

# **CITIZEN REVIEW COMMITTEE**

*Community Oversight of Portland Police Bureau*

**Jamie Troy, Chair**

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Minutes  
Citizen Review Committee  
March 7, 2012  
Date Approved: April 4, 2012

Meeting Location: Room C, Portland Building

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), K.A. Lalsingh, Rodney Paris, Andre Pruitt, Dr. Rochelle Silver, Steve Yarosh

CRC Member Absent: David Denecke

Appeal Process Advisor (APA): TJ Browning

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

Portland Police Bureau: Captain Dave Famous, Professional Standards Division; Lieutenant Larry Graham, East Precinct

Community: Dan Handelman, Portland Copwatch and Flying Focus Video; Regina Hannon, Portland Copwatch; Debbie Aiona (League of Women Voters); Kalei Luyben, Ted Luyben, Ann Brayfield, Monica Juarbe, Sarah Platt, Tommy Murray, Robert Izatt

The appeal hearing scheduled for 5:35 p.m. was postponed until later in the meeting since the appellant had not arrived.

## **Approval of Minutes of the 2/8/12 CRC Meeting**

A motion was made by Mr. Pruitt and seconded by Dr. Silver to approve the minutes of the 2/8/12 CRC meeting. The motion passed unanimously.

## **IPR Director's Report**

*IPR Work Plan / Accomplishments*

- Director Baptista met with Central Precinct Commander Day and Captain Westbrook to discuss community concerns and common themes in complaints regarding police interactions and tactics during the course of the Occupy Movement, Both are open to coming to a CRC meeting to discuss the topic further.
- Carol Kershner is retiring from IPR on 3/28/12. IPR held an open recruitment for a management assistant and received 93 applications for the position. Director Baptista is in the process of reviewing the qualified candidates, and it is hoped that interviews will be conducted in March. Based on the needs of IPR, this position has been restructured. The person filling this position will be responsible for managing, maintaining, and tracking the confidential investigative files and will be responsible for all aspects of administrative case handling. Beginning on March 26, Marilyn Shepherd will be the new CRC Liason.
- On 3/14/12 the IPR office will be closed for the annual staff retreat.

#### *IPR Community Outreach*

- Community Outreach Coordinator Irene Konev attended and networked at Hispanic Metropolitan Chamber of Commerce After-Hours Networking Event, African American Film Series, and Say Hey Northwest; she also attended and tabled at PSU's Vagina Monologues Production. Ms. Konev gave a presentation to students of Reynolds Learning Academy, and, along with IPR investigator Judy Taylor, gave a one-hour presentation to advocates of domestic violence victims at Rafael House; Ms Konev also met with staff of Info 211.
- Through the World Affairs Council, IPR Assistant Director Constantin Severe and Ms. Konev presented to international delegates working in Transparency and Accountability, including delegates of Montenegro, Rumania, Turkey, Serbia, Macedonia, Lithuania, Czech Republic, Bulgaria, and Denmark.
- Dr. Rochelle Silver and Ms. Konev attended the Fix-it Fair at Jefferson High School. IPR commends Dr. Silver for attending four Fix-it Fairs in the last year.
- CRC member K. A. Lalsingh, who teaches a class at PSU, Black Studies - African American Women in the U.S., invited Mr. Severe and Ms. Konev, to present to students on the powers and duties of IPR/CRC, and to answer any questions on the commendation/complaint process.
- Konev gave an update to the Community Police Relations Committee on IPR activities and introduced CRC member David Denecke. Mr. Denecke and Dr. Silver gave updates on the 1/26/12 CRC community public forum.
- Ms. Konev and CRC members Dr. Silver, Ms. Lalsingh, Mr. Pruitt, and Mr. Paris attended the Department of Justice Community Public Forum at St. Johns Community Center and heard community concerns on policing and police oversight.

(See IPR Director's Report for more details and for community feedback, IPR and IA caseload information, and status of officer-involved shootings and deaths in custody investigations.)

### **CRC Chair's Report (Chair Troy)**

- Chair Troy met with Mr. Bissonnette and Dr. Silver to begin planning for the next CRC retreat.
- Chair Troy has had discussions with IPR and Mr. Bigham about the status of the Taser/Less Lethal Workgroup Report, which is forthcoming.

### **Appeal Hearing for IPR Case #2011-C-0170**

After waiting until 5:55 p.m. for the appellant to arrive, Chair Troy proceeded with the scheduled appeal hearing. Neither the appellant nor the involved officer or witness officers were present.

- Mr. Yarosh presented the case summary.
- Appeal Process Advisor TJ Browning presented on behalf of the appellant.
- Lieutenant Graham explained the recommended findings.
- There were no comments by IA or IPR.
- Mr. Yarosh reviewed the allegations and findings and explained the various options available to CRC.
- CRC members directed questions to IPR and the Police Bureau representatives and discussed the appeal.
- Public comment was provided by Mr. Handelman and Ms. Juarbe.
- APA Browning had no rebuttal comments.
- Ms. Rees presented the standard of review.
- Mr. Yarosh made a motion to affirm the finding on Allegation #1. Mr. Bissonnette seconded the motion. The motion passed unanimously.
- Mr. Yarosh made a motion to affirm the finding on Allegation #2. Chair Troy seconded the motion. The motion passed unanimously.

- Chair Troy asked APA Browning to try to locate the appellant and explain the CRC decision to him.

Following the appeal hearing, Chair Troy opened the floor for discussion of policy and quality of investigation issues. Various members voiced concerns that the Field Training Officer who was on scene did not fully observe what happened. Chair Troy commented that the investigation on this case was judicious, timely, and thorough.

### **Old Business**

Chair Troy announced that the election of CRC officer is scheduled for the April CRC meeting and that planning for the CRC retreat is continuing.

### **New Business**

- Chair Troy presented the Appeal Workgroup's modified protocol PSF 5.03 (CRC-IPR Appeals Procedures)

Mr. Handelman provided public comment and recommended that CRC add language to the protocol spelling out the specific action CRC should take if they decide to send a case back for more investigation and stating that, absent further investigation, a reasonable decision is not possible.

Dr. Silver made a motion to accept revised Protocol PSF 5.03 as written. The motion was seconded by Mr. Pruitt and passed unanimously.

- Chair Troy presented the Appeal Workgroup's modified protocol PSF 5.16 (City Council Appeals Protocol). He said there was one public comment, submitted by Mr. Handelman, suggesting that the modified protocol be sent to City Council before posting it online.

Public comment: Mr. Handelman repeated his suggestion that this protocol be sent to City Council before it is posted because it directly involves them. Chair Troy requested that Director Baptista do this, and she agreed to do so.

After discussion, Mr. Pruitt made a motion to accept revised Protocol PSF 5.16 as written. The motion was seconded by Dr. Silver and passed unanimously.

- Dr. Silver said that she attended the last meeting of the Community Police Relations Committee, and she encouraged any other CRC members who are interested to attend these meetings, which take place on the third Wednesday of the month.
- Mr. Bissonnette stated that he had asked some time ago for information on the training that was provided by PPB members who traveled to Bangladesh, but this had not been followed up with. Director Baptista offered to identify a contact in the Police Bureau whom Mr. Bissonnette may consult with on this matter.

### **Workgroup Updates**

- Appeals Workgroup (Chair Troy): The final product of the workgroup was voted on at tonight's meeting. No further meetings are needed.
- Outreach Workgroup (Mr. Pruitt). The workgroup met today to discuss the last community forum. The workgroup meets on the first Wednesday of each month prior to the CRC meeting. The next meeting will be on 4/4/12.
- Protocol Workgroup: in hiatus.
- Recruitment, Retention, and Promotion Workgroup (Mr. Yarosh): The workgroup meets on the second Friday of each month. The workgroup last met on 2/10/12. The workgroup is currently learning about PPB retention policies. At the next meeting, scheduled for 3/9/12 at 10:00 a.m. in the Auditor's Conference Room, there will be a presentation by the Coordinator of the Employee Assistance Program.
- Recurring Audit Workgroup (Mr. Bissonnette): The workgroup has not met since the last CRC meeting. IPR dismissals are still being reviewed. The date of the next meeting is yet to be determined. The workgroup would like to invite either Director Baptista or Assistant Director Severe to the next meeting to talk about the IPR dismissal process.
- Taser/Less-lethal Force Workgroup (Mr. Bigham): The workgroup's draft report is being reviewed by IPR and the Police Bureau. After their comments have been received, there will be a meeting to come to an agreement on the final draft report so that it can be brought to the full CRC as soon as possible.

## **Public Comment**

- An unidentified community member, with reference to tonight's appeal hearing, expressed concern about the actions the officers took when the appellant was handcuffed and on the ground. He questioned why the officer who drew his Taser held it behind his back where it could not be seen.
- Ms. Regina Hannon said she does not hold much hope for anything good coming out of Director Baptista's meeting with Commander Day and Captain Westbrook. She expressed the opinion that the Police Bureau tends to escalate matters involving people expressing their right to assemble by responding with horses, riot gear, pepper spray, and batons.
- An unidentified community member related an incident in which mounted police officers approached an Occupy Portland participant who was sitting on the ground at Pioneer Square and closed her in by a brick wall with their horses.
- An unidentified community member commented that Lieutenant Graham's aggressiveness at tonight's meeting was typical of the aggressive culture of the police in confrontations with the public.

- An unidentified community member voiced concern about the way the police focus on language as a reason to escalate their responses.
- Mr. Handelman said he did not understand how IPR could be “holding up” the Taser/Less Lethal Workgroup’s policy recommendations. He also commented that, when the case summary is presented by a CRC member during an appeal hearing, it is important for the members of the public that the synopsis the complaint be the first thing that is mentioned. He also suggested that if there is a discussion about the Police Bureau’s training for crowd control, the perspective of Occupy Portland participants should be heard.

### **Wrap-up Comments**

- Director Baptista stated that she used her authority to initiate investigations to open cases based on testimonies delivered at the community forum and the City Council hearings regarding Occupy Portland incidents. She encouraged people to provide live streams and videos of these events.
- Director Baptista said that she received the draft report of the Taser Workgroup and has shared it with the City Auditor, and they will provide their comments in writing. She said she has already sent the draft report to the Police Bureau, and they are also going to put their comments in writing.
- Director Baptista thanked the Appeals Workgroup for their excellent work, which she feels has made the appeal process significantly more effective.

### **Adjournment**

Chair Troy adjourned the meeting at 8:35 p.m.