



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, December 4, 2019 (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: Andy Chiller, Jihane Nami, Sylvan Fraser, Kristin Malone, Daniel Schwartz, Hillary Houck, Ross Caldwell, Dana Walton-Macaulay, Dan Handelman, TJ Browning, Pamela Fitzsimmons

AGENDA

5:30 pm—5:35 pm Introductions and Welcome (CRC Chair Kristin Malone)
(Approved of November 6, 2019 meeting minutes)

5:35 pm – 5:40 pm Director's Report (IPR Director Ross Caldwell)

- Director Caldwell asked the Committee if they all would like to have city's account
- Mr. Jones made a comment regarding to the CRC recruitment, the interview process has been completed. The panel interviewed 9 people in total and they will be presented to the Auditor next Monday. Ms. Wade resigned from the Committee
- Mr. Schwartz asked Mr. Jones when the training for new members to start?
 - January and then they will get confirmed by City Council in February
- Director Caldwell made a comment if any Committee member have not gotten back to Mr. Nguyen regarding whether they can show up early to the appeal hearing on January 8, please let him know. Regarding to the request for CRC members to have a City email account, IPR will send an email out to all CRC members to see if everyone on the Committee would like to have a City email
- Vice Chair Avalos made a comment at the very least, a Chair and Vice Chair should have a City email account
- Mr. Nguyen made a suggestion for the Committee to access current CRC@portlandoregon.gov email account
- Ms. Chiller made a comment she would be ok with using the current CRC email account
- MR. Jones made a comment regarding to the idea of using OneDrive to share documents between Committee members. The Committee will need to have a City email to access that.
- Mr. Mozyrsky asked Ms. Jones if the remote access system proposed for the Police Review Board member required City's email:
 - No. We are thinking about using this for CRC members to access case file as well.
- Mr. Mozyrsky made a comment he likes his portlandoregon.gov email because it helps separate emails between personal and CRC related.
- Ms. Chiller asked Director Caldwell if the training was department wise or for just the new investigator?
 - We had 5 spots and 5 of our investigators went.
- Director Caldwell made a comment if any of CRC workgroups identified any subject experts that they would like to invite to their workgroup meeting, IPR can assist with that
- Mr. Schwartz asked Mr. Jones regarding to the median age in the case timelines if there's a way to provide a range instead?
 - Yes, we can try and do that
-

5:40 pm – 5:45 pm Chair’s Report (CRC Chair Kristin Malone)

- Chair Malone and Vice Chair Avalos attended a bi-monthly meeting with the Mayor and his staff. This was first time the Mayor wasn’t present at the meeting. Chair Malone and Vice Chair Avalos met with the Mayor’s police advisor Robert King.
- Chair Malone and Vice Chair Avalos expressed to Mr. King about the lack of support from the City. They also expressed frustrations regarding to the Committee’s standard of review proposal. Mr. King took notes and asked what the Committee would like to see from the City to make Committee members feel like they are getting support from the City? Chair Malone would like to start having this conversation and put together something in writing
- Chair Malone made a comment she would like the Auditor or someone from her office to start coming to CRC meeting
- Vice Chair Avalos made a comment while IPR acts as the Committee’s channel to the Auditor, it feels like what happened at these meetings don’t get to her. She would like to have a more direct communication access to the Auditor.
- Chair Malone asked Director Caldwell if IPR regularly check in with the Auditor regarding CRC related matter
 - I meet with her weekly and Dana meets with her on a bi-weekly basis. We can also check in with the Auditor as needed. CRC related issues probably comes up at least once a month
- Deputy Director asked Chair Malone if she have any specific things that she would like her and Director Caldwell to report to the Auditor?
- Mr. Schwartz made a comment this can start by the Auditor coming to the meeting. Does the Auditor know she would be welcome to the meeting?

- Deputy Director Walton-Macaulay made a comment the Auditor knows about the meeting. but she also just wants to step aside to let her and Director Caldwell get a chance to established as her point of contact for the CRC
- Chair Malone made a comment her and the Vice Chair used to meet with the Auditor on bi-monthly basis. It came to an abrupt stopped. The Committee puts out various reports and the Auditor rejected them all.
- Director Caldwell made a comment he would be more than happy to pass on Committee’s concerns to the Auditor
- Vice Chair Avalos made comment she would rather have a bi-monthly meeting with the Auditor again
- Ms. Chiller made a comment when the Committee brought forward the proposal to change the standard of review and was hoping the Auditor would support the proposal. She felt like the door was shut rather than helping the Committee advocate for the change
- Mr. Mozyrsky made a suggestion to invite the Auditor to the CRC retreat
- Ms. Nami made a comment on of the specific question to ask the Auditor is now that the PPB contract is being negotiated, will she willing to support the Committee’s proposal to revise the standard of review. If not, what would she propose us doing with it?
- Mr. Mozyrsky made a comment the standard of review proposal has much to do with the PPA contract. It is up to City Council to change the code on that
- Chair Malone made a comment everyone on the City Council had told the Committee that this is something that need to be bargained

5:45 pm—6:00 pm New/Old Business

- 6:00 pm—6:25 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

6:25 pm—8:25 pm **Case File Review/Appeal Hearing:** 2019-C-0144/2019-X-0003 Appellant alleged Officer A would not take a vehicle theft report. Appellant also alleged Officer A also did not adequately document a missing vehicle reported by her.

- Director Caldwell provided IPR side of the investigation:
 - The incident happened on August 5, 2018. IPR received a complaint May 17, 2019.
 - Investigation completed on August 2, 2019
 - Findings Completed August 20, 2019
 - Appeal was received September 19, 2019
- Commander Parman provided IA side of the investigation:
 - The IA investigator Interviewed the Complainant, Involve Officer and a Witness. The investigator then reviewed all the interview transcripts, applicable directives, and VCAD
 - The case then sent out to an RU Manager for findings. It was then being reviewed by an Assistant Chief of Operations, IPR, and IA Captain
- Ms. Chiller asked Commander Parman about reference to an email from a Detective regarding DMV paperwork in the chronological sheet?
 - In the case file there is an email on July 24 from the Detective to the investigator with an attachment of the DMV document. The DMV document titled “notice of transaction” appeared to be the document in question.
- Ms. Nami asked Commander Parman whether the civilian witness submitted any additional documentation?
 - There’s none in the case file so apparently not
- The Committee voted 7-0 to move the case forward to the appeal hearing
- Ms. Browning, the Appellant’s APA provided her side of the incident:
 - The Appellant bought a car July 15, 2018. When she went to buy the car, the original owner could not find car title so they both went to the DMV. The DMV then provided the Appellant an application for title and registration.
 - The Appellant gave DMV the bill of sale.
 - The seller was told to apply for a replacement title
 - When the Officer said the Appellant provided a handwritten bill of sale which is not correct. It was actually a receipt from the DMV when she filled out a form for a new title
 - When her car was taken, the appellant called the police to make a report. She handed the Officer that DMV receipt. The officer at the time did not know that the DMV paperwork was messed up.
 - The Officer listed in his report that the Appellant produced to him a handwritten bill of sale which is not true since the DMV have the handwritten bill of sale
 - The Appellant faxed all the DMV paperwork indicating that she is in the process of title transferred to both IA and IPR
 - The Appellant could’ve called in and report the car stolen with a description of the vehicle and the police would’ve taken the report. The car was later found in Marion County and they could not arrest the person because there wasn’t a stolen vehicle report
 - Part of the reason why the appellant was so insisted on filling out a report because the vehicle tag is about to expired
- Ms. Chiller asked the Appellant if at any point the Officer saying anything about contacting his supervisor for assistance?
 - I asked and they said they are going to say the same thing.
- Ms. Chiller asked if the officer ever talked about contacting the seller?
 - No, I explained to him that the tags were expired, and I was afraid it was impounded.
- Mr. Mozysky asked the Appellant where there were issues with the title transfer not being signed?
 - No there wasn’t a place for me to sign. They said I need an odometer reading

- Mr. Schwartz asked Ms. Browning why did the DMV sent back all the paperwork?
- Ms. Browning made a comment the application for a replacement title was submitted by the seller and that negated everything, so the Appellant have to start the paperwork all over again
- The Appellant made a comment the DMV sent the paperwork back to her because they needed the odometer reading to get a new title. The car is stolen, and she cannot get the odometer reading
- Chair Malone asked the Appellant at the time of her interaction with the Officer does she was aware that the paperwork process didn't go as planned with the title process
 - No. I expected the title to come in the mail in 4-6 weeks. The tow yard can see the paperwork in the system and released the car to me so I don't understand why the Officer couldn't see it
- Commander Hager provided RU Manager explanation of the findings:
 - Regarding to the 1st allegation, the piece of paper the Appellant given to the Officer doesn't indicate there was a transfer. It was just a receipt of a transaction of a replacement title being requested but she have not owned it yet
 - Regarding to the 2nd allegation, there's no missing vehicle report. They are either stolen or not stolen. There's no policy or procedure saying that an officer must take a missing vehicle report
- Ms. Chiller asked Commander Hager, regarding to the proof of owner directive subsection H said "situations that do not meet the previous criteria, officers must contact a Detective or a Sergeant for authorization to take the report..." there's no indication that was something Officer A looked into. If there was a document from the DMV that indicated some sort of a transaction, why didn't the Officer's contacts a Sergeant or a Detective
 - The only way we can take a stolen vehicle report outside of those criteria is with permission. In this particular incident, in order to transfer title, you have to have a title. DMV should've told the Appellant what the paperwork actually meant
- Ms. Houck made a comment it seems like there would've been a bit of flexibility if the person called in and report the car stolen
- Commander Hager made a comment it doesn't matter, the Appellant could've given her name and they will run the name and said that she is not the registered owner
- They Fraser asked Commander Hager under the stolen vehicle directive, section B of the proof of ownership stated complainant provides documents indicating of process of transfer of title process what exactly is she looking for that is different from that
 - I would expect to see something from DMV that is printed out with the DMV seal. Something from DMV that said that we are transferring the ownership from one person to another. When I look at the form, it would not convince me that the Appellant is the registered owner. When the IA investigator spoke to the auto theft detective who is familiar with the DMV process. He confirmed it that it wasn't proper paperwork
- They Fraser asked Commander Hager if there's any elaboration anywhere regarding to what qualified as "process of transfer of title"?
 - If you look at the notice of transaction document, it talks about how the notice is not an indication of temporary registration. It is a receipt that you have applied for something. This is not a transfer of title document
- Ms. Chiller asked Commander Hager if making false police report a crime?
 - Yes
- Ms. Chiller made a comment the fact that a person who called in is subject to arrest and criminal charges would be more of a discouragement of making a false report. There are better ways to discourage people from making a false report than not taking a report.
- Commander Hager made a comment in general people use the police all the time to get at other people. To think that just calling the police and some fear of filing a false report is enough to prevent people from calling and make a report is not accurate. These rules were created in order to protect the process. She concurred with the Officer's decision after looking at the DMV document and as well as well as statement from the Detective about how the document is not a proof of ownership
- Mr. Mozyrsky asked Commander Hager there's a note in the case describing Detective A contacting the DMV was told the document wasn't signed. They mailed it back to the Appellant and the mail was returned by the Post Office and DMV refunded the application fee to the Appellant. Was there a basis for believing that?
 - I believe that what had happened

- Chair Malone asked Commander Hager regarding to subsection H of the stolen vehicle, in situations that did not meet the criteria, officers have to contact a supervisor or if they don't meet the criteria and officers going to accept the report, they have to contact a supervisor?
 - The only time where they have to make the phone call to consult with a supervisor is when they have to take a report. He would have to have something in order to call the supervisor and explain to him why he has to take the report. Based on the involved officer's statement it sounded like he knows that his Sergeant would tell him that he cannot take the report
- Chair Malone asked Commander Hager if the Officer believes the document is a sufficient proof of ownership, does he have to take the report?
 - Yes
- Ms. Chiller and Mr. Schwartz made a comment he doesn't understand why the police doesn't view the DMV document as a piece of indication that the processed has started
- Commander Hager made a comment when she looks at the piece of paper as a RU Manager, there's nothing on there to show an indication of process that couldn't be manipulated. Nothing show on the piece of paper that this person is going to be an owner. Detective A statement also stated that this document is not a proof of ownership
- Mr. Mozyrsky asked Commander Hager to say that the police is protecting people from being arrested because other people filling out fraudulent paperwork. This is a process in the legal system where anyone can forge a story or file paperwork saying they have the right to something. Is it a reason to disbelieve people because they have some paperwork?
 - This is a policy issue. If you think PPB should take a stolen report based on different information. That is something that you can recommend to the policy people. For me, I am just looking at the current policy
- Director Caldwell made a comment when the decision was made everybody thought this process was going to work that's why the Officer told the Appellant to call back. What the committee is looking at now is pretty close to what the Officer was looking at the time
- Mr. Schwartz made a comment under the stolen vehicle Directive, there is nothing in subsection A-H that said if any of these subsections are satisfied, the officer must take a report.
- Commander Hager made a comment based on if a crime is occurred, the officer must take a police report
- Ms. Nami made a comment the Officer was unreasonable by completely dismissed the piece of paper the Appellant provided. The Appellant mentioned about the Officer talking about a "missing vehicle list" which he denied during his interview. The IA investigator could've asked the Officer if he might've said something else that could lead the Appellant to believe that there's a "missing vehicle list"
- Public comments:
 - Mr. Handelman made several comments:
 - This is one of those case where it is very hard to prove regarding officers who wouldn't do something that community members asked them to do
 - This is an encroaching cynicism on part of the police where they claim to have so many frauds call therefore, they can't believe this person
 - At the very least add a debrief to the current findings
- Appellant's APA made some rebuttal comments:
 - The Appellant car was taken August 5, she went to the DMV to do the paperwork July 12. It is not reasonable to expect the Appellant to have the paperwork 12 days
 - They keep saying the paperwork needed to be signed, but the letter from the DMV is saying the Appellant cannot sign until there's an odometer reading
 - IPR also recommended the policy to be reviewed in their findings coversheet
- Director Caldwell made a comment in the IPR findings coversheet, Jennifer Amriott, the IPR Manager at the time was the person who reviewed this case asked for the Directive to be reviewed
- Mr. Mozyrsky made a motion to change the finding from Exonerated to Not Sustained with Debrief on allegation 1. This was seconded by Chair Malone:
 - They Sylvan: NO, the DMV document is considered as a process of transfer of title and satisfied the Bureau's directive

- Ms. Chiller: NO, there's a very broad in subsection B talking about the process. The officer was unclear about the document and it was his duty to conduct more information on what that piece of paper means. He could've check with his Sergeant if he wasn't sure
- Mr. Mozyrsky: YES, everyone involved in this process thought that they were followed policy. The notice of transaction submitted doesn't clearly show that it is an indication of the title transferring process
- Mr. Schwartz: YES, this is an oversight issue. The Officer didn't see the phrase "transfer of title" in the piece of paper, but to the DMV that is an indication of a process of transferring of title.
- Chair Malone: YES, the Officer didn't know the document was considered as a process of transfer of title. She agreed with Mr. Handelman's comment when in doubt, the Officer should've called for advice
- Ms. Houck: NO, a reasonable person would view the form as an "indicating of process of transferring of title"
- Ms. Nami: NO, this is clearly a systemic failure at both DMV and PPB directive. a reasonable person would view the form as an "indicating of process of transferring of title"
- The motion failed 4-3 to challenge the finding from Exonerated to Not Sustained with Debriefing on allegation 1
- They Fraser made a motion to challenge the finding from Exonerated to Sustained on allegation 1. This was seconded by Ms. Chiller:
 - They Sylvan: YES, based on reason stated on the previous motion
 - Ms. Chiller: YES, based on the previous stated. She doesn't like the reasonable standard that the Committee have to follow. The Directive is poorly worded
 - Mr. Mozyrsky: NO, based for reason stated on the previous motion
 - Mr. Schwartz: NO, based for reason stated on the previous motion
 - Chair Malone: NO, based for reason stated on the previous motion
 - Ms. Houck: YES, based for reason stated on the previous motion
 - Ms. Nami: YES, based for reason stated on the previous motion
- The Committee voted 4-3 to challenge the finding from Exonerated to Sustained on allegation 1
- Ms. Chiller and they Fraser volunteered to review the challenge memo
- Ms. Chiller made a motion to affirm the finding of Unfounded on allegation 2. This was seconded by Mr. Mozyrsky:
 - They Sylvan: YES, the way the allegation was crafted is funky, but Unfounded is an appropriate finding
 - Ms. Chiller: YES, there's no missing vehicle report
 - Mr. Mozyrsky: YES, based on the standard of review
 - Mr. Schwartz: YES, the allegation should've been about whether the Officer lied to the Appellant
 - Chair Malone: YES, based on the standard of review
 - Ms. Houck: YES, based on the standard of review
 - Ms. Nami: YES, IA investigation was a little unfair to the Appellant. There were a lot of misleading questions. No effort was made to look into the "vehicle missing list" and how it was conveyed to the Appellant
- The Committee voted 7-0 to affirm the finding of Unfounded on allegation 2

ACTIVE WORKGROUPS

1. Outreach Workgroup (5 min.)

MISSION STATEMENT: The Outreach Workgroup engages the community to raise awareness about the Citizen Review Committee (CRC), gather concerns about police services and accountability, and identify issues for the CRC to address. Following up with appellants and others community requests will supplement current work group tasks. Additionally, outreach committee members will serve as point for ongoing communications with IPR, the City, the Bureau, community members and/or act as the face of CRC.

Chair: / Members: Vadim Mozyrsky, and Julie Falk

IPR staff: Irene Konev, Community Outreach Coordinator

2. 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: Daniel Schwartz / Members: Hilary Houck, and Jihane Nami

- Ms. Schwartz made a comment the workgroup has not met, and it was his fault. It seems like a waste of time if the workgroup puts a great amount of time putting together recommendations and then get ignored by the Bureau

3. 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: Candace Avalos /Members: Andrea Chiller

- Vice Chair Avalos and Ms. Chiller met last month to discuss the possibility of collaborating with race talks.
- The Workgroup is now discussing having another forum in March
- The Workgroup had a discussion on being more proactive in observing protests

4. Use of Force Workgroup (5 min.)

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

Chair: / Members: Kristin Malone, Andy Chiller, and Sylvan Fraser

8:25 pm—8:40 pm Public comment and wrap-up comments by CRC members

- Mr. Handelman made some comments:
 - He appreciates Committee's work on this appeal
 - The PPA contract forum is happening on December 16 at PCC
 - Regarding to the CRC proposals, the Training Advisory Council made recommendations to the Bureau and they got turned down as well. The Committee needs to keep persisting
 - He puts together some paperwork for IPR staff and found that CRC did some audit reviews of 3 or 4 different type of cases
 - There's a climate strike protest happening this Friday

8:30 pm Adjournment

To better serve you, a request for an interpreter or assisted listening device for the hearing impaired or for other accommodations for persons with disabilities should be made three (3) days 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/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.*