



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, February 5, 2014 (meetings are typically held the first Wednesday of each month)

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

Location: **Room C, Portland Building (2nd Floor), 1220 SW 5th Avenue, Portland, OR 97204**

Attendance: David Denecke, Teresa Baldwin, Jamie Troy, Rodney Paris, Rochelle Silver, Ian Leitheiser, Constantin Severe, Patrick Kane, John Holderness, James Young, Barbara Ross, Debbie Aiona, Dan Handelman, Regina Hannon, Jeff Bell, Larry Graham

AGENDA

5:30 pm—5:45 pm Introductions and Welcome (CRC Chair Jamie Troy)
[Approved January 8, 2014 Meeting Minutes](#)

CRC member Roberto Rivera and Jeff Bissonnette could not attend the meeting. Roberto is sick and Jeff had a business trip in Salem and could not make it back in time for the meeting

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

- 5 New CRC members swearing in on February 19th
- DOJ Fairness Hearing February 18 at 9:00 am
- Portland Police Bureau has been hosting CRC/PRB training sessions every Thursday

6:00 pm—6:15 pm Chair's Report (CRC Chair Jamie Troy)

- Had further discussion with City Attorney, Captain Famous, and the Mayor's police representative on giving CRC remote access to case files
- Attended Police Review Board trainings
- Communicated with Denecke, and Baldwin on the fairness hearing letter

6:15 pm – 7:15 pm **Appeal Hearing: Appeal 2013-C-0030/2013-X-0005**
Case Summary
Allegation that officer A acted in an unprofessional manner and failed to read the Miranda warning prior to asking questions. Appellant also states that officer A improperly entered his home and searched his bedroom without permission.

- Appellant's account of the incident:
 - Appellant repeatedly asked the officers to loosen the handcuffs
 - The officer did not show the appellant a search warrant
 - The officer searched the house without the appellant's consent
 - Appellant suffered permanent injuries on both of his wrists
- Appellant's legal representative's comments:
 - Officer A was well aware and acknowledged that the appellant was in pain and should have checked to see if the handcuffs blocked the appellant's blood circulation

- The appellant did not hear officer A read him his Miranda rights and the police report made no mention of it
- The appellant found the phone and actually made an effort to find the rightful owner by posting an ad on Craigslist
- Lt. Graham provided RU comments on the case:
 - Officer A's statement: "handcuffs weren't built for comfort" was just restating a fact and did not violate bureau's policy
 - Officer B was the one who read the appellant his Miranda rights but did not put that into the police report
 - Officer C was the one who admitted asking the appellant about the cell phone
 - No evidence shows that Officer A searched the home, while Officer C admitted looking through the house to make sure no one else was there
 - Regarding the allegation that the officer went inside the appellant's home without permission: When interviewed by IPR investigator Mike Hess, the appellant admitted to giving permission for the officer to enter his home, but the appellant gave a different version of how the officer gained entry into his house when interviewed by IA investigator
 - All three officers said that they asked permission to enter the appellant's home before coming in
- Dr. Silver's questions:
 - When do Miranda rights need to be given?
 - Since Officer A is a training officer and Officer B is a trainee, if Officer B does something incorrectly, doesn't the fault lie with Officer A?
 - If Officer A is one of the officers who put the handcuffs on the appellant, why isn't the handcuffing allegation against him too?
- Denecke's questions:
 - What does PPB's directive say on giving the Miranda warning?
 - Does PPB's directive cover questioning as well?
- Baldwin's questions:
 - Who had the overall responsibility of giving the appellant the Miranda warning?
 - Was it clear that Officer A heard Officer B read the appellant his Miranda warning?
- Chair Troy's questions:
 - Were the Miranda rights read since two officers could not recall it being read while one admitted to reading it?
 - Was the appellant in custody?
 - Who created the allegations for this investigation?
 - What time did the officers arrive at the appellant house?
 - Was the appellant handcuffed inside or outside the house?
 - Where did the appellant see the nurse?
- Chair Troy pointed out some discrepancies in this case:
 - The call log said the officers arrived at 10:27pm while the police report indicated the officers arrived 9:56pm
 - The appellant said he signed a medical records release and sent it back, but IA claimed that they've never received it. Appellant also got a confirmation from Legacy that they've released his medical records
- CRC members had a discussion on sending the case back for further investigation

- Chair Troy made a motion to send the case back so investigators can look at the Legacy records and other relevant medical records, and clarify the inconsistency on the timeline difference between the police report and the call log. Denecke seconded this motion
- Denecke made a motion to assign correct allegations to the correct officer and add an additional allegation regarding the application of handcuffs. CRC will follow up with a letter to IPR with details about the new allegations. Dr. Silver seconded this motion

7:15 pm – 7:20 pm Break

7:20 pm – 7:35 pm New Business

1) Discussion on new CRC meeting locations (Irene Konev)

- CRC members suggested IPR advertise CRC meetings in local newspapers and do more local outreach so that people are aware of CRC meeting in their neighborhood

2) Status of CRC appeal 2013-X-0003 (Constantin Severe)

- Chair Troy made a motion to have a conference hearing on March 5th

3) Discussion on CRC's letter regarding the Fairness Hearing

- Denecke will edit the draft and finalize the letter on behalf of the CRC and send it in as a written testimony

7:35 pm – 7:50 pm Old Business

1) Recurring Audit Workgroup – status of case dismissal project

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

- Met January 16
- Reinke is helping the group write a proposal for the group
- Next meeting, Feb 19th, noon at Jamie Troy law firm

2. Outreach Workgroup (5 min.)

MISSION STATEMENT: The Outreach Workgroup, in coordination with the IPR 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, Dr. Rochelle Silver, and Jamie Troy

IPR staff: Irene Konev, Community Outreach Coordinator

- Investigator Bieberich came to talk about GIS mapping of complaints
- Discussed the issue of homelessness
- Committee needs new members since Dr. Silver is no longer a CRC member

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

IPR staff: Anika Bent-Albert, Assistant Director

- Baldwin would like to revitalize the workgroup by start having meeting on the first Thursday of the month at 10:30am

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: Dr. Rochelle Silver

IPR Staff: Derek Reinke, Senior Management Analyst

- Met January 7 at Hillsdale Library
- The group is continuing to formulate possible changes and recommendations to the Bureau

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

- The election of CRC officers will happen at the April meeting

TBA 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.*