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, July 2, 2014 (meetings are typically held the first Wednesday of each month)

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

Location: **Lovejoy Room**, Portland City Hall 1221 SW 4th Ave, Portland OR 97204

Present: Jeff Bissonnette, Jamie Troy, Mae Wilson, David Denecke, Jean Tuller, Teresa Baldwin, James Young, David Green, Roberto Rivera, Rodney Paris, Constantin Severe, Derily Bechthold, Glenn Fullilove, Cliff Bacigalupi, Jeff Bell, Cordes Towe, Dennis Therault, Maxine Bernstein, Debbie Aiona, Eric Terrell, Barbara Ross, Regina Hannon, Dan Handelman, Alison Allen-Hall

Absent: Bridget Donegan

AGENDA

5:30 pm—5:45 pm Introductions and Welcome (CRC Chair Rodney Paris)
Approved June 2014 Meeting Minutes

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

- Ms. Donegan served on the PRB for the first time
- IPR staff attended a training on managing stressful situations when working with public
- New CRC's application is currently available on our website and is due at IPR office on Thursday, October 30, at 5pm
- Race Talks Forums will be held on Tuesday August 5 and 12
- IPR Outreach Coordinator Irene Konev networked at East Portland Rotary Club, Women in Information Technologies, Portland Pride Kick-Off Celebration, Gang Violence Task Force, Oregon Area Jewish Committee
- IPR Investigator Casey Bieberich tabled at Latino Home-buying Fair
- There are currently 3 officer-involved shootings under investigation

- Ms. Tuller asked about Mr. Turner's statement related to the work of IPR
  - Mr. Turner representing PPA members and he have the right to make those statement. IPR have the obligation conduct fair and non-bias investigation given by the City Auditor and City Council
- Mr. Bissonnette asked Lt. Bell about the service Improvement opportunity process. Why did it takes 79 days just for two cases
  - Some of the cases, investigator were unable to get in touch with the complainants. Occasionally, the cases might be on the edge of either an SIO or full on investigation what IA try to take some time to assess the case

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

- Exchanged emails correspondences with PPA President Daryl Turner regarding his concerns
- The original plan was to invite Mr. turner to this month CRC meeting but due to the fact that Some of the case Mr. Turner mentioned are still open so it is not appropriate to discuss about those cases at this time
- Worked on the draft crowd control proposal for the Crowd Control workgroup

6:15 pm—6:30 pm **Special Presentation:** Portland Police Behavioral Health Unit

(Lt. Cliff Bacigalupi)

- The BHU breaks down into 4 respond structure:
  - Competency crisis intervention training for all 390 PPB patrol officers (1st tier)
  - Enhance Crisis Intervention Team (ECIT) (2nd tier) the officers had an additional 40 hours of mental health training. Currently 25% of the patrol officers have received ECIT training
  - Mobile Crisis Unit (MCU) (3rd tier) pairs an officer and a staff from Project Respond get referrals from ECIT officers and conduct additional follow ups
  - Service Coordination Team (SCT) (4th tier) provide treatments drug and alcohol addictions, mental health issues

- Mr. Denecke asked how are police officers taught to identify people with mental illness? When a person is belligerent drunk and fighting at 3 in the morning on the street, is it highly likely a person have a mental illness?
  - It is a possibility. BHU have a referral system that officers can refer people who possibly having mental illness and track how many times these people have contact with a police officer.
- Ms. Wilson asked can any officer put a person into mental a health hold or just the MCU people?
  - Any officer can put a person in a mental hold
- Is CIT be able to conduct an assessment or that is something the Project Respond does?
  - ECIT officer do try to conduct a basic assessment when possible
- Mr. Young asked IS MCU is done in cooperation with Cascadia Behavioral Health? Only from 8:30 – 6:30pm?
  - Yes, the 8:30 – 6:30pm is the hours of the clinician. There are currently 3 MCUs assigned to each precinct
- Ms. Baldwin asked how does information of a person of concern get communicated?
  - Internally, the Bureau use a system called "BEHS" to relay information directly to BHU
  - Externally, there's a meeting being conducted every Friday to communicate with the Bureau's mental health partners
- Chair Paris asked if BHU have more resources, where would they use that resource?
  - Being able to expand the unit and put more people out on the field and lower the response threshold

6:15 pm—7:15 pm Case File Summary: 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 provided IPR side of the investigation:
  - The investigation was quite complicated since there are multiple witnesses who are homeless therefore, it took IPR 63 days to wrap up the investigation and sent over to IA
  - IPR also obtained several video footages of the incident from multiple witnesses
  - Investigator Nomura made multiple attempts to find the appellant before the meeting but was unable to find him

- Lt. Bell Provided went over the list of questions CRC members submitted before the meeting:
- Officer A states that he sprayed the pepper spray after the Appellant "violently pushed" Officer B. Where, at what time in the video can that be seen?
  - The point in time that occurred was when the camera moved away. Also the cellphone camera quality wasn't great
- When we see Officer A taking the Appellant into custody, the Appellant is missing his shirt. What happened to it?
  - According the security officers, the appellant took his shirt off before he was sprayed
- Does an officer have to identify before spraying Mace?

- PPB's directive did not require Officers to announce that before they use it. In this case Officer A stated that he didn't have enough time to give the warning since everything happened so fast

- How often does street clearing and cleaning happen in that area? Is it at a regularly scheduled time?
  - IA did not look into this particular issue, but Investigator Towe explained that the witnesses who he interviewed told him that the street clearing happened numerous times that week

- In the Ivan S. video at 1:10 Officer A is pepper spraying. By 1:14 he's grabbing two people? Who are they? Why does he let go of them at 1:20? Were they a concern and if so why did he let go of them? They appeared to be subdued due to the pepper spray? So if there was a chance to hold the people or take into custody why pepper spray again at 1:26?

  - One of those two people were actually the appellant and the other person was not identified. Officer A stated in his interview that he sprayed the appellant for the second time because he thought the first spray wasn't effective enough

- What were the other officers doing? Why was only one officer, Officer A, seeming to move toward the dog? The others in the group? If there was a threat of harm or danger why is only one officer moving at the dog?

  - According to Officer A's statement, the dog was in the way and he just wanted to grab the dog and figure out who the owner was to try and get the owner to contain the dog. He did not expect the dog to react the way it did. Other Officers were just standing around and watch over the crowd

- From the video it appears that this is focused on just Officer A initiating and then other officers following and backing up. Had Officer A been identified as the "lead" in some way, prompting the other officers to stand down, awaiting Officer A's directions/prompts/initial moves?

  - Because of the dog's incident, Officer A was seen as a focal point. The allegations focused on him because he was the one who tried to grab the dog and started a chain of events where he ended up using force

- Curious about on page 3 of 313, "Attempts to make contact with these security guards," PPI Security Officers hired by ODOT, "went unanswered." How was a request made-via email, registered mail, phone, other? How many attempts were made to connect with these Officers? How typical is this? Why would they not want to make themselves available for follow-up to their own reports?

  - The notes were from IPR. Investigator Towe was able to get in touch with those folks. IA tried to keep everything in the files so those notes were kept in the files

- There is a specific directive regarding the use of pepper spray (specifically 1040.00 - Aerosol Restraints). Although it ties back to 1010.20, the Physical Force directive, is there a reason that the pepper spray directive is not cited as part of allegations?

  - When the allegations came over from IPR, it just have the use of force directive in it. Each tools that the officers used have its own directives. If the allegation had been more specific, IA would use a more specific directive for that

- Is there a part of the training or a protocol that directs officers in removing homeless persons from a camp? In a related vein, how is the decision made to remove people from a camp on a particular evening? Lastly, why is a camp cleared at night?
  - IA did not look into the decision to remove people from a camp since it didn't relate to the allegations. The incident happened at 8 in the morning. The reason why it seems to be really dark in the video was because the whole incident happened underneath a bridge

- Mr. Green asked if the Officer that was pushed a PPB's Officer? Was he questioned whether the use of force was necessary against the person who pushed him?
    - Yes he was Officer B. The Officer B pushed the person back and he felt that it was good enough

- Mr. Young asked Lt. Bell on the issue of the Officer pepper sprayed the appellant's girlfriend on the IED Report page 5-6. Where in the report explained that the girlfriend behaviors threaten the Officer?
    - You might be able to find this information in Officer A and the appellant's girlfriend interview transcripts
- Mr. Rivera asked Lt. Bell if Officer A received training in crowd control during his 19 years in the force and whether if he is the most senior officer
    - That question wasn't specifically asked, but Officer A worked in the training division as a defensive tactic instructor. He was not the most senior officer at the scene
- CRC voted to schedule an appeal hearing on August 6:
    - Mr. Troy: Abstained since he have not finish reviewing the case file
    - Mr. Rivera: Yes
    - Mr. Denecke: Yes
    - Mr. Green: Yes
    - Ms. Baldwin: Yes
    - Ms. Tuller: Yes
    - Ms. Wilson: Yes
    - Mr. Bissonnette: Yes
    - Chair Paris: Yes
    - Mr. Young: Yes

7:15 pm—7:20 pm Break

7:20 pm—7:35 pm New Business

- Ms. Tuller, Mr. Green, and Ms. Baldwin has a conversation with Commissioner Fritz regarding giving NLG volunteer law student more access to the case file so he/she can be a better advocate at CRC's appeal meeting. Ms. Tuller was wondering if there's anything that can be done to give the NLG volunteer more access to the files
- Director Severe said that it would require a legislation change and will have to be approved by City Council
- Mr. Bissonnette proposed the idea of recruiting PRB members to get involved in appeal cases since those people have access to the confidential files. He will do some research on the current and old PRB members and will get back to the Committee in either August or September
- In May, Mr. Denecke went to Bangladesh with Chief Reese and Captain Marshman to help train police officers there. Mr. Denecke gave multiple presentation on police oversight to various police departments and university law students
- Mr. Bissonnette expressed interests in hearing more about the interaction between PPB and folks over in Bangladesh. Mr. Denecke will coordinate with PPB to provide a presentation to the CRC at a future meeting

7:35 pm—7:50 pm Old Business

1) Race Talks forums planning update

- CRC members will be attending each forum:
    - August 5: Rodney Paris, David Green, Jeff Bissonnette, Jamie Troy, Roberto Rivera
    - August 12: David Denecke, David Green, Mae Wilson, Roberto Rivera, Jeff Bissonnette, Bridget Donegan

7:50 pm—8:10 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 writing a draft report. Chair Paris will turn his portion into Mr. Reinke by this Friday. Mr. Denecked has already submitted his potion. The group is still waiting for Mr. Troy's portion

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

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, Jean Tuller, and James Young
IPR staff: Anika Bent-Albert, Assistant Director

- Ms. Baldwin would like this Workgroup to be alive and hopefully someone will take charge of the group since this is her last meeting

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, 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

- The group met with David Woboril and had a discussion on PPB's Use of Deadly Force directives, satisfactory directive 315.30, and 1010.315. The group made some suggestions to City Attorney to fine tune

- The group will meet with the new OHSU's director of security on July 21 to discuss their use of force policy

8:10 pm—8:30 pm Public comment and wrap-up comments by CRC members

- Ms. Aiona thanked Director Severe for adding the community feedback into the Director's Report. She also suggested that Director Severe should also include the number of IPR's independent investigations in the report
- Ms. Aiona also would like the CRC to send out a notice of cancellation if the meeting is cancelled. She attended CRC Outreach workgroup meeting earlier today and no one show up
- Mr. Terrell thanked the CRC for hold the June's meeting at the Q Center. He hoped the CRC would continue having meetings in the community
- Mr. Handelman raised a question if there's a way to measure how many time a pepper spray has been used. CRC needs to make a template for the case summary review. The first thing on the summary should mention what the appellant did and what directive did the officer(s) violated
- Mr. Handleman also mentioned there are more directives on PPB website are currently up for public comments
- Ms. Ross urged CRC to keep an eye on the PPB arresting minor policy workgroup to make sure the issue is getting resolved

8:15 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.