

Minutes  
Citizen Review Committee  
March 6, 2013

Date Approved: April 3, 2013

Meeting Location: Lovejoy Room, 2<sup>nd</sup> Floor, Portland City Hall

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

**Introductions and Welcome**

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

Citizen Review Committee (CRC) Member Absent: David Denecke (excused)

City staff: Constantin Severe, Assistant Director, Independent Police Review (IPR)

Appeal Process Advisor (APA): Hank Miggins

Portland Police Bureau: Captain Dave Famous, Professional Standards Division; Lynn Courtney, Investigator, Internal Affairs (IA)

Community and Media: Dan Handelman (Portland Copwatch and Flying Focus Video), Regina Hannon (Portland Copwatch), Debbie Aiona (League of Women Voters), Ann Brayfield, Kalei Luyben, Ted Luyben, Keith Dalton (NAACP Treasurer), Felix Bordeaux, Alice Gray Gregory, Bill Toomey, Molly Aleshire, Nicole Brown (Center for Intercultural Organizing), Monica Juarbe, Angela Rossel, Kaon-Jabbar East El (Moorish Science Temple of America, Temple 28), Maxine Bernstein (The Oregonian), Denis Theriault (Portland Mercury)

**Minutes of 1/30/13 and 2/6/13 CRC Meetings**

A motion was made by Chair Troy and seconded by Mr. Bissonnette to approve the minutes of the 1/30/13 and 2/6/13 CRC meetings. The motion passed unanimously.

**Director's Report (Assistant Director Severe)**

(See attached.)

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

Chair Troy's activities for the month: worked on CRC recruitment; met with an Oregon Youth Authority (OYA) officer who has expressed interest in CRC; met with a member of the legal team for the Albina Ministerial Alliance related to the DOJ proposed

settlement in front of Judge Simon; plans to follow up with meetings with Amanda Marshall's office and with City representatives about CRC's priorities and concerns; prepared for tonight's case file review; reviewed the draft minutes; ensured that all CRC members had an opportunity to review the files for the case file review.

### **Case File Review of Case #2012-C-0187 (CRC Appeal #2013-X-0001)**

Chair Troy introduced the case file review and summarized the process. The appellant and her APA, Mr. Miggins, were present. All CRC members present confirmed that they had reviewed the case file in its entirety.

Assistant Director Severe presented a summary of the IPR investigation, which was conducted by Investigator Judy Taylor, including a listing of the allegations.

Captain Famous stated that IA assigned this case to Investigator Courtney.

Investigator Courtney summarized the IA investigation.

Captain Famous, Investigator Courtney, and Mr. Severe, responded to CRC's prepared questions.

Mr. Yarosh asked if the question of whether or not the appellant sufficiently matched the suspect description plays into any of the allegations that were investigated in this case. Mr. Severe responded that the appropriateness of the stop of the appellant was part of the initial package that was sent to IA, but IA declined to investigate the stop and detention, so that would be outside of the scope of the CRC appeal. Mr. Bissonnette disagreed with the opinion that these issues are outside the scope of CRC's review.

Mr. Yarosh requested additional information from the City Attorney's Office on the following issue: Does the degree to which the complainant matched or failed to match the description factor into CRC's determination as to whether the search was proper? Mr. Severe stated that Mr. Yarosh's request has been noted by IPR.

Mr. Bissonnette made a motion to set Case #2012-C-0187 (CRC Appeal #2013-X-0001) for an appeal hearing at the next regularly scheduled CRC meeting in April. Chair Troy seconded the motion. Public comment was accepted from Mr. Handelman, Ms. Hannon, and several unidentified persons. The motion carried by a vote of 5-1.

Yes: Bigham Jeff Bissonnette Paris, Silver, Troy

No: Yarosh

Mr. Yarosh and Chair Troy agreed to write the case file summary.

### **Old Business**

*Update on Appeal 2012-C-0005/2002-X-0005*

A memo was received from Assistant Chief Hendricks stating that the Police Bureau accepted CRC's recommendation to change the finding on Allegation 1 from Exonerated to Unproven.

*Follow-up on November's CRC/Race Talks public forum*

On behalf of the Outreach Workgroup, Mr. Bissonnette and Dr. Silver asked that CRC vote to post the previously distributed summary of the CRC/Race Talks public forum on the website as the official summary of what took place at the forum.

After public comment from Mr. Handelman, Dr. Silver made a motion to post the summary of the CRC/Race Talks public forum on the CRC website. Mr. Yarosh seconded the motion. The motion carried unanimously.

Mr. Bissonnette stated that the first meeting of the Police Bureau Training Advisory Council was held last month, and the next meeting will take place tomorrow evening at the new Police Bureau Training Center.

**New Business**

Dr. Silver stated that she met with Commissioner Fritz and complained to her about the CRC's standard of review, and Commissioner Fritz made a suggestion that when there is an appeal hearing, in addition to voting based on the Reasonable Person standard, there could be a "mock vote" based on preponderance of the evidence, and sending that as a report to all of the City Commissioners so that they are aware of the dilemma and how decisions may vary under the two different standards.

**Workgroup Updates**

Crowd Control Workgroup (Mr. Paris): The last meeting of this workgroup took place several weeks ago. Efforts are being continued to set up another meeting with a Police Bureau member.

Outreach Workgroup (Dr. Silver): The workgroup met today with Irene Konev. Three topics were addressed: getting the summary of the forum on the website; CRC recruitment; and the next public forum.

Recruitment, Retention, and Promotion Workgroup (Mr. Yarosh): Mr. Yarosh stated that Ms. Barbara Ross, a former County Commissioner and former member of the State legislature, has joined the workgroup. The next meeting is scheduled for Friday, 3/15/13 at 10:00 a.m. in the Auditor's Conference Room. At the next meeting, Ms. Ross will present the results of her meeting with the Sheriff of Benton County to discuss the workgroup's correlation study to determine if there is any correlation between an officer's age, experience, education, and gender and likelihood of misconduct. Also at the next meeting, Lieutenant Craig Morgan of the Police Bureau will talk about the things he is working on, including an affirmative action program. Lieutenant Morgan will also discuss the Police Bureau's Employee Information System.

Recurring Audit Workgroup (Mr. Bissonnette): The workgroup is about to turn in all of the reviewed data on dismissals to Mr. Reinke to do the statistical evaluation. The workgroup will next meet on Friday, 3/29/13, at 9:30 a.m. to review the statistics in preparation for writing a report.

Use of Deadly Force Workgroup (Mr. Bigam): On 2/18/23 the workgroup met with Captain Brian Parman of the PPB Training Division and was given a tour of the new PPB training facility. Captain Parman informed the workgroup that the Training Division intends to implement more scenario-based training with regard to interactions with mentally ill persons and persons with substance abuse problems and that future in-service training reviews will be based on the Federal Law Enforcement Training Center grading system.

Chair Troy added that there was a suggestion that the Crowd Control workgroup contact Judge Cheryl Albrecht, the Circuit Court judge who was specially assigned to handle the Occupy Portland cases, and Judge Albrecht said she was willing to meet with the workgroup. Dr. Silver added that a law student who is writing a report on police oversight interviewed her today.

### **Public Comments**

Ms. Aiona asked Mr. Bissonnette to urge the Police Bureau to inform the public of meetings of the Training Advisory Council.

An unidentified person said she was disturbed by a recent headline stating "Man with Gun Killed by Police," stating that this was based on misinformation.

Mr. Handelman objected to what he described as the tendency to emphasize the criminal background and the threat to officers of persons who have been shot by police officers.

Ms. Brayfield suggested that CRC workgroups take the opportunity with a new administration to ask the Director of Public Safety to attend some workgroup meetings and to let him know of their concerns.

### **Wrap-up Comments**

Mr. Bissonnette said that he would take Ms. Aiona's suggestion to the Training Advisory Council. He announced that the meeting of the Training Advisory Council will be held at the Police Bureau's new training division office at 14912 NE Airport Way, starting at 6:00 p.m. on 3/7/13. Mr. Yarosh complemented Chair Troy on the way he handled tonight's Case File Review.

### **Adjournment**

Chair Troy adjourned the meeting at 7:37 p.m.