



CITIZEN REVIEW COMMITTEE MEETING

Community Oversight of Portland Police Bureau

City of Portland / City Auditor
Independent Police Review (IPR)
Citizen Review Committee (CRC)

Minutes

Date: Wednesday, November 5, 2014 (meetings are typically held the first Wednesday of each month)

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

Location: **Room C** (second floor), Portland Building, 1120 SW 5th Ave, Portland OR 97204

Present: Jeff Bissonnette, Jamie, Troy, Mae Wilson, Rodney Paris, James Young, David Green, Bridget Donegan, Roberto Rivera, Constantin Severe, Derek Reinke, Jeff Bell, Dave Famous, Todd Engstrom, Mike Reese, Denis Theriault, Dan Handelman, Regina Hannon, Carolyn Landsman, David Knight, John Holderness, Rebecca Hyman, Kristin Malone, Malcom Ricks, Vanessa Yaries

Absent: David Denecke, Jean Tuller

AGENDA

5:30 pm—5:45 pm Introductions and Welcome (CRC Chair Rodney Paris)
[Approved of October 1 and 23, 2014 Meeting Minutes](#)

5:45 pm—6:15 pm Special Presentation: 2013 IPR Annual Report (IPR staff Derek Reinke)

- IPR opened 409 complaints
- The number one complaint was inadequate action/assistant
- IPR referred 22% percent to Internal Affairs. Half of those cases resulted in SIO
- IPR dismissed 76% of the cases
- Two Officer involved shootings. Both were fatal
- Officers discipline: 2 were terminated, 3 retired, 7 suspended without pay
- IPR had significant changes in term of personnel in IPR with 6 new staff members
- Mr. Troy asked what were the difference between the 2012 and 2013 annual report
 - The biggest differences are case examples in appendix B and acronyms section
- Mr. Bissonnette asked Mr. Reinke if IPR foresees any changes next year in the Annual Report due to the DOJ settlement?
 - IPR will highlight a little bit more on cases that they controverted, and provide more explanations on the independent investigations. The current timeliness table is awkward and will need to be improved
 - Director Severe would also like IPR to revisit the timeliness issue since it is an important issue for the community. Regarding the changes in the Annual Report, there will be something that reflect the DOJ agreement, but a lot of reporting will the COCL's job

6:15 pm—6:30 pm Director's Report (IPR Director Constantin Severe)

- CRC recruitments: 30 applicants with 18 females and 12 males. There will be a selection committee and Interviews will take place in December
- IPR Outreach Coordinator Irene Konev networked at Liberation-Based Healing Conference, Philippine Chamber of Commerce, Hispanic Chamber of Commerce, Portland Police Award at Multnomah Arts Center, Pitch Network Event, Human Right Free Legal Clinic Event, and Women in IT
- Director Severe, Investigator Bieberich, and Berry did a presentation at Roosevelt high school's Classroom Law Project
- Direct Severe attended an event at Kennedy School with some local hip hop artists

- Hip hop review will be released before the next CRC meeting
- Complaint map is now available on IPR website
- Mr. Troy asked if there's a color code chart that provides explanation for different color hexagons on the map?
 - It is on the bottom of the page. The map works best with Firefox or Google Chrome
- Ms. Donegan asked if there's a break down in races for the 30 CRC applicants
 - Ms. Konev does have the data

6:30 pm—6:45 pm Chair's Report (CRC Chair Rodney Paris)

- Listened to all the recordings and review materials for tonight's hearing
- Met with some prospective CRC applicants. He will also be helping out with the selection process

6:45 pm—7:45 pm Conference Hearing: Appeal 2013-C-0305/2014-X-0002

Case Summary

Appellant states that Officer A placed himself in a position where the use of force became necessary. Appellant also states that Officer A used inappropriate force toward him

- Director Severe drafted a letter dated August 14 to Captain Famous regarding the CRC's challenge on allegation 3 to *Sustained*
- Chief Reese provided his explanation on the decision:
 - PPB's enforcement strategy based on compassion, and professional response. PPB understand that there are not enough shelter spaces for everyone and they ask people living on the street to engage in a low-impact camping. This means stay in a small group, ask permission of the property owner if they are staying on a private property
 - After carefully reading the case file, Chief Reese believed the proper finding for this is *Unproven with Debriefing*
- All CRC member present except for Mr. Troy have reviewed all the materials necessary for the this hearing
- Questions from CRC members:
 - Mr. Bissonnette asked Chief Reese why Officer Engstrom didn't warn the appellant's girlfriend before deploying pepper spray on her? She could be just trying to de-escalate the situation
 - There were a lot of assumptions based on the lack of information in the case file. We didn't know for a certain what the girlfriend's though process was, so the finding of *Unproven with Debriefing* is appropriate
 - Ms. Donegan expressed concerns to Chief Reese that Officer Engstrom did not communicate with the appellant prior to arresting him and also with the girlfriend prior spraying her.
 - He would advise the officer to communicate if possible, but if the Officer felt like not announcing then it is part of a tactical decision that the officer has to make. In this case, there's no policy violation when the officer did not announce that he is going to arrest the appellant or spray the girlfriend
 - Mr. Green made a comment to Chief Reese that a reasonable person can find that it is possible that the girlfriend wasn't trying to unarrest the appellant. He had time thinking that the pepper spray was warranted since she was just trying to come to his aide
 - The officers have had a lot of contacts with the appellant and his girlfriend. He has been antagonistic and incite people to disobey the laws
- Offer Engstrom's comments on the incident:
 - The appellant was a leader and the instigator of the group of about 40 people who has been living under the Morrison bridge

- On the day of the incident, the officers showed up with Clean and Safe officers to move the crowd off the sidewalk so it can be power washed
- The appellant was walking up and down the sidewalk telling people that they didn't have to give the police their name or their ID
- Officer Engstrom witnessed the appellant shove another Officer before he made the decision to pepper spray the appellant
- Officer Engstrom has been an Officer for 20 years including 8 years in the training division as a lead pepper spray instructor. He has seen this kind of technique where people trying to "unarrest" someone and then suck the person back into the crowd so the person can get away therefore he really thought the girlfriend was really trying to unarrest the appellant
- Mr. Rivera asked Chief Reese why Officer Engstrom didn't arrest the appellant right at the beginning part of the video
 - Officer Engstrom was trying to give the appellant an opportunity to comply instead of arresting him for a low-level offense
- Officer Engstrom stated that he does not have any hard feeling about the appellant
- Mr. Young asked Officer Engstrom given the totality of the circumstances, should a reasonable person find that the girlfriend knew that the appellant was going to be arrested?
 - It is a practice of the Police Bureau that if they have to use force on an individual then that person will be arrested. If we have the girlfriend's statement, we would've known what her thoughts were at the time. This is why the Chief came to the finding of *Unproven*
- Ms. Wilson asked Chief Reese if the Police Bureau has a training or distinctions between participants in a crowd engage in de-escalating vs. unarrest?
 - We've seen this tactic used several times during protests, bar fights, domestic violence. during a protest, the use of force is controlled by the scene incident commander
- Chair Paris raised a point that we be focusing on Officer Engstrom's state of mind instead of the girlfriend's
 - Chief Reese explained that they tried to look at both perspectives
- Mr. Green asked Officer Engstrom to explain why he thought the appellant's girlfriend was really trying to "unarrest" the appellant
 - She bear hugged him and tried to pull him back into the crowd
- City Attorney Mark Amberg advised the Committee to make their decisions based on the standard of review
- Public Comments:
 - Carolyn Landsman commented that there's no way anyone would've known that Officer Engstrom would arrest a person after pepper spraying him
 - Officer Engstrom said he would arrest someone after pepper spraying the person, but the girlfriend was also pepper sprayed and she did not get arrested
 - Dan Handelman's comments:
 - The key phrase we are missing here is "totality of circumstances" since Officer Engstrom was found violating policy by grabbing the dog and incited the crowd. The officer's reasoning to use pepper spray was due to the agitated crowd, but he was the one who agitate the crowd
 - An officer who trained other officers to use it is more likely to use pepper spray especially when he is being paid by the pepper spray company

- Officer Engstrom’s precipitation of the use of force was out of the Bureau’s policy. Pepper spray is being used very infrequently
 - There’s no one here to talk on behalf of the appellant which created an unfair hearing
- Ms. Hannon made a comment that homeless people in this City are being treated unfairly
- Ms. Luyben thought the girlfriend was really trying to de-escalate the situation.
- Mr. Bissonnette asked Chief Reese how he would reconcile the two things since PPB Officer is taught to give verbal warning if possible, but then if the officer did not give the warning, that would not violate policy
 - In practical sense, the Bureau would like the Officers to give verbal warning but in a tactical situation, the Bureau would like to give offers the flexibility to adapt to the circumstances
- Chair Paris recommended discussing this issue during Crowd Control discussion
- Mr. Bissonnette made the motion to *affirm* the Chief’s finding of *Unproven with Debriefing*. This was seconded by Chair Paris
 - Mr. Bissonnette: Yes – the finding of *Unproven with Debriefing* was reasonable
 - Mr. Troy: He did not review all the files, there for he chose to abstain from voting
 - Ms. Wilson: Yes – *Unproven with Debriefing* is a best finding in this situation
 - Chair Paris: Yes – based on the evidences provided to the Committee
 - Mr. Young: Yes – the act of the girlfriend is questionable, but *Unproven with Debriefing* is appropriate in this situation
 - Mr. Green: Yes – Based on the standard of review, there’s not enough evidence to *Sustained* the officer
 - Ms. Donegan: Yes – *Unproven with Debriefing* is a reasonable finding. It is super helpful to have the officer present at the hearing
 - Mr. Rivera: Yes – a reasonable person would agree with this finding of *Unproven with Debriefing*

7:45 pm—7:50 pm Break

7:50 pm—8:05 pm New Business

- Ms. Donegan had a discussion with Lt. Bell regarding the handcuffing too tightly issue. Lt. Bell will coordinate with PPB training division to provide CRC members a feel on what does it like to be handcuffed at the new PPB training center
- Mr. Troy provided a quick Ad Hoc workgroup report:
 - The group met in the middle of October discussed on having a case file review occur on the same day as the appeal hearing
 - The group also discussed having IPR write the case file summary and then CRC members can look over the summary and make edits
- Based on public comments on getting more information on the Portland Review Board, Mr. Young would like to do a presentation on the handouts covering deadly force and non-deadly force policies that were referred to the PRB. Mr. Young was able to confirm with the PRB Coordinator that the handouts are indeed public records

8:05 pm—8:20 pm Old Business

- Chair Paris asked Captain Famous to give the Committee a brief overview of the changes in the juvenile custody Directives
 - Captain Famous will provide more details at the next CRC meeting

8:20 pm—8:40 pm Workgroup Updates: Please provide the following information —

- 1) Brief summary of the goals and objectives of your workgroup
- 2) Date of last meeting
- 3) Brief summary of the work done at your last meeting
- 4) Next scheduled meeting
- 5) Main topic to be discussed/addressed at the next meeting

6) Any assistance from IPR or CRC needed to achieve your goals

ACTIVE WORKGROUPS

1. Crowd Control Workgroup (5 min.)

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

Chair: Rodney Paris / Members: David Denecke and Jamie Troy

IPR Staff: Derek Reinke, Senior Management Analyst

- The workgroup will schedule another meeting to finalize the draft report
- Mr. Troy reminded the Committee that they will need to vote on the final report

2. Outreach Workgroup (5 min.)

MISSION STATEMENT: The Outreach Workgroup, in coordination with the IPR Outreach Coordinator, identifies and continually conducts consistent outreach to neighborhood associations, community organizations, and business groups to make the general public aware of the existence of the Citizen Review Committee and its role in police oversight.

Members: Jeff Bissonnette, Jamie Troy, Mae Wilson, and Bridget Donegan

IPR staff: Irene Konev, Community Outreach Coordinator

- The workgroup met earlier and discussed updating the mission statement
- The workgroup met with staff from Outside In, an organization who works with homeless youths
- The workgroup will meet with a group of Burmese refugees next couple months to discuss police oversight in Portland
- The workgroup will discuss on a 2015 work plan at the next meeting

3. Recruitment, Retention and Promotion (Portland Police Bureau) (5 min.)

MISSION STATEMENT: The Recruitment, Retention and Promotion Workgroup examines existing policies and practices of the Portland Police Bureau in recruiting, retaining and promoting its members, and formulates policy recommendations where needed.

Chair: Vacant/ Members: Jean Tuller, and James Young

IPR staff: Anika Bent-Albert, Assistant Director

- This group will be on hiatus until the Committee receive new members in February, 2015

4. Recurring Audit (5 min.)

MISSION STATEMENT: The Recurring Audit Workgroup seeks to improve accountability of IPR and the Portland Police Bureau by reviewing closed cases to ensure procedures, policies and protocols are followed and will recommend improvements, if necessary.

Chair: Jeff Bissonnette / Members: Rodney Paris, and Jean Tuller

IPR staff: Derek Reinke, Senior Management Analyst

- Mr. Bissonnette, will schedule a meeting soon

5. Use of Deadly Force Workgroup (5 min.)

MISSION STATEMENT: The Use of Deadly Force Workgroup examines Portland Police Bureau use of deadly force policies, directives, training and implementation in order to recommend and support any needed change in Portland Police Bureau use of deadly force.

Chair: David Denecke / Members: James Young, and David Green

IPR Staff: Derek Reinke, Senior Management Analyst

- At the last meeting, the workgroup looked at PSU's strategic disengagement policy. One of the members met with PSU's Director of Public Safety and will report back to the workgroup at the next meeting

8:40 pm—9:00 pm Public comment and wrap-up comments by CRC members

7:30 pm Adjournment

A request for an interpreter or assisted listening device for the hearing impaired or for other accommodations for persons with disabilities should be made prior to the meeting—please call the IPR main line 823-0146 (or TYY 503-823-6868).

Visit the website for more information regarding the Independent Police Review division, Citizen Review Committee, protocols, CRC meeting schedules, and approved minutes: www.portlandoregon.gov/auditor/ipr.

CRC Members:

1. If you know you will not be able to attend a CRC meeting or that you will be missing a significant amount of a meeting, please call or e-mail IPR in advance so that the CRC Chair may be made aware of your expected absence.
2. After this meeting, please return your folder so IPR staff can use it for document distribution at the next CRC meeting.

**Note: agenda item(s) as well as the meeting date, time, or location may be subject to change.*