

**Portland Police Bureau** 

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# **Police Review Board:**

## **Summaries and Reports**

**Cases closed between June 23, 2015 and December 9, 2015**

**Released January 2016**



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



## CITY OF PORTLAND, OREGON



### Bureau of Police

1111 S.W. 2nd Avenue • Portland, OR 97204

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The Police Review Board is an advisory body and makes recommendations as to findings and proposed officer discipline to the Chief of Police. The board may make recommendations to the chief regarding the adequacy and completeness of an investigation and may also make policy or training recommendations.

A Police Review Board is composed of five voting (V) members and four or more 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).

When an incident reviewed by the board involves an officer involved shooting, an instance when physical injury caused by an officer requires hospitalization, an in-custody death, or a less lethal incident where the recommended finding is "out of policy", one additional citizen member drawn from the pool of current Citizen Review Committee members, and one additional peer member, serve on the board for a total of seven voting members.

The attached Police Review Board findings memos and summaries are provided in accordance with [City Charter Chapter 3.20.140 - Police Review Board](#) and include cases that closed during the time period June 23, 2015-December 9, 2015.

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:

- Allegation(s) heard by the Board.
- A factual summary of the case.
- Summary of the Board's discussion.
- Record of the Board's vote, including recommended findings and discipline.
- Training and policy recommendations, including whether the recommendations were accepted by the Chief.
- 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.

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City Information Line: 503-823-4000, TTY (for hearing and speech impaired): 503-823-6868 Website: [www.portlandpolice.com](http://www.portlandpolice.com)

DATE: December 1, 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 November 19, 2014, to review the following case:

IAD Case Number: **Internal Case number 2014-C-0099**

Employee: **Employee 1**

Case Summary: This case is based on 4 complaints made by Employee 1's **ex-spouse** Citizen 1. Citizen 1 complained that Employee 1, while on call status, transported children in a bureau vehicle in an unsafe manner; that while traveling abroad Employee 1 engaged in sex following a massage, conduct violating Bureau directives; that Employee 1 had inappropriately commented to Citizen 1 that [redacted] had been discredited by the bureau; and, that Employee 1 made a false statement in an sworn affidavit.

Allegation #1: *Employee 1 knowingly transported children, in a Bureau vehicle, in an unsafe manner*

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

Majority Opinion:  
The Board concluded that transportation in a police vehicle is not a violation of policy or directive and that there is no evidence of unsafe driving by Employee 1. All members recommend unproven.

Allegation #2: *Employee 1, while traveling abroad in 2009, acted in a manner that would tend to bring reproach or discredit upon the Bureau*

Recommended Finding: **Unproven / 4 members**  
**Exonerated with debriefing / 1 member**  
Applicable Directive: **3110.00 – Conduct, Professional**

Majority Opinion:  
A majority of the Board concluded that Employee 1 reported that [redacted] did not have sex following a massage while on vacation in Thailand and that there were no witnesses to confirm or dispute the allegation and recommended unproven.

Minority Opinion:

One member concluded that exoneration was an appropriate recommendation in the absence of specific information.

Allegation #3:

*Employee 1 inappropriately stated to ex-spouse, Citizen 1, that [redacted] had been discredited by the Portland Police Bureau.*

Recommended Finding: **Exonerated with debriefing / 4 members**  
**Exonerated / 1 member**

Applicable Directive: **310.00 – Conduct, Professional; 310.20 – Retaliation Prohibited**

Majority Opinion:

The Board majority concluded that while Employee 1's expression of opinion to **ex-spouse** is not a violation of policy, it showed poor judgment. The members agreed that a debriefing about the exercise of better judgment in the future would benefit Employee 1.

Minority Opinion:

One member concluded that Employee 1 has not violated any policy or directive in expressing [redacted] opinion to **ex-spouse** and recommended exonerated.

Allegation #4:

*Employee 1 made a false statement in a sworn affidavit.*

Recommended Finding: **Sustained / Unanimous**

Applicable Directive: **310.10 – Conduct, Professional**

**Note: Directive violated changed from 310.50 – Truthfulness to, 310.00 – Conduct, Professional**

Majority Opinion:

Because of the child custody context and the ambiguity in Employee 1's communication with [redacted] attorney in submitting an affidavit at a custody hearing the Board determined that it could not sustain the allegation that Employee 1 knowingly and willfully lied. The Board concluded that the applicable directive should be changed to Directive 310.00 – Conduct, Professional.

Recommendations:

Corrective Action/Discipline

120 hours Suspension without pay – Four members

40 hours Suspension without pay – One member

Majority Opinion:

The Board concluded that Employee 1 carelessly and recklessly filed a false statement in an affidavit falling under Category E of the Bureau Disciplinary Guide and recommends three weeks suspension without pay.

Minority Opinion:

One member concluded that violation in the amended directive falls under Category D of the Bureau Disciplinary Guide and recommends one week suspension without pay.

Additional recommendation.

Training

The Board unanimously recommends that the EAP organize and make available programs, counseling, support, guidance and other resources to members of the Portland Police Bureau who are going through divorce and custody issues.

*Outcome Note:*

*Final discipline: 120 Hours suspension without pay.*

*Recommendation: Accepted and assigned to  
Investigations Branch.*

DATE: February 17, 2015  
TO: Christopher Paille  
Coordinator Police Review Board  
FROM: Dena Marshall, Marshall Mediation  
Police Review Board Facilitator  
SUBJ: Police Review Board Recommended Findings



**CONFIDENTIAL**

The Police Review Board met on Monday, January 26, 2015, to review the following case:

IA Case Number: **Internal Case Number 2014-B-0028**

Employee: **Employee 1**

Case Summary: Employee 1 improperly continued to accrue overtime after being released by the DA's Office on a required court appearance. When given the opportunity to explain actions, Employee 1 offered inconsistent explanations for conduct.

Allegation #1: *Employee 1 improperly continued to accrue overtime after being released by the DA's Office on a required court appearance.*

Recommended Finding: **Sustained**  
Applicable Directive: **210.30**  
**Timekeeping and Overtime**

**Unanimous Opinion:**

The Board reviewed the specific facts and context of the case, and upon careful review of the information presented, sustained the findings for Allegation #1 by unanimous vote.

**Minority Opinion:**

The board sustained the findings by unanimous vote; no minority opinion was offered.

Recommendations: Corrective Action/Discipline

As of March 2014, the Police Review Board refers to a Bureau Discipline Guide, in order to promote and provide consistency in disciplinary actions and improving accountability, among other things. Referring to the Discipline Guide board members reached unanimous agreement that Employee 1's conduct fell within Category F "Any violation of law, rule or policy, which: could result in death or serious bodily injury; or constitutes a willful disregard of PPB values; or involves any act that demonstrates a serious lack of integrity, ethics or character related to an officer's fitness to hold the position of police officer; or involves misconduct substantially contrary to the standards of conduct reasonably expected of one whose sworn duty is to uphold the law; or involves any conduct which constitutes

the failure to adhere to any contractual condition of employment or failing to maintain certification mandated by law.”

The Board agreed the conduct fell under the definition of Category F and considered aggravating factors including (1) the officer’s past history of corrective actions; (2) inconsistent explanations when offered to justify overtime accrual; (3) apparent lack of a sense of accountability or remorse for any wrongdoing; and (4) concerns about remaining in an autonomous and authoritative position as a police officer. There was question as to whether could be transferred to a non-patrol desk and some members did not believe this was an appropriate alternative.

One board member believed progressive discipline was more appropriate and recommended a six month suspension without pay and a return to an off street assignment without direct contact with the community for an indeterminate period of time to include regular performance reviews until performance improves to an acceptable level. This member understood this recommendation fell outside the guidelines of the Discipline Guide.

**Recommended Discipline:**

Termination – Four members

Six Month Suspension without pay – One member

*The board recommended no policy changes at this time.*

*There are no further recommendations.*

**Outcome Note:**

*Assistant Chief Donna Henderson provided the findings in this case.*

*Final discipline: 120 hours suspension without pay. Not enough evidence to show employee intentionally misled the Bureau and the City.*

DATE: March 23, 2015  
TO: Christopher Paillé  
Review Board Coordinator  
FROM: Anne Pressentin  
Police Review Board Facilitator  
SUBJ: Police Review Board Recommended Findings



The Police Review Board met on Wednesday, March 11, 2015, to review cases 2014-B-0047 and 2014-B-0051.

IA Case Number: **2014-B-0047**

Employee: **Employee #1**

Case Summary: Employee #1 scheduled an informant to do a drug buy. At the time Employee #1 scheduled the buy, Employee #1 had knowledge that there was probable cause for domestic violence and weapons crimes against the informant. Employee #1 informed a sergeant about the charges against the informant and the scheduled buy was cancelled.

Allegation #1: *Employee #1 did not properly inform Employee #1's sergeant when Employee #1 learned Employee #1's informant was accused of criminal conduct.*

*Outcome Note:  
Chief O'Dea added Directive 315.30  
as applicable to Allegation #1.*

Recommended Finding: **Sustained / Five members**  
Applicable Directive: **660.33 – Informants**

Majority Opinion:

The Board concurred with the RU manager's report and unanimously recommended a finding of sustained because Employee #1 did not inform Employee #1's supervisor for 18 days of alleged domestic violence and weapons crimes by an informant. Directive 660.33 requires the Bureau to stop using informants who engage in criminal behavior. The RU manager noted that the informant system contains numerous checks and balances in order to maintain its integrity. Given the sensitive nature of domestic violence, lack of proper reporting is potentially damaging to the Bureau.

Minority Opinion:  
N/A

Allegation #2: *Employee #1 planned to use an informant when Employee #1 knew the informant may be non-credible due to alleged criminal conduct.*

*Outcome Note:  
Chief O'Dea found Allegation #2  
Not Sustained - The evidence was  
insufficient to prove a violation of  
policy and procedure.*

Recommended Finding: **Sustained / Five members**  
Applicable Directive: **660.33 – Informants**

Majority Opinion:

Board members unanimously recommended a finding of sustained following the RU manager's report. The RU manager said a preponderance of evidence indicated that Employee #1 knew of the alleged domestic violence and weapons crimes while Employee #1 made plans to reach an

investigative goal Sept. 19, 2014, using the informant. Employee #1 was told of the alleged domestic violence in early September and made no effort to report it or arrest the informant. Employee #1 was aware of two instances of domestic violence and failed to report both.

Minority Opinion:  
N/A

Allegation #3: *Employee #1 did not take appropriate action upon learning of an incident of domestic violence.*

*Outcome Note:  
Chief O'Dea added Directive 315.30  
as applicable to Allegation #3*

Recommended Finding: **Sustained / Five members**  
Applicable Directive: **825.00 – Domestic Violence, Arrests and Restraining Orders**

Majority Opinion:  
The Board unanimously recommended a finding of sustained because Employee #1 failed to document or initiate an investigation of a report of domestic violence carried out by an informant against the informant's partner, who also was a PPB informant. The incident came to light during investigation of a later report of domestic violence involving the same two individuals. PPB officers are required to document reports of domestic violence at the end of shift and Employee #1 did not write a report.

Minority Opinion:  
N/A

IA Case Number: **2014-B-0051**

Employee: **Employee #1**

Case Summary: Employee #2 gave Employee #1 a verbal order not to have contact with Employee #1's informants after Employee #1 was transferred out of Employee #1's phone was taken and Employee #1 was given a new phone with a new number. An informant told sergeants that the informant had received a text from Employee #1 with Employee #1's new phone number. Upon a check of the informant's file, it was discovered that prior to signing up the informant, Employee #1 had done a search warrant on the informant's house, seizing illegal narcotics and about \$25,000. However, the informant packet mentioned nothing about prior seizure. The reports on the seizure were turned into Records. Another informant previously used by Employee #1 was going to do a controlled buy with another officer. Prior to the buy, the informant made it known to the officer that Employee #1 was not concerned with the informant's possession of illegal narcotics when they worked together. The informant was later interviewed by sergeants and told them about how Employee #1 handled the informant, citing several issues that the sergeants found concerning. One of the issues was that the informant had told Employee #1 about a domestic violence incident, and it appears that Employee #1 did not document the assault.

Allegation #1: *Employee #1 had contact with an informant and failed to report the contact*

to a supervisor, thus disobeying an order from Employee #2.

*Outcome Note:  
Chief O'Dea added Directive 315.30  
as applicable to Allegation #1.*

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

Majority Opinion:

The Board unanimously recommended a finding of sustained for the allegation based on the preponderance of the evidence. Members said it was very clear Employee #1 violated the direct order, which involved two parts: 1) Have no contact with informants and 2) Refer the informant to and notify Employee #1's sergeant of the contact. At the time the order was given, Employee #1's PPB cell phone was taken and a new one provided without a transfer of the stored contacts. During the Internal Affairs investigation, an informant showed the investigator a text from Employee #1 with Employee #1's new phone number. The investigation also showed that one phone call to an informant was four minutes long, further indicating contact was occurring. Employee #1 did not report these contacts to a supervisor.

Minority Opinion:  
N/A

Allegation #2:

*Employee #1 intentionally omitted information in an informant packet.*

*Outcome Note:  
Allegation 2 amended to read:  
Employee omitted information in  
an informant packet. Not enough  
evidence to show intent; omission of  
information found to be a violation  
of Directive 315.30.*

Recommended Finding: **Sustained / Five members**  
Applicable Directive: **315.30 – Satisfactory Performance**

Majority Opinion:

Board members unanimously recommended a finding of sustained for this allegation, saying required information was omitted from an informant packet, which includes past drug use and contacts with law enforcement. Two members said they could not determine if the omission was intentional. Three members found the omission intentional. It is a requirement of satisfactory job performance to include all required information in an informant packet for a new informant to be signed up and deemed confidential and reliable. Employee #1 had failed to include information about Employee #1's seizure of illegal narcotics and cash from the individual, which had occurred only seven days prior. Previously, Employee #1 had provided complete informant packets, indicating Employee #1's knowledge of the Standard Operating Procedure. Two members said that without complete packets, a determination cannot be made by supervisors about the reliability of a potential informant, which undermines the system.

Minority Opinion:  
N/A

Allegation #3:

*Employee #1 did not properly search an informant prior to using the informant to do a controlled buy.*

Recommended Finding: **Sustained / Five members**  
Applicable Directive: **315.30 – Satisfactory Performance**

Majority Opinion: The Board unanimously recommended a sustained finding because Employee #1 did not search the informant or the informant's vehicle prior to conducting a controlled buy. It is standard practice in the to search the person, bags and vehicle prior to any controlled buy to determine if illegal narcotics are being used or trafficked, and a required swearing in a search warrant. The Bureau learned of Employee #1's practice when Employee #3 planned a controlled buy with the same informant and the informant expressed some surprise that the vehicle was being searched. During Employee #3's search of the informant's vehicle, illegal narcotics were found indicating drug trafficking activity. The lack of a proper search of the informant by Employee #1 allowed additional criminal behavior by the informant.

Minority Opinion:  
N/A

Allegation #4: *Employee #1 did not take appropriate action upon learning of an incident of domestic violence.*

Recommended Finding: **Not Sustained / Five members**  
Applicable Directive: **825.00 – Domestic Violence, Arrests and Restraining Orders**

Majority Opinion:  
Board members unanimously recommended a finding of not sustained because it was more likely than not that Employee #1 believed the incident of domestic violence had been investigated and resolved prior to signing the individual to the informant program. The individual became an informant in July 2014 and the domestic violence incident occurred in March 2014.

Minority Opinion:  
N/A

Recommendations: Corrective Action/Discipline

Discipline Category: Category E / Five members  
Corrective Action: Three week SWOP / Five members

Majority Opinion:  
Based on the recommendations related to six of the seven allegations, the Review Board unanimously recommended discipline category E: Conduct that involves misuse of authority, unethical behavior, or an act that could result in an adverse impact on officer or public safety or to the professionalism of the PPB. Reasons cited for the recommendation included unethical behavior, disobeying an order and taking short cuts that could undermine the integrity of the informant program.

*Outcome Note:  
Final Discipline: 120 hours suspension  
without pay with 40 hours held in  
abeyance. Recommendations: Both  
accepted and assigned to  
Investigations Branch.*

Board members also recommended corrective action of 3 weeks suspension without pay, which is the "aggravated" level of discipline, based on the severity of Employee #1's actions. Members said Employee #1 is a hard-working and energetic investigator who had multiple commendations and no past disciplinary actions in Employee #1's 8-plus year career with the Bureau. Separate from disciplinary action, the five members of the Board recommended that Bureau management should, in writing, prohibit Employee #1 from working with informants in the future.

Minority Opinion: N/A

Other Recommendations:

Recommendation Description:

Under the Directive Review process, amend Directive 660.33 Informants:

- 1) Procedures, Member Responsibilities, Section g: Change "should be documented" to "shall be documented in an inter-office memorandum."
- 2) Procedures, Reliability of CRIs, Section c: Add the word "immediately" to the third sentence.

Vote: Unanimous concurrence

Rationale:

The Board said the recommended amendments to the directive will help to clarify the role of the member to document actions taken on behalf of a confidential informant and will ensure supervisors have timely information. This will close any perceived discretion and clarify ambiguity regarding the timeframe in which notice is required when informants are deemed non-credible.

Recommendation Description:

Under the Directive Review process, review officer responsibilities under Directive 825.00 Domestic Violence, Arrests and Restraining Orders.

Vote: Unanimous concurrence

Rationale:

The Board said the directive should detail under what circumstances an officer's responsibility for reporting domestic violence applies and when exceptions can occur. Members recommended adding a statement to the directive during the directive review process.

DATE: April 27, 2015  
TO: Lawrence P. O'Dea III  
Chief of Police  
FROM: Mark Fulop  
Police Review Board Facilitator  
SUBJ: Police Review Board Recommended Findings



**CONFIDENTIAL**

The Police Review Board met on Wednesday, April 15, 2015, to review the following case:

IA Case Number: **2014-B-0056**

Employee: **Employee**

**Case Summary:** Employee and another officer were dispatched on a welfare check. On arrival, they contacted a mother and her two children. The call developed into a child abuse investigation where the mother was accusing her boyfriend of sexually abusing her two children. Employee looked for alleged photographs of the abuse on the mother's iPad and interviewed the boyfriend. Employee also participated in an interview of the mother's son, where the mother did most of the questioning and Employee listened and asked clarifying questions. Employee photographed areas on the children's bodies.

**Allegation #1:** *Employee did not notify the DHS Hotline of a child abuse investigation.*

**Recommended Finding:** Not Sustained /Unanimous

**Applicable Directives:** 640.30 – Child Abuse Investigations

Opinion: Investigation proved that Employee did notify DHS, even though did not remember doing so. Based on those facts, Employee did follow policy.

**Allegation #2:** *Employee inappropriately searched mother's iPad while looking for photographic evidence of sexual abuse.*

**Recommended Finding:** Exonerated/Unanimous

**Applicable Directives:** 640.30 – Child Abuse Investigations

Opinion: Investigation revealed that Employee did gain consent to look at the iPad. Ideally, would have been in contact with supervisor before doing so but that action is not required by the directive. Therefore, Employee acted within the scope of the applicable directive.

**Allegation #3:** *Employee participated in a sexual abuse interview of a child under the age of 10.*

**Recommended Finding:** Sustained /Unanimous  
**Applicable Directives:** 640.30 -- Child Abuse Investigations

Opinion: Based on the investigation and record, there was enough evidence to suggest that Employee did participate in the interview, and that violated the directive by asking clarifying questions.

**Allegation #4:** *Employee inappropriately photographed mother's children.*

**Recommended Finding:** Sustained /Unanimous  
**Applicable Directives:** 315.00 – Laws, Rules and Orders; Ref: ORS 419B.028 (aka Karly's Law)

Opinion: Investigation concluded that did take three pictures of the children. Though the photos were taken for the purpose of evidentiary value, this was a critical violation of policy.

**Recommendations:** Corrective Action/Discipline

**2 Weeks SWOP/3 Voting Members  
Termination/2 Voting Members**

Majority Opinion: Three members recommended a two-week suspension. In making this recommendation, members considered Employee's previous history, the steps within the progressive discipline process, and believed a significant disciplinary action was warranted.

Minority Opinion: Two members recommended termination because they believed Employee did not have the aptitude to be a police officer based upon prior history of unsatisfactory performance and the way conducted in this case.

Additional Recommendation

Voting Members Unanimously recommended that Personnel review Employee's hiring records to determine if there is anything that can be learned and applied to future cases.

*Outcome Note:  
Employee resigned.  
Recommendation: Accepted and  
assigned to Police Human  
Resources.*

DATE: May 20, 2015  
TO: Christopher Paille  
Coordinator Police Review Board  
FROM: Dena Marshall, Marshall Mediation  
Police Review Board Facilitator  
SUBJ: Police Review Board Recommended Findings



**CONFIDENTIAL**

The Police Review Board met on Wednesday, May 20, 2015, to review the following case:

IA Case Number: **Internal Case Number** 2014-C-0365

Employee: **Employee 1**

Case Summary: In responding to a call while on duty from the Security Area Manager for [redacted] regarding a confrontation involving staff and a former employee of the organization, Employee I failed to perform an adequate risk assessment, was rude, failed to take appropriate action, and failed to write a report.

[redacted], Security Area Manager for [redacted], submitted an electronic complaint regarding [redacted] overall attitude and failure to perform an adequate risk assessment. CO originally attempted to make an on-line report regarding a threat by an employee, but found that because it involved a weapon, an officer was required to respond. [redacted] was subsequently advised by a security officer assigned to the front desk that upon reading their incident report, "Officer [redacted] ... became angry and began swearing, 'What the [redacted] am I supposed to do with this ... as long as he didn't tell her I'm going to kill you this ain't shit.'" [redacted] is to have left the building without taking their incident report or a picture they provided of the suspect. [redacted] provided them with the VCAD number but did not write a report.

Allegation #1: *Employee 1 was rude.*

Recommended Finding: **Sustained**  
Applicable Directive: **310.40**  
**Courtesy**

Unanimous Opinion:  
The Board reviewed the specific facts and context of the case, and upon careful review of the information presented, sustained the findings for Allegation #1 by unanimous vote.

Minority Opinion:  
The board sustained the findings by unanimous vote; no minority opinion was offered.

Allegation #2: *Employee 1 failed to take appropriate action.*

Recommended Finding: **Sustained**  
Applicable Directive: **315.30**  
**Satisfactory Performance**

Unanimous Opinion:  
The Board reviewed the specific facts and context of the case, and upon careful review of the information presented, sustained the findings for Allegation #2 by unanimous vote.

Minority Opinion:  
The board sustained the findings by unanimous vote; no minority opinion was offered.

Allegation #3:

*Employee 1 failed to write a report.*

Recommended Finding: **Sustained**  
Applicable Directive: **910.00**  
**Field Reporting Handbook Instructions**

Unanimous Opinion:  
The Board reviewed the specific facts and context of the case, and upon careful review of the information presented, sustained the findings for Allegation #3 by unanimous vote.

Minority Opinion:  
The board sustained the findings by unanimous vote; no minority opinion was offered.

Recommendations:

Corrective Action/Discipline

Referring to the Discipline Guide board members reached unanimous agreement that Employee 1's conduct fell within Category C "Conduct that involves a risk to safety or that has or may have a pronounced negative impact on the operations or professional image of the department, or on relationships with other officers, agencies or the public."

The Board carefully considered the circumstances of this case and the Board's concern for an apparent pattern of behaviors.

One Board member believed the pattern of behavior reflects an aggravated circumstance within a Category 3 violation. Four Board members believed the pattern of Employee 1's behavior and surrounding circumstances lead to a presumptive conclusion.

Recommended Discipline:  
The Board recommends a One-Workweek Suspension Without Pay (SWOP) in Case 2014-C-0365 involving Employee 1, with a minority opinion of one Board member recommending a two workweek SWOP.

*Outcome Note:  
Final discipline: 30 hours  
suspension without pay.  
Recommendation: Accepted and  
assigned to Operations Branch.*

*In addition, the Board unanimously recommends the Chief of Police conduct a holistic review of Employee 1's capacity to meet the professional career standards.*

*There are no further recommendations.*

DATE: May 22, 2015  
TO: Christopher Paille  
Review Board Coordinator  
FROM: Anne Pressentin  
Police Review Board Facilitator  
SUBJ: Police Review Board Recommended Findings



Bureau of Police  
Portland, Oregon

**INTER-OFFICE MEMORANDUM**

**CONFIDENTIAL**

The Police Review Board met on Wednesday, May 13, 2015, to review case 2014-B-0055.

IA Case Number: **2014-B-0055**

Employees: **[Employee #1]  
[Employee #2]  
[Employee #3]**

Case Summary: [Employee #1], [Employee #2] and [Employee #3] placed an image consisting of the official Portland Police Bureau badge surrounded by a bracelet stating, "I am Darren Wilson" on their personal Facebook pages. Chief Reese ordered the pictures removed through the officers' chain of command.

Allegation #1: *[Employee #1] brought reproach and discredit to the Portland Police Bureau and the City of Portland by using a picture of an altered Portland Police badge on [redacted] personal Facebook page.*

Recommended Finding: **Sustained / Four members  
Not sustained / One member**

Applicable Directive: **310.00 – Conduct, Professional**

**Majority Opinion:**

Four members of the Review Board recommended a sustained finding saying that the actions of all three officers brought reproach and discredit to the organization and damaged the reputation of the Portland Police Bureau. The members noted that directive 310.00 calls for reasonable rules of good conduct and behavior whether on or off duty. They said all three officers did not consider the broader context or impact of their actions which undermined preparations the City was making to handle planned protests in Portland. The officers' use of an official Portland Police badge on a personal Facebook post damaged the Bureau's reputation by combining their professional role as law enforcement officers with the message contained in the image. Because it was a matter of public concern, a constitutional right to free speech was not protected under the First Amendment as it would be in other circumstances.

**Minority Opinion:**

One member recommended a finding of not sustained and further recommended a debrief. The member said that all three officers used personal devices and personal time when posting an image to Facebook.

The member said that the Portland Police Bureau badge is not copyrighted and is easily obtained through flea markets and the internet. While the action was unpopular, the board member said it was protected speech under the first amendment and did not rise to a violation of the directive.

Allegation #2:

*[Employee #2] brought reproach and discredit to the Portland Police Bureau and the City of Portland by using a picture of an altered Portland Police badge on personal Facebook page.*

Recommended Finding: **Sustained / Four members**  
**Not sustained / One member**

Applicable Directive: **310.00 – Conduct Professional**

Majority Opinion:  
Same reasoning as in Allegation 1.

Minority Opinion:  
Same reasoning as in Allegation 1.

Allegation #3:

*[Employee #3] brought reproach and discredit to the Portland Police Bureau and the city of Portland by using a picture of an altered Portland Police badge on personal Facebook page.*

Recommended Finding: **Sustained / Four members**  
**Not sustained / One member**

Applicable Directive: **310.00 – Conduct Professional**

Majority Opinion:  
Same reasoning as in Allegation 1.

Minority Opinion:  
Same reasoning as in Allegation 1.

Recommendations:

Corrective Action/Discipline

**Employee: [Employee #1]**

Discipline Category: Category B / Four members

Corrective Action: Command Counseling / Three members  
Letter of Reprimand / One member

Majority Opinion:  
Three board members recommended discipline category B, "conduct that has or may have a negative impact on operations or professional image of PPB, or that negatively impacts relationships with other officers, agencies or the public." The members said the actions of [Employee #1] had a negative impact on the orderly operations of the bureau. They further recommended

corrective action of command counseling because [Employee #1]'s actions were mitigated by ignorance of how widely a private Facebook post can be shared and because [Employee #1] has worked on the street for a long time with few issues.

**Minority Opinion:**

One board member also recommended discipline category B because [Employee #1]'s actions had a negative impact on the bureau's operations. The member said the corrective action should be a letter of reprimand, the presumptive discipline.

*Outcome Note:*

*Employees 1 and 3 received command counseling.*

*Discipline: Employee 2 retired.*

**Employee: [Employee #2]**

Discipline Category: Category B / Four members

Corrective Action: Two days SWOP / Three members  
One day SWOP / One member

**Majority Opinion:**

Three board members recommended discipline category B, "conduct that has or may have a negative impact on operations or professional image of PPB, or that negatively impacts relationships with other officers, agencies or the public." The members said the actions of [Employee #2] had a negative impact on the orderly operations of the bureau. They further recommended corrective action of two days SWOP. They cited [Employee #2]'s previous discipline history related to directive 310.00 (Conduct, professional), which was an aggravating factor.

**Minority Opinion:**

One board member also recommended discipline category B for the same reasons as the majority, but said the corrective action should be one day SWOP. [Employee #2] posted the image to Facebook while off-duty, which led the board member to recommend the presumptive discipline for the second violation in two years.

**Employee: [Employee #3]**

Discipline Category: Category B / Four members

Corrective Action: Command Counseling / Four members

**Majority Opinion:**

Board members unanimously recommended category B "conduct that has or may have a negative impact on operations or professional image of PPB, or that negatively impacts relationships with other officers, agencies or the public." The members said the actions of [Employee #3] had a negative impact on the orderly operations of the bureau. They further recommended corrective action of command counseling because [Employee #3]'s actions were mitigated by ignorance of how widely a private Facebook post can be shared and [Employee #3]'s lack of prior discipline.

Minority Opinion:  
N/A

Other Recommendations

**Recommendation #1**

Clarify what can and cannot be displayed on the PPB badge and uniform under directive 313.00, Misuse of Official Position or Identification.

Vote: Unanimous concurrence – 5 members

Rationale:

With prevalence of social media, video and photography in today's culture, the Review Board said additional clarity is needed for the PPB about what is allowed to be shown on a police uniform or badge. In the past, an email has been distributed to PPB employees if a mourning band can be affixed to a badge. There also has been guidance about whether pins unrelated to law enforcement or an official uniform can be affixed, but this currently is unclear.

**Recommendation #2**

Recommend the Chief review whether the image of the PPB badge should be protected from unauthorized use.

Vote: Unanimous concurrence – 5 members

Rationale:

Board members noted that some law enforcement jurisdictions have copyrighted the image of their badges and prohibit use without permission. They also said the PPB badge image is currently available for download on the public website, making it difficult to protect the image from unauthorized use.

*Outcome Note:  
Recommendations 1 and 2: Accepted and  
assigned to Services Branch.*

DATE: June 3, 2015  
TO: Lawrence P. O'Dea III  
Chief of Police  
FROM: Mark Fulop  
Police Review Board Facilitator  
SUBJ: Police Review Board Recommended Findings



**CONFIDENTIAL**

The Police Review Board met on Wednesday, June 3, 2015, to review the following case:

IA Case Number: **2014-C-0321**

Employee: **Employee (Resigned)**

**Case Summary:** Complainant called [redacted] and asked to speak with a Officer 1 about Employee. The complainant spoke with Officer 1 and alleged the following: [redacted] met Employee on a call about eight months prior. Since then, [redacted] visited [redacted] at home multiple times, while on and off duty, the visits involved intimate sexual acts, and Employee frequently gave [redacted] money.

**Allegation #1:** *Employee engaged in sexual activity while on duty.*

**Recommended Finding:** Sustained/Unanimous

**Applicable Directives:** 310.00 – Conduct Professional; 311.00 – Duty Required

Opinion: After investigation, it was determined that the complainant in the case was credible and there was additional evidence to substantiate claims that Employee engaged in sexual activity while on duty. There was also evidence that Employee gave the complainant money on numerous occasions. Based on a preponderance of the evidence, it was determined that Employee engaged in sexual activity on and off duty, thereby violating policy.

**Allegation #2:** *Employee was untruthful to dispatch about [redacted] activities on [redacted] 2014.*

**Recommended Finding:** Sustained/Unanimous

**Applicable Directives:** 310.50 – Truthfulness

Opinion: The investigation revealed, that patrol car GPS data and other evidence supports that the allegation that when Employee said [redacted] was going to pick up a statement, [redacted] instead drove to complainant's hotel. This location was not in the [redacted] or en route to a call. Employee did not ask permission to leave the [redacted], and failure to do so does not meet the standard for truthfulness expected by the PPB.

**Recommendations:** Corrective Action/Discipline

**Termination/Unanimous**

Opinion: There was a unanimous recommendation that when considering both allegations Employee's actions fall into Category F. In addition, evidence that showed Employee's actions a repeated pattern of behavior, with a complainant who was a vulnerable citizen, further supported the recommendation.

Additional Recommendation

Voting Members unanimously recommended that a "Do Not Re-Hire" statement be added to Employee's Personnel file.

*Outcome Note:*

*Discipline: Employee resigned.  
Recommendation: Accepted and  
assigned to Police Human  
Resources.*

DATE: June 17, 2015  
TO: Christopher Paille  
Review Board Coordinator  
FROM: Anne Presentin  
Police Review Board Facilitator  
SUBJ: Police Review Board Recommended Findings



Bureau of Police  
Portland, Oregon

**INTER-OFFICE MEMORANDUM**

**CONFIDENTIAL**

The Police Review Board met on Wednesday, June 8, 2015, to review case 2015-B-0008.

IA Case Number: **2015-B-0008**

Employee: **[Employee #1]**

Case Summary: [Employee #1] was in [Employee #2]'s office when [Employee #1] tested [Employee #1]'s Taser before [Employee #1]'s shift. There was a cartridge in the Taser and the discharged probes struck the floor.

Allegation #1: *[Employee #1] negligently discharged [Employee #1]'s Taser while trying to test it.*

Recommended Finding: **Sustained / Five members**

Applicable Directive: **315.30 – Satisfactory performance**

Majority Opinion:

The Board unanimously recommended a sustained finding for the allegation because there were no undisputed facts: [Employee #1] negligently discharged a Taser while performing a spark test and the incident was witnessed by other employees.

Minority Opinion:

N/A

Allegation #2: *[Employee #1] did not notify a supervisor after negligently discharging [Employee #1]'s Taser.*

Recommended Finding: **Sustained / Five members**

Applicable Directive: **1051.00 – Electronic Control Weapon System**

Majority Opinion:

The Board unanimously recommended a sustained finding for the second allegation. Members agreed that directive section 6.1, which identifies employee responsibilities following Taser deployment, and section 6.4, which pertains to supervisory tasks following negligent discharge, were relevant. The directive requires a member to immediately notify an on-duty supervisor following deployment of an electronic control weapon. It is general practice for this and other specific directives to notify any supervisor on duty, regardless of whether it is the member's own supervisor

or a supervisory member of the same or higher rank. The incident did not get reported until [Employee #3] asked [Employee #1] about it four days later. The Board said [Employee #1], as a supervisor, has extra responsibilities than officers and is held to a higher standard. [Employee #1]'s credibility as a supervisor is weakened by not reporting the negligent discharge.

Minority Opinion:  
N/A

Recommendations:

Corrective Action/Discipline

Discipline Category: Category B / Five members

Corrective Action: 2 Days SWOP / Five members

Majority Opinion:  
Board members unanimously agreed [Employee #1]'s actions were consistent with Category B of the discipline guide: Conduct that has or may have a negative impact on operations or professional image of PPB; or that negatively impacts relationships with other officers, agencies or the public. They further agreed that corrective action of two days suspension without pay was appropriate because this was [Employee #1]'s second violation in two years and because of [Employee #1]'s rank as a supervisor. Members said [Employee #1] is knowledgeable of the directive and [Employee #1]'s failure to notify a supervisor showed a disregard for internal policies. Members reiterated that supervisors are held to a higher standard.

Minority Opinion:  
N/A

Other Recommendations

No additional recommendations.

*Outcome Note:  
Discipline: Employee retired.  
Recommendations: No actionable  
recommendations.*

DATE: July 13, 2015  
TO: Lawrence P. O'Dea III  
Chief of Police  
FROM: Mark Fulop  
Police Review Board Facilitator  
SUBJ: Police Review Board Recommended Findings



**CONFIDENTIAL**

The Police Review Board met on Wednesday, July 8, 2015, to review the following case:

IA Case Number: **2015-B-0003**

Employee: **Employee**

**Case Summary:** Employee worked a union overtime shift at the [redacted] on February 5th. They submitted an overtime slip showing that they worked 0900 to 1500. On February 9th, Police Administrative Support Specialist received an email from [redacted] and security. The email requested that the invoice show that "Employee was 45 minutes late for their shift at [redacted] on 2/5/15."

**Allegation #1:** *Employee arrived late to their scheduled union overtime shift.*

**Recommended Finding:** Sustained/ Unanimous  
**Applicable Directives:** 311.00—Duty Required

Opinion: Employee admitted to arriving late for the scheduled shift.

**Allegation #2:** *Employee inaccurately reported their hours on an overtime slip*

**Recommended Finding:** Sustained/Unanimous  
**Applicable Directives:** 210.30—Time Keeping and Overtime

Opinion: Employee admitted to incorrectly reporting their hours on the overtime slip.

**Allegation #3:** *Employee intentionally falsified their overtime slip, claiming more time than they actually worked.*

**Recommended Finding:** Not Sustained/Unanimous  
**Applicable Directives:** 310.50—Truthfulness

Opinion: Even though Employee admitted to arriving late for the shift and incorrectly reporting their hours on the overtime slip, they did not admit to doing so intentionally. Employee stated that the mistakes were accidental, and the investigation did not reveal evidence to the contrary. Without proof of intent, members were unable to sustain a finding related to truthfulness.

**Recommendations:** Corrective Action/Discipline

**1 Day SWOP/ 4 Voting Members  
Letter of Reprimand/1 Voting Member**

Majority Opinion: Given the timing of the incident and investigation, four voting members determined that without a sustained finding of Allegation #3, the most appropriate categorization within the discipline guide was Category B with aggravating factors. The board felt that the aggravating factors included Employee's documented performance deficiencies. The majority of the voting members agreed that most appropriate recommendation was 1 day SWOP.

Minority Opinion: Given the timing of the incident and investigation, 1 voting member determined that without a sustained finding of Allegation #3, the most appropriate categorization within the discipline guide was Category A with aggravating factors. According to this view, the minority view was a recommendation of a Letter of Reprimand.

*Outcome Note:*

*Discipline: One workday suspension without pay.*

*Recommendations: No actionable recommendations.*

DATE: August 7, 2015  
TO: Christopher Paillé  
Review Board Coordinator  
FROM: Anne Pressentin  
Police Review Board Facilitator  
SUBJ: Police Review Board Recommended Findings



**CONFIDENTIAL**

The Police Review Board met on Wednesday, July 29, 2015, to review the following case:

IA Case Number: **2015-B-0013**

Employees: **Employee #1  
Employee #2  
Employee #3  
Employee #4  
Employee #5  
Employee #6**

Case Summary: This is an internal review of an officer involved use of deadly force.

Administrative investigation into the circumstances surrounding the officer involved shooting at \_\_\_\_\_ on \_\_\_\_\_, 2015 involving Employee #1.

Area of review #1:

*The Application of Deadly Force*

Employee: **Employee #1**  
Recommended Finding: **In Policy / Seven members**  
Applicable Directive: **1010.00 – Use of Force**

Majority Opinion:

The Board unanimously recommended an In Policy finding. The two responding officers assessed the situation as they approached what they thought was a burglary call, quickly made a plan, and gave repeated verbal commands because the suspect did not show the suspect's hands. The suspect then armed the suspect with a knife and lunged at Employee #1. When the suspect made physical contact, Employee #1 created distance but the suspect continued advancing. Employee #1 believed the suspect created a threat of serious physical injury and had already shown intent to cause bodily harm.

Minority Opinion:  
N/A

Area of review #2:

*Use of Taser*

Employee: **Employee #2**  
Recommended Finding: **In Policy / Seven members**  
Applicable Directives: **1051.00 – Electronic Control Weapon System  
1010.00 – Use of Force**

Majority Opinion:

Members unanimously recommended a finding of In Policy for the actions taken by Employee #2 to deploy a Taser to end an active threat. The suspect had dropped the knife but remained standing after shots were fired by Employee #1, which created an ongoing threat of aggression, members said. Employee #2 maintained distance and cover for Employee #1 when deploying the Taser. Members noted Employee #2 used a less lethal form of force after the threat of serious physical injury to Employee #1 diminished.

Minority Opinion:

N/A

Area of review #3:

*Post shooting procedures*

Employee: **Employee #3**  
Recommended Finding: **In Policy / Seven members**  
Applicable Directive: **1010.00 – Post Shooting Use of Force Procedures**

Majority Opinion:

The Review Board unanimously recommended a finding of In Policy for the actions taken by Employee #3. The role of supervisors after an officer-involved shooting is to evaluate the extent of injuries and call for medical help, secure the scene for the investigation, locate witnesses and separate the involved officers. Members said all of the supervisors involved worked well together, assigned the necessary tasks and ensured their completion according to the directives. The supervisors were then able to brief higher ranking Bureau members when they arrived, allowing one to be the incident commander.

Minority Opinion:

N/A

Employee: **Employee #4**  
Recommended Finding: **In Policy / Seven members**  
Applicable Directive: **1010.00 – Post Shooting Use of Force Procedures**

Majority Opinion:

The Review Board unanimously recommended a finding of In Policy for the actions taken by Employee #4. The role of supervisors after an officer-involved shooting is to evaluate the extent of injuries and call for medical help, secure the scene for the investigation, locate witnesses and separate the involved officers. Members said all of the supervisors involved worked well together, assigned the necessary tasks and ensured their completion according to the directives. The supervisors were then able to brief higher ranking Bureau members when they arrived, allowing one to be the incident commander.

Minority Opinion:

N/A

Employee: **Employee #5**  
Recommended Finding: **In Policy / Seven members**  
Applicable Directive: **1010.00 – Post Shooting Use of Force Procedures**

Majority Opinion:

The Review Board unanimously recommended a finding of In Policy for the actions taken by Employee #5. The role of supervisors after an officer-involved shooting is to evaluate the extent of injuries and call for medical help, secure the scene for the investigation, locate witnesses and separate the involved officers. Members said all of the supervisors involved worked well together, assigned the necessary tasks and ensured their completion according to the directives. The supervisors were then able to brief higher ranking Bureau members when they arrived, allowing one to be the incident commander.

Minority Opinion:

N/A

Employee: **Employee #6**  
Recommended Finding: **In Policy / Seven members**  
Applicable Directive: **1010.00 – Post Shooting Use of Force Procedures**

Majority Opinion:

The Review Board unanimously recommended a finding of In Policy for the actions taken by Employee #6. The role of supervisors after an officer-involved shooting is to evaluate the extent of injuries and call for medical help, secure the scene for the investigation, locate witnesses and separate the involved officers. Members said all of the supervisors involved worked well together, assigned the necessary tasks and ensured their completion according to the directives. Employee #6 monitored the radio before arrival on scene, was able to be briefed and then assigned Employee #6 as the incident commander, as per directives.

Minority Opinion:

N/A

Recommendation:

The Review Board recommended unanimously that a crime scene diagram or map be included in the case file for review by members in advance of a PRB meeting.

Vote: 11 concur

*Outcome Note:*

*All actions found In Policy.*

*Recommendation: Accepted and assigned  
to Detectives Division.*

Rationale:

In addition to other information contained in the case file, use of a map or diagram of the incident scene to show relative distances will help Review Board members better understand the context of the actions taken by police bureau members, suspects and witnesses.

DATE: August 25, 2015  
TO: Christopher Paillé  
Review Board Coordinator  
FROM: Anne Pressentin  
Police Review Board Facilitator  
SUBJ: Police Review Board Recommended Findings



**CONFIDENTIAL**

The Police Review Board met on Wednesday, August 17, 2015, to review case 2015-C-0047.

IA Case Number: **2015-C-0047**

Employee: **Employee #1**

Case Summary: Complainant submitted an electronic complaint on behalf of a former client. The case was adjudicated; client pleaded No Contest to Attempt to Commit a Class C/Unclassified Felony.

Complainant wrote that Employee #1 arrested complainant's client and others because Employee #1 suspected they were smoking meth. Complainant has viewed the mobile audio/video (MAV) recording and said Employee #1 was rude and ultimately used physical force on complainant's client. Complainant wrote Employee #1 called Complainant's client an "idiot" and although Complainant's client told Employee #1 several times Suspect #1 was pregnant, Employee #1 still yelled at Suspect #1 to lie face down on the ground. Client was taken to the hospital with a black eye and bloody lip.

On [redacted] 2014, Suspect #1 (client) and others were arrested on numerous charges by Employee #1 and Employee #2, who were dispatched on subjects believed to be "doing drugs" in the [redacted].

Employee #1 chronicled that when Suspect #1 crushed and broke a meth pipe concealed under Suspect #1's right foot Employee #1 told Suspect #1, " ...I want to let you know you are being recorded so don't act like an idiot." Employee #1 also chronicled Suspect #1's resistance, to include biting down on the tip of Employee #1's finger, and Employee #1's subsequent use of force; specifically striking Suspect #1 in the mouth with a closed fist, which caused Suspect #1's mouth and nose to bleed. Employee #1 wrote that as Suspect #1 continued to resist, Employee #1 "delivered another closed right fist to Suspect #1's eye". Employee #1 wrote that as Employee #1 and Employee #2 directed Suspect #1 to get on Suspect #1's stomach, Suspect #1 told them Suspect #1 was pregnant. Employee #1 said this surprised [redacted] as Employee #1 saw no indication that Suspect #1 was. Employee #1 documented Suspect #1's continued resistance - "struggle" - and their efforts to handcuff Suspect #1.

Suspect #1 was checked by Portland Fire and then transported to Good Samaritan Hospital for further evaluation.

Allegation #1:

*Employee #1 was rude, calling Suspect #1 an "idiot".*

*Outcome Note:  
Chief O'Dea found Allegation #1 Not  
Sustained with a Debriefing.*

Recommended Finding: **Exonerated with debrief / five members  
Sustained / two members**

Applicable Directive: **310.40 – Courtesy (COURTESY)**

Majority Opinion:

Five members of the Board recommended a finding of exonerated with a debrief saying there were no questions as to the facts of the case and the courtesy directive had not been violated. However, they agreed that a debrief was necessary because the situation could have been handled differently to avoid escalation. Employee #1 and the suspect engaged in a tit for tat as result of Employee #1's word choice, which was not necessary and potentially instrumental in the officer's later use of force to control the situation.

Minority Opinion:

Two members recommended a finding of sustained. They said the back and forth between the suspect and Employee #1 was not respectful or courteous and should not have continued. The use of the word "idiot" was not a de-escalation tactic and not consistent with the Bureau's directive.

Allegation #2:

*Employee #1 used unnecessary physical force.*

*Outcome Note:  
Chief O'Dea found Allegation #2  
Exonerated with a Debriefing.*

Recommended Finding: **Exonerated / one member  
Exonerated with debrief / four members  
Not sustained / one member  
Not sustained with debrief / one member**

Applicable Directive: **1010.20 – Physical force (FORCE)**

Majority Opinion:

Four members recommended a finding of exonerated with a debrief saying the actions of Employee #1 were within policy to control the situation, arrest the suspect and bring the incident to an end. The officer and the suspect were in very close proximity, the suspect bit the officer and there was another suspect nearby. Given the situation, where Employee #1 used two punches to contain the suspect, members recommended a debrief.

Minority opinion 1:

One member recommended a finding of exonerated. The member said the delivery of two punches by the officer was within policy, given that the suspect was resisting arrest, had already bitten the officer and could bite again.

Minority opinion 2:

One member recommended a finding of not sustained because there was not sufficient evidence to draw a conclusion on the second punch. The member said the first punch was within policy. The member said the second punch

appeared to be delivered because of a perceived threat from other individuals involved in the incident.

Minority opinion 3:

One member recommended a finding of not sustained with a debrief. The member also said the first punch was justified under the physical force directive, but the second punch appeared to be a power struggle. The member said there was not enough information to recommend a different finding.

Recommendations:

Corrective Action/Discipline

Discipline Category: Category A / two members

Corrective Action: CC / two members

Majority Opinion:

Two members recommended discipline category A, "conduct that has or may have a minimal negative impact to operations or professional image of PPB," and corrective action of command counseling. They said the circumstances surrounding the incident were mitigating and command counseling provided an opportunity to talk about Bureau expectations for courtesy. (Corrective action was recommended by the two members who recommended a sustained finding for allegation 1.)

Minority Opinion:

N/A

Other Recommendations

No additional recommendations.

*Outcome Note:*

*Discipline: None.*

*Recommendations: No actionable recommendations.*

DATE: | September , 2015  
TO: Lawrence P. O'Dea III  
Chief of Police  
FROM: Mark Fulop  
Police Review Board Facilitator  
SUBJ: Police Review Board Recommended Findings



**CONFIDENTIAL**

The Police Review Board met on Monday, August 31 2015, to review the following case:

IA Case Number: **2015-C-0087**

Employee: **Employee**

Case Summary: Employee and Officer responded to a call with medical to the 10000 block of . On arrival, they assisted medical with getting Citizen to a gurney for transport by AMR. Citizen was uncooperative and was restrained by medical and fire personnel, but managed to break free of the restraints and kicked AMR EMT in the face. Employee punched Citizen once in the side of the head with a closed fist, and then held head down until the other folks were able to get completely restrained.

Allegation #1: *Employee used inappropriate force on Citizen while assisting AMR and fire personnel. (FORCE)*

Recommended Finding: **Exonerated / Four members  
Sustained / One member**

Applicable Directive: **1010.00 - Use of Force**

**Majority Opinion:**

The majority of the board agreed with Employee's assessment that when weighing the range of tactics (e.g., pepper spray, Taser) that were available against the proximity and safety of others that the decision to use force was a reasonable response that quickly resolved the escalating situation. Reaching this conclusion the majority of voting members voted to exonerate Employee for allegation #1.

**Minority Opinion:**

One individual found a sustained finding citing that the call had originally been a medical welfare check, not an arrest. Member questioned that the tactic employed by Employee had an equal chance of exacerbating the situation and potentially placed the Citizen and others at risk.

Allegation #2: *Employee did not notify a supervisor as soon as was practical after used force on a subject. (PROCEDURE).*

Recommended Finding: **Sustained / Unanimous**  
Applicable Directive: **940.00 – After Action Reports**

Majority Opinion:

The board, considering Employee's reasoning about why chose to delay in notifying a supervisor, concluded that the decision was outside of an officer's scope of responsibility. It was also noted that the procedures related to supervisory notification are clear in this regard. The decision that it was more expedient to notify supervisor at the hospital was not decision to make. Accordingly, there was a unanimous sustained finding.

Allegation #3: *Employee did not properly manage a confrontation with Citizen. (PROCEDURE).*

Recommended Finding: **Not Sustained, with debriefing / Unanimous**  
Applicable Directive: **315.30 – Satisfactory Performance**

Majority Opinion:

After discussing the tactical options available to Employee coupled with what was a fluid and fast-moving situation, the board members could not determine that the Employee failed to demonstrate satisfactory performance. However, several members questioned Employee's rapid consideration and rejection of options, in what must have been just seconds between seeing the EMT kicked in the face and decision to strike Citizen. The members unanimously voted that the allegation was not sustained but required debriefing.

Recommendations: Corrective Action/Discipline  
CC – Five Members  
LOR – One member

*Outcome Note:  
Corrective Action: Command  
Counseling administered.*

Majority Opinion:

The board recommended unanimously that Employee receive Command Counseling. Using the discipline guidelines, two members came to this conclusion through Category A, Presumptive, and three members through Category B, with mitigating factors. Presumptive factors included concern with Employee's thought process and lack of consideration that this was a medical welfare check and not an arrest incident. Mitigating factors included the apparent rapidly evolving sequence of events of the incident.

Minority Opinion:

In addition, the one member who found Sustained for allegation #1 recommended a letter of reprimand the discipline guideline Category C, mitigated by the apparent rapidly evolving sequence of events of the incident.

*Outcome Note:  
Recommendation: Accepted and  
assigned to Internal Affairs.*

Additional Recommendations

The members discussed that there was a discrepancy between the fact finder's recommendations, in which all three allegations were found to be sustained, and the RU manager's opinion that differed for two of the three allegations. While the board members discussed the allegations and had some questions, there was no formal procedure for allowing the fact finder to speak after initial presentation of facts before executive session. The board recommended that Chief O'Dea review PRB procedures regarding how the fact finder might contribute additional insights during the executive session when there are differing conclusions between the RU manager and the fact finder.

DATE: September 22, 2015  
TO: Lawrence P O'Dea III  
Chief of Police  
FROM: Mark Fulop  
Police Review Board Facilitator  
SUBJ: Police Review Board Recommended Findings



Bureau of Police  
Portland, Oregon

**INTER-OFFICE MEMORANDUM**

**CONFIDENTIAL**

The Police Review Board met on Thursday, September 10, 2015, to review the following case:

IA Case Number: **2015-B-0016 (Use of Deadly Force Review PPB Case # )**

Employee: **Employee #1  
Employee #2  
Employee #3  
Employee #4**

**Case Summary:** This is an internal review of an officer involved use of deadly force. It is an Administrative Investigation into the circumstances surrounding the officer involved shooting, involving Employee #1.

**Area of Review #1:** *The Application of Deadly Force*

**Recommended:** (Employee #1) In Policy/Unanimous  
**Applicable Directives:** Directive 1010.00 (Use of Force)

Opinion: Considering the standard that officers may use deadly force to protect themselves or others from what they reasonably believe to be an immediate threat of death or serious injury; and considering all relevant facts presented during the review, voting members believed that Employee #1's actions met this standard. Voting members unanimously agreed that Employee #1's actions met the standard and were In Policy.

**Area of Review #2:** *The Application of Less Lethal Shotgun*

**Recommended Finding:** (Employee #2) In Policy/Unanimous  
**Applicable Directives:** Directive 1050.00 (Less Lethal Weapons and Munitions)

Opinion: In assessing the situation, Employee #2's decision to use of a less lethal shotgun was the appropriate and prudent response to the rapidly unfolding situation. Members unanimously agreed that Employee #2's actions were In Policy.

**Area of Review #3:** *Operational Planning and Supervision*

**Recommended Finding:** (Employee #3) In Policy/Unanimous  
**Applicable Directives:** Directive: 315.30 (Satisfactory Performance)

Opinion: This case involved two related calls, and responses and tactics were well communicated and coordinated for staging, containment, and other commands given. It was very consistent with performance expectations related to operational planning and supervision of a rapidly changing tactical call. The board was unanimous in finding that Employee #3's actions were In Policy.

**Recommended Finding:** (Employee #2) In Policy/Unanimous  
**Applicable Directives:** Directive: 315.30 (Satisfactory Performance)

Opinion: This case involved two related calls, and responses and tactics were well communicated and coordinated for staging, containment, and other commands given. Employee #2 appropriately functioned in two compartmentalized roles (supervisor and less lethal operator) throughout the process and steps out of the supervisory role as soon as it was feasible. It was very consistent with performance expectations related to operational planning and supervision of a rapidly changing tactical call. The board was unanimous in finding that Employee #2's actions were In Policy.

**Area of Review #4:** *Post-Shooting Procedures*

**Recommended Finding:** (Employee #3) In Policy/Unanimous  
**Applicable Directives:** Directive: 1010.10 (Post Deadly Force Procedures)

Opinion: Throughout the entire call, there was clear communication of who was in charge. Following the incident, Employee #3 took charge of the post shooting procedures. Employee #3's performance was procedurally sound and consistent with policy. The Board was unanimous in finding Employee #3's performance In Policy.

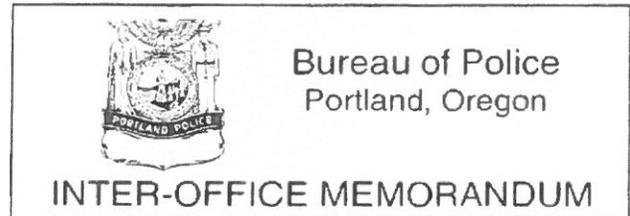
**Recommended Finding:** (Employee #4) In Policy/Unanimous  
**Applicable Directives:** Directive: 1010.10 (Post Deadly Force Procedures)

Opinion: Employee #4 performed in accordance with Post Deadly Force Procedures, including, on his own initiative returning to the scene and discussed what happened with residents, to put their minds at rest. It was expressed that these actions were appreciated. The Board unanimously found Employee #4 In Policy related to Post Deadly Force Procedures.

*Outcome Note:  
All actions found In Policy.  
Recommendations: No actionable items.*

**Recommendations:** No Additional Recommendations

DATE: November 4, 2015  
TO: Lawrence O'Dea  
Chief of Police  
FROM: Mark Fulop  
Police Review Board Facilitator  
SUBJ: Police Review Board Recommended Findings



**CONFIDENTIAL**

The Police Review Board met on Wednesday, November 4, 2015, to review the following case:

IA Case Number: **Internal Case Number** 2015-B-0021

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

**Case Summary:** The administrative investigation into the circumstances surrounding an officer involved use of deadly force that occurred in the area of . The incident occurred on 2015 at approximately hours.

**Area of Review #1:** *The Application of Deadly Force*

**Recommended Finding:** (Employee 1) In Policy/Unanimous  
**Applicable Directives:** Directive 1010.00 (Use of Force); 315.30  
(Satisfactory Performance)

Opinion: Voting Members unanimously found Employee 1's actions In Policy, based on Employee 1's reasonable belief that the suspect was attempting to kill partner. Employee 1 therefore met the standards of *Graham v. Connor* and applicable Directives.

**Area of Review #2:** *Post Shooting Procedures*

**Recommended Finding:** (Employee 2) In Policy/Unanimous  
**Applicable Directives:** Directive 1010.10 Post Deadly Force  
Procedures); 630.50 (Emergency Medical  
Aid)

Opinion: Voting members unanimously determined that Employee 2's decision to hold over the afternoon shift to ensure enough officers were available to respond to a complex incident, and subsequent actions were appropriate and In Policy. Voting Members' determination applied to both Post Deadly Force Procedures and Emergency Medical Aid.

**Recommended Finding:** (Employee 3) In Policy/Unanimous  
**Applicable Directives:** Directive 1010.10 Post Deadly Force  
Procedures); 630.50 (Emergency Medical  
Aid)

Opinion: Voting members unanimously determined that Employee 3's notification to BOEC and actions at the scene were appropriate and In Policy. Voting Members' determination applied to both Post Deadly Force Procedures and Emergency Medical Aid.

**Recommendations:**

No additional recommendations.

*Outcome Note:  
All actions found In Policy.  
Recommendations: No actionable  
items.*