

Police Review Board Cases with Final Outcomes

Publication: December 2019

Board Date	Case #	Final Outcome	Additional Information
	Case #1	LOR	<p>Case referred to PRB by RU manager. The assistant chief, IA, and IPR concurred with the recommendation.</p> <p>Chief Outlaw determined Allegation #2 to be not sustained with a debriefing.</p> <p>Conduct defined under Category B (mitigated) of the Bureau's Discipline Guide.</p>
	Case #2	One Workday SWOP	<p>Mandatory review under City Code 3.20.140 (B)(1)(d).</p> <p>Chief Outlaw agreed with the PRB's recommended findings.</p> <p>Conduct defined under Category D (mitigated) of the Bureau's Discipline Guide.</p>
	Case #3	LOR	<p>Case referred to PRB by RU manager. IA and IPR concurred with the recommendation. Assistant chief controverted finding for Allegation 1 to Not Sustained.</p> <p>Chief Outlaw sustained Allegation 1 and agreed with the PRB's recommended finding for Allegation 2.</p> <p>Conduct defined under Category C of the Bureau's Discipline Guide.</p>
	Case #4	One Workday SWOP	<p>Case referred to PRB by RU manager. The assistant chief, IA, and IPR concurred with the recommendation.</p> <p>Chief Outlaw agreed with the PRB's recommended findings.</p> <p>Conduct defined under Category C (presumptive) of the Bureau's Discipline Guide.</p>
	Case #5	Demotion	<p>Case referred to PRB by RU manager. The assistant chief, IA, and IPR concurred with the recommendation.</p> <p>Chief Outlaw agreed with the PRB's recommended findings.</p> <p>Discipline imposed in conjunction with IA Case #8</p>

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Board Date	Case #	Final Outcome	Additional Information
	Case #6	One Workday SWOP	<p>Employee 2.</p> <p>Case referred to PRB by RU manager. The assistant chief, IA, and IPR concurred with the recommendation.</p> <p>Chief Outlaw agreed with the PRB's recommended findings.</p> <p>Conduct defined under Category D (mitigated) of the Bureau's Discipline Guide.</p>
	Case #6	Resigned	<p>Employee 1.</p> <p>Case referred to PRB by RU manager. The assistant chief, IA, and IPR concurred with the recommendation.</p> <p>Chief Outlaw agreed with the PRB's recommended findings.</p>
	Case #7	Resigned	<p>Case referred to PRB by RU manager. The assistant chief, IA, and IPR concurred with the recommendation and all three recommended a controverted finding for Allegation 4 (from Not Sustained to Sustained).</p> <p>Chief Outlaw agreed with the PRB's recommended findings.</p>
	Case #8	Demotion	<p>Case referred to PRB by RU manager. The assistant chief, IA, and IPR concurred with the recommendation.</p> <p>Chief Outlaw found Allegation 2 not sustained, and Allegations 1 and 3 sustained.</p> <p>Discipline imposed in conjunction with IA Case #5</p> <p>Conduct defined under Category E (aggravated) of the Bureau's Discipline Guide.</p>
	Case #9	All actions In Policy	<p>Mandatory administrative review under City Code 3.20.140(B)(1)(c)(1).</p> <p>Chief Outlaw agreed with the PRB's recommended findings.</p>
	Case #10	All actions In Policy	<p>Mandatory administrative review under City Code 3.20.140(B)(1)(c)(1).</p> <p>Chief Outlaw agreed with the PRB's recommended findings.</p>
	Case #11	All actions In Policy	<p>Mandatory administrative review under City Code 3.20.140(B)(1)(c)(1).</p> <p>Chief Outlaw agreed with the PRB's recommended findings.</p>

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Board Date	Case #	Final Outcome	Additional Information
	Case #12	All actions In Policy	Mandatory administrative review under City Code 3.20.140(B)(1)(c)(1). Chief Outlaw agreed with the PRB's recommended findings.
	Case #13	Retired	Mandatory administrative review under City Code 3.20.140 (B)(1)(d). Chief Outlaw agreed with the PRB's recommended findings.
	Case #14	No Discipline	Mandatory administrative review under City Code 3.20.140 (B)(1)(a). The assistant chief controverted the findings for Allegations 1-3 from Not Sustained to Exonerated. Chief Outlaw reached findings of Unfounded for Allegations 1-3.
	Case #15	All actions In Policy	Mandatory administrative review under City Code 3.20.140(B)(1)(c)(1). Chief Outlaw agreed with the PRB's recommended findings.

DATE:

[REDACTED]

TO:

Christopher Paillé
Review Board Coordinator

FROM:

Bridger Wineman
Police Review Board Facilitator

SUBJ:

Police Review Board Recommended Findings



Bureau of Police
Portland, Oregon

INTER-OFFICE MEMORANDUM

CONFIDENTIAL

The Police Review Board met on [REDACTED] to review the following case:

IA Case Number: Case #1

Employee: **Employee #1**

Summary of Alleged Complaint:

On [REDACTED] Date [REDACTED], Employee #1 was driving a marked patrol vehicle when Employee #1 became involved in a vehicle pursuit. The pursuit was initiated by Employee #2, however, Employee #2 soon lost sight of the vehicle. Employee #1 had positioned themselves ahead of the pursuit on [REDACTED] location [REDACTED]. Employee #1 initially set up to attempt to deploy spike strips, but soon became involved as the only police vehicle in the pursuit. As Employee #1 began to provide updates about the pursuit on the radio, Employee #1's sirens could be heard in the background. However, Employee #1 never advised over the radio that Employee #1 was in pursuit.

While engaging in the pursuit, Employee #1 failed to provide updates on speeds, traffic conditions, or about how the driver was reacting to traffic control devices. Employee #1 failed to provide information over the radio and in Employee #1's report about driving through private property and driving over a privately owned fence.

At the time Employee #1 became involved in the pursuit, Employee #1 was the only police car pursuing the suspect vehicle and no other officers witnessed Employee #1's involvement.

Allegation #1: *Employee #1 engaged in a vehicle pursuit and failed to provide updates concerning the suspect's driving behavior, speeds and traffic control devices. (PROCEDURE)*

Recommended Finding(s): **Sustained / Five members**

Applicable Directive: **630.05 – Vehicle Pursuits**

Majority Opinion:

The Board unanimously recommended a sustained finding. Board members said the updates provided by Employee #1 during the pursuit were inadequate in their content and did not provide the sergeant information needed to assess the risk and benefit of the pursuit, as required by Directive 630.05 which says that members must frequently broadcast pertinent information on the location, speed, direction, and conditions for the purpose of proper pursuit management by the monitoring sergeant. Board members agreed the information Employee #1 broadcast was not detailed

enough for proper pursuit management. Had Employee #1 provided additional details, it may have led to the pursuit being terminated.

Allegation #2: On [redacted] Date [redacted], Employee #1 failed to perform Employee #1's duties as a police officer in a manner that maintained the high standard and objectives of the Portland Police Bureau. (CONDUCT)

Recommended Finding(s): **Sustained / Five members**

Applicable Directive: **315.30 – Satisfactory Performance**

Majority Opinion:

The Board unanimously recommended a sustained finding. Board members said Employee #1 failed to show situational awareness and did not meet the expectations and high standards of the Bureau. Two Board members said Employee #1 failed to assess the risk posed by the suspect's vehicle traveling at high speeds on neighborhood streets in the dark. Other members noted Employee #1 should have terminated the pursuit or provided more detailed information to the sergeant to help determine whether the pursuit should be terminated. Board members also agreed Employee #1 did not follow up with the owner of the private property that Employee #1 drove across to determine damage brought on by the suspect, as was Employee #1's duty. One member said Employee #1 had the knowledge and training needed to make better decisions.

Allegation #3: Employee #1 failed to notify a supervisor, or document in a report, the damage to citizen's property when Employee #1, and the suspect Employee #1 was pursuing, drove over a fence to exit [redacted] location [redacted]. (PROCEDURE)

Recommended Finding(s): **Not sustained (with debrief) / five members**

Applicable Directive: **900.00 – General Reporting Guidelines**

Majority Opinion:

The Board unanimously recommended a finding of Not Sustained and recommended a debrief. Board members noted Employee #1 consistently said Employee #1 was unaware that Employee #1 drove over a fence during the pursuit. Some Board members said Employee #1 likely knew Employee #1 drove over the fence and onto private property, but there is not a preponderance of evidence that this is the case. One member said Employee #1 failed to maintain situational awareness. One member said Employee #1's answers to interview questions were evasive and aloof.

Board members said the recommended debrief should cover what should be documented in a police report to capture the totality of the circumstances, the need for continual assessment for proper decision

making.

Recommendations:

Corrective Actions/Discipline

Majority Opinion:

LOR – Three members

Three Board members said the behavior exhibited by Employee #1 was consistent with Category B on the discipline guide, “Conduct that has or may have a negative impact on operations or professional image of the PPB; or that negatively impacts relationships with other officers, agencies or the public.” The members recommended a LOR as the corrective action. They said Employee #1’s actions had a negative impact on the professional image of the Bureau and that Employee #1’s performance was unsatisfactory. One member said it has been a long time since Employee #1’s last disciplinary action. Another member said they hoped the debrief recommended in response to Allegation #3 would provide additional corrective direction.

Minority Opinion:

One day SWOP – Two members

Two members also said the behavior is consistent with Category B on the discipline guide and recommended a one day SWOP as the corrective action. These members said the violation was aggravated by Employee #1’s apparent failure to take responsibility for Employee #1’s actions as evidenced by Employee #1’s interview statements and remarks to the Board.

Other Recommendations

No other recommendations.

DATE: [REDACTED]
TO: Christopher Paillé
Review Board Coordinator
FROM: Bridger Wineman
Police Review Board Facilitator
SUBJ: Police Review Board Recommended Findings



CONFIDENTIAL

The Police Review Board met on [REDACTED] to review the following case:

IA Case Number: Case #2

Employee: Employee #1

Incident Overview:

Employee #1 made repeated inappropriate comments to Employee #2, violating HRAR 2.02. Employee #1 also directed Employee #2 to provide task work on Employee #2's off hours for a type of crime. Employee #1 is not a supervisor to direct this work.

Allegation 1: Employee #1 made inappropriate comments to Employee #2 on several occasions. (CONDUCT)

Recommended Finding: Sustained – Five members

Applicable Directive: 310.00 – Conduct, Professional

Recommended Finding: Sustained – Four members
Not sustained – One member

Applicable Rule: HRAR 2.02 – Prohibition Against Workplace Harassment, Discrimination and Retaliation, 344.00 - Compliance with Human Resources Administrative Rules

Majority Opinion:

Four board members recommended a finding of sustained regarding Directive 310.00, HRAR 2.02, and Directive 344.00. Board members agreed the totality of evidence, including the record of text messages, shows Employee #1 made inappropriate comments to Employee #2. Board members said, though the two had a friendly relationship, Employee #1 crossed a line and did not know when to stop.

Minority Opinion:

One board member recommended a finding of sustained in regard to Directive 310.00 for the same reasons, but said the conduct did not rise to the level of a HRAR 2.02 violation. Because the member did not sustain the HRAR 2.02 violation, they also did not sustain a violation of Directive 344.00.

Allegation 2: Employee #1 directed Employee #2 to perform work Employee #1 was not authorized to ask Employee #2 to do. (CONDUCT)

Recommended Finding: **Not sustained with a debrief – Five members**

Applicable Directives: **315.00 – Laws, Rules and Orders**

Majority Opinion:

The Board unanimously recommended a finding of not sustained with a debrief. Board members agreed the work Employee #1 asked Employee #2 to do was not out of the ordinary scope of work.

The Board also unanimously recommended a debrief to ensure Employee #1 understands it is important to have clear lines of communication about what different staff members do, which varies among staff members.

Minority Opinion:

N/A

Allegation 3: Employee #1 repeatedly contacted Employee #2 to complete work on Employee #2's off hours even after being told repeatedly to stop calling Employee #2. (CONDUCT)

Recommended Finding: **Not sustained with a debrief – Five members**

Applicable Directives: **310.00 – Conduct, Professional**
315.00 – Laws, Rules, and Orders

Majority Opinion:

The Board unanimously recommended a finding of not sustained with a debrief. Board members agreed the level and timing of contact was not inappropriate or very different than interactions with other staff. They said there is not evidence to show Employee #2 told Employee #1 to stop calling Employee #2 during off hours, or that Employee #1 continued to do so.

The recommended debriefing would cover when it is appropriate to contact employees on their time off-duty.

Minority Opinion:

N/A

Allegation 4: Detective Employee #1 made inappropriate comments regarding peoples' sexual orientation while at work. (CONDUCT)

Recommended Finding: **Not sustained with a debrief – Five members**

Applicable Directive: **310.00 – Conduct, Professional
HRAR 2.02 – Prohibition Against Workplace
Harassment, Discrimination and Retaliation
344.00 – Compliance with Human Resources
Administrative Rules**

Majority Opinion:

The Board unanimously recommended a finding of not sustained with a debrief. Board members agreed there is not a preponderance of evidence to show Employee #1 made a disparaging remark about a person's sexual orientation at work.

The recommended debrief would cover the power and importance of words in case Employee #1 did make the alleged statement.

Minority Opinion:

N/A

Recommendations:

Corrective Actions/Discipline

Majority Opinion:

Four members who recommended a sustained allegation for both Directive 310.00 and HRAR 2.02 recommend Category D on the discipline guide. The members said the violation was mitigated by Employee #1's record as a hard worker and of good performance. They recommended corrective action of one-day SWOP.

One day SWOP – Four members

Minority Opinion:

One member who recommended a sustained allegation for Directive 310.00, but not for HRAR 2.02, recommended Category A on the discipline guide. The member said the violation was aggravated because the situation is concerning enough to recommend corrective action of a letter of reprimand.

Letter of Reprimand – One member

Additional Corrective Action Recommended

N/A

Other Recommendations

Policy: Four members of the Board recommended the Bureau consider revising the discipline guide to allow more flexibility for violations of HRAR 2.02. Such violations currently fall under Category D, for which one-day SWOP is the lowest level of discipline. The Board members said the flexibility to recommend a lower level of discipline for HRAR 2.02 violations would be appropriate in some cases.

No other recommendations.

DATE: [REDACTED]
TO: Christopher Paillé
Review Board Coordinator
FROM: Bridger Wineman
Police Review Board Facilitator
SUBJ: Police Review Board Recommended Findings



CONFIDENTIAL

The Police Review Board met on [REDACTED] to review the following case:

IA Case Number: **Case #3**

Employee: **Employee #1**

Summary of Alleged Complaint:

Employee #1 was performing an area check for serial robbery suspects on a recent nearby robbery when Employee #1 contacted Subject #1. Subject #1 fled the subject stop on foot, and Employee #1 accidentally discharged Employee #1's taser near Subject #1, possibly striking Subject #1 with one or both probes. Subject #1 was not apprehended after fleeing. This case was referred to Internal Affairs by the Chiefs Office as a result of the after action process.

Allegation 1: Employee #1 used Employee #1's Conducted Electrical Weapon in an unauthorized manner. (FORCE)

Recommended Finding: Not sustained – Seven members

Applicable Directive: 1010.00 – Use of Force

Majority Opinion:

The board members unanimously recommended a finding of not sustained. The members said Employee #1's discharge of Employee #1's Taser was unintentional, and therefore was not against the use of force directive.

Minority Opinion:

N/A

Allegation 2: Employee #1 acted outside of policy in Employee #1's use of Employee #1's Conducted Electrical Weapon while chasing a fleeing subject. (CONDUCT)

Recommended Finding: Sustained – Seven members

Applicable Directive: 315.30 – Satisfactory Performance

Majority Opinion:

Board members unanimously recommended a finding of sustained. They said there were multiple decision points during the interaction when Employee #1 should have acted differently which would have better mitigated risk of injury to a community member and avoided the unintentional discharge of Employee #1's Taser.

One member recommended a finding of sustained for the same reasons and to create a record in case there is additional similar conduct in the future.

Minority Opinion:
N/A

Recommendations:

Corrective Actions/Discipline

Majority Opinion:

Six members recommended Category B for conduct that deviated from policy and from sound confrontation management practices. The members recommended the presumptive discipline of a letter of reprimand. They said there were aggravating factors including risk of injury to a member of the public and negligence in managing the situation at multiple decision points, but these were balanced by the mitigating factors of Employee #1 recognizing Employee #1 could have done better and Employee #1's good employee history.

Letter of Reprimand – Six members

Minority Opinion:

One member also recommended Category B for the same reasons. The member recommended command counseling due to Employee #1's good employee history and the fact that Employee #1 took responsibility for Employee #1's actions.

Command Counseling – One member

Additional Corrective Action Recommended

Board members unanimously recommended that Employee #1 attend the upcoming in-service training regarding patrol procedures and Taser training, and has a debrief to make sure points are well-understood.

Other Recommendation

Policy

When Directive 1010 comes up for review, consider if the directive language should be clarified to specify requirements, including reporting requirements, for unintentional versus intentional acts that could be viewed as application of force.

DATE: [REDACTED]
TO: Christopher Paillé
Review Board Coordinator
FROM: Bridger Wineman
Police Review Board Facilitator
SUBJ: Police Review Board Recommended Findings



CONFIDENTIAL

The Police Review Board met on [REDACTED] to review the following case:

IA Case Number: **Case #4**

Employee: **Employee #1**

Summary of Alleged Complaint:

Employee #1 was putting targets up for the shotgun qualification, drew a face on Employee #1's own target and wrote "Employee #2" next to the face. Employee #1 was in the range lane directly next to Employee #2. Employee #2 said Employee #1 smiled at Employee #2, laughed, ran the target out downrange and then shot it during qualification.

Allegation 1: Employee #1 acted unprofessionally when Employee #1 drew a face on Employee #1's own target, wrote "Employee #2" next to the face, and shot it during qualification. (CONDUCT)

Recommended Finding: Sustained – Five members

Applicable Directive: 310.00 – Professional Conduct and Courtesy

Majority Opinion:

The board unanimously recommended a finding of sustained. Board members said Employee #1's actions had a negative impact and were unprofessional, regardless of Employee #1's intent.

Minority Opinion:

N/A

Allegation 2: Employee #1 was untruthful during Employee #1's Internal Affairs interview. (CONDUCT)

Recommended Finding: Not sustained – Five members

**Applicable Directives: 310.50 – Truthfulness
310.00 – Professional Conduct and Courtesy**

Majority Opinion:

The board unanimously recommended a finding of not sustained. They said there is not a preponderance of evidence that Employee #1 was untruthful as multiple people interviewed regarding this incident hedged their testimony and provided qualified responses.

Two members agreed and also said there were different perceptions and opinions regarding the incident among those involved.

Minority Opinion:

N/A

Recommendations:Corrective Actions/Discipline**Majority Opinion:**

Four members of the board recommended category C on the discipline guide for conduct with a pronounced negative impact on other officers. The members recommended the presumptive discipline of two days suspension without pay for the second violation in three years. The members said Employee #1's statements to the board and the steps Employee #1 has taken to amend the problems are mitigating factors. They said this is balanced by aggravating factors including Employee #1's role [REDACTED] and [REDACTED] for a similar issue.

Two Workdays SWOP – Four members

Minority Opinion:

One member recommended category B on the discipline guide for conduct with a negative impact and recommended a one-day suspension without pay; the presumptive discipline for a second violation. The member agreed that the aggravating and mitigating factors noted by the other board members balanced each other out. The member said that Employee #1 did not properly filter Employee #1's behavior.

One Workday SWOP – One member

Additional Corrective Action Recommended

N/A

Other Recommendations

No other recommendations.

DATE: [REDACTED]
TO: Christopher Paillé
Review Board Coordinator
FROM: Bridger Wineman
Police Review Board Facilitator
SUBJ: Police Review Board Recommended Findings



CONFIDENTIAL

The Police Review Board met on [REDACTED] to review the following case:

IA Case Number: **Case #5**

Employee: **Employee #1**

Summary of Alleged Complaint:

Employee #1 has put 15,635 miles on Employee #1's assigned take home vehicle in just under 5 months, and nearly 100,000 miles in 3 years.

Allegation 1: Employee #1 misused Employee #1's Portland Police Bureau issued take home vehicle (Shop #14-1203). (PROCEDURE)

Recommended Finding: **Sustained – Five members**

Applicable Directives: **1245.00 – Vehicles, Off-Duty Use by Authorized Members**
315.00 – Laws, Rules, and Orders

Majority Opinion:

The board unanimously recommended a sustained finding. Members said the record is clear and there is no dispute that Employee #1 misused Employee #1's take-home vehicle in violation of the directive which requires that it is not used for recreation. The mileage on Employee #1's vehicle was excessive and Employee #1 admitted taking trips with Employee #1's spouse to Seaside using Employee #1's take-home vehicle, including an overnight stay.

Minority Opinion:

N/A

Allegation 2: Employee #1 misused Portland Police Bureau resources (gasoline). (CONDUCT)

Recommended Finding: **Sustained – Five members**

Applicable Directive: **310.00 – Professional Conduct and Courtesy**

Majority Opinion:

The board unanimously recommended a sustained finding. Members said Employee #1 improperly incurred substantial costs to the City from both gasoline and wear and tear on Employee #1's City-owned take-home vehicle. They said this activity occurred over an extended time period and negatively impacted

Employee #1's unit from Employee #1's vehicle being out of service and Employee #1's inability to be on-call.

Minority Opinion:

N/A

Recommendations:

Corrective Actions/Discipline

Majority Opinion:

The board unanimously recommended category E in the discipline guide and corrective action of a three-week SWOP. Members said the excessive mileage incurred by Employee #1 was an abuse of the privilege of a take-home vehicle. They said the actions were aggravated because they occurred over an extended time period and included multiple trips with Employee #1's spouse, in clear violation of the take-home vehicle's intended use. Some members also noted there was no explanation for why Employee #1 didn't use Employee #1's personal vehicle for Employee #1 personal needs. Some members said the inappropriate use of City resources could be considered criminal.

One member said they were troubled to learn Employee #1 was at times living in the vehicle, but never stated this in an interview with Internal Affairs. The member also said it was troubling Employee #1 did not notify Employee #1's supervisor when away and not able to respond to calls, and that Employee #1 did not take care of the equipment needed to do Employee #1's job.

Three weeks SWOP – Five members

Minority Opinion:

N/A

Other Recommendations

Recommendation #1: The board unanimously recommended that EAP reach out to Employee #1 to see if there are ongoing issues to address based on the information presented by the PPA representative.

Vote: All concur.

Recommendation #2: The board unanimously recommended more coordination and communication between fleet and the Police Bureau. They recommended reports with information already available to fleet are reported on a monthly basis to PPB divisions to track and communicate vehicle use and when vehicle maintenance is needed. They also recommended that members are informed of how to call ahead for vehicle maintenance so it can be scheduled and conducted quickly and efficiently.

Vote: All concur.

DATE:

[REDACTED]

TO:

Christopher Paillé
Review Board Coordinator

FROM:

Tracy M. Smith
Police Review Board Facilitator

SUBJ:

Police Review Board Recommended Findings



CONFIDENTIAL

The Police Review Board met on [REDACTED], to review the following case:

IA Case Number: Case #6

Employee: **Employee 1**
Employee 2

Summary of Alleged Complaint:

Employee 2 overheard Employee 3 use a derogatory sexually explicit remark about an Employee in Employee's 1 office of [REDACTED] precinct. Between one and four weeks later, Employee 2 mentioned the incident to Employee 1 in a conversation. Employee 1 kept the information to themselves until they revealed it to Employee 4 in a conversation. Employee 4 reported the statement to Internal Affairs within two working days of obtaining sufficient details about the incident.

Allegation 1: Employee 2 did not make notification as required after hearing a possible violation of HR Administrative Rule 2.02 (PROCEDURE).

Recommended Finding: Sustained/Five Members

Applicable Directives: 315.00 – Laws, Rules, and Orders
315.30 – Satisfactory Performance
HRAR 2.02 – Prohibition Against Workplace Harassment, Discrimination and Retaliation

Majority Opinion:

The board members unanimously agreed that Employee 2 did not make notifications as required after hearing a possible violation of HR Administrative Rule 2.02. Specifically, Employee 2 did not report the possible violation within two working days. Further, all voting members agreed managers and supervisors were held to a "higher standard" and received additional training to identify potential violations of this nature. One member said, "Even if it turned out not to be a violation, supervisors and managers are expected to stop the action and report it within two working days."

Minority Opinion:
N/A

Allegation 2: Employee 1 did not make notifications as required after hearing a possible violation of HR Administrative Rule 2.02. (PROCEDURE)

Recommended Finding: Sustained/Five members

Applicable Directives: 315.00 – Laws, Rules, and Orders
315.30 – Satisfactory Performance
HRAR 2.02 – Prohibition Against Workplace Harassment, Discrimination and Retaliation

Majority Opinion:

The board members unanimously agreed that Employee 1 did not make notifications as required after hearing a possible violation of HR Administrative Rule 2.02. Specifically, Employee 1 did not report the possible violation within two working days. Further, all voting members agreed managers and supervisors were held to a “higher standard” and received additional training to identify potential violations of this nature. One member said, all officers, regardless of rank, must immediately report a potential violation to their supervisor.

Minority Opinion:

N/A

Recommendations: Corrective Actions/Discipline

Employee 1: One Workday Suspension without pay – Five Members

Employee 2: One Workday Suspension without pay – Five Members

Majority Opinion: Board members considered the fact that, even though not within the required two working days, both Employees did report the incident. Board members attributed the delay to the fact that neither Employee appeared to recognize the behavior as a violation of HRAR 2.02, and their failure to report the violation was unintentional. Board members expressed concerns around the amount of time that had passed between the incident and the PRB and considered this to be a mitigating factor. One board member believed that since both Employees did report the violation, the example of an Employee failing to report the violation, listed under Category E, did not accurately define the misconduct.

Other Recommendations

N/A

DATE: [REDACTED]
TO: Christopher Paillé
Review Board Coordinator
FROM: Bridger Wineman
Police Review Board Facilitator
SUBJ: Police Review Board Recommended Findings



CONFIDENTIAL

The Police Review Board met on [REDACTED] to review the following case:

IA Case Number: Case #7

Employee: Employee #1

Summary of Alleged Complaint:

On [REDACTED] date [REDACTED], Employee #1 attempted to stop a suspect vehicle involved in a hit and run. Employee #1 followed the vehicle on [REDACTED] specific locations against oncoming traffic near [REDACTED] specific locations. The incident ended when the suspect vehicle crashed head-on into an oncoming vehicle.

Allegation 1: On [REDACTED] date [REDACTED], Employee #1 engaged in a vehicle pursuit in violation of the pursuit directive. (PROCEDURE)

Recommended Finding: Sustained – Five members

Applicable Directive: 630.05 – Vehicle Interventions and Pursuits

Majority Opinion:

The board unanimously recommended a sustained finding. Members said Employee #1's actions fit the definition of a pursuit by taking actions that indicated Employee #1 was trying to stop the suspect. They said Employee #1 violated the vehicle pursuit directive by creating an undue risk to public safety. Board members said the pursuit placed members of the public, including the suspect, in immediate danger of serious bodily harm or death.

Minority Opinion:

N/A

Allegation 2: Employee #1 was untruthful in Employee #1's police report about actions Employee #1 took in connection with following a hit and run driving suspect on [REDACTED] date [REDACTED]. (CONDUCT)

Recommended Finding: Sustained – Five members

Applicable Directives: 310.50 – Truthfulness
900.00 – General Reporting Guidelines
310.00 – Professional Conduct and Courtesy

Majority Opinion:

The board unanimously recommended a sustained finding. Members said Employee #1's actions and statements were evasive and deceptive to avoid responsibility and discipline. Employee #1 indicated Employee #1 intended to stop the suspect and initially stated that Employee #1 was pursuing the suspect before later attempting to walk back these statements. Employee #1 also claimed in an interview that Employee #1 did not remember a statement made at the scene which Employee #1 had later documented in a police report.

Two members said the evidence for a policy violation in relation to this allegation is clear and convincing, based on the totality of the incident file. One member said there is a preponderance of evidence for a sustained finding.

Minority Opinion:

N/A

Allegation 3:

Employee #1 actions in connection with following a hit and run driving suspect on [redacted] date [redacted], were unsatisfactory in violation of the satisfactory performance directive. (CONDUCT)

Recommended Finding: **Sustained – Five members**

Applicable Directives: **315.30 – Satisfactory Performance**
020.00 – Mission, Values, and Goals

Majority Opinion:

The board unanimously recommended a sustained finding. Members said Employee #1 was not prepared and did not have required knowledge of the directives. They said Employee #1's actions did not show due regard for safety or Employee #1's responsibilities as a Bureau member, which includes maintaining competency and knowledge of directives. Board members also said Employee #1 showed poor decision-making, should have asked for help or made different decisions, and failed to use critical analysis in weighing the risks of Employee #1 actions on public safety.

Minority Opinion:

N/A

Allegation 4:

Employee #1 was untruthful in statements Employee #1 made during Employee #1's Internal Affairs interview related to the investigation of following a hit and run driving suspect on [redacted] date [redacted] (CONDUCT)

Recommended Finding: **Sustained – Five members**

Applicable Directive: **310.50 – Truthfulness**

Majority Opinion:

The board unanimously recommended a sustained finding. Members said the investigative file shows Employee #1 was in a pursuit based on Employee #1's own statements. Employee #1 later provided untruthful testimony after realizing the seriousness of the situation. Members said Employee #1 provided inconsistent information and claimed Employee #1 did not remember earlier documented conversations for Employee #1's own benefit.

Minority Opinion:

N/A

Recommendations:Corrective Actions/DisciplineMajority Opinion:

The board unanimously recommended category F in the discipline guide and termination. One member said it is clear Employee #1 shouldn't work for the Portland Police Bureau. Two members said the recommendation of termination would apply for any of the four allegations. They said the pursuit undertaken by Employee #1 was negligent and Employee #1's failure to balance the risk to public safety contributed to the death of a member of the public. Two members said the recommendation of termination is based on the sustained allegations for truthfulness.

Termination – Five members

Minority Opinion:

N/A

Other Recommendations

The board unanimously recommended reporting the incident to DPSST so that Employee #1 is decertified for future law enforcement work.

Vote: All concur.

DATE:

TO:

Christopher Paille
Police Review Board Coordinator

FROM:

Allison Brown, JLA Public Involvement
Police Review Board Facilitator

SUBJ:

Police Review Board Recommended Findings



Bureau of Police
Portland, Oregon

INTER-OFFICE MEMORANDUM

CONFIDENTIAL

The Police Review Board met on [redacted] to review the following case:

IA Case Number: **Case #8**

Employee: **Employee 1**

On [redacted] date, Employee 1 placed 145 miles on a city owned vehicle. On [redacted] date, Employee 1 was directed to account for Employee 1's time and activities on [redacted] date. Employee 1's report failed to account for a significant portion of the mileage. While gathering data for the investigation, it was discovered that Employee 1's electronic pass key was used at [redacted] precinct while Employee 1 was assigned to a detail at the [redacted] location on [redacted] date.

Allegation 1: Employee 1 misused a city vehicle by putting unnecessary miles on it.
(PROCEDURE)

Recommended Finding: **Employee 1 -- Sustained (Unanimous)**

Applicable Directives: **315.30 - Satisfactory Performance; 317.40 - Authorized Use of Bureau Resources**

Majority Opinion:

The Board unanimously agreed with the recommended finding that there was a violation of policy.

Board members agreed that Employee 1 misused a city vehicle by putting unnecessary miles on it. They noted that Employee 1 stated in Employee 1's interview that after Employee 1 left Employee 1's surveillance mission, Employee 1 used the vehicle for personal reasons: picking up [redacted] family member [redacted] location [redacted], driving to [redacted] Happy Valley [redacted], driving [redacted] family member [redacted] to school, and then driving to a [redacted] business parking lot near the airport. Board members agreed that, while on duty, Employee 1 drove an excessive number of miles to transport [redacted] empl. and family member [redacted] on non-city business.

During Employee 1's presentation, Employee 1 stated that Employee 1 was doing report work in the vehicle while parked in the [redacted] business parking lot. One Board member stated that it didn't make sense for Employee 1 to drive so far out of the way to do this work.

Another Board member noted that if Employee 1 would have asked permission from Employee 1's sergeant, Employee 1 probably would have gotten permission to use the vehicle to attend to [redacted] family member [redacted], given the sergeant's history of

understanding Employee 1's family situation.

Minority Opinion:
N/A

Allegation 2: Employee 1 was untruthful in Employee 1's written account for Employee 1's activities on [redacted] date [redacted]. (CONDUCT)

Recommended Finding: **Employee 1 -- Sustained (Unanimous)**

Applicable Directives: **310.50 - Truthfulness**

Majority Opinion:

The Board unanimously agreed with the recommended finding that there was a violation of policy.

In Employee 1's memo, Employee 1 neglected to account for the personal reasons for which Employee 1 used the city vehicle. The Board understood that with Employee 1's lack of sleep that day, Employee 1 might not have been able to recall every detail of Employee 1's actions, but Employee 1 was dishonest with the sergeant during the interview. During the interview, the sergeant asked why Employee 1 drove to the [redacted] location, and Employee 1 replied that it was the closest one around but did not mention that [redacted] family member was with [redacted] at the time and that [redacted] family member wanted to go there. In a later interview, Employee 1 explained that [redacted] business calms down [redacted] family member. Employee 1 omitted this information from Employee 1's memo and first interview.

Another Board member thought an important factor was Employee 1's state of mind while writing the memo. It seemed evident from Employee 1's statement to the Board that Employee 1 thought sleeping on duty was the main allegation against Employee 1 and therefore focused entirely on defending Employee 1 against that allegation in Employee 1's memo. Employee 1 didn't seem to understand that unaccounted vehicle mileage was the issue.

Another Board member countered that Employee 1 had admitted driving to [redacted] location to get fuel, which put additional mileage on the vehicle, but that when the sergeant asked Employee 1 specifically why Employee 1 went to [redacted] business Employee 1 failed to give the actual reason. This showed that Employee 1 understood that accounting for Employee 1's vehicle mileage was part of the allegation. Another Board member concurred that Employee 1 didn't mention [redacted] empl. family member anywhere in the memo, and therefore it was intentionally omitted.

Another Board member emphasized the importance of duty. Leaving one's surveillance mission role without permission puts the team at risk.

Minority Opinion:
N/A

Allegation 3: Employee 1 left Employee 1's assigned workplace during a special duty assignment at the location without permission from a supervisor.
(CONDUCT)

Recommended Finding: **Employee 1 -- Sustained (Unanimous)**

Applicable Directive: **315.30 – Satisfactory Performance**

Majority Opinion:

The Board unanimously agreed with the recommended finding that there was a violation of policy.

Employee 1 was away from Employee 1's assigned post at the location. When Employee 1 left, Employee 1 didn't notify a sergeant on duty.

Neither sergeant that was on duty at the location on date recalled Employee 1 asking permission to leave Employee 1's post. They expected Employee 1 to be on the premises. Employee 1's Selectron indicated that Employee 1 had gone to precinct. Employee 1 should have asked a sergeant's permission to leave even if it was only for an equipment issue.

Minority Opinion:
N/A

Recommendations: Corrective Actions/Discipline

Employee 1 – Termination (Unanimous)

Majority Opinion:

The Board members unanimously agreed that Category F best described Employee 1's misconduct. Based on the facts presented, it was their opinion that Allegation 2, Untruthfulness, was the most serious allegation and recommended Termination at the presumptive level of discipline.

Other Recommendations

Policy

The Board unanimously recommended that for future special duty assignments, supervisors provide a play sheet for all employees during the event. This would clearly list each employee's assigned post, expected report time and release time, and other expectations to alleviate potential misunderstanding of roles and expectations.

The Board unanimously recommended that the EAP be placed under the Wellness program umbrella so that the two programs can work together to more effectively coordinate resources and therefore serve employees' needs better.

The Board unanimously recommended that the Chief's Office take into account the safety of all other employees when terminating an employee.

DATE:

[REDACTED]

TO:

Christopher Paille
Police Review Board Coordinator

FROM:

Jeanne Lawson
Police Review Board Facilitator

SUBJ:

Police Review Board Recommended Findings



Bureau of Police
Portland, Oregon

INTER-OFFICE MEMORANDUM

CONFIDENTIAL

The Police Review Board met on [REDACTED] to review the following case:

IA Case Number:

Case #9

Employees:

Employee 1
Employee 2
Employee 3
Employee 4

Incident Summary:

Administrative investigation into the circumstances surrounding the officer involved shooting at SE 89th Avenue and SE Harney Street on October 19, 2018.

Area of review #1: The Application of Deadly Force (FORCE)

Recommended Finding: **Employee 1 – In Policy
(Unanimous)**

Applicable Directive: **1010.00 – Use of Force**

Majority Opinion:

The Board found Employee 1's use of force reasonable. Employee 1 attempted to communicate with Suspect 1 and deescalate the situation using time, distance, and a calm tone of voice and used force only in self-defense.

Suspect 1's behavior led Employee 1 to believe that Suspect 1 was the suspect involved in the felony elude. Employee 1 believed Suspect 1 might run away from Employee 1 and the deputy.

Despite Employee 1's attempts to deescalate the situation, Suspect 1 did not deescalate and drew a gun out of his waistband and shot at Employee 1; Employee 1 shot back in self-defense, believing that Suspect 1 intended to kill Employee 1.

Board members believed that Employee 1 used deadly force to protect Employee 1 and the community. A board member added that it was hard to imagine how quickly the events unfolded and how challenging it would be to make quick decisions in a situation like that. The board member believed that Employee 1 used sound tactics.

One board member reviewed each element of the related policies and noted that Employee 1 did an exemplary job in following directives, and other members of the board concurred. They remarked they were pleased Employee 1 attended the hearing and had apparently recovered well from the injuries.

Although they fully agreed with the finding, one board member asked if Employee 1 should have followed the policy (1010.10 part 2.1.1.1) of immediately notifying the East Precinct supervisor in charge, rather than Employee 1's Canine Unit supervisor, after Employee 1 responded to the call. The group discussed this question further during the Recommendations agenda item.

Board members agreed that Employee 1's use of force was within Bureau policy and, considering the circumstances, Employee 1 responded appropriately.

Area of review #2: Operational Planning and Supervision (PROCEDURE)

Recommended Finding: **Employee 2 - In Policy
(Unanimous)**

Applicable Directive: **315.30 – Satisfactory Performance**

Majority Opinion:

The Board agreed that Employee 2 performed Employee 2's duties in the manner that was necessary given the circumstances and found Employee 2's performance to be within policy. After Employee 2 learned there was an officer involved shooting, Employee 2 began monitoring the radio. Employee 2 told Employee 4 that Employee 2 was on the way to the crime scene and notified Employee 2's supervisor that there had been an officer involved shooting. Employee 2 appropriately managed the situation until homicide detectives arrived to take over.

Recommended Finding: **Employee 3 - In Policy
(Unanimous)**

Applicable Directive: **315.30 – Satisfactory Performance**

Majority Opinion:

The Board agreed that Employee 3 performed Employee 3's duties in the manner that was necessary given the circumstances and found Employee 3's performance to be within policy. After Employee 3 arrived on the scene, Employee 3 assessed Employee 1's condition and shared with Employee 4 that Employee 1 was being transported to Emanuel hospital.

One board member noted that they would have preferred for a Bureau officer to have been directed to accompany Employee 1 in the ambulance, but given the circumstances, understood why a Clackamas County Sheriff's officer was sent.

Recommended Finding: **Employee 4 – In Policy (Unanimous)**

Applicable Directive: **315.30 – Satisfactory Performance**

Majority Opinion:

The Board agreed that Employee 4 performed Employee 4's duties in the manner that was necessary given the circumstances and found Employee 4's performance to be within policy. After Employee 4 learned that Employee 1 was involved in a shooting, Employee 4 immediately began notifications through the chain of command. Employee 4 asked Employee 3 to respond to the scene to check on Employee 1 and directed an officer to go to Emanuel Hospital to be with Employee 1.

Area of review #3: Post Shooting Procedures (PROCEDURE)

Recommended Finding: **Employee 2 - In Policy (Unanimous)**

Applicable Directives: **1010.10 – Deadly Force and In-Custody Death Reporting and Investigation Procedures**
630.50 – Emergency Medical Aid

Majority Opinion:

Board members agreed that Employee 2 followed procedure when taking over as incident command. Employee 2 confirmed with the service net that the incident had taken place within the Portland city limits. Employee 2 confirmed that Employee 1 had been taken to the hospital, made sure an inner and outer crime scene had been set up, and went through the check list to ensure all necessary actions were taken.

Recommended Finding: **Employee 3 - In Policy (Unanimous)**

Applicable Directives: **1010.10 – Deadly Force and In-Custody Death Reporting and Investigation Procedures**
630.50 – Emergency Medical Aid

Majority Opinion:

Board members agreed that Employee 3 followed procedure after Employee 3 arrived on the crime scene. Employee 3 checked on Employee 1 and learned that medical treatment had been provided for Employee 1 and Suspect 1. Employee 3 secured the crime scene with red tape, began the crime scene log, and coordinated officers to work overtime to help maintain the crime scene.

Recommended Finding: **Employee 4 – In Policy (Unanimous)**

Applicable Directives: **1010.10 – Deadly Force and In-Custody Death
Reporting and Investigation Procedures
630.50 – Emergency Medical Aid**

Majority Opinion:

Board members agreed that Employee 4 followed procedure after Employee 4 arrived on the crime scene. While Employee 4 was en route, Employee 4 made the required notifications. Employee 4 took control of the scene until Employee 2 arrived. While waiting for detectives to arrive on scene, Employee 4 identified a witness deputy to walk detectives through the scene.

Recommendations:

Policy:

The board recommended the Bureau review policy 1010.10 part 2.1.1.1 for clarity. It currently states that an involved officer should immediately notify the precinct supervisor; the Canine Patrol Unit has been instructed to immediately notify their unit supervisor. The Board noted that the policy was developed with precinct officers in mind and should be reviewed to consider what is appropriate for special city-wide units, such as the Canine Unit.

DATE: [REDACTED]
TO: Christopher Paille
Police Review Board Coordinator
FROM: Jeanne Lawson
Police Review Board Facilitator
SUBJ: Police Review Board Recommended Findings



CONFIDENTIAL

The Police Review Board met on [REDACTED] to review the following case:

IA Case Number: Case #10

Employees: Employee 1
Employee 2
Employee 3
Employee 4
Employee 5

Incident Summary:

Administrative investigation into the circumstance surrounding the officer involved use of deadly force at 9327 SE Ramona Street on August 31, 2018.

Area of review #1: The Application of Deadly Force. (FORCE)

Recommended Finding: **Employee 1 – In Policy (Unanimous)**

Applicable Directive: **1010.00 – Use of Force**

Opinion:

Board members agreed that Employee 1 acted appropriately in PR use of force on the basis that there was a warrant out for Subject 1's arrest, Subject 1 resisted arrest, and Employee 1 observed a firearm in Subject 1's possession. It was noted that given the circumstances, Employee 1 was in policy to deploy deadly force regardless of whether it would cause death or serious injury. Additionally, Employee 1 used a neck hold with the intention of protecting PRN PR fellow officers, and bystanders from what PR perceived to be a serious and immediate threat. There was discussion about whether the maneuver used by Employee 1 was actually a carotid neck restraint, but ultimately, the Board felt PR actions were warranted regardless in order to get Subject 1 into custody. One member expressed that they were impressed with Employee 1's continued analysis and assessment of the situation, as well as PR over-abundance of caution and deliberate action to control the situation. Other board members echoed the sentiment.

Area of review #2: Post Deadly Force Procedures. (PROCEDURE)

Recommended Finding: **Employee 2 – In Policy
(Unanimous)**

Applicable Directives: **1010.10 - Deadly Force and In-Custody Death
Reporting and Investigation Procedures
630.50 - Emergency Medical Aid**

Opinion:

Board members agreed that Employee 2 acted appropriately upon arriving at the scene – checking with Subject 1, separating the involved officers and witnesses, directing officers to begin a crime scene log, and ensuring a crime scene was established and the proper notifications were made. Additionally, it was noted that Employee 2 was very insightful in responding to the call the way PR did, assuming the role of sergeant and recognizing the need to treat the incident as a deadly force case and then initiating the post deadly force procedures.

Area of review #3: Operational Planning and Supervision. (PROCEDURE)

Recommended Finding: **Employee 2 – In Policy
(Unanimous)**

Applicable Directive: **315.30 – Satisfactory Performance**

Opinion:

Board members agreed that Employee 2 had an overall satisfactory performance, much of which was encompassed in Area of Review #2. Employee 2 properly assessed the situation upon arrival, recognized that it was a deadly force incident, secured the crime scene, separated the involved members and witnesses, made the appropriate medical and crime scene notifications, and efficiently managed the scene until the arrival of the homicide detectives. A board member noted that Employee 2 used an abundance of caution, a sentiment that was echoed by other board members.

Area of review #4: Use of Physical Force. (FORCE)

Recommended Finding: **Employee 1 – In Policy (Unanimous)**

Applicable Directive: **1010.00 – Use of Force**

Opinion:

Board members agreed that Employee 1's use of force was justified in fighting Subject 1 who was in possession of a firearm that PR was readily capable of using. Employee 1 was conscious of the presence of members of the public in the

immediate area and made Employee 3 aware of the firearm in Subject 1's possession once PR was fully confident of its presence. Board members noted that in response to Subject 1's active and aggressive resistance towards Employee 1 and Employee 3 while in the possession of a loaded firearm, Employee 1 wrapped PR arm around Subject 1's neck in an attempt to limit Subject 1's breathing and make him uncomfortable. Subject 1 did not lose consciousness or suffer any injury as a result of this hold, and board members felt this was a justified application of force. One board member noted that even in separating the neck hold from other use of force they did not find Employee 1's actions troubling given the presence of a firearm and the length of the altercation.

Recommended Finding: **Employee 3 – In Policy (Unanimous)**

Applicable Directive: **1010.00 – Use of Force**

Opinion:

Board members agreed that Employee 3 was within policy in PR use of force through hand strikes to Subject 1's back in an attempt to get him to stop resisting. Employee 3 ordered Subject 1 to put his hands behind his back and stop resisting and described unsuccessfully trying to gain control of Subject 1. The Board felt that much of the rationale used in Area of Review #4 for Employee 1 can be applied for Employee 3.

Recommended Finding: **Employee 4 – In Policy (Unanimous)**

Applicable Directive: **1010.00 – Use of Force**

Opinion:

Employee 4 arrived while Employee 1 and Employee 3 were still fighting with Subject 1 and was informed that Subject 1 was in possession of a firearm. Board members agreed that Employee 4 was within policy for PR use of force through hand strikes to Subject 1's lower back. Employee 4 gave Subject 1 orders to stop resisting and put his hands behind his back, and was unable to pry Subject 1's right arm from underneath him. Employee 4 delivered more strikes to Subject 1's lower back and was then able to pry Subject 1's right arm from underneath him. Board members felt that much of the rationale used in Area of Review #4 for Employee 1 can be applied for Employee 4.

Recommended Finding: **Employee 5 – In Policy (Unanimous)**

Applicable Directive: **1010.00 – Use of Force**

Opinion:

Employee 5 arrived while Employee 1, Employee 3, and Employee 4 were still fighting Subject 1 and was able to successfully gain control of Subject 1's arms and handcuff him. Board members agreed that Employee 5's use of force was reasonable and that the same rationale used in Area of Review #4 for Employee 1

could be applied for Employee 5.

Recommendations:

Other Recommendations

A board member suggested that the Bureau of Emergency Communications examine the information that was available to them at the time of the dispatch to determine whether they could have included information regarding Subject 1's possession of a firearm. Other board members agreed that, if the information was available, it would have been helpful for the responding officers to be made aware of the potential of a firearm and may have changed the way the officers approached the situation.

Another board member noted that the detectives' presentation led with Subject 1's criminal history, something that the involved officers were unaware of. It was suggested that there be a reminder for presenters to either exclude this information or clarify that the involved officers were not aware of the subject's criminal history for future Police Review Board presentations.

DATE: [REDACTED]
TO: Christopher Paille
Police Review Board Coordinator
FROM: Jeanne Lawson
Police Review Board Facilitator
SUBJ: Police Review Board Recommended Findings



CONFIDENTIAL

The Police Review Board met on [REDACTED] to review the following case:

IA Case Number: Case #11

Employees: Employee 1
Employee 2
Employee 3
Employee 4
Employee 5
Employee 6
Employee 7
Employee 8
Employee 9
Employee 10
Employee 11
Employee 12
Employee 13
Employee 14

Incident Summary:

Administrative investigation into the circumstances surrounding the officer involved shooting at 3030 NE Weidler Street on December 7, 2018.

Area of review #1: The Application of Deadly Force. (FORCE)

Recommended Finding: **Employee 2 – In Policy (Unanimous)**

Applicable Directive: **1010.00 – Use of Force**

Opinion:

Employee 2 observed Subject 1 moving to exit the Starbucks with what PR described as "walking with a purpose." Employee 2 was positioned behind a car and once Subject 1 exited the Starbucks PR heard an officer instruct Subject 1 to drop the gun. Employee 2 fired PR weapon at Subject 1 because PR heard gun shots and believed he was shooting at Employee 4 and Employee 3. Employee 2 did not believe PR had time to give Subject 1 a warning, and PR backdrop when PR fired PR weapon was the Fred Meyer wall. Board members agreed that Employee 2's actions were within policy and that PR use of deadly force was done in response to a legitimate belief of threat and on behalf of the safety of the other officers. Additionally, the Board commended the officers for their quick action

under the circumstances.

Recommended Finding: **Employee 3 – In Policy (Unanimous)**

Applicable Directive: **1010.00 – Use of Force**

Opinion:

Employee 3 was told by Employee 4 that Subject 1 had a gun. Employee 3 observed Subject 1 exit the Starbucks and take out a gun, and believed the gun was pointed in PR direction. Employee 3 fired PR weapon at Subject 1 following hearing a loud pop believing Subject 1 was firing his weapon. Board members agreed that Employee 3's actions were within policy for the same reasons stated during their review of Employee 2.

Recommended Finding: **Employee 1 – In Policy (Unanimous)**

Applicable Directive: **1010.00 – Use of Force**

Opinion:

Employee 1 observed Subject 1 inside the Starbucks and took position next to Employee 3, having direct view of Subject 1. PR alerted Employee 3 of PR position. PR described Subject 1 walking out of the Starbucks "with a mission" and upon exiting Subject 1 pointed his gun at himself and Employee 3. Employee 1 fired PR weapon at Subject 1 and believed given the circumstances that there was no time to give warning. Board members agreed that Employee 1's actions were within policy for the same reasons stated during their review of Employee 2.

Recommended Finding: **Employee 4 – In Policy (Unanimous)**

Applicable Directive: **1010.00 – Use of Force**

Opinion:

Employee 4 attempted to deescalate the situation before instructing Employee 8 to use the Taser on Subject 1. When the Taser did not have effect, Subject 1 moved toward Employee 4 at which point PR observed that Subject 1 had a gun and was pointing it at PR face. Employee 4 moved back from Subject 1 to create space between PRN and Subject 1, and to get a better backdrop. When Subject 1 continued to move "with intent" toward Employee 4, Employee 4 fired PR gun three times at Subject 1 and alerted Employee 8 to Subject 1's possession of a gun. Board members agreed that Employee 4 actions were within policy for the same reasons stated during their review of Employee 2.

Area of review #2: Operational Planning and Supervision. (PROCEDURE)

Recommended Finding: **Employee 1 – In Policy
(Unanimous)**

Applicable Directive: **315.30 – Satisfactory Performance**

Opinion:

Employee 1 responded to the radio broadcast of “shots fired” by acting as supervisor while still driving to the call and requested a long gun operator be dispatched. Employee 1 was aware the suspect was still armed, and upon arrival PR checked in with Employee 3 when the suspect came out of the location with a firearm pointed at PRN Employee 1 responded by directing deadly force at the suspect. Following the shooting, Employee 6 assumed the role of incident commander as Employee 1 had become an involved member. Board members agreed that Employee 1 was within policy and responded to aid, assist, and protect PR fellow officers in an emergency.

Area of review #3: Post Shooting Procedures. (PROCEDURE)

Recommended Finding: **Employee 6 – In Policy (Unanimous)**

Applicable Directive: **1010.10 – Deadly Force and In-Custody Death
Reporting and Investigation Procedures
630.50 – Emergency Medical Aid**

Opinion:

Employee 6 took the role of incident commander following Employee 1 becoming an involved member. Employee 6 established a plan, assembled a custody team, and recognized that medical was already staged and on standby per Employee 8’s request. Once the suspect was taken into custody, Employee 6 ensured steps were taken to protect the crime scene and evidence and ensure the witness officers were identified, directed to not discuss the incident, and kept warm. Board members agreed that Employee 6 followed the appropriate post shooting procedures and found him to be within policy.

Recommended Finding: **Employee 1 – In Policy
(Unanimous)**

Applicable Directive: **1010.10 – Deadly Force and In-Custody Death
Reporting and Investigation Procedures
630.50 – Emergency Medical Aid**

Opinion:

Employee 1, Employee 6, and Employee 7 began formulating a plan to take

Subject 1 into custody, and began gathering officers for the custody team. Once the custody team had been established, Employee 1 informed Employee 7 that PR had discharged PR weapon, understanding PR position as an involved member and that Employee 6 would be in charge of the scene. Additionally, Employee 1 was aware that medical was staged and on standby. Board members agreed that Employee 1 followed the appropriate post shooting procedure and found him to be within policy.

Recommended Finding: **Employee 7 - In Policy (Unanimous)**

Applicable Directive: **1010.10 – Deadly Force and In-Custody Death Reporting and Investigation Procedures**
630.50 – Emergency Medical Aid

Opinion:

Employee 7 arrived on the scene and began to get PR shield out of PR vehicle to protect the custody team when PR heard shots fired. Employee 7 began developing a plan to take Subject 1 into custody, get medical aid, as well as began separating the involved members. Once Subject 1 was in custody and receiving medical, Employee 7 informed Employee 6 that PR had witnessed the shooting and continued to take measures to separate the involved members. Board member agreed that Employee 7 followed the appropriate post shooting procedures and found her to be within policy.

Recommended Finding: **Employee 5 - In Policy (Unanimous)**

Applicable Directive: **1010.10 – Deadly Force and In-Custody Death Reporting and Investigation Procedures**
630.50 – Emergency Medical Aid

Opinion:

Employee 5 was aware that containment and a perimeter had been set up prior to PR arrival on the scene and that Employee 6 had assumed the role of incident commander. Employee 5 informed PR captain of the shooting and recognized that the involved and witness officers had been separated before meeting with Employee 6 to get a briefing of the incident and then assumed the role of incident commander. Employee 5 worked with other officers to secure TriMet busses to secure the witnesses and keep them warm until the detectives arrived. Additionally, PR delegated other sergeants and lieutenants to ensure the proper post shooting procedures were performed. Board members agreed that Employee 5 followed the appropriate post shooting procedures and found him to be within policy.

Recommended Finding: **Employee 11 – In Policy (Unanimous)**

Applicable Directive: **1010.10 – Deadly Force and In-Custody Death
Reporting and Investigation Procedures
630.50 – Emergency Medical Aid**

Opinion:

Employee 11 saw that Subject 1 was on the ground and not listening to commands. Once the custody team made contact with Subject 1, PR was commanded to show his hands and Employee 11 used a control hold on Subject 1's left arm to take him into custody. The Board agreed that because Subject 1 was thrashing about, Employee 11's use of force was necessary to take him into custody and get him medical aid, and found Employee 11 to be within policy.

Recommended Finding: **Employee 6 – In Policy (Unanimous)**

Applicable Directive: **1010.10 – Deadly Force and In-Custody Death
Reporting and Investigation Procedures
630.50 – Emergency Medical Aid**

Opinion:

Board members agreed that Employee 6 appropriately supervised the custody team during contact with Subject 1, giving each team member an assignment with the goal of taking Subject 1 into custody safely and getting him medical treatment. The Board agreed that Employee 6 was within policy.

Recommended Finding: **Employee 10 – In Policy (Unanimous)**

Applicable Directive: **1010.10 – Deadly Force and In-Custody Death
Reporting and Investigation Procedures
630.50 – Emergency Medical Aid**

Opinion:

Employee 10 was assigned as a hands-on officer on the custody team, and during contact with Subject 1, placed PR knee on Subject 1's back to restrict his ability to move around. The Board agreed that given the totality of the situation, Employee 10's actions were within policy.

Recommended Finding: **Employee 8 – In Policy (Unanimous)**

Applicable Directive: **1010.10 – Deadly Force and In-Custody Death
Reporting and Investigation Procedures
630.50 – Emergency Medical Aid**

Opinion:

During his encounter with Subject 1, Employee 8 observed that Subject 1's hands

were in his pockets and instructed him to take them out. When Subject 1 did not comply, Employee 8 took out PR Taser and gave him a Taser warning before tasering Subject 1 when he began charging at Employee 4. Board members agreed that Employee 8 was within policy in PR use of Taser given Subject 1's active aggression and failure to follow direction.

Recommended Finding: **Employee 9 – In Policy (Unanimous)**

Applicable Directive: **1010.10 – Deadly Force and In-Custody Death
Reporting and Investigation Procedures
630.50 – Emergency Medical Aid**

Opinion:

Employee 9 acted as the shield barrier on the custody team, and used the shield to pin Subject 1 to the ground while the other officers attempted to control him. Once Subject 1 was handcuffed, Employee 9 searched him. Board members agreed that Employee 9 acted within policy given the totality of the circumstances.

Recommended Finding: **Employee 12 – In Policy (Unanimous)**

Applicable Directive: **1010.10 – Deadly Force and In-Custody Death
Reporting and Investigation Procedures
630.50 – Emergency Medical Aid**

Opinion:

As a part of the custody team, Employee 12 took control of Subject 1's right arm placing it in the small of his back so that Subject 1 could be handcuffed. Board members agreed that Employee 12's actions were within policy given the totality of the circumstances.

Recommended Finding: **Employee 7 – In Policy (Unanimous)**

Applicable Directive: **1010.10 – Deadly Force and In-Custody Death
Reporting and Investigation Procedures
630.50 – Emergency Medical Aid**

Opinion:

Upon observing Subject 1 fighting and attempting to roll around after being pinned by the custody team, Employee 7 used one foot to prevent him from rolling as he had previously done, and then placed PR other foot on his back as he continued to resist. As the custody team was attempting to get Subject 1's arms behind his back, Employee 7 took his left wrist and held it so that the custody team could get control of his right hand. Board members agreed that Employee 7's actions were within policy given the totality of the circumstances.

Recommended Finding: **Employee 13 – In Policy**

(Unanimous)

Applicable Directive: **1010.10 – Deadly Force and In-Custody Death
Reporting and Investigation Procedures
630.50 – Emergency Medical Aid**

Opinion:

Employee 13 provided lethal cover to the custody team as they approached Subject 1. Employee 13 lowered PR rifle once the hands-on officers grabbed Subject 1 in an attempt to control him in order to ensure there were no crossfire issues. Board members agreed that Employee 13's actions were within policy.

Recommended Finding: **Employee 14 – In Policy (Unanimous)**

Applicable Directive: **1010.10 – Deadly Force and In-Custody Death
Reporting and Investigation Procedures
630.50 – Emergency Medical Aid**

Opinion:

Employee 14 provided less lethal cover to the custody team. Once the custody team made contact with Subject 1, Employee 14 observed Subject 1 kicking and attempted to control his legs by grabbing his ankles, crossing them, and holding them down which successfully prevented Subject 1 from kicking or moving. Employee 14 maintained PR position while Subject 1 was handcuffed. Following Subject 1 receiving medical attention, Employee 14 assisted in placing him on the backboard and gurney until he was strapped in. Board members agreed that Employee 14's actions were within policy given the totality of the circumstances.

Recommendations:

Training

Multiple board members agreed with a suggestion for the Training Division to examine the CRCRC protocol to ensure it encompasses checking for public safety as well as for their own safety and the safety of other officers. However, due to a voting board member leaving unexpectedly, there was no quorum and therefore the Board did not formally vote on making this recommendation. Additionally, several board members recognized that the Training Division is aware of issues related to the deployment of shotguns, but felt it should be informally noted based on the circumstances of this situation.

DATE: [REDACTED]
TO: Christopher Paille
Police Review Board Coordinator
FROM: Allison Brown, JLA Public Involvement Inc.
Police Review Board Facilitator
SUBJ: Police Review Board Recommended Findings



Bureau of Police
Portland, Oregon

INTER-OFFICE MEMORANDUM

CONFIDENTIAL

The Police Review Board met on [REDACTED] to review the following case:

IA Case Number: **Case #12**

Employees: Employee 1
Employee 2
Employee 3
Employee 4
Employee 5

Incident Summary:

The Administrative investigation into the circumstance surrounding the officer involved shooting on October 10, 2018, at the Del Rancho Motel, 7622 SE 82nd Avenue.

Area of review #1: The Application of Deadly Force. (FORCE)

Recommended Finding: **Employee 1 – In Policy (Unanimous)**

Applicable Directive: **1010.00 – Use of Force**

Majority Opinion:

The Board unanimously agreed with the RU manager's assessment that Employee 1 was in policy when they used deadly force. Employee 1 believed that after the suspect, who was armed with a knife, pulled the victim into the motel room against her will, it became a hostage situation. Based on the fact that the suspect attempted to stab another victim earlier that night at the 7-11, the suspect's threat that he would kill his hostage if the police did not leave the premises, his threat against the police themselves, the history of domestic violence between the suspect and the victim, and the fact that the Crisis Negotiation Team (CNT) was not making progress on their negotiations with the suspect, Employee 1 was justified in using deadly force.

Moreover, they noted Employee 1 believed the suspect was under the influence of methamphetamines; knew the suspect had barricaded the only exit door of the motel room, as well as one of the two windows in the room; and that Employee 1 realized this could have been Employee 1's last opportunity to rescue the victim by disarming the suspect.

One board member stated that the transcript of the interview with the victim solidified the board member's decision that it was in policy because the victim, though unaware of proper police procedures, independently verified the suspect had a knife, barricaded the door, threatened to slit her throat, and had abducted her against her will.

Area of review #2: Operational Planning and Supervision. (PROCEDURE)

Recommended Finding: **Employee 2 – In Policy
(Unanimous)**

Applicable Directives: **315.30 – Satisfactory Performance
720.00 – Special Emergency Reaction Team
(SERT) and Crisis Negotiation Team (CNT) Use**

Majority Opinion:

The Board unanimously agreed that Employee 2 performed their duties in the manner that was necessary, given the circumstances, and found their performance to be within policy. The rationale provided included that Employee 2 was aware of the previous event that night at the nearby 7-11, the call for SERT and CNT, the Hasty Team's presence on site, and the inner perimeter had been established. Employee 2 received continuous updates regarding the event and made sure everyone involved operated under standard rules of engagement. Employee 2 knew the team supported the sniper shot and Employee 2 agreed with the decision to safely rescue the hostage.

Recommended Finding: **Employee 4 – In Policy
(Unanimous)**

Applicable Directives: **315.30 – Satisfactory Performance
720.00 – Special Emergency Reaction Team
(SERT) and Crisis Negotiation Team (CNT) Use**

Majority Opinion:

The Board unanimously agreed that Employee 4 performed their duties in the manner that was necessary, given the circumstances, and found their performance to be within policy. Their rationale was that Employee 4 directed the Special Emergency Response Team (SERT) members to take over the positions of the uniform officers to establish control of the incident, deployed their team to prepare for a possible hostage rescue, and evacuated the motel. Employee 4 continually broadcasted updates from all sources to the SERT and CNT members and gave the order to SERT to enter the motel room to rescue the hostage after Employee 4 learned that deadly force had been used against the suspect.

Recommended Finding: **Employee 5 – In Policy (Unanimous)**

Applicable Directives: **315.30 – Satisfactory Performance**
720.00 – Special Emergency Reaction Team
(SERT) and Crisis Negotiation Team (CNT) Use

Majority Opinion:

The Board unanimously agreed Employee 5 performed their duties in the manner that was necessary, given the circumstances, and found their performance to be within policy. Their rationale was that after arriving at the location of the incident, Employee 5 realized that SERT/CNT intervention could be required so they activated them. Employee 5 directed another sergeant to manage the perimeter, continue to deescalate the suspect, organize a custody team, and bring up additional resources, such as a shield and less lethal weapons.

Area of review #3: Post Shooting Procedures. (PROCEDURE)

Recommended Finding: **Employee 2 – In Policy (Unanimous)**

Applicable Directives: **1010.10 – Deadly Force and In-Custody Death**
Reporting and Investigation Procedures
630.50 – Emergency Medical Aid

Majority Opinion:

The Board unanimously agreed Employee 2 followed post shooting procedures appropriately when acting as Chief Incident Command. Their rationale was that Employee 2 made sure the SERT Hasty Team immediately entered the motel room after deadly force was used to rescue the victim; secured the room; and brought the medical team into the room to provide medical aid to both the hostage and the suspect. Employee 2 ensured that the involved member and witnesses were separated and communication between them was restricted. Furthermore, Employee 2 made necessary notifications in their capacity as CIC and provided details of their communications to Employee 3 when Employee 3 took over as IC.

Recommended Finding: **Employee 3 – In Policy (Unanimous)**

Applicable Directives: **1010.10 – Deadly Force and In-Custody Death**
Reporting and Investigation Procedures
630.50 – Emergency Medical Aid

Majority Opinion:

The Board unanimously agreed Employee 3 followed post shooting procedures appropriately during the event. It was clear to the Board that Employee 3 relieved Employee 2 as IC and was briefed by Employee 2 about the nature of the incident, all necessary notifications that had been made, and the crime scene processing that was taking place. Employee 3 confirmed that the involved member and witnesses had been separated and were with Portland Police Association members awaiting

the detectives' arrival. Employee 3 further confirmed that medical aid had been provided and then pushed the perimeter out further to give crime scene investigators more room to work.

Recommended Finding: **Employee 4 – In Policy (Unanimous)**

Applicable Directives: **1010.10 – Deadly Force and In-Custody Death
Reporting and Investigation Procedures
630.50 – Emergency Medical Aid**

Majority Opinion:

The Board unanimously agreed SERT Employee 4 followed post shooting procedures appropriately during the event. Their rationale was that after Employee 4 became aware that deadly force had been used by a SERT member, they gave command to the SERT team to force entry into the motel room to rescue the hostage and secure the suspect. Employee 4 further followed post shooting procedures by ensuring the involved member and the witness members were separated to await the arrival of the PPA representative. Employee 4 briefed the detectives and the Multnomah County Deputy District Attorney when they arrived, as well.

Recommended Finding: **Employee 5 – In Policy (Unanimous)**

Applicable Directives: **1010.10 – Deadly Force and In-Custody Death
Reporting and Investigation Procedures
630.50 – Emergency Medical Aid**

Majority Opinion:

The Board unanimously agreed Employee 5 followed post shooting procedures appropriately during the event. Their rationale was that Employee 5 was aware of the situation; knew that SERT had made entry into the motel room to rescue the hostage and provide medical aid immediately; was aware that SERT command would identify involved members and witnesses. Employee 5 was furthermore aware that East Precinct officers had been informed about the use of deadly force, were setting up tape to maintain the crime scene, and had arranged for a TriMet bus to hold motel guests during the investigation.

Recommendations:

Training

One board member recommended future presentations to the Police Review Board not include the criminal history of the suspect unless it is relevant to the case or known by the involved officer.

DATE: [REDACTED]
TO: Christopher Paille
Police Review Board Coordinator
FROM: Jeanne Lawson
Police Review Board Facilitator
SUBJ: Police Review Board Recommended Findings



CONFIDENTIAL

The Police Review Board met on [REDACTED] to review the following case:

IA Case Number: [REDACTED] Year [REDACTED] Case #13

Employee: **Employee 1**

Summary of Alleged Complaint:

In the course of an Internal Affairs investigation, IA referred several issues regarding Employee 1's management of the [REDACTED] division name to IPR for investigation.

Allegations numbered 1-3, 5, 7, and 9 were found not sustained or exonerated by the RU manager, branch assistant chief, IA captain, and IPR, and not subject to review by the Police Review Board.

Allegation 4: Employee 1 was unprofessional in their management of Employee 2.
(CONDUCT)

Recommended Finding: **Employee 1 – Sustained (4)**
Not sustained (1)

Applicable Directive: **310.00 – Conduct, Professional**

Majority Opinion:

The majority of the Board found Employee 1's behavior unprofessional in Employee 1's management of Employee 2. Their rationale was that Employee 1 did not behave professionally when Employee 1 called Employee 2 and Employee 3 "liars" and told two of [REDACTED] employees that [REDACTED] would rather make someone's work life unpleasant and get them to quit rather than having to fire them. Although Employee 1 did not refer to Employee 2 by name, the employees inferred that Employee 2 was who Employee 1 had in mind. In totality, these behaviors fostered an atmosphere in which members of the [REDACTED] division name perceived that Employee 1 disliked Employee 2.

The majority of the Board agreed that Employee 1 had legitimate reasons for denying Employee 2 their [REDACTED] work specific training opportunity request and asking Employee 2 to write an essay after viewing a training video for which Employee 2 had been absent. However, Employee 1's act of omitting Employee 2's name from the unit's [REDACTED] list type sign-up list, due to Employee 2's lack of eligibility, was justified. Two board members noted that it was an act of shaming to omit an employee's name, however. In summation, they believed there was a preponderance of evidence that Employee 1 created a work environment in which

Employee 1 disparaged Employee 2 enough to create the impression that Employee 2 was an unwanted employee.

Minority Opinion:

One board member found insufficient proof for the basis of this allegation. For instance, the board member believed Employee 1's act of omitting Employee 2's name from the unit's list type sign-up list was justified and within Employee 1's professional purview as a manager. The board member also believed Employee 1's denial of Employee 2's work specific training was justified. Therefore, the board member found this allegation to be not sustained. The preponderance of evidence standard was not met in the board member's opinion. The board member believed other examples of Employee 1's unprofessional behavior were covered in the other two allegations.

Allegation 6: Employee 1 conducted themselves in an unprofessional manner by publicly describing which of their employees they liked and disliked. (CONDUCT)

Recommended Finding: **Employee 1 – Sustained (Unanimous)**

Applicable Directives: **310.00 – Conduct, Professional**

Majority Opinion:

The Board unanimously found that Employee 1 conducted themselves unprofessionally by publicly describing which of their employees they liked and disliked. During a conversation with two employees, Employee 1 said that Employee 1 liked all but three people in the division. One employee presumed that two of the three people were employees, Employee 3, who also worked there. employee queried: "Who is the third person?" Employee 1 didn't respond to the question, but Employee 1 also didn't correct the empl. assumption about the identity of the two employees Employee 1 had named. The Board believed that it was unprofessional for a manager to make comments or insinuations about which subordinates he/she liked or disliked. In addition, they believed it unprofessional for Employee 1 to make a broad or vague statement about employee preferences, allow employees to draw their own conclusions about those implied preferences, and not correct a false conclusion or perception.

Allegation 8: Employee 1 made inappropriate comments on the basis of race to employees. (CONDUCT)

Recommended Finding: **Employee 1 – Sustained (Unanimous)**

Applicable Directive/Rule: **344.00 – Compliance with Administrative Rules
HRAR 2.02 – Prohibition Against Workplace
Harassment, Discrimination, and Retaliation**

Majority Opinion:

The Board unanimously found a preponderance of evidence to show that Employee 1 made inappropriate comments to employees on the basis of race. When an empl. expressed concern regarding an investigation of a rank who is a person of color, Employee 1 responded that the rank would be okay because “the rank doesn’t look like me.” The ID Tech interpreted that to mean the rank would not be disciplined because the rank was a person of color and not white. Furthermore, this indicated Employee 1 believed a disciplinary outcome was based on race (with a minority employee having an advantage in this case) rather than on the content of an investigation. This was an example of workplace discrimination.

Recommendations:

Corrective Actions/Discipline

Majority Opinion: **Two Workweek SWOP – 4 members**

Four board members believed Category D at the aggravated level best described the corrective action needed. They reasoned it was aggravated based on Employee 1’s employee history and the previous discipline year. Because the current allegations were for misconduct Employee 1 exhibited in February 2017, this was the second violation within five years, therefore putting the discipline level at aggravated.

Minority Opinion: **One Workweek SWOP – 1 member**

One board member believed Category D at the presumptive level best described the corrective action needed because the board member did not find Allegation 4 sustained. Therefore, the board member believed the discipline level should be lowered by one level.

Additional Corrective Action Recommended

No other recommendations.

DATE: [REDACTED]
TO: Christopher Paillé
Review Board Coordinator
FROM: Tracy M. Smith, Inhance LLC
Police Review Board Facilitator
SUBJ: Police Review Board Recommended Findings



CONFIDENTIAL

The Police Review Board met on [REDACTED], to review the following case:

IA Case Number: Case #14

Employee: **Employee 1**

Summary of Alleged Complaint:

While serving as a member of the Portland Police Bureau's [REDACTED] unit at the rank of [REDACTED] rank and later as a [REDACTED] rank while assigned to [REDACTED] precinct, Employee 1 was assigned the role of [REDACTED] role between protest group members and the Police Bureau. As part of these duties, Employee 1 exchanged numerous text messages with Person 1.

Following a release of these text messages to the media and subsequent reports, concerns arose regarding some of the text messages between Employee 1 and Person 1. Members of the public and journalists raised questions about Employee 1 being too friendly with Person 1 and Employee 1 discussing the status of warrants for Person 2.

Allegation 1: Employee 1 engaged in unprofessional behavior during their communications with Person 1. (CONDUCT)

Recommended Finding: **Exonerated – Two Members**
Exonerated with a Debrief – One Member
Not Sustained – Two Members

Applicable Directive: **310.00 – Professional Conduct and Courtesy**

Majority Opinion:

Three members recommended a finding of Exonerated, stating Employee 1 didn't engage in unprofessional behavior during their communications with Person 1. Members found there was overwhelming evidence, "11,647 text messages," with no identifiable examples of unprofessional behavior. Additionally, during their investigation, the Independent Police Review (IPR) didn't find any wrongdoing on the part of Employee 1. The investigation concluded the [REDACTED] role requires open communication. Employee 1 engaged in or attempted to engage with people from multiple sides of the political spectrum. There was no evidence Employee 1 failed to remain neutral in working with individuals and groups, and leadership was aware of Employee 1's work.

One member recommended a finding of Exonerated with a Debriefing, given the potential perception of the public to view the text messages as unprofessional communication.

Minority Opinion:

Two members recommended a finding of Not Sustained. One member stated some of the text messages could, on their face, be perceived as unprofessional, however, given the totality of the text messages, there was not a preponderance of evidence that Employee 1 violated the directive.

Allegation 2: Employee 1 engaged in unprofessional behavior during their communications with Person 1. (CONDUCT)

Recommended Finding: **Exonerated – Two Members**
Exonerated with a Debrief – One Member
Not Sustained – Two Members

Applicable Directives: **310.00 – Professional Conduct and Courtesy**
HRAR 11.01 – Statement of Ethical Conduct; City
Code of Ethics

Majority Opinion:

Three members recommended a finding of Exonerated, stating Employee 1 didn't engage in unprofessional or unethical behavior during their communications with Person 1. Additionally, during their investigation, the IPR didn't find any wrongdoing on the part of Employee 1.

One member stated Employee 1 tried to maintain objectivity in their communications with Person 1. IPR found Employee 1 attempted to engage people from multiple political associations. Therefore, the member believed Employee 1's conduct was within the policy.

One member recommended a finding of Exonerated with a Debriefing given the potential perception of the texts and their behavior as unprofessional and unethical by members of the public.

Minority Opinion:

Two members recommended a finding of Not Sustained.

One member stated the public didn't have access to all of the information and, as a result, the text messages could be perceived as inappropriate. The board member felt Police Bureau members have a responsibility to ensure their communications do not have the appearance of impropriety, regardless of their intent. The text messages, in "totality," didn't demonstrate inappropriate behavior.

Another member stated some of the text messages appeared to lack objectivity, but there wasn't a preponderance of evidence to find a policy violation.

Allegation 3: Employee 1 inappropriately disclosed information to Person 1 that allowed individuals to avoid arrest. (PROCEDURE)

Recommended Finding: **Not Sustained – Three Members**
Exonerated – Two Members

Applicable Directive: **310.70 – Dissemination of Information**

Majority Opinion:

Three members recommended a finding of Not Sustained. One member stated Employee 1's communications with Person 1 could be perceived as aiding individuals to avoid arrest. Additionally, another member stated the text messages could be perceived as "indirectly" providing information to others to avoid arrest. The information Employee 1 provided to Person 1 about Person 2 is public information. Employee 1 provided this information to Person 1 in an effort to influence them to have right-leaning protesters leave the area and avoid further conflict with left-leaning counter-protesters. The investigation did not find information sufficient to prove Employee 1 inappropriately provided information to Person 1 that allowed individuals to avoid arrest.

Minority Opinion:

Two members recommended a finding of Exonerated. One member stated Employee 1 didn't share confidential information. To the contrary, the information they shared was public information. The board member found overwhelming evidence that Employee 1's conduct was lawful and in policy. The board member found the alleged conduct and allegation as worded, did not occur, found Employee 1 did not inappropriately disclose information, and did not find any evidence in the record to show Employee 1 helped Person 2 avoid arrest. The board member noted that Employee 1 didn't know whether a warrant existed. The second board member who recommended a finding of Exonerated also agreed with this rationale.

Recommendations:

Training

Provide training and guidance based on the duties and expectations of the [redacted] role [redacted] position (as clarified based on the recommendation below).

Policy

Document the duties and expectations of the [redacted] role [redacted] position to better inform the public, Bureau members, and reviewing parties with an understanding of the role and responsibilities of the [redacted] role. Incorporate the documented practices into the training curriculum.

DATE: [REDACTED]
TO: Christopher Paillé
Review Board Coordinator
FROM: Tracy M. Smith, Inhance LLC
Police Review Board Facilitator
SUBJ: Police Review Board Recommended Findings



CONFIDENTIAL

The Police Review Board met on [REDACTED], to review the following case:

IA Case Number: Case #15

Employees: Employee 1
Employee 2
Employee 3
Employee 4

Incident Summary:

Administrative investigation into the circumstance surrounding the officer involved shooting at 9610 SE Market Street on January 6, 2019.

Area of Review #1: The Application of Deadly Force. (FORCE)

Recommended Finding: Employee 1 – **In Policy – Seven Members**

Applicable Directive: **1010.00 – Use of Force**

Majority Opinion:

Seven members recommended a finding of In Policy on the Application of Deadly Force. Employee 1 tried to gain control of Person 1 but was unable to do so. They elicited the help of Person 2, but Person 2 wouldn't assist Employee 1. Employee 1 advised Person 1 they were going to be tased if they didn't stop and comply. When Employee 1 realized Person 1 had something in their hand and advanced toward Employee 1, they tased Person 1. Employee 1 described Person 1 as getting to their feet almost immediately with the knife in their hand. Employee 1 dropped the taser and pulled their firearm while telling Person 1 if they didn't stop they were going to shoot them.

Person 1 continued to move toward Employee 1 who was backing away and could not retreat very far because Person 1 was blocking the only exit. Employee 1 was in fear of their life from the attack of Person 1, fired three rounds, striking Person 1 twice.

Minority Opinion:
None

Area of Review #2: Operational Planning and Supervision. (PROCEDURE)

Recommended Finding: **Employee 4 - In Policy – Seven Members**

Applicable Directive: **315.30 – Satisfactory Performance**

Majority Opinion:

Seven members recommended a finding of In Policy regarding Operational Planning and Supervision. Employee 4 was the first supervisor on the scene. They “maintained sufficient competency and knowledge of Bureau directives,” Directive 315.30, by taking photos of items that were likely to be disturbed during the treatment of Person 1, so the items would be properly documented for crime scene integrity purposes. Employee 4 established a crime scene within the residence and had officers contact other building residents to ensure there were no other injured parties and to advise them of the procedure for leaving the residence.

Employee 4 performed their duties in a manner that met standards of “efficiency and service in order to carry out the functions and objectives of the Bureau,” Directive 315.30. One member stated Employee 4’s actions, in coordination, with Employee 2 and Employee 3, conformed to the “work standards established for the rank, grade, and position” of which they were assigned, Directive 315.30.

Minority Opinion:
None

Recommended Finding: **Employee 2 - In Policy – Seven Members**

Applicable Directive: **315.30 – Satisfactory Performance**

Majority Opinion:

Seven members recommended a finding of In Policy regarding Operational Planning and Supervision. Employee 2 “maintained sufficient competency and knowledge of Bureau directives,” Directive 315.30, by instructing Employee 1 to have a seat in their (Employee 2’s) car with the Mobile Data Terminal (MDT) and police radio turned off.

Employee 2 “coordinated their efforts,” Directive 315.30, with Employee 4, turning their attention to establishing the inner and outer crime scene. They “maintained sufficient competency and knowledge of Bureau directives,” Directive 315.30. One member stated Employee 2’s actions, in coordination, with Employee 4 and Employee 3, conformed to the “work standards established for the rank, grade, and position” of which they were assigned, Directive 315.30.

Minority Opinion:
None

Recommended Finding: **Employee 3 - In Policy – Seven Members**

Applicable Directive: **315.30 – Satisfactory Performance**

Majority Opinion:

Seven members recommended a finding of In Policy on Operational Planning and Supervision. When Employee 3 arrived on the scene, they “coordinated their efforts,” Directive 315.30, with Employee 2. They maintained “sufficient competency and knowledge of Bureau directives,” Directive 315.30. They assisted with the crime scene outside the residence and made the determination as to the size of the inner and outer crime scenes. They assigned an officer to complete the crime scene log.

One member stated Employee 3’s actions, in coordination, with Employee 4 and Employee 2, conformed to the “work standards established for the rank, grade, and position” of which they were assigned, Directive 315.30.

Minority Opinion:

None

Area of review #3: Post Shooting Procedure. (PROCEDURE)

Recommended Finding: **Employee 4 - In Policy – Seven Members**

Applicable Directives: **1010.10 – Deadly Force and In-Custody Death Reporting and Investigation Procedures**
630.50 – Emergency Medical Aid
640.10 – Crime Scene Procedures

Majority Opinion:

Seven members recommended a finding of In Policy on Post Shooting Procedure. Per Directive 1010.10, 2.1.3.1.1, Employee 4 was informed that Employee 1 was the only officer involved in the shooting and Employee 5 was going to stay with Employee 1. Employee 4 obtained information required in a public safety statement and also identified a witness to the shooting who could provide all of the additional required public safety statement information. They also asked if there were any other suspects or injured individuals, as required by Directive 1010.10.

Employee 4 confirmed emergency medical aid was provided when they entered the residence and observed officers providing first aid to Person 1.

Employee 4 took photos of items that were likely to be disturbed during the treatment of Person 1, so the items would be properly documented for crime scene integrity purposes, according to Directive 640.10.

Minority Opinion:

None

Recommended Finding: **Employee 2 - In Policy – Seven Members**

Applicable Directive: **1010.10 – Deadly Force and In-Custody Death Reporting and Investigation Procedures**
630.50 – Emergency Medical Aid
640.10 – Crime Scene Procedures

Majority Opinion:

Seven members recommended a finding of In Policy on Post Shooting Procedure. Per Directive 1010.10, 2.1.3.1.1, Employee 2 was informed by Employee 5 that Employee 1 was the only officer involved in the shooting. Employee 2 instructed Employee 5 to stay with Employee 1 in Employee 2's car and shut off the MDT and police radio. Employee 2 observed Employee 4 with other officers that were administering first aid to Person 1, as required by Directive 630.50. They also established the inner and outer crime scene, according to Directive 640.10.

Minority Opinion:

None

Recommended Finding: **Employee 3 - In Policy – Seven Members**

Applicable Directive: **1010.10 – Deadly Force and In-Custody Death Reporting and Investigation Procedures**
630.50 – Emergency Medical Aid
640.10 – Crime Scene Procedures

Majority Opinion:

Seven members recommended a finding of In Policy on Post Shooting Procedure. Employee 3 assisted with the crime scene outside the residence by determining the size of the inner and outer crime scenes, and the entry point for the inner crime scene, per Directive 640.10, including assigning an officer to complete the crime scene log.

Minority Opinion:

None

Recommended Finding: **Employee 1 – In Policy with Debrief – Seven Members**

Applicable Directive: **1010.10 – Deadly Force and In-Custody Death Reporting and Investigation Procedures**
630.50 – Emergency Medical Aid
640.10 – Crime Scene Procedures

Majority Opinion:

Seven members recommended a finding of In Policy with a Debrief on Post Shooting Procedure. All members agreed a debrief with Employee 1 should entail the preferred method of report documentation when it is required to disturb a crime scene. Employee 1 thought they were preserving the crime scene by placing

the knife back where they found it once they felt it was safe to do so. Members agreed Employee 1's decision to put back the knife to preserve the crime scene was based on a legitimate concern that it was still accessible to Person 1.

One member stated Employee 1 was a two-year officer and did not get training in how to process a crime scene. It was acceptable for Employee 1 to seize the knife, but they shouldn't have put it back where they found it.

Minority Opinion:
None

Area of Review #4: The use of physical force and ECW. (FORCE)

Recommended Finding: **Employee 1 - In Policy – Seven Members**

Applicable Directive: **1010.00 – Use of Force**

Majority Opinion:

Seven members recommended a finding of In Policy on the Use of Physical Force and Electronic Control Weapon (ECW). Directive 1010.00, 1.1. and 1.1.1., stated, "Members shall use disengagement and de-escalation techniques when time and circumstances reasonably permit." Employee 1 tried to gain control of Person 1 but was unable to do so. They elicited the help of Person 2, but Person 2 wouldn't assist Employee 1. Employee 1 advised Person 1 they were going to be tased if they did not stop and comply. When Employee 1 realized Person 1 had something in their hand and advanced toward Employee 1, they tased Person 1. Employee 1 described Person 1 as getting to their feet almost immediately with the knife in their hand. Employee 1 dropped the taser and pulled their firearm while telling Person 1 if they didn't stop they were going to shoot them.

Minority Opinion:
None

Recommendations:

Debrief

Conduct a Performance Analysis debriefing with Employee 1 related to cover.

Training

Write guidelines for knives intended to be used as weapons.

Policy

Policy team review Directive 1010.10 and the public safety statement and the issue around securing and reporting locations of weapons in use of deadly force encounters.