary	Employee inappropriately deployed Taser absent of any exigent circumstances.
Allegation 1	Employee inappropriately deployed Taser.
Recommended finding Allegation 1	Sustained (Unanimous).
Opinion	All the members of the board believed that the incident involving the employee's Taser deployment showed an inappropriate use of the weapon. The members noted that the suspect was under control, being held in a two on one hold by the other officers. The evidence showed that the employee used the Taser "out of nowhere," injuring both the suspect and another bureau employee One member observed that the level of force was not commensurate with the level of risk the situation represented.
Recommended discipline	Termination (Unanimous); recommendation for discipline made in conjunction with Case #2012-B-0003.
Opinion	See Case #2012-B-0003 above.
Final disciplinary outcome	80 hour suspension without pay with a Last Chance Agreement.
Reason discipline outside recommended range	Untruthfulness charges found unproven by Chief of Police. Insufficient evidence to show knowing or willful departures from the truth.
Other recommendations	See Case #2012-B-0003 above.
Status of recommendations	See Case #2012-B-0003 above.

Bureau of Police
Portland, Oregon

INTER-OFFICE MEMORANDUM

DATE: June 19, 2013

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, June 19, 2013, to review the following case:

IAD Case Number: **IAD 2011-P-0012**
Employee: Employee **A**

Allegation: Employee *A inappropriately deployed* [redacted] *taser.*
Finding: **Sustained / Five members**
Violation of Directives 1010.20 – Physical Force; 1051.00 – Taser, Less Lethal

Majority Opinion:
All the members of the Board believed that the incident involving Employee A's deployment of [redacted] Taser showed an inappropriate use of the weapon. The members noted that the suspect was under control, being held in a two on one hold by the other involved members. The evidence showed that Employee A used the Taser "out of nowhere," injuring both the suspect and another Employee. One member observed that the level of force was not commensurate with the level of risk the situation represented.

Recommendations: Discipline

Considered in conjunction with **IAD 2012-B-0003**.

Case #	CRB 2013-045 (Employee resigned prior to PRB hearing)
Summary	Employee was on-duty, operating a marked patrol vehicle and stopped in traffic in the #1 lane of three lanes westbound on SW Kelly Street at SW Water Avenue. Employee traveled forward at less than 5 miles per hour to allow the driver of another vehicle to turn behind the patrol vehicle to northbound SW Water Avenue. As employee watched the driver complete the turn, the push bumper of the patrol vehicle impacted a vehicle stopped in front of the employee causing slight damage to rear license plate and bumper of that vehicle.
Allegation 1	Employee failed to satisfactorily perform duties as a driver.
Recommended finding Allegation 1	Sustained (Unanimous).
Opinion	Sustained finding for unsatisfactory performance of duties as a driver as it relates to authorized use of equipment.
Recommended discipline	20 hour suspension without pay if the employee were still employed (Unanimous).
Opinion	Though damage to vehicle was minor, this was employee's fourth preventable accident. In addition, this accident occurred because the employee's vehicle was blocking an intersection, which it should not have been.
Final disciplinary outcome	Employee resigned prior to PRB hearing.
Reason discipline outside recommended range	Not applicable.
Other recommendations	Remedial defensive driving training be required should employee return to employment.
Status of recommendations	Accepted/Note of requirement placed in employee's file.

DATE: April 2, 2014

TO: Michael Reese
Chief of Police

FROM: Mark Fulop
Police Review Board Facilitator

SUBJ: Police Review Board Recommendations

Bureau of Police
Portland, Oregon

INTER-OFFICE MEMORANDUM

CONFIDENTIAL

The Police Review Board met on Wednesday, April 2, 2014, to review the following case:

IA Case Number: **CRB 2013-045**

Involved Member: **Employee (resigned)**

Allegation #1: *Employee failed to satisfactorily perform [redacted] duties as a driver.*

Recommended Finding: Sustained/Unanimous

Opinion: Sustained finding for unsatisfactory performance of duties as a driver as it relates to authorized use of equipment.

Applicable Directives: 315.30 as it relates to 317.40 – Authorized Use of Bureau Equipment

Recommendations: Corrective Action/Discipline

20 hour SWOP/Unanimous

Majority Opinion: Though damage to vehicle was minor, this was employee's fourth preventable accident. In addition, this accident occurred because [redacted] vehicle was blocking an intersection, which it should not have been.

Additional Recommendation

Employee is no longer an employee. However, should [redacted] choose to return to employment, remedial defensive driving training will be required.

Case #	2013-B-0011
Summary	Employee 1 contacted employee 2 about a confidential case, asking investigator to call back. Employee 3 contacted employee 2 saying that employee 1 had called regarding the same confidential case. Based on statements made to employee 3 by employee 1, employee 4 discovered that employee 1 had accessed a report in R-View from that confidential case. Employee 1's statements to employee 3 also indicated that employee 1 had been using PPDS and LEDS to learn more about the case and the people involved, although employee 3 had no investigative responsibility for the case.
Allegation 1	Employee 1 accessed and disseminated information from PPDS and LEDS for personal use.
Recommended finding Allegation 1	Sustained (Unanimous).
Opinion	The board unanimously agreed that the facts presented for the case indicated a violation of directives 310.70 and 1226.00.
Allegation 2	Employee 1 accessed and disseminated information from a confidential report in R-View for personal reasons.
Recommended finding Allegation 2	Unproven with debriefing (Unanimous).
Opinion	The board unanimously agreed to a finding of unproven with debriefing because if the report had been coded properly, it would not have been accessible by employee #1 in R-View. However, there was a confidential stamp on the report and with employee #1's years of experience, employee should have known the report was confidential.
Recommended discipline	Letter of Reprimand.
Opinion	The board unanimously agreed that Employee #1 should receive a LOR because with the employee's years of experience the employee should have known that the report was confidential and the employee should not have accessed it. One member debated whether an elevated action was necessary because employee #1 has received one LOR previously. The board concluded that no additional discipline was necessary because the previous LOR was issued for a very different type of case several years prior and did not demonstrate a pattern of behavior.
Final disciplinary outcome	Letter of Reprimand.
Reason discipline outside recommended range	Not applicable.
Other recommendations	Policy - Internal Affairs develop SOP that provides the RU manager is notified, when appropriate, that an investigation is underway concerning an employee under their command.
Status of recommendations	Accepted/Assigned to Internal Affairs.

Bureau of Police
Portland, Oregon

INTER-OFFICE MEMORANDUM

DATE: 11/18/2013

TO: Christopher Paillé
Review Board Coordinator

FROM: Karyn Criswell, EnviroIssues
Police Review Board Facilitator

SUBJ: Police Review Board Recommended Findings

CONFIDENTIAL

The Police Review Board met on Wednesday, November 6, 2013, to review the following case:

IAD Case Number: **Internal Affairs Case#**

Employee: **Employee #1**

Case Summary: Employee #1 contacted Employee #2 about a confidential case, asking [redacted] to call [redacted] back. Employee #3 contacted Employee #4 saying that Employee #1 ([redacted] had called [redacted] regarding the same confidential case. Based on statements made to Employee #3 by Employee #1, Employee #4 discovered that Employee #1 had accessed a report in R-View from that confidential case. Employee #1's statements to Employee #3 also indicated that Employee #1 had been using PPDS and LEDS to learn more about the case and the people involved, although Employee #3 had no investigative responsibility for the case.

Allegation #1: *Employee #1 accessed and disseminated information from PPDS and LEDS for personal reasons.*

Finding: **Sustained / Five members**
Applicable Directive: **310.70 – Dissemination of Information**
1226.00 – Computer Technology

Majority Opinion:
The board unanimously agreed that the facts presented for the case indicated a violation of directives 310.70 and 1226.00.

Minority Opinion:
N/A

Allegation #2: *Employee #1 accessed and disseminated information from a confidential report in R-View for personal reasons.*

Finding: **Unproven with debrief/Five members**
Applicable Directive: **950.00 – Confidential Reports**
310.70 – Dissemination of Information

Majority Opinion:
The board unanimously agreed to a finding of unproven with debrief because if the report had been coded properly, it would not have been accessible by Employee #1 in R-View. However, there was a confidential stamp on the report and with Employee #1's years of experience [redacted] should

have known the report was confidential.

Minority Opinion:
N/A

Recommendations:

Corrective Action/Discipline

LOR – Five members

Majority Opinion:
The board unanimously agreed that Employee #1 should receive a LOR because with [redacted] years of experience [redacted] should have known that the report was confidential and [redacted] should not have accessed it. One member debated whether an elevated action was necessary because Employee #1 has received one LOR previously. The board concluded that no additional discipline was necessary because the previous LOR was issued for a very different type of case several years prior and did not demonstrate a pattern of behavior.

Minority Opinion:
N/A

Other

One member thought the RU manager should have been notified earlier in the investigation process so that the manager could let the employee know that [redacted] action is being investigated and communicate that the behavior may not continue while the investigation is underway.

The board recommends that internal affairs develop a SOP so that, when it is appropriate, the RU manager is notified that an investigation is underway concerning an employee under the RU manager's command. The five PRB members voted unanimously to forward this recommendation for consideration.

The board noted that it may not always be appropriate to notify the RU manager of an investigation, such as in the case of criminal investigations.