

**Portland Police Bureau** \_\_\_\_\_

# **Police Review Board: Summaries and Reports**

**July 5, 2017-June 11, 2018**



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

# Police Review Board Cases with Final Dispositions

Publication: December 2018

Board Date	Case #	Final Outcome	Additional Information
7/5/2017	2016-B-0050	One Workday SWOP	<p>This case was referred to the PRB by the RU manager. The branch assistant chief, IPR, and IA concurred with the recommendation.</p> <p>Assistant Chief Wagenknecht agreed with the PRB's recommended findings and the PRB majority's recommended disciplinary action.</p>
8/16/2017	2017-B-0025	Two Workday SWOP	<p>This case was referred to the PRB by the RU manager. The branch assistant chief, IPR, and IA concurred with the recommendation.</p> <p>Chief Uehara agreed with the PRB's recommended findings and the PRB majority's recommended disciplinary action.</p>
8/16/2017	2017-B-0022	Two Workweek SWOP	<p>This case was referred to the PRB by the RU manager. The branch assistant chief, IPR, and IA concurred with the recommendation.</p> <p>Chief Uehara agreed with the PRB's recommended findings and the recommended disciplinary action of a two workweek suspension without pay made by two board members.</p> <p>Recommended action item addressed with update to Directive 330.00.</p>
9/20/2017	2017-B-0004	Three Workweek SWOP with One Year Probation	<p>This case was referred to the PRB by the RU manager. The branch assistant chief, IPR, and IA concurred with the recommendation.</p> <p>Assistant Chief Uehara agreed with the PRB's recommended findings and recommended disciplinary action. Chief Outlaw imposed discipline in the amount of a three workweek suspension without pay to include a one year probation.</p> <p>Recommended action item to be considered during implementation of a future version of the Bureau Discipline Guide.</p>

# Police Review Board Cases with Final Dispositions

Publication: December 2018

Board Date	Case #	Final Outcome	Additional Information
11/20/2017	2017-C-0158	LOR	<p>This case was referred to the PRB by the RU manager. The branch assistant chief, IPR, and IA concurred with the recommendation.</p> <p>Chief Outlaw agreed with the PRB's recommended findings and disagreed with the proposed disciplinary action of a LOR. Chief Outlaw proposed a One Workday SWOP.</p> <p>Chief Outlaw met with the employee during a predetermination meeting, considered the information provided by the employee and the facts of the case, and found Allegation 1 Unfounded. Chief Outlaw found it unreasonable to conclude the employee was still following the vehicle based upon the conditions at the time. Chief Outlaw found Allegation 4 Sustained.</p>
11/29/2017	2017-C-0077	Termination	<p>This case was referred to the PRB by the RU manager. The branch assistant chief, IPR, and IA concurred with the recommendation.</p> <p>Chief Outlaw agreed with the PRB's recommended finding.</p> <p>Discipline in this case was in conjunction with discipline in IA Case 2017-C-0325 (see page 3 of this report).</p>
1/25/2018	2016-B-0004	One Workday SWOP	<p>This case was referred to the PRB by the RU manager under City Code 3.20.140(B)(1)(d). The branch assistant chief, IPR, and IA concurred with the recommendation.</p> <p>Chief Outlaw sustained Allegations 1 and 3 for violations of Directive 310.00 only. Chief Outlaw reached a finding of Unfounded for Allegation 2. Chief Outlaw agreed with the PRB's recommended findings for Allegations 4-6.</p> <p>Recommendation assigned to the Professional Standards Division.</p>
1/29/2018	2017-B-0034	One Workweek SWOP	<p>This case was referred to the PRB by the RU manager. The branch assistant chief, IPR, and IA concurred with the recommendation.</p> <p>Chief Outlaw agreed with the PRB majority's recommended findings and the board majority's recommended disciplinary action.</p> <p>Recommendation assigned to the Professional Standards Division.</p>

# Police Review Board Cases with Final Dispositions

Publication: December 2018

Board Date	Case #	Final Outcome	Additional Information
2/14/2018	2016-B-0036	Retired	<p>This case was referred to the PRB by the RU manager under City Code 3.20.140(B)(1)(d). The branch assistant chief, IPR, and IA concurred with the recommendation.</p> <p>Chief Outlaw agreed with the PRB majority's recommended findings.</p> <p>Recommendation assigned to Services Branch and completed.</p>
2/22/2018	2017-C-0203	One Workday SWOP	<p>This case was referred to the PRB by the RU manager. The branch assistant chief, IPR, and IA concurred with the recommendation.</p> <p>Chief Outlaw agreed with the PRB's recommended findings and recommendation for discipline.</p>
2/22/2018	2017-C-0325	Termination	<p>This case was referred to the PRB by the RU manager. The branch assistant chief, IPR, and IA concurred with the recommendation.</p> <p>Chief Outlaw agreed with the PRB's recommended findings and the board majority's recommendation for disciplinary action.</p> <p>Discipline in this case was in conjunction with discipline in IA Case 2017-C-0077 (see page 2 of this report).</p>
4/9/2018	2017-B-0036	All Actions In Policy	<p>This case required a mandatory administrative review under City Code 3.20.140(B)(1)(c).</p> <p>Chief Outlaw agreed with the PRB's recommended findings.</p> <p>Recommendation assigned to the Training Division.</p>
5/10/2018	2017-C-0147	Resigned	<p>This case was referred to the PRB by the RU manager. The branch assistant chief, IPR, and IA concurred with the recommendation.</p> <p>Chief Outlaw agreed with the PRB's recommended findings and recommendation for disciplinary action.</p> <p>Recommendations assigned to the Personnel Division.</p>

# Police Review Board Cases with Final Dispositions

## Publication: December 2018

Board Date	Case #	Final Outcome	Additional Information
5/17/2018	2018-B-0006	One Workweek SWOP	<p>This case was referred to the PRB by the RU manager. The branch assistant chief, IPR, and IA concurred with the recommendation.</p> <p>Chief Outlaw agreed with the PRB's recommended findings and the recommendation for disciplinary action in the amount of a one workweek suspension without pay.</p> <p>Additional concern noted under the recommendation section not assigned as an action item.</p>
5/30/2018	2017-B-0042	All Actions In Policy	<p>This case required a mandatory administrative review under City Code 3.20.140(B)(1)(c).</p> <p>Chief Outlaw agreed with the PRB's recommended findings.</p> <p>Recommendation pending assignment.</p>
6/11/2018	2018-B-0002	Retired	<p>This case was referred to the PRB by the RU manager. The branch assistant chief, IPR, and IA concurred with the recommendation.</p> <p>Deputy Chief Day agreed with the PRB's recommended finding for Allegation 1, the PRB majority's recommendation for Allegation 2 (Not Sustained).</p>

DATE: July 19, 2017  
TO: Christopher Paillé  
Review Board Coordinator  
FROM: Mark Fulop  
Police Review Board Facilitator  
SUBJ: Police Review Board Recommended Findings



**CONFIDENTIAL**

The Police Review Board met on July 05, 2017, to review the following case:

IA Case Number:                   **Internal Case Number**   2016-B-0050

Employee:                           **Employee 1**

**Summary of Alleged Complaint:**

Employee 2 approached Employee 3 to discuss emails and text messages that Employee 1 was sending to Employee 4. The communications were disparaging in nature with regards to [REDACTED] Employee 4. The messages also included information that made [REDACTED] and Employee 4 believe that Employee 1 was talking to other officers about [REDACTED] and tracking them on CAD. Employee 4 provided text messages and emails sent by Employee 1. The messages appeared to confirm Employee 2's and Employee 4's concerns. Employee 3 brought the information forward to the Internal Affairs Division.

Allegation #1:                   *Employee 1 bullied Employee 4 when [REDACTED] repeatedly threatened [REDACTED] reputation in person and in text. (CONDUCT)(Directives 315.00 – Laws, Rules and Orders: HRAR 5.01 – Discipline – Bullying)*

Recommended Finding:   Sustained / Unanimous  
Applicable Directive:   315.00 – Laws, Rules and Orders; HRAR 5.01 –  
Discipline - Bullying

**Majority Opinion:**

A reviewing the facts of the case in the context of the applicable directive, the board determined that the actions of Employee 1 demonstrated a systematic, ongoing pattern that met the definition of bullying. The voting members also considered the line between personal and professional activities as the case involved actions taken by Employee 1 both on and off duty. Voting members believed that Employee 1 engaged in bullying behavior and blurred the line between personal and professional conduct. After considering all of the evidence the voting members unanimously sustained Allegation #1.

Allegation #2:                   *Employee 1 shared disparaging information about Police Bureau members with other members. (CONDUCT)(Directive 310.00 – Conduct, Professional)*

Recommended Finding:   Not Sustained w/Debrief / Unanimous  
Applicable Directive:   310.00 – Conduct, Professional

Majority Opinion:

Evidence suggests that Employee 1 had made negative comments about Employee 2 in front of other officers. However, after reviewing all of the facts of the case, the voting members believed that there was insufficient evidence to sustain Allegation #2. However, the members believed that Employee 1 comments, coupled with [REDACTED] directing comments towards officers from the vantage of [REDACTED] higher rank [REDACTED] warranted a debrief. As a result, the voting members unanimously determined that Allegation #2 was not sustained with a debrief.

Allegation #3:

*Employee 1 used [REDACTED] position as a [REDACTED] [REDACTED] to obtain information about [REDACTED] (CONDUCT)(Directive 310.00 – Conduct, Professional)*

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

Majority Opinion:

In reviewing the facts, it was clear that Employee 1 made the call from a personal cell phone, while off duty, and the information that [REDACTED] sought was public information provided by the [REDACTED] to citizens. The voting members voted unanimously that for Allegation #3 the finding was exonerated.

Allegation #4:

*Employee 1 was unprofessional when [REDACTED] had friends check up on Employee 4 by driving past a house to see if Employee 4 was there. (CONDUCT)(Directives 310)*

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

Majority Opinion:

After reviewing the facts of the case, the board concluded that there was no indication that Employee 1 made the request on Bureau time and that having a civilian friend drive by [REDACTED] house was not a violation of policy. The voting members unanimously determined a finding for Allegation #4 of exonerated.

Allegation #5:

*Employee 1 used PPB resources to gain personal information of another officer (CONDUCT) (Directives 310.00 – Conduct, Professional; 317.40 – Authorized Use of Bureau Resources)*

Recommended Finding: Exonerated / Unanimous  
Applicable Directive: 310.00 – Conduct, Professional; 317.40 – Authorized Use of Bureau Resources

Majority Opinion:

The voting members discussed the appropriate use of CAD, and in reviewing the evidence determined Employee 1 had not improperly accessed Bureau resources to obtain personal information on another officer. Viewing a list of employees' birthdays for the month of [REDACTED] is not an inappropriate activity nor was the accessed information confidential. In light of the facts of the case, the board unanimously determined an exonerated finding for Allegation #4.

Recommendations:

Corrective Actions/Discipline

One Day SWOP / Three members  
LOR / Two members

Majority Opinion:

Three members believed that for Allegation #1, Category C best described Employee 1 misconduct. Based on the facts presented, it was their opinion that [REDACTED] bullying and intimidating behavior could have a pronounced negative impact on operations. The three voting members considered the personal, [REDACTED] connections as potential mitigating factors but also considered the rank of Employee 1 imposing on lower ranked officers as an aggravating factor, as well as [REDACTED] lack of self-reflection about [REDACTED] decision making related to the incident. This discussion brought the three voting members to a presumptive recommendation of One Day SWOP.

Minority Opinion:

Two members found that Category B was most appropriate for Allegation #1. The members noted that [REDACTED] said their performance had not been affected by Employee 1's behavior and that [REDACTED] actions did not rise to the level of a pronounced negative impact on operations. It was also discussed that the incident was primarily a personal issue, and the two members did not feel the finding met the criteria of Category C. As with the majority, they agreed that the rank difference was an aggravating factor, and the fact of the [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] was a mitigating factor. For these reasons, the two members arrived at a recommended presumptive action of a LOR.

No other recommendations.

DATE: August 29, 2017  
TO: Christopher Paillé  
Review Board Coordinator  
FROM: Mark Fulop  
Police Review Board Facilitator  
SUBJ: Police Review Board Recommended Findings



**CONFIDENTIAL**

The Police Review Board met on August 16, 2017, to review the following case:

IA Case Number: **Internal Case Number** 2017-B-0025

Employee: **Employee**

Summary of Alleged Complaint:

Employee provided conflicting statements to ■ sergeant about a pursuit. Employee's statements were also contradicted by a community member witness. After being involved in the pursuit, Employee failed to submit a report at the end of ■ shift. Using Employee 2's account credentials, Employee logged in to a report writing system and submitted a report.

Allegation #1: *Employee provided conflicting statements to ■ Sergeant when questioned about ■ actions during ■ pursuit on ■ ■ 2017. (CONDUCT) (Directive 310.50 – Truthfulness)*

Recommended Finding: **Not Sustained/Five members**  
Applicable Directive: **310.50 – Truthfulness**

Majority Opinion:  
In reviewing the facts of the case, the members discussed the apparent discrepancies of Employee's accounts and attributed them to the different contexts in which the statements were made. An initial overview may reasonably lack details and clarity that the subsequent discussion of the incident might contain. The voting members determined that there was not a preponderance of evidence that would support the allegation of a lack of truthfulness. The unanimous vote of the members was not sustained for this allegation.

Allegation #2 *Employee inappropriately engaged in a pursuit. (CONDUCT) (Directive 630.05 – Vehicle Pursuits)*

Recommended Finding: **Sustained/Five members**  
Applicable Directive: **630.05 – Vehicle Pursuits**

Majority Opinion:  
Employee confronted the driver of a truck about potential illegal dumping and, as the truck fled the scene, Employee initiated and announced over the

radio that ■ was in pursuit of the truck. Several members saw the initiation of pursuit as possibly justified but discussed how Employee failed to properly evaluate the risk of continuing the pursuit. Furthermore, by not providing radio updates and not terminating the pursuit after being instructed to do so, the voting members determined that Employee violated Directive 630.05. The voting members unanimously sustained the allegation.

Allegation #3:

*Employee failed to follow the orders of ■ sergeant when ■ was directed to finish ■ report by the end of ■ shift. (CONDUCT) (Directive 315.00 – Laws, Rules and Orders)*

Recommended Finding: **Sustained/Four members  
Not Sustained/1 member**

Applicable Directive: **315.00 – Laws, Rules and Orders**

Majority Opinion:

In reviewing the facts of the case there was discussion whether or not Employee understood Employee 3's direction to submit a report by the end of the shift. Four members found Employee 3's account of ■ direction credible and, supported by Directive 315.00, the four members sustained this allegation.

Minority Opinion:

One member believed that the communication between Employee 3 and Employee was essentially one person's word against the other person's word. Citing the lack of communication clarity, this member did not sustain this allegation.

Allegation #4

*Employee failed to complete ■ report concerning the pursuit ■ was in by the end of ■ shift. (PROCEDURE) (Directive 910.00 – Field Reporting Handbook Instructions; 630.05 – Vehicle Pursuits)*

Recommended Finding: **Sustained/Five members**

Applicable Directive: **630.05 – Vehicle Pursuits, 910.00 – Field Reporting Handbook Instructions**

Majority Opinion:

The voting members discussed how regardless of the communication between Employee and Employee 3, the applicable directives are clear that a report concerning the pursuit was required by the end of the shift unless permission is granted for a holdover period. Employee acknowledged that ■ did not seek permission for a holdover. The voting members unanimously sustained this finding.

Allegation #5

*Employee inappropriately used Employee 2's credentials to log onto a Portland Police Bureau computer system and submit a report for Employee 2. (CONDUCT) (Directive 317.40 – Authorized Use of Bureau Resources)*

Recommended Finding: **Sustained/Five members**

Applicable Directive: **317.40 – Authorized Use of Bureau Resources**

Majority Opinion:

While Employee's rationale was to help out Employee 2 in submitting a report, the voting members concluded that, in spite of [REDACTED] intentions, Employee's actions were in clear violation of policy. Using [REDACTED] partner's credentials to log into the system is a violation, further compounded by entering a police report in someone else's name. The voting members unanimously sustained this allegation.

Recommendations:

Corrective Actions/Discipline

**Two Day SWOP – Four members**

**One Day SWOP – One member**

Majority Opinion: Four voting members arrived at Category D, presumptive, given that Employee's actions during and after the pursuit demonstrated behavior contrary to the values of the PPB. Commensurate with that category, the four members recommended a 2-day SWOP.

Minority Opinion: One member arrived at Category D for the same reasons cited by the majority but believed that Employee's intentions appeared genuine, even if they did not represent the best decision-making process. This voting member recommended the mitigated corrective action of a 1-day SWOP.

No other recommendations.

DATE: August 29, 2017  
TO: Christopher Paillé  
Review Board Coordinator  
FROM: Mark Fulop  
Police Review Board Facilitator  
SUBJ: Police Review Board Recommended Findings



**CONFIDENTIAL**

The Police Review Board met on August 16, 2017, to review the following case:

IA Case Number: **Internal Case Number 2017-B-0022**

Employee: **Employee**

**Summary of Alleged Complaint:**

Employee was arrested for Driving Under the Influence of Intoxicants (DUII). Employee did not immediately report [REDACTED] arrest to [REDACTED] supervisor.

Allegation #1: *While off duty, Employee was driving under the influence of intoxicants. (CONDUCT) (Directives 310.00 – Conduct Professional, 315.00 – Laws, Rules and Orders)*

Recommended Finding: **Sustained/Five members**

Applicable Directive: **310.00 – Conduct, Professional  
315.00 – Laws, Rules and Orders**

**Majority Opinion:**

The members reviewed the facts supporting the allegation that included Employee's statement and the physical evidence of two separate breath samples that were both above the legal limit for intoxication. Employee was also cited by the [REDACTED] [REDACTED] [REDACTED] for DUII. Based on these facts, the voting members unanimously sustained this allegation.

Allegation #2 *Employee did not notify [REDACTED] supervisor at the earliest possible time after being arrested for DUII. (PROCEDURE) (Directive 330.00 – Criminal Investigations of Police Bureau Employees)*

Recommended Finding: **Sustained/Five members**

Applicable Directive: **330.00 – Criminal Investigations of Police Bureau Employees**

Majority Opinion: Several members noted that the wording of this allegation did not precisely match the specific section of Directive 333.00. The wording informed a recommendation made related to a revision of the

Directive but did not prevent the board from making a determination for this allegation. While one member said it was plausible for Employee to assume ■ didn't need to self-report after the union had contacted ■ another member noted that Employee was not simply late in reporting to ■ supervisor but that ■ never reported the incident at all. After reviewing the findings, the voting members determined that Employee failed to report to ■ supervisor and that Employee admitted as much in ■ interview. The voting members unanimously sustained this allegation.

Recommendations:

Corrective Actions/Discipline

Opinion: Two voting members arrived at category E, first violation, presumptive. Considering Employee's past performance, while not mitigating, steered the members to recommend a 1-week SWOP.

Opinion: Two other members arrived at category E, presumptive and considered the second sustained violation in recommending a 2-week SWOP.

Opinion: One voting member arrived category E and believed Employee past performance as a ■ coupled with the totality of the facts were aggravating circumstances. This member recommended a 3-week SWOP.

Other Recommendation:

The members recommended that language be clarified in Directive 330.00 to make consistent the language related to the timing of member notification to their supervisor related to the actions addressed by this directive.

DATE: October 4, 2017  
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, September 20, 2017, to review the following case:

IA Case Number: **2017-B-0004**

Employee: **Employee #1**

**Summary of Alleged Complaint:**

Employee #1 made derogatory and negative comments [REDACTED]. The comments were reported through channels. During discussions about the reported comments, it was reported that Employee #1 made a derogatory comment about a specific employee in a separate incident.

Allegation #1 Employee #1 made a remark about a officer at [REDACTED] using sexually profane foul language.

Employee: **Employee #1**

Recommended Finding: **Sustained / Five members**

Applicable Directives: Directives 310.00 – Conduct, Professional; 310.40 – Courtesy; 315.00 – Laws, Rules and Orders; and Human Resources Administrative Rule 2.02 – Prohibition Against Workplace Harassment, Discrimination and Retaliation (CONDUCT)

The Police Review Board unanimously recommended a sustained finding after hearing the results of the investigation. Members agreed that one witness heard the remarks and said they believed inappropriate statements were made.

Allegation #2 Employee #1 was unprofessional [REDACTED]

Employee: **Employee #1**

Recommended Finding: **Sustained / Five members**

Applicable Directives: Directives 310.00 – Conduct, Professional (CONDUCT)

The Police Review Board unanimously recommended a sustained finding saying Employee #1 did not exhibit professional conduct [REDACTED]. Members noted that several people witnessed statements made by Employee

#1 and were taken aback with [REDACTED] comments that contained profane language and were critical of command decisions related to [REDACTED]. Board members said supervisors are expected to respectfully [REDACTED]

Recommendations:

Corrective Action/Discipline

Employee: **Employee #1**

Corrective Action: **Demotion / Five members**

The Police Review Board unanimously said the behavior exhibited by Employee #1 was consistent with category E of the discipline guide, "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." The members said the last element, "adverse impact...to the professionalism of the PPB," was the most applicable, and they said the behavior also demonstrated a lack of personal professionalism. They further recommended demotion as corrective action because this was the second violation of directive 310.00 (conduct, professional) in seven years. The previous violation was similar in nature and involved the same employee. Members also said past counseling and discipline did not result in improved behavior, and the behavior is not consistent with the way the Bureau expects supervisors to act. One member said the City could be liable for any future violations conducted by Employee #1 if Employee #1 were to remain a supervisor. Another questioned Employee #1's judgment, saying that Employee #1 was in denial about the situation and should not be a supervisor.

Other Recommendations

Description:

Edit the seventh example in Category E of the discipline guide to state "supervisor failing to take action on or committing a 2.02 violation."

Vote: Unanimous (5)

Rationale:

Board members said a supervisor who violates Human Resources Administrative Rule 2.02 (Prohibition Against Workplace Harassment, Discrimination and Retaliation) adversely affects the professionalism of the Bureau. Supervisors are required to be knowledgeable and report violations of HRAR 2.02, and should be held to a higher standard. Board members said committing an HRAR 2.02 violation should be in the same discipline category as failing to report a violation.

DATE: December 4, 2017  
TO: Danielle Outlaw  
Chief of Police  
FROM: Mark Fulop  
Police Review Board Facilitator  
SUBJ: Police Review Board Recommended Findings



**CONFIDENTIAL**

The Police Review Board met on November 20<sup>th</sup>, 2017, to review the following case:

IA Case Number: **Internal Case Number 2017-C-0158**

Employee: **Employee**

**Summary of Alleged Complaint:**

Employee re-initiated a pursuit after the pursuit was terminated. Employee then used force against Suspect and failed to notify ■ supervisor of the force event. The supervisor learned of the force only after reading Employee's report. This did not allow the sergeant to conduct an adequate 940.00 investigation into the force used at the scene of the incident.

Allegation #1: *Employee violated the Vehicle Pursuit Policy while pursuing Suspect (PROCEDURE) (Directive 630.05 – Vehicle Pursuits)*

Recommended Finding: **Sustained / Five members**  
Applicable Directive: **Directive 630.05 – Vehicle Pursuit**

Majority Opinion:  
In reviewing the findings of the case, there was a discussion about when a pursuit is considered disengaged, and what changes in circumstances warrant an officer to re-engage in a pursuit. In reviewing this incident, the voting members reasoned that when Employee disengaged from the pursuit by turning off ■ lights and siren and resumed the pursuit of the suspect with no substantive change in the circumstances, that Employee violated the applicable directive. The voting members unanimously sustained allegation 1.

Allegation #2: *Employee failed to tell other officers on the pursuit ■ attempted a PIT maneuver that was not successful. (PROCEDURE) (Directive 630.05 – Vehicle Pursuits)*

Recommended Finding: **Not Sustained / Five members**  
Applicable Directive: **Directive 630.05 – Vehicle Pursuits**

Majority Opinion:  
In reviewing the facts supporting allegation 2, the voting members believed that there was evidence that Employee did attempt to communicate ■ intention to attempt a PIT maneuver. It was observed that Employee

believed ■ radio was working when ■ called in about the pursuit and interviews supported ■ account. The voting members believed that there was not a preponderance of evidence for this finding and were unanimous in that allegation 2 was not sustained.

Allegation #3:

*Employee used inappropriate force on Suspect when ■ punched ■ in the head. (FORCE) (Directive 1010.00 – Use of Force)*

Recommended Finding: **Exonerated / Five members**  
Applicable Directive: **Directive 1010.00 – Use of Force**

Majority Opinion:

At the time of the stop, the suspect was not responding to commands and struggled with the Employee as ■ was being removed from ■ car. It was also noted that the custody was taking place on a dangerous freeway overpass with moving traffic below. Employee described ■ reasoning and actions in interviews and reiterated ■ statements to the Board. Given that the force was a single blow, sufficient to gain custody if the suspect, the members unanimously believed that Employee's actions were in policy and arrived at a finding of exonerated for allegation 3.

Allegation #4:

*Employee failed to report ■ use of force to ■ sergeant as required. (PROCEDURE) (Directives 1010.00 – Use of Force; 940.00 – After Action Reports)*

Recommended Finding: **Sustained / Five members**  
Applicable Directives: **Directives 1010.00 – Use of Force**  
**Directive 940.00 – After Action Reports**

Majority Opinion:

In reviewing the facts of the case, Employee admits to not reporting the use of force to ■ sergeant. While ■ documented the use of force in ■ report and FDCR, ■ stated that not reporting the use of force to ■ sergeant was a mistake in following the policy. For this reasoning, the voting members unanimously sustained allegation 4.

Recommendations:

Corrective Actions/Discipline

LOR – Five members

Majority Opinion:

The members agreed that the sustained findings appropriately fell into Category C of the discipline guide. The voting members considered as mitigating factors, Employee's acceptance of responsibility for ■ actions, ■ lack of previous discipline history, and positive assessments of ■ past performance and the voting members unanimously recommended Category C, 1<sup>st</sup> violation, mitigated to a LOR.

No additional recommendations.



Members discussed that the findings suggest that Employee did not perceive the gravity of ■ comments and inappropriately used of ■ position as an officer. It was also suggested that, even a year later, Employee still has not taken responsibility for the incident or learned from ■ actions. The presumptive discipline for a Category B violation would be a LOR, but the members agreed that the failure of Employee to take responsibility for ■ actions and learn from the incident were aggravating circumstances. For these reasons, the members voted unanimously for Category B, aggravated, one-day SWOP.

No other recommendations.

DATE: February 12, 2018  
TO: Danielle Outlaw  
Chief of Police  
FROM: Mark Fulop  
Police Review Board Facilitator  
SUBJ: Police Review Board Recommended Findings



**CONFIDENTIAL**

The Police Review Board met on January 25, 2018, to review the following case:

IA Case Number: **2016-B-0004**

Employee: Employee 1

Summary of Alleged Complaint: Employee 1 behaved in a discourteous manner in the presence of colleagues in the [REDACTED] at various points between November 2015 and February 2016.

Allegation #1: *Employee 1 was discourteous to Employee 2, a peer, when [REDACTED] said "[REDACTED] [REDACTED]" as [REDACTED] performed [REDACTED] duties [REDACTED].*

Recommended Finding: Not Sustained with Debrief / 3 voting members Sustained / 2 voting members

Applicable Directives: **310.00—Conduct, Professional**  
**344.00—Compliance with Human Resources**  
**Administrative Rules**  
**HR Administrative Rule 2.02**

Majority Opinion: After reviewing the findings, three voting members did not believe that there was a preponderance of evidence to suggest that Employee 1's comments violated the policy. The three voting members found this allegation to be not sustained. Due to the nature of the allegation the three voting members recommended that the incident debriefed to reinforce the expectations of the Portland Police Bureau regarding the applicable directives.

Minority Opinion: Two voting members believed there was sufficient evidence to suggest that Employee 1's conduct constituted gender-based stereotyping, a violation of administrative rule 2.02, which prohibits workplace harassment, discrimination and retaliation.

Allegation #2:

*Employee 1 asked Employee 2 to [REDACTED]  
Employee 2 perceived this assignment to be gender-based and that  
Employee 1 was insinuating [REDACTED] was not physically capable of [REDACTED] [REDACTED]*

Recommended Finding: Exonerated / 4 voting members  
Exonerated with Debrief / 1 voting members

Applicable Directives: **310.00—Conduct, Professional**  
**344.00—Compliance with Human Resources**  
**Administrative Rules**  
**HR Administrative Rule 2.02**

Majority Opinion: In reviewing the findings, the 4 voting members believed that there no evidence to suggest that Employee 1 violated the referenced directives. They believe that Employee 1 made this assignment in accordance with training and without regard to gender. All five members voted to exonerate Employee 1 for this allegation.

Minority Opinion: One voting member Exonerated the allegation but noted that the topic should be debriefed to emphasize being sensitive in framing [REDACTED] directions and clear in [REDACTED] communication of the directions.

Allegation #3:

*During another conversation about [REDACTED] Employee 1 said something to Employee 2 along the lines of [REDACTED] [REDACTED] "Several witnesses to the exchange said Employee 1 was frustrated and speaking figuratively.*

Recommended Finding: Not Sustained with Debrief / Unanimous

Applicable Directives: **310.00—Conduct, Professional**  
**344.00—Compliance with Human Resources**  
**Administrative Rules**  
**HR Administrative Rule 2.02**

Opinion: In reviewing the evidence the context portrayed by those interviewed did not rise to the level of violating the applicable directives. All five voting members felt that this allegation was not sustained. However, while they agreed that Employee 1 was not seriously threatening or acting in a demeaning way towards Employee 2, the voting members recommended that the incident should be debriefed to ensure Employee 1 understands why [REDACTED] comment fail to meet the Portland Police Bureau's high standards.

Allegation #4:

*Employee 1 and Employee 2 were [REDACTED] together. Employee 1 arrived late and told a visibly annoyed Employee 2 that [REDACTED] did not [REDACTED] about [REDACTED] case.*

Recommended Finding: Not Sustained / unanimous

Applicable Directives:     **310.00—Conduct, Professional**  
                                      **344.00—Compliance with Human Resources**  
                                      **Administrative Rules**  
                                      **310.40—Courtesy**  
                                      **HR Administrative Rule 2.02**

Opinion: In discussing the findings, the voting members agreed that there was not a preponderance of evidence to sustain this allegation. All five voting members voted against sustaining this allegation, due to conflicting witness statements and a lack of substantiating information.

Allegation #5:

*Seeing a [REDACTED] [REDACTED] [REDACTED] Employee 1 made a remark along the lines of [REDACTED]*

Recommended Finding:     Sustained / unanimous

Applicable Directives:     **310.00—Conduct, Professional**  
                                      **344.00—Compliance with Human Resources**  
                                      **Administrative Rules**  
                                      **HR Administrative Rule 2.02**

Opinion: In reviewing the findings, it was clear that Employee 1 made the referenced statement and, at the time of making the statement [REDACTED] did not believe [REDACTED] intention was to be unprofessional. Regardless of [REDACTED] intention, the five voting members agreed that this remark violated the cited directives, which prohibit workplace harassment, discrimination and retaliation. The five voting members unanimously sustained this allegation.

Allegation #6:

*Employee 1 continued to make demeaning comments to Employee 2 in the workplace after [REDACTED] asked [REDACTED] to stop.*

Recommended Finding:     Not Sustained / unanimous

Applicable Directives:     **310.00—Conduct, Professional**  
                                      **344.00—Compliance with Human Resources**  
                                      **Administrative Rules**  
                                      **HR Administrative Rule 2.02**

Opinion: All five voting members voted not sustained for this allegation. They based their conclusion on the totality of the allegations, the timeline of the referenced incidents and the inconsistencies between some of the findings. The members felt that there was not a preponderance of evidence that Employee 1's continued to make comments after the conversation between [REDACTED] and Employee 2.

Recommendations:

Corrective Actions/Discipline

**LOR (2 Voting Members)**  
**1 Day SWOP (1 Voting Members)**

**2 Day SWOP (2 Voting Members)**

Two voting members recommend that Employee 1 receive a Letter of Reprimand. The two voting members based their placing the sustained findings in Category C, mitigated by Employee 1's positive performance record, willingness to take responsibility for ■ behavior. The two discussed that while the sustained allegation was for an administrative rule 2.02 violation, that the details of this case suggest that a category C classification better reflects the appropriate corrective action.

One voting member recommends that Employee 1 be suspended for 1 day without pay based on Category D of the discipline guide based on the fact that the violation involved administrative rule 2.02. The voting member felt that the discipline was mitigated by Employee 1's positive performance record, and willingness to take responsibility for ■ behavior.

Two voting members recommend a two-day SWOP. The two voting members were considering two sustained allegations and, based on Category D of the discipline guide, believed that the presumptive category was the appropriate corrective action.

**Additional Recommendations:**

The voting members understand the investigatory process and discipline guide are under review and recommend expediting this review as well as communicating with Bureau staff the regarding the progress of this review and potential changes to prevent confusion and increase morale.

DATE: February 12, 2018  
TO: Danielle Outlaw  
Chief of Police  
FROM: Mark Fulop  
Police Review Board Facilitator  
SUBJ: Police Review Board Recommended Findings



**CONFIDENTIAL**

IA Case Number: **2017-B-0034**

Employee: Employee

Summary of Alleged Complaint:

■■■■ command staff attempted to facilitate the transfer of evidence in a child abuse case to a detective who needed that evidence for court. In doing so, command discovered that Employee stored copies of evidence of child abuse at ■■■■ home.

Allegation #1: *Employee made copies of evidence related to child pornography which ■■■■ stored at ■■■■ home.*

Recommended Finding: Sustained / 4 Voting Members  
Not sustained / 1 Voting Member

Applicable Directive: **660.10—Property and Evidence Procedure;**  
**310.00—Professional Conduct**

Majority Opinion: Four voting members sustained the allegation as a violation of the evidentiary procedure and professional conduct directives. In reaching their opinion, they considered that there are times when maintaining “mirror copies” of evidence might be appropriate during an investigation. In this case, however, the four voting members felt that Employee’s removing copies of evidence from multiple sensitive cases and storing the evidence in ■■■■ home was not within the policy boundaries.

Minority Opinion: One voting member did not sustain the allegation. This voting member concluded that the version of the images stored at Employee’s home was not original evidence and was analogous to copies of case files that is allowable under the applicable directives.

Allegation #2: *Employee failed to properly secure evidence of child abuse.*

Recommended Finding: Sustained / 4 Voting Members  
Not sustained / 1 Voting Member

Applicable Directive: **640.30—Child Abuse Investigations; 310.00—**  
**Professional Conduct**

Majority Opinion: Four Voting Members sustained the allegation based on

the conclusion that the mirror image hard drives could be used to prove guilt and had evidentiary value. Further, Employee said in [REDACTED] interview that [REDACTED] recognized [REDACTED] needed to take them somewhere, but the mirror files were stored outside of PPB control for 2 years. This action is inconsistent with the standards in the referenced directives. Finally, the four voting members felt that, regardless of the security of the files in Employee's home, if the materials were compromised, it would have been a liability that reflected badly on the PPB.

Minority Opinion: One voting member did not sustain the allegation because they determined that the materials were not original evidence and were akin to case files. The voting member further felt that Employee was the only one with physical access to the materials and did not have access to the software license required to view the evidence.

Recommendations:

Corrective Actions/Discipline

1 Week SWOP / 3 Voting Members

2 Days SWOP / 1 Voting Member

Majority Opinion: Three Voting Members recommended one-week SWOP based on Category D of the discipline guide. The three voting members concluded that Employee knew that [REDACTED] actions were not consistent with the policy and thus intentionally violated the directives. The scope of the violation, the fact that Employee did not seek guidance from a supervisor, and the potential impact on victims and their families if the evidence were compromised, were seen by the three voting members as aggravating factors that resulted in a one-week SWOP recommendation.

Minority Opinion: One voting member recommended a two-day SWOP arriving at this conclusion through Category C of the discipline guide. This voting member believed that Employee should have known better and demonstrated a lack of judgment in [REDACTED] decision-making but did not find sufficient evidence that Employee had a willful intent to violate PPB policy. The voting member believed that the highly sensitive nature of the materials in question, could have had a pronounced negative impact on the PPB if the materials were compromised. This indicated a pronounced lack of judgement on the part of Employee and the voting member believed that this was aggravating circumstances that elevated the recommendation to a two-day SWOP.

**Additional Recommendation:**

The voting members unanimously recommended that the directives applicable to this case be reviewed and updated to clarify the handling of technology and digital evidence. Once updated, guidance should be given to employees regarding the appropriate handling of digital evidence and case files.

DATE: March 1, 2018  
TO: Christopher Paillé  
Review Board Coordinator  
FROM: Mark Fulop  
Police Review Board Facilitator  
SUBJ: Police Review Board Recommended Findings



**CONFIDENTIAL**

IA Case Number: **Internal Case Number 2016-B-0036**

Employee: **Employee**

Summary of Alleged Complaint:

Employee walked through the [REDACTED] while a [REDACTED] was in progress. At one point [REDACTED] stopped and [REDACTED] got up and made a comment before leaving the room.

Allegation #1: *Employee was unprofessional when [REDACTED] during a [REDACTED] Division [REDACTED] and said something like, [REDACTED]*

Recommended Finding: Sustained/Unanimous

Applicable Directive: **310.00 – Conduct, Professional; Administrative Rule 2.02 – Prohibition Against Workplace Harassment, Discrimination and Retaliation**

Opinion: After reviewing the findings, the voting members unanimously sustained Allegation #1. A BHR review had determined that Employee's actions violated Administrative Rule 2.02. The voting members determined that as the actions also violated of Directive 310.00 professional conduct. The employee freely admitted to the actions and took full responsibility for what [REDACTED] had done. There were no disputed facts.

Allegation #2: *Employee was unprofessional when [REDACTED] remarked something similar to [REDACTED] after [REDACTED].*

Recommended Finding: Sustained/Unanimous

Applicable Directive: **310.00 – Conduct, Professional; Administrative Rule 2.02 – Prohibition Against Workplace Harassment, Discrimination and Retaliation**

Opinion: Voting members unanimously sustained the allegation based on BHR's determination that Employee's actions violated Administrative Rule 2.02 and also determined that Employee's actions, by [REDACTED] own admission, were unprofessional and violated directive 310.00.

Recommendations:

Corrective Actions/Discipline

1-Week SWOP/Unanimous

Opinion: Voting members unanimously concluded that Employee's conduct fell within Category D of the Discipline Guide. Because this was the second violation within five years, members made the presumptive recommendation of one workweek suspension without pay.

**Additional Recommendation:**

Communication with BHR to reinforce that investigations be completed within required DOJ timelines. Concerns were raised by board members about the perception that the bureau isn't effectively managing the investigation and discipline process thus creating additional stresses on bureau membership. In this case, the lengthy delay was as a result of the BHR investigation.

DATE: March 13, 2018  
TO: Christopher Paillé  
Review Board Coordinator  
FROM: Mark Fulop  
Police Review Board Facilitator  
SUBJ: Police Review Board Recommended Findings



**CONFIDENTIAL**

IA Case Number: **Internal Case Number** 2017-C-0203

Employee: Employee

Summary of Alleged Complaint:

Employee called [REDACTED] Towing to clear a stolen car [REDACTED] [REDACTED] refused to take the report when the towing dispatcher refused to give [REDACTED] [REDACTED] DOB. [REDACTED] did not go to the scene or follow up to recover the stolen vehicle for the registered owner.

Allegation #1: ~~Employee failed to take appropriately report the recovery of recovery of a stolen vehicle.~~ Allegation should read: Employee failed to appropriately report the recovery of a stolen vehicle.

Recommended Finding: Sustained / Unanimous

Applicable Directive: **630.61 – Stolen Vehicles**

Opinion: After reviewing the findings, the Voting Members believed there was a preponderance of evidence to suggest that Employee violated Directive 630.61. The procedure is relating to the recovery of stolen vehicles is explicit and clear. Regardless of the challenges with the communication with the complainant, Employee failed to respond to the scene and did not complete the report. The Voting Members unanimously sustained this allegation.

Allegation #2: *Employee failed to respond to a call for police assistance when [REDACTED] refused to take a report for a recovered stolen vehicle.*

Recommended Finding: Sustained / Unanimous

Applicable Directive: **312.00 – Request for Assistance**

Opinion: In reviewing the findings, the Voting Members believed it was clear to Employee that despite communication difficulties with the complainant, that Employee knew [REDACTED] was required to go to the tow yard and complete the report for a recovered stolen vehicle. By neither going to the tow yard nor completing the report, Employee violated Directive 312.00, request for assistance. The Voting Members unanimously sustained the allegation.

Recommendations:

Corrective Actions/Discipline

**1 Day SWOP (Unanimous)**

The voting members were unanimous in recommending a One Day SWOP. Two Voting Members arrived at this recommendation by placing the sustained findings in Category B. The two Voting Members believed that Employee's conduct could negatively impact PPB's relationships with the public and were aggravated by the towing and lot charges levied on the car owner because of Employee's failure to appropriately manage and report this incident.

Three Voting Members placed their sustained findings in Category C, presumptive. These members believe Employee's failure to follow procedure and refusal to take responsibility could have a pronounced negative impact on PPB's image and relationships with the public.

No Additional Recommendations

DATE: March 13, 2018  
TO: Christopher Paillé  
Review Board Coordinator  
FROM: Mark Fulop  
Police Review Board Facilitator  
SUBJ: Police Review Board Recommended Findings



**CONFIDENTIAL**

IA Case Number: **Internal Case Number** 2017-C-0325

Employee: Employee

Summary of Alleged Complaint:

Employee encountered Citizen at a retail store. Employee made a statement that intimidated Citizen during their contact. At the time of the encounter, Citizen was the complainant in an open IA Investigation involving Employee.

Allegation #1: *Employee was unprofessional during an off-duty encounter with Citizen.*

Recommended Finding: Sustained / Unanimous

Applicable Directive: **310.00 Conduct, Professional**

Opinion: After reviewing the findings, all Voting Members believed there was a preponderance of evidence to suggest that Employee's conduct was unprofessional and violated Directive 310.00. They agreed that Employee's remarks towards Citizen, were unprofessional and potentially intimidating. Citizen has a pending complaint against Employee, regarding another off-duty encounter. Voting Members unanimously sustained the allegation.

Allegation #2: *Employee retaliated against Citizen for a prior complaint.*

Recommended Finding: Sustained / Unanimous

Applicable Directive: **310.20 – Retaliation Prohibited**

Opinion: In reviewing the findings, all Voting Members concluded that Employee violated Directive 312.20, prohibiting retaliation. Employee acknowledged in ■ IA interview with that ■ was aware of Citizen's other complaint against ■ for off-duty conduct. All five Voting Members agreed that, under those circumstances, Employee should not have engaged with Citizen and that Employee's comments could be perceived as provoking and intimidating. The Voting Members unanimously voted to sustain the allegation.

Recommendations: Corrective Actions/Discipline

**Termination (3 Voting Members)  
Three Workweek Suspension without Pay with Last Chance  
Agreement (2 Members)**

All voting members agreed that Employee's conduct fell under Category E. All voting members agreed that Employee's actions were aggravated by potential injury to members of the public, ■ prior discipline issues, ■ poor judgment and ■ failure to take responsibility. Following the recommendation guidelines for Category E, aggravated, three Voting members recommended Termination and two Voting Members recommended 3 Workweek SWOP with mandatory counseling, along with a last-chance agreement stipulating termination if Employee fails to complete required counseling or engages in conduct that requires discipline in the future.

Additional Recommendations: Voting members recommend PPB consider moving Retaliation from Category E to Category F in the Discipline Guide.

DATE: April 30, 2018  
TO: Christopher Paillé  
Review Board Coordinator  
FROM: Mark Fulop  
Police Review Board Facilitator  
SUBJ: Police Review Board Recommended Findings



**CONFIDENTIAL**

IA Case Number: **Internal Case Number** 2017-B-0036

Employee: Employee 1  
Employee 2  
Employee 3

Case Summary: Administrative investigation into the circumstance surrounding the officer involved shooting at the 100 Block of NE 55<sup>th</sup> Avenue on August 30, 2017 involving Employee 1.

Area of Review #1: *The Application of Deadly Force (Employee 1)*  
Recommended Finding: In Policy w/Debriefing Performance Analysis/Unanimous  
Applicable Directive: **1010.00 – Use of Force**

Majority Opinion: Voting members unanimously concluded that Employee 1's use of force was in policy. Employee 1 pursued the suspect when the suspect accelerated his vehicle to evade Employee 1. When the pursuit ended, the suspect created a high risk stop situation. Employee 1 left [redacted] vehicle to obtain tactical advantage and gave the suspect multiple commands to de-escalate the situation. When the suspect, known to have a weapon, reached under his seat, it presented a deadly threat to officers and community members. At that point, Employee 1's use of deadly force, was in policy and [redacted] actions met the Graham standard. Voting members also unanimously recommended a debriefing focused on a performance analysis of Employee 1's actions during the incident to strengthen [redacted] future performance.

Area of Review #2: *The Vehicle Pursuit (Employee 1)*  
Recommended Finding: In Policy/Unanimous  
Applicable Directive: **630.50 – Vehicle Pursuits**

Majority Opinion: Voting members unanimously concluded that Employee 1's actions during the vehicle pursuit of suspect were in policy based on the totality of circumstances. Employee 1 knew the area and balanced the risk of pursuit with public safety; the suspect's driving behavior changed before Employee 1 activated vehicle lights; and having reasonable knowledge the suspect was armed, the pursuit was necessary to make a felony stop.

Area of Review #3: Post Shooting Procedures (Employee 2, Employee 3)

Employee 2: Recommended Finding: In Policy/Unanimous  
Applicable Directive: **1010.10 — Post Deadly Force Procedures;  
630.50 — Emergency Medical Aid; 315.30 —  
Satisfactory Performance**

Majority Opinion: Voting members unanimously concluded that Employee 2's actions were within policy. Upon [REDACTED] arrival [REDACTED] rotated out officers, coordinated taking the suspect into custody, and ensured the prompt administration for medical aid to the suspect. Employee 2, continued to manage other supervisory responsibilities until additional support arrived.

Employee 3: Recommended Finding: In Policy/Unanimous  
Applicable Directive: **1010.10 — Post Deadly Force Procedures;  
630.50 — Emergency Medical Aid; 315.30 —  
Satisfactory Performance**

Majority Opinion: In reviewing the findings, the Voting members unanimously concluded that Employee 3's actions were within policy. Employee 3's assessment and supervision of the scene when [REDACTED] arrived followed policy, ensuring medical aid was administered to suspect, and supervising the scene until detectives arrived.

**Recommendation:** Three voting members recommended that PPB consider making a tactical debrief a matter of practice for every deadly use of force incident, with some version being shared with the entire organization to promote transparency and learning.

DATE: May 17, 2018  
TO: Christopher Paillé  
Review Board Coordinator  
FROM: Bridger Wineman  
Police Review Board Facilitator  
SUBJ: Police Review Board Recommended Findings



**CONFIDENTIAL**

The Police Review Board met on May 10, 2018 to review the following case:

IA Case Number: **2017-C-0147**

Employee: **Employee #1**

Summary of Alleged Complaint:

Employee #2 received telephone calls from a complainant wanting to anonymously report having a sexual relationship with an on duty PPB officer. During the calls, the complainant would not provide identifying information. The complainant said an officer responded to their home at the beginning of August 2015 after a neighbor called in a complaint against them.

The complainant subsequently provided two years of text messages between the complainant and Employee #1. The text messages between the complainant and Employee #1, Global Positioning System (GPS) data from Employee #1's patrol cars, Employee #1's daily work history from Computer Aided Dispatch (CAD), and daily work schedule from the Uniform Daily Assignment Roster (UDAR) confirmed that Employee #1 was on duty and engaged in a sexual relationship with the complainant.

Allegation #1: *Employee #1 was unprofessional when Employee #1 sent sex related text messages to Complainant while on duty. (Conduct)*

Recommended Finding(s): **Sustained / Five members**

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

Majority Opinion:

Board members unanimously agreed Bureau members are clearly not allowed to send text messages of a sexual nature while on the job and in uniform. Text messages show Employee #1 was conducting this personal business while on duty. They said Employee #1's actions clearly brought discredit to the Bureau and those in uniform. One member noted there was a news story reporting the case, which is evidence of discredit Employee #1's actions brought on the Bureau.

Allegation #2: *Employee #1 was unprofessional when Employee #1 sent photos of genitalia to Complainant while on duty. (CONDUCT)*

Recommended Finding(s): **Sustained / Five members**

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

Majority Opinion:

Board members unanimously agreed that Employee #1's sending photos of genitalia, based on evidence from text messages, was absolutely inappropriate behavior and in violation of the directives. Members are not allowed to send text messages of a sexual nature while on the job and in uniform. The text messages show Employee #1 was conducting this personal business while on duty. Employee #1's actions clearly brought discredit to the Bureau.

Allegation #3:     *Employee #1 was unprofessional when Employee #1 sent Complainant a sexually suggestive photo of Employee #1 in uniform. (CONDUCT)*

Recommended Finding(s):   **Sustained / Five members**

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

Majority Opinion:

Board members unanimously agreed that Employee #1's sending sexually suggestive photos, based on evidence from text messages, was absolutely inappropriate behavior and in violation of the directives. Members are not allowed to send photos of a sexual nature while on the job and in uniform. The text messages show Employee #1 was conducting this personal business while on duty. Employee #1's actions clearly brought discredit to the Bureau.

Allegation #4:     *Employee #1 misused bureau resources by using Employee #1's patrol car to facilitate a sexual relationship while on duty. (CONDUCT)*

Recommended Finding(s):   **Sustained / Five members**

Applicable Directives:     **317.40 – Authorized Use of Bureau Resources**  
  **311.00 – Duty Required**

Majority Opinion:

Board members unanimously agreed Employee #1 used a patrol car to facilitate a sexual relationship while on duty, based on evidence from text messages. They said it was a misuse of resources and in violation of the requirement that Bureau members use Bureau resources only for their intended purposes.

Allegation #5:     *Employee #1 engaged in sexual conduct on multiple occasions with Complainant while on duty between August 6, 2015 and May 9, 2017. (CONDUCT)*

Recommended Finding(s):   **Sustained / Five members**

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

Majority Opinion:

Board members unanimously agreed that Employee #1 engaged in sexual conduct while on duty, based on evidence from text messages. One Board member said Employee #1's actions were abhorrent. Another Board member said Employee #1's actions represent the epitome of violating the directives that require Bureau members to act in good conduct, not bring reproach or discredit to the Bureau, conduct themselves in a professional manner, and refrain from conducting personal business while on duty.

Allegation #6:     *Employee #1 masturbated while on duty. (CONDUCT)*

Recommended Finding(s):   **Sustained / Five members**

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

Majority Opinion:

Board members unanimously agreed that Employee #1 masturbated while on duty, based on evidence from text messages. Board members said masturbating while on duty is not condoned or expected under the directives for reasonable good conduct and to refrain from conducting personal business while on duty.

Allegation #7:     *Employee #1 used Employee #1's position as a police officer to initiate and engage in an ongoing sexual relationship with Complainant. (CONDUCT)*

Recommended Finding(s):   **Sustained / Five members**

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

Majority Opinion:

Board members unanimously agreed, based on evidence from text messages, that Employee #1 used Employee #1's position as a police officer to initiate and engage in an ongoing sexual relationship, in clear violation of the directives for reasonable good conduct and required duty.

Allegation #8:     *Employee #1 abused sick time. (CONDUCT)*

Recommended Finding(s):   **Sustained / Five members**

Applicable Directive:     **311.00 – Duty Required**

Majority Opinion:

Board members unanimously agreed that Employee #1 called in sick to engage in sexual conduct, based on evidence from text messages, and in clear violation of policy which does not allow fictitious illness. One Board member said Employee

#1 also said in the text message evidence, that Employee #1 was home drinking wine when Employee #1 had called in sick to work.

Allegation #9: *Employee #1 was unprofessional when Employee #1 encouraged Complainant to omit material information during Complainant's Police Bureau application process. (CONDUCT)*

Recommended Finding(s): **Sustained / Five members**

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

Majority Opinion:

Board members unanimously agreed that Employee #1 was unprofessional by telling Complainant to lie during Complainant's Police Bureau application. Members said honesty and integrity are lynchpins of the police profession and telling Complainant they did not need to submit factual information in Complainant's application was not honest, as required by the directive. One member said that starting off a potential career with lies is wrong and Employee #1 actions were clearly in violation of the directive.

Allegation #10: *Employee #1 improperly loaned a firearm to Complainant. (CONDUCT)*

Recommended Finding(s): **Sustained / Five members**

Applicable Directive: **315.00 – Laws, Rules, and Orders**

Majority Opinion:

Board members unanimously agreed the transfer of Employee #1's firearm, as evidenced by text messages, to Complainant was not allowed under the circumstances used. The relationship between the two individuals does not qualify for an exception to a criminal background check requirement for spouses and domestic partners, and was not through a gun dealer. One member said Employee #1 pled guilty to official misconduct in this regard.

**Recommendations:**

Corrective Actions/Discipline

Majority Opinion:

Board members unanimously agreed numerous sustained allegations fall within Category F on the discipline guide for conduct that "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." Members said Employee #1's actions impacted community trust, and the image and the trade of being a police officer.

The members unanimously recommended the corrective action of termination.

Other Recommendations

Recommendation #1:

The Board unanimously recommended the Personnel Division review Employee #1's file to identify if there were red flags that might have signaled a propensity toward the harmful actions taken.

Recommendation #2:

The Board unanimously recommended the Personnel Division conduct a comprehensive review of new hires during intake to screen for potential employees who might abuse positions of power for sexual purposes in the future.

DATE: May 24, 2018  
TO: Christopher Paillé  
Review Board Coordinator  
FROM: Mark Fulop  
Police Review Board Facilitator  
SUBJ: Police Review Board Recommended Findings



**CONFIDENTIAL**

IA Case Number: **Internal Case Number 2018-B-0006**

Employee: Employee

Summary of Alleged Complaint:

Employee and Employee 2 were working Employee's personal [REDACTED] and negligently discharged 1 round.

Allegation #1: *Employee negligently discharged a firearm.*

Recommended Finding: Sustained/Unanimous

Applicable Directive: **315.30 – Satisfactory Performance**

Opinion: Voting members unanimously concluded that Employee negligently discharged a firearm inconsistent with the guidelines for satisfactory performance described in Directive 315.30. Members' conclusions were based on the facts that Employee was a [REDACTED] [REDACTED] and well aware of the steps needed to be taken to ensure the firearm was empty. Employee acknowledges the incident, took responsibility, and does not dispute the facts as described in the investigative report. Failure to complete the safety check was inconsistent with firearm training and was negligent.

Allegation #2: *Employee was working on a personal firearm while on duty.*

Recommended Finding: Sustained/Unanimous

Applicable Directive: **311.00 – Duty Required**

Opinion: Voting members unanimously concluded that Employee violated Directive 311.00 when [REDACTED] worked on a personal firearm for an inordinate amount of time while on duty, without notifying and/or getting permission from a supervisor. Voting members acknowledged that Employee understood that [REDACTED] violated the policy and took responsibility for [REDACTED] actions.

Recommendations:

Corrective Actions/Discipline

**1-day SWOP / 2 Voting Members**  
**2-day SWOP / 1 Voting Member**  
**1-week SWOP / 1 Voting Member**

Opinion: Voting members unanimously concluded that Employee's most serious allegation was #1, regarding negligent discharge of a firearm, and this was the second violation in 3 years. Based in this the voting members believed [REDACTED] conduct fell within Category C of the Discipline Guide.

Two voting members recommended 1-day SWOP, finding that mitigating circumstances included Employee handling the incident responsibly, preserving the scene, reporting immediately, and [REDACTED] [REDACTED] [REDACTED].

One voting member recommended a 2-day SWOP because this was the second violation in 3 years presumptive because there were both aggravating and mitigating factors that balanced each other out.

One voting member recommended 1-week SWOP. The voting member's rationale was that Employee's actions were substantially aggravated because this was the second violation for the same safety procedure. The voting member believed that the potential outcome of Employee's actions could have resulted significant harm or death. By placing [REDACTED] and other officers at such risk outweighed any apparent mitigating factors.

**Additional Recommendation:**

One member expressed concerns around the previous instance of discipline involving a negligent discharge [REDACTED].

DATE: June 6, 2018  
TO: Christopher Paillé  
Review Board Coordinator  
FROM: Bridger Wineman  
Police Review Board Facilitator  
SUBJ: Police Review Board Recommended Findings



**CONFIDENTIAL**

The Police Review Board met on May 30, 2018 to review the following case:

IA Case Number: **2017-B-0042**

Employee: **Employee #1**  
**Employee #2**

**Incident Overview:**

Administrative investigation into the circumstance surrounding the officer involved shooting at North Oatman Avenue and North Saratoga Street on October 25, 2017, involving Employee #1.

*Area of Review #1: The Application of Deadly Force. (FORCE)*

Employee: **Employee #1**

Recommended Finding: **In policy – Seven members**

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

**Majority Opinion:**

The Board unanimously recommended a finding of “in policy,” saying Employee #1 had reason to use deadly force to prevent a subject from taking action that could result in death or serious injury. They said Suspect posed a threat of death or injury when Suspect took a shooting stance when Employee #1 said to show Suspect’s hands. The Board agreed it was reasonable that Employee #1 would feel threatened by Suspect’s aggressive stance and what appeared to Employee #1 as a weapon in Suspect’s hand. The Board said Employee #1 reasonably thought Employee #1 would be fired upon and acted to protect Employee #1, Employee #1’s partner and the public.

**Minority Opinion:**

N/A

*Area of Review #2: Post Shooting Procedures. (PROCEDURE)*

Employee: **Employee #2**

Recommended Finding: **In policy – Six members**

Applicable Directives:     **1010.10 – Post Deadly Force Procedures**  
                                      **630.50 – Emergency Medical Aid**  
                                      **315.30 – Satisfactory Performance**

Majority Opinion:

The Board unanimously recommended a finding of “in policy,” saying Employee #2 complied with all the elements of the applicable directives following the incident of deadly force. Employee #2 took immediate charge of the scene, secured the scene, ensured provision of medical aid, made a plan for managing the scene and made sure other members were aware of the plan. The Board said Employee #2 demonstrated clear knowledge of applicable directives, responsibilities, ordinances, and laws.

Minority Opinion:

N/A

**Recommendations:**

Corrective Actions/Discipline

N/A

Other Recommendations

One Board member recommended the Training Division instruct officers to identify themselves as police before issuing a command in specific instances when their identity as police officers may not be clear.

Rationale:

The Board member making the recommendation said recent national events show that police respond to threats, following their training, often by shooting quickly. Identifying themselves as police may help simplify decision-making and reduce officer-involved shootings.

All the Board members agreed that in this particular case, it was clear to the subject that Employee #1 was a police officer due to Employee #1’s uniform and police vehicle. Employee #1 took a less confrontational approach in telling the subject to show their hands, which was appropriate for the circumstances.

DATE: June 18, 2018  
TO: Danielle M. Outlaw  
Chief of Police  
FROM: Bridger Wineman  
Police Review Board Facilitator  
SUBJ: Police Review Board Recommended Findings



**CONFIDENTIAL**

The Police Review Board met on June 11, 2018 to review the following case:

IA Case Number: **2018-B-0002**

Employee: **Employee #1**

Summary of Alleged Misconduct:

IPR received a request from Internal Affairs for an investigation into possible misconduct issues involving correspondence between Employee #1 and Contact.

Employee #1 was contacted by Contact regarding Employee #1's possible entry into the document. Employee #1 responded to the letter on Portland Police Bureau letterhead and offered to meet with the Contact's office.

Employee #1 requested investigations into eight individuals for violations of Directives 310.50 – Truthfulness, and 315.30 - Unsatisfactory Performance. Employee #1 alleged employees made untruthful statements during the course of the investigation that lead to Employee #1's demotion. Employee #1 noted former Employee #2 and wrote Employee #2 "resigned pending termination for [Employee #2's] lies."

There was no evidence found to show Employee #2 resigned pending termination for any reason nor did Employee #2 appear to have been investigated for any employment issue prior to Employee #2's resignation.

Allegation 1: Employee #1 was unprofessional in Employee #1's correspondence with Contact. (CONDUCT)

Recommended Finding: **Sustained – Five members**

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

Majority Opinion:

The Board members unanimously recommended a sustained finding for conduct that did not meet the requirements for reasonable good conduct and behavior. While the use of Bureau letterhead in itself was appropriate in this incident, they said it was unprofessional for Employee #1 to include Employee #1's subjective opinions as fact in the memo Employee #1 wrote. Employee #1's statements also disparaged Bureau members and are unfounded based on review. Readers would assume the statements represented the Bureau.

Minority Opinion:  
N/A

Allegation 2: Employee #1 was untruthful when Employee #1 wrote Employee #2 “resigned pending termination for [Employee #2’s] lies” in Employee #1’s correspondence with Contact. (CONDUCT)

Recommended Finding: **Not sustained, with debrief – Three members**  
**Not sustained – One member**  
**Sustained – One member**

Applicable Directive: **310.50 - Truthfulness**

Majority Opinion:

Three Board members recommended a finding of not sustained and also recommended a debrief. They said there is not a preponderance of evidence that the inaccurate assertions in Employee #1’s memo were knowingly dishonest or untruthful because Employee #1 has been resolute in stating Employee #1’s belief that Employee #1’s understanding is accurate.

The Board members recommended a debrief that would focus on the difference between inaccuracies and lies, and the impact on the Bureau’s credibility when making these kinds of assertions.

Minority Opinion 1:

One member recommended a finding of not sustained for the same reasons but did not recommend a debrief.

Minority Opinion 2:

One member recommended a sustained finding. The member said Employee #1’s assertions are unreasonable and do not stand up to scrutiny. The member said including those statements was unconscionable and irresponsible. While not untruthful, Employee #1 was willful in making inaccurate statements because Employee #1 showed no due diligence in testing Employee #1’s conclusions.

### **Recommendations:**

#### Corrective Actions/Discipline

Opinion #1:

Two members who recommended a sustained finding related to Allegation #1, but not Allegation #2, recommended category B on the discipline guide for negative impact on the professional image of the Bureau. The members said Employee #1’s rank was an aggravating factor. Employee #1 should have known not to put unfounded assertions in a memo on another topic. The members said Employee #1’s history of prior discipline is also an aggravating factor; including continuing to not put aside forgone conclusions to look at the facts. The members recommended one-day suspension without pay.

One-day SWOP – Two members

Opinion #2:

Two members who also recommended a sustained finding related to Allegation #1, but not Allegation #2, recommended category C on the discipline guide for pronounced negative impact on the professional image of the Bureau because the statements were in a public document on Bureau letterhead and readers would assume those statements represented the Bureau. They said it was aggravated by Employee #1's rank. The members recommended discipline of two-day suspension without pay.

Two-day SWOP – Two members

Opinion #3:

One member who recommended a sustained finding related to both allegations recommended category E on the discipline guide. The member said that stating Employee #2 was fired for untruthfulness is a very damaging assertion to make against an attorney, and writing that statement on official letterhead hurts the professionalism of the Bureau and the Bureau's relationship with the District Attorney Office. The member recommended a three-week suspension without pay.

Three-week SWOP – One member

Other Recommendations

No other recommendations.