



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, June 4, 2014 (meetings are typically held the first Wednesday of each month)

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

Location: **The Q Center**, 4115 N Mississippi Ave, Portland OR 97217

Present: Jeff Bissonnette, Jamie Troy, Rodney Paris, David Green, Jean Tuller, Mae Wilson, Bridget Donegan, David Denecke, Constantin Severe, Jeff Bell, Dave Famous, Chris Davis, Stephanie Prybyl, Michael Marshman, Denis Theriault, Kasia Hall, Jamie South, Michael Masslow, Carol Cushman, Sue Marsh, TJ Browning, Elisia Lopez, Jeri Williams, Patrick Kane, Dan Handelman, Debbie Aiona, Monica Juarbe, Kalei and Ted Luyben,

Absent: James Young, Teresa Baldwin, and Roberto Rivera

AGENDA

5:30 pm—5:45 pm Introductions and Welcome (CRC Chair Rodney Paris)
[Approved April and May 2014 Meeting Minutes](#)

5:45 pm—6:00 pm Director's Report (IPR Director Constantin Severe)

- Staff currently working on creating an operation manual
- Ms. Konev attended and networked at Say Hey Northwest, Asian Pacific American Chamber of Commerce Annual Celebration, Gang Violence Taskforce, Portland Police Memorial Ceremony, and Slavic Advisory Council Meeting
- CRC Outreach workgroup will be working with Donna Maxey to host two forums in August 5 and 12
- IPR will develop some policies on providing CRC with community feedbacks on policing in a way that does not compromise confidential information
- Caseload has increased due to the summer season
- Mr. Bissonnette asked Director Severe if there's a timeline for the policy on gathering community feedbacks to be developed
 - Director Severe hoped that things will start to change by the next CRC meeting
- Ms. Donegan asked Director Severe what does it mean when something is listed as awaiting assignment IA's caseload
 - This is the part where the case is over at Internal Affairs waiting to be processed

6:00 pm—6:15 pm Chair's Report (CRC Chair Rodney Paris)

- Worked on additional follow up on the Bureau discussion about a policy change for arresting minors
- Spoke with a complainant whose investigation was dismissed by IPR
- Work on drafting proposed recommendations for Crowd Control Workgroup
- Reviewed CRC's April and May minutes

6:15 pm—6:30 pm **Special presentation:** PPB's directive revision and workgroup updates
(Capt. Dave Famous and Stephanie Prybyl)

- Had a first meeting May 13 to discuss some potential policy changes. The workgroup included: Attorney from public defender, Deputy District Attorney, Executive Director of Youth Rights and Justice, investigator from

County Juvenile office, Mayor's office staff Deanna Wesson-Mitchell, Rachel Mortimer from IPR, and PPB staff Stephanie Prybyl

- Next meeting is June 5 to discuss the languages that should be included in the directive currently under review
- Ms. Prybyl provided the administrative side of the directive revision process:
 - This is a universal review so PPB encouraging community members, and advocacy groups to provide feedbacks to the bureau
 - This is a relatively new effort from the Police Bureau and is a part of the DOJ agreement
 - When the 30 days community feedback ended, staff will go into executive reconciliation mode to go over the feedbacks and will come up with recommendations to the Chief to be approved and signed
 - PPB will be also looking into reviewing 200 other directives
- Mr. Bissonnette asked Ms. Prybyl which part of the universal review, the juvenile custody review process is currently at right now?
 - The juvenile is current up for public comments which is right at the beginning process
- Ms. Wilson asked Ms. Prybyl if this is the first time a directive up for the universal review? Is there a "directive 101" to help people track the process?
 - This is the first directive that is up for universal review. PPB organized the directives currently under universal review into a separate category and they also have a button on their website so people can subscribe to track process improvements

6:30 pm—7:30 pm Appeal Hearing: Appeal 2013-C-0194/2014-X-0001

Case Summary

Allegation that that Officers A, B, C, and Sergeant D used inappropriate force toward the appellant during his arrest on July 9, 2013

- NLG volunteer Jamie South provided her comments on the case:
 - How could he sustain all these injuries when he was hobbled in the back of a patrol car?
 - Officers should've watch him more closely according to protocol while he was in maximum restraints
 - CRC summary did not include the appellant's allegation that the officers used profanity
 - There were discrepancies between the officers whether Sergeant D was consulted on the use of a hobble when he arrived at the scene
 - She requested the CRC send the case back for more investigation
- Ms. Williams provided her comments on the case:
 - The Distance between the Justice Center and her office at City Hall is very close and there's no way the appellant could've gotten all the injuries while walking to her office
 - If it was not for the staff from the Mayor's office, she would never been able to obtain a police report. Had her and her son able to obtain the report earlier, they could've made corrections
 - Her son's PTSD condition was triggered when he was beaten by the police
 - She had no idea about the APA and NLG options until she met with the CRC in April
 - The IA investigator intimidated her son through the phone when he called her son for an interview
 - The way she understood the report. The police officer said her son is not under arrest, but instead being taken to a "drunk tank"
 - The police should've just handcuffed him, put him in the back of the car, close the door, and drove two minutes to the jail. There wasn't a need to put him in a hobble
 - She is not looking into punish these officers, she would like an institutional change
- Captain Davis provided RU comments on the case:
 - The evidence from this case consisted of the statement from the complainant, 4 employees involved, GPS data from the patrol car, and the police report
 - There were serious issues around the appellant's credibility:
 - The appellant level of intoxication as described by the officers
 - Different versions of statement he made while being interviewed by IPR and IA
 - His statement on the police car stopped on the way to jail conflicted with the GPS's evidence
 - All officers' statements were consistent with each other and IA found no reason to question their credibility. The preponderance of evidence in this case stood on the side of the officers

- Appellant was under continuing monitoring while he was under maximum restraint by Office A and Sergeant D
- The officers put the appellant into the hobble to keep him from further injured himself therefore, IA found no evidence of officers violation of the use of a hobble
- Officer are trained to handcuff a person from behind for their safety
- 5th allegation: Based on all of the officers statements, there were 3 officers on scene at the time and none of reported that he was punched in the mouth
- The injuries from his body were consistent with injuries they have seen in the past when a suspect bumped into the dividers, windows metal bars while being in the back of a patrol car
- By preponderance of the evidence, he was never punched by the officers based on the vehicle's GPS. It is also not possible by preponderance of evidence to say for sure that the officers didn't punch him. This why the finding for this allegation was "unproven"
- Mr. Bissonnette asked Captain Davis what exactly is a "double belting"
 - The officers used two seatbelts to prevent the appellant from rolling out of the seat while he was lying down and under maximum restrained
- Mr. Green asked Lt. Bell if the officers are trained how and when to use the hobble?
 - PPB's directive does not dictate officers are required to be trained but they do get trained on how and when to use the hobble
- Ms. Tuller asked Captain Davis could a reasonable person infer that the majority of the injuries caused by the appellant thrashing around while he was in the back of the car?
 - Majority of the injuries could've caused by him thrashing around in the back of the car before he was put into maximum restrained
- Ms. Donegan asked Captain Davis about the distinction between taking a person to detox Vs. arresting a person and taking them to jail?
 - Oregon revised statute provides a police officer authority to take the person into custody so they can be sent to civil detox hold. The person in this case is not under arrest since there's no allegation. Officers are allowed to use reasonable force to take a person into custody
- Mr. Denecke asked IPR Director Severe if the NLG and APA options are part of IPR intake process
 - It was not part of the intake process but the appellant received information on NLG and APA way before the case file review
- Mr. Troy asked Director Severe if the letter advised the appellant of the NLG and APA options went to the appellant's mom as well?
 - The letter was only sent to the appellant
- Mr. Troy also asked Director Severe about the information in the initial contact letter IPR sent to the complainant? How the allegation was formed?
 - IPR sent out the initial contact letter providing basic information the explanation of IPR process
 - Allegations in this case changed during the investigation process
 - IPR's job is to make decision on allegations as best as they can based on the information that they have
- Mr. Troy asked Captain Famous on Investigator Accornero interviewing process. Why didn't he offer her a second interview?
 - He does not interject with the investigation and always refer to the investigator. It was 4 weeks later after the first interview that the appellant mother, Ms. Williams called Investigator Accornero to ask about a second interview, the investigation has to move forward
- Does IA investigators have training on how to ask questions in a nonthreatening way?
 - Yes
- Does IA investigators have training on talking with people who may or may not have mental health issues
 - They may or may not have depend on the investigator
- Does IA investigators encourage to go out in the community to interview people?
 - Yes
- Mr. Troy asked Captain Davis why the injuries weren't documented in the police report
 - This incident happened at 2 am in the morning and it is possible that the officers were not able to observe the injuries
 - Some injuries sustained from an altercation don't appear until 24-48 hours after it occurred
- Ms. Wilson asked Captain Davis about MCDC check-out process
 - During the check-in process, a person is required to go through a medical assessment. He is not sure about the check-out process
- Ms. Donegan asked Lt. Bell about the surveillance footage at MCDC why does it not have audio? She also express some concerns if the inmates there able to file a complaint of officer's misconducts
 - It has been the policy of the Sheriff Office to not record audio in their video surveillance

- Director Severe made comments that IPR have a really good relationship with the Jail counselors and if the inmate would like to file a complaint, they can certainly do so through the jail counselor
- Mr. Denecke asked Director Severe if a representative from Project Respond should be present during IPR interview with people who have mental issues?
 - IPR investigators particularly the investigator who interviewed the appellant in this case has extensive experience dealing with people with mental health issues. In his opinion, the present of a Project Respond staff in this case would not make any difference
- Ms. Tuller asked Captain Davis about the officers involved in this particular case if they've been through mental health training?
 - Yes they did
- Mr. Bissonnette asked if Captain Davis can describe the "spit sock"?
 - It is like a mesh that goes over someone's head

CRC discussions:

- Mr. Denecke is troubled with Portland Police Bureau's process of communicating with a person who suffering from mental illness.
- Mr. Green agreed with Mr. Denecke and added that the police bureau should look into the process of how to better apply a hobble
- Mr. Troy agreed with Mr. Denecke that there's a procedure issue that need to be worked on. The fact that the appellant was spitting blood should've been documented
- He also expressed concerns on the complete disconnection between IA and the appellant when they were trying to interview him. IA investigator Accornero did a good job on asking neutral questions, but repeating attempts to interview the appellant might not work in this situation. Mr. Accornero could've find a way around like get the appellant's mom to come to the interview with him
- Ms. Tuller was troubled by how the Mayor called Ms. Williams and admitting couple liability on the Portland Police
- Ms. Wilson agreed with other CRC members that the process could be improved and we could offer additional resources to people who have mental illness
- Ms. Donegan acknowledge that the whole process must be really hard for Ms. Williams especially when she also works for the City of Portland
- Chair Paris also agreed that there's room for improvements
- Public Comments:
- Mr. Kane suggested Captain Famous to require the involved officers to be at the appeal hearing
- Mr. Handelman made several comments:
 - Why would IA interview the appellant when IPR already interviewed him twice
 - Investigator Accornero was not a police officer. He came to IA from San Francisco
 - The length of time on the GPS show 28 minutes Why was there no investigation on why the officers didn't provide a report on the blood they've observed
 - He suggested sending the case back for more investigation
- Ms. Chambers troubled by the fact that someone can sustain this many injuries while being restrained in the back of a police car
- Ms. Luyben glad that we can all learn from this and suggested that the Police Bureau should transport a person who's under maximum restraints using an ambulance
- Appellant's NLG rebuttal Comments:
 - Why didn't anyone contact the nurse or doctor who conducted the medical exam on the appellant when he arrived at MCDC? Why anybody didn't contacted his cousin?
 - There were conflicted accounts between the officers. Officer A said he and officer D applied the hobble before sergeant C arrived, but office B said, it happened after Sergeant C arrived. Officer A and B indicated that they were already in the car while Sergeant C and officer D said it didn't happened before sergeant C arrived
 - She also expressed frustrations by the lack of access of information prevented her from being a good advocate
- Appellant's APA rebuttal comments:
 - The appellant had three serious mental health crises before this incident and she was wondering why the officers didn't know anything about this?
 - She had a conversation with a Portland officer and he expressed frustration with the police's database being a complex system
 - The appellant didn't get placed in the mental health unit when he was transported to MCDC
- Appellant's mother comments:

- Her son told her that the officers punched him after he cursed at them.
- Her son cursed at the officers because he was trying to explain to the officers the best of his ability
- If the hobble was placed on the appellant to prevent him from getting injured then it didn't work
- People with mental health issues do not feel safe in this city
- Mr. Troy made the motion to **affirm** the finding on allegation 1. This was seconded by Ms. Donegan
 - Mr. Bissonnette: Yes, it was a reasonable finding considered the evidence
 - Ms. Tuller: Yes, overwhelming evidence
 - Mr. Denecke: Yes, injuries consistent with the struggle in the back of the patrol car
 - Chair Paris: Yes, it was reasonable use of force by the officers
 - Ms. Donegan: Yes, it was a reasonable use of force
 - Mr. Troy: Yes, it was a reasonable decision by the officers
 - Ms. Wilson: Yes based on the evidence
 - Mr. Green: Yes officers acting within policy although the technique of applying the hobble can be questionable
- Mr. Troy made a motion to **affirm** the finding on allegation 2. This was seconded by Chair Paris
 - Mr. Bissonnette: Yes, evidence supported the finding
 - Ms. Tuller: Yes, evidence supported the finding
 - Mr. Denecke: Yes, evidence supported the finding
 - Chair Paris: Yes, evidence supported the finding
 - Ms. Donegan: Yes evidence supported the finding
 - Mr. Troy: Yes, evidence supported the finding
 - Ms. Wilson: Yes, evidence supported the finding
 - Mr. Green: Yes, evidence supported the finding
- Mr. Troy made the motion to **affirm** the finding on allegation 3. This was seconded by Ms. Wilson
 - Mr. Bissonnette: Yes based on the previous reason
 - Ms. Tuller: Yes based on the previous reason
 - Mr. Denecke: Yes based on the previous reason
 - Chair Paris: Yes based on the previous reason
 - Ms. Donegan: Yes based on the previous reason
 - Mr. Troy: Yes
 - Ms. Wilson: Yes
 - Mr. Green: Yes
- Mr. Troy made motion to **affirm** the finding. This was seconded by Chair Paris
 - Mr. Bissonnette: Yes, based on the previous reason
 - Ms. Tuller: Yes, based on the previous reason
 - Mr. Denecke: Yes, based on the previous reason
 - Chair Paris: Yes, based on the previous reason
 - Ms. Donegan: Yes, based on the previous reason
 - Mr. Troy: Yes, based on the previous reason
 - Ms. Wilson: Yes, based on the previous reason
 - Mr. Green: Yes, based on the previous reason
- Mr. Denecke made the motion to **affirm** the finding. This was seconded by Ms. Donegan
 - Mr. Bissonnette: Yes based on reasonable evidence
 - Ms. Tuller: No, she would like to challenge the finding change it to exonerated
 - Mr. Denecke: Yes, would love to have the officers present at the appeal hearing
 - Chair Paris: Yes, based on reasonable evidence
 - Ms. Donegan: Yes, based on reasonable evidence
 - Mr. Troy: Yes, reasonable person could make that finding
 - Ms. Wilson: Yes, based on reasonable evidence
 - Mr. Green: Yes, the injuries could be sustained from multiple sources

7:30 pm—7:35 pm Break

7:35 pm—7:50 pm New Business

- CRC members discussion on several policies :
 - Mr. Denecke raised the issue of the police not aware of a person's mental health history when dealing with them

- Ms. Tuller expressed interests in changing the policy so that the NLG volunteer have access to the confidential appeal files. Mr. Troy advised Ms. Tuller to look into the Protocol 5.21
- As part of the improvement process, Director Severe would like IPR to include PPB's directives related to case when sending out letter to the community members notifying them that their case has been referred to IA
- IPR is working on a process to keep community members more informed on the status of their complaint case
- Lt. Bell informed the CRC members that people who suffered from mental illness and had a run in with the police is flagged in the police database. The problem is that the officer have to find it within the database
- CRC members would like to have someone from the police bureau to come in and give a presentation on the police's computer system.
- Director Severe informed Chair Paris that there's a CRC appeal coming up. The case is fairly long since there are 15 different witnesses.
- Captain Famous said the Bureau is thinking about sending out appeal case files in a CD via certified mail to CRC members.
- The Bureau is also looking into providing CRC members access to the case file via IPR's intranet. This option is currently still under evaluation by the Bureau of Technology Services
- CRC members voted unanimously to conduct a case file review for the upcoming appeal on July 2

7:50 pm—8:05 pm Old Business

8:05 pm—8:25 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 group is still working on the recommendations

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 group will be scheduling a meeting soon to continue planning on the upcoming Race Talks forums

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: Teresa Baldwin, and James Young

IPR staff: Anika Bent-Albert, Assistant Director

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: Teresa Baldwin, Jean Tuller, and Rodney Paris

IPR staff: Derek Reinke, Senior Management Analyst

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

8:25 pm—8:45 pm Public comment and wrap-up comments by CRC members

- Mr. Handelman made several comments:
 - The timeline of this case was accelerated probably because of the interest of the Mayor and Police Chief
 - The CRC needs to be heard about what being said in the community. If IPR received feedbacks from the a minority community, it should not be made confidential. CRC needs to know about it
- Mr. Terrel asked if the two officers who transported drove in a separate car
 - Yes they did

TBA

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.*