

CITIZEN REVIEW COMMITTEE

Community Oversight of Portland Police Bureau

Jamie Troy, Chair

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Minutes Citizen Review Committee May 2, 2012

Date Approved: May 30, 2012

Meeting Location: Lovejoy Room, 2nd Floor, Portland City Hall

Chair Troy called the meeting to order at 5:30 pm.

Introductions and Welcome

Citizen Review Committee (CRC) Members Present: Jamie Troy (Chair); Michael Bigham (Vice-chair), Jeff Bissonnette (Recorder), David Denecke, K.A. Lalsingh, Rodney Paris, Andre Pruitt, Dr. Rochelle Silver, Steve Yarosh

City staff: Mary-Beth Baptista, Director, Independent Police Review (IPR); Constantin Severe, IPR Assistant Director; Michael Hess, IPR; Linley Rees, Deputy City Attorney

Appeal Process Advisor: Robert Ueland

Portland Police Bureau: Captain Dave Famous, Professional Standards Division; Lieutenant Chris Davis, Internal Affairs (IA); Investigator Michael Barkley (IA)

Community and Media: Dan Handelman, Portland Copwatch and Flying Focus Video; Debbie Aiona (League of Women Voters); Kalei Luyben; Ted Luyben; Stephen Maynard; Maxine Bernstein, The Oregonian; Denis Theriault, Portland Mercury

Minutes of the 4/4/12 CRC Meeting

Approval of minutes of last meeting was deferred to the next CRC meeting.

Case File Review of Case #2001-C-0060 (CRC Appeal #2012-X-0003)

Chair Troy introduced the Case File Review. The appellants were not present for the case file review, but the Appeal Process Advisor and a family representative were present.

Director Baptista presented a case summary, including allegations and findings.

Investigator Barkley summarized the IA investigation.

Lieutenant Davis and Investigator Barkley responded to CRC members' questions.

During the question period, Mr. Bigham noted that the subject of the complaint, now deceased, had stated in his written notes that he heard Officer A admit to Officer B that he had intentionally injured the subject's arm. Mr. Bigham asked Investigator Barkley if Officer B had been interviewed about this, and Investigator Barkley said that he had not.

Mr. Bigham made a motion to request additional investigation, specifically to interview Officer B. Chair Troy seconded the motion. The motion passed by a vote of 6-3.

Yes: Bigham, Bissonnette, Lalsingh, Paris, Silver, Troy

No: Denecke, Pruitt, Yarosh

Chair Troy made a motion to request medical records from American Medical Response and/or Portland Adventist Medical Center. Ms. Lalsingh seconded the motion. The motion failed to pass by a vote of 2-7.

Yes: Lalsingh, Troy

No: Bigham, Bissonnette Paris, Pruitt, Silver, Yarosh

Chair Troy asked Captain Famous if IA would be willing to do additional investigation on this case. Captain Famous declined the request for additional investigation, stating that sufficient information had been provided to the commander to make a reasonable decision. Chair Troy asked Director Baptista if IPR would be willing to do the additional investigation requested by CRC. Director Baptista declined, stating that the role of CRC is to determine whether or not there is sufficient information in the record for a reasonable fact finder to make a determination, and that the information that they are requesting was unreliable hearsay and not material for the fact finder.

Mr. Bissonnette made a motion to schedule an appeal hearing on this case at the June 6 CRC meeting. Mr. Bigham seconded. The motion passed by a vote of 8-0, with Dr. Silver abstaining.

Director's Report

(See attached)

Chair's Report

Chair Troy noted that he and other members attended the Oregon State Bar Civil Rights Presentation; he organized and assisted with the retreat; he was at May Day event for several hours; and he spent a lot of time reviewing cases for the case file review and the appeal hearing.

New Business

Chair Troy asked Dr. Silver and Mr. Paris to prepare the CRC Appeal Summary for the June 6 appeal, and they agreed to do so.

Chair Troy suggested scheduling an appeal hearing for Case #2008-C-0336 on 5/30/12 at 5:30 p.m. This was unanimously approved. Chair Troy will inform Mr. Eric Terrell, the Appeal Process Advisor for this case, of this.

At this point, Chair Troy turned the meeting over to Vice-chair Bigham.

Old Business

Taser/Less Lethal Workgroup Draft Report: Mr. Bigham explained the workgroup's recommendations, followed by discussion. Mr. Bigham asked CRC to review the document so that the committee could vote at the next CRC meeting whether to accept the report. Director Baptista said the document was on the web site and that a notice would be sent inviting public comments. Senior Management Analyst Reinke will be available at the June CRC meeting to answer questions.

Mr. Bissonnette thanked Director Baptista for her report on her walk-along during the May Day events. He noted that it was obvious in videos that some officers did not have name tags. Director Baptista confirmed that there were officers from the Oregon State Police who did not have name tags on their uniforms, and she intends to address this matter.

Retreat Review: Closed Workgroups: It was confirmed for the record that the Appeals Workgroup and the Protocol Workgroups are officially closed.

Workgroup Updates

Outreach Workgroup (Mr. Pruitt). The workgroup met today (5/2/12) and discussed its goals over the next year. The workgroup wants to begin putting together a list of CRC accomplishments.

Recruitment, Retention, and Promotion Workgroup (Mr. Yarosh): The workgroup meets on the second Friday of each month. The last meeting was on Friday, 4/13/12, the workgroup discussed what direction they want to take over the next several months. The workgroup is currently reviewing PPB retention policies. The next meeting is scheduled for Friday 5/18/12 at 10:00 a.m. in the Auditor's Conference Room.

Recurring Audit Workgroup (Mr. Bissonnette): The workgroup is currently reviewing IPR dismissals. The next meeting has not yet been rescheduled, but the workgroup hopes to meet within the next two weeks to plan its next steps.

Taser/Less-lethal Force Workgroup (Mr. Bigham): Already discussed under Old Business.

Crowd Control Workgroup will have its first meeting on 5/3/12 at 12:00 noon.

Use of Deadly Force Workgroup (Mr. Denecke): The workgroup met for the first time. There is not yet a formal mission statement, but the group discussed five basic points they intend to look at. The next meeting is scheduled for 5/24/12 at 3:00 p.m. at the Hillsdale Library.

Public Comments

Regarding tonight's case file review, Mr. Handelman thought that CRC should have asked for additional investigation to ask Officer A why he did not put the allegations of excessive force in his police report and to ask Officer A if he said that he broke the subject's arm on purpose.

Wrap-up Comments

Mr. Bissonnette confirmed that it was agreed at the CRC Retreat that Appeal Workgroup and the Protocol Workgroup were disbanded.

Mr. Yarosh thought tonight's meeting was "a good, robust meeting," and he thinks that reasonable minds can differ and "we should continue to move forward as a group."

Adjournment

Vice-chair Bigham adjourned the meeting at 7:50 p.m.