



Police Review Board Public Reports

On August 13, 2010 the Portland City Council replaced Ordinance 183657 with amended Ordinance 183995 establishing a Police Review Board, 3.20.140. The new Board process has a Public Reports component. Section I of the Ordinance requires published public reports twice annually. These memorandums are being posted on the Police Bureau's web site to comply with the Ordinance.

- I. Public reports. As often as deemed necessary by the Board, but at least twice each calendar year, the Board shall publish public reports summarizing its statements of findings and a summary of any training and/or investigation issues or concerns. The reports shall keep confidential and not include involved officers' names, the names of witnesses, or the name of any complainants. The reports shall be written by the Board facilitator. The reports may not be released before a final decision, including discipline if any, is made by the Chief or Commissioner in Charge.



Bureau of Police
Portland, Oregon

INTER-OFFICE MEMORANDUM

DATE: February 4, 2011
TO: Christopher Paille
Review Board Coordinator
FROM: Judith Trotter McAfee
Police Review Board Facilitator
SUBJ: Police Review Board Findings and Recommendations

The Police Review Board met on Wednesday, January 12, 2011, to review the following case:

IAD Case Number: 2009-P- [REDACTED]

The Board noted that the incidents involving ^{Sworn Employee} A are three separate cases and span approximately three years. The Board considered five incidents and combined them into three allegations, all demonstrating performance meriting Police Review Board consideration.

Allegation #1 ^{Sworn Employee} A entered the private bedroom of Citizen A without consent, warrant, or probable cause, and arrested citizen.

Finding: **Sustained/Unanimous**
Directive 315.30 – Unsatisfactory Performance

Majority Opinion:

The Board considered and addressed two additional Directives: **631.60-Premises Entry and 830.00-Arrest without Warrant**, but members voted for a summary finding of violation of Directive **315.30- Unsatisfactory Performance**

Members discussed the fact that ^{Sworn Employee} A was accompanied by ^{Employee B} [REDACTED] ^{Sworn Employee A} did express concern to ^{Employee B} [REDACTED] about the entry. When the roommate indicated that Citizen A was sleeping in his bedroom, the situation did not indicate incapacity, danger to self or others, or rise to an issue of "community care." ^{Sworn Employee A} proceeded to enter the bedroom and arrest Citizen A (a suspected DUII).

The Board noted ^{Sworn Employee A} [REDACTED]'s 10-year tenure and training, as well as prior experience in the Traffic Division where procedures related to DUII were a large part of the Division's activity.

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Major concern was expressed on several issues:

- 1) ^{Employee in training} [redacted] was present and observed this action;
- 2) arrests without a warrant present a potential City liability and can jeopardize case law;
- 3) the sanctity of a private residence and protected space (bedroom) must be observed.

One member indicated that it would be useful to go back to the ^{Employee in training} [redacted] and make sure that his interpretation and understanding of the proper procedures are correct and not marred by ^{Sworn Employee A} [redacted]'s actions.

Allegation #2

^{Sworn Employee A} [redacted] *entered the residence (reached across the threshold) of Citizen B without consent, warrant, or probable cause, and arrested Citizen B.*

Finding: **Exonerated/with Debriefing/Unanimous**

Majority Opinion:

Circumstances indicated that ^{Sworn Employee A} [redacted] did have probable cause to arrest Citizen B. One member expressed concern about ^{Sworn Employee A} [redacted] putting his foot in the door and pulling Citizen out of his home. Another member acknowledged that he would have expected ^{Sworn Employee A} [redacted] to make the arrest, but the manner of his action was a performance issue, not a lack of knowledge.

Members stated that ^{Sworn Employee A} [redacted] needs to do a better job of documentation. In ^{Sworn Employee A} [redacted]'s report of the incident, he did not elaborate on the issue or his specific reasoning for reaching through the door and pulling Citizen B out of his home.

There was a recommendation to provide general Bureau training on warrants and report writing.

Allegation #3

^{Sworn Employee A} [redacted] *conducted follow-up on a sexual assault case without coordinating with assigned detectives, and improperly showed pictures of potential suspect to the victim.*

Finding: **Sustained/Unanimous**

Directive 315.30-Unsatisfactory Performance

Two members sustained with an additional emphasis on Directives **640.10, 640.12, and 640.20**

Members clearly believed that ^{Sworn Employee A} [redacted]'s actions were outside of policy, including re-contacting the victim and showing her pictures of

a suspect without a “six-pack.” The procedure for use of a “six-pack” of photos is covered early in officer training and also during the probationary period.

There was a clear discrepancy between what Sworn Employee A reported that the detective assigned to the case told him, and what the detective reported that he had told Sworn Employee A. Detective indicated he gave strong direction to Sworn Employee A not to arrest suspect, and to inform him (Detective) before taking any action. There is a clear Directive (640.12) that covers the procedure in a sexual assault case. Sworn Employee A deviated from the prescribed process and proceeded on an independent course. His action jeopardized the case.

Recommendation:

Discipline

20 SWOP/Unanimous

The Board recommended stronger discipline than a review of Sworn Employee A's past performance might indicate. (There is no past history of discipline in his file). Members believe that Sworn Employee A is seasoned and has a history of procedural missteps and post-incident justification of his actions. His eagerness should be replaced with prudence. His actions have jeopardized City legal actions and case disposition.

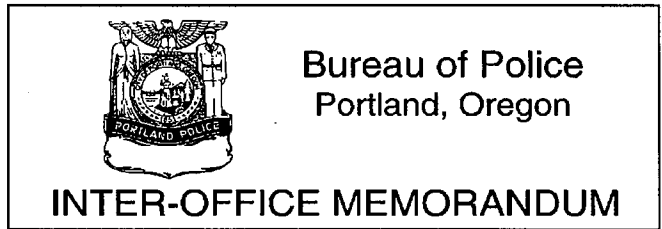
Other-Debrief and training

Members recommended that Sworn Employee A be debriefed and re-trained on **Directive 920.00-Report Writing**

Other- Training

Members recommended general Bureau training on warrants and report writing.

DATE: January 21, 2011
TO: Christopher Paille
Review Board Coordinator
FROM: Joe Hertzberg, Rangineh Azimzadeh
Police Review Board Facilitator and Assistant
SUBJ: Police Review Board Findings and Recommendations



CONFIDENTIAL

The Police Review Board met on Thursday, January 13, 2011, to review the following case:

IAD Case Number: **2009-B-** [redacted]
Employee: Sworn Employee A [redacted]
Sworn Employee B [redacted]

Allegation #1 Sworn Employee A [redacted] *engaged in conduct likely to bring reproach or discredit upon the Bureau or the City.*

Finding: **Sustained / Unanimous**
Violation of Directive 310.00 – Professional Conduct and as it relates to Directive 313.10 – Gratuities, Gifts, and Rewards.

Opinion:
The majority of the board found that Sworn Employee A [redacted] acted out of policy by visiting a club, while off duty, that was part of his patrol as an on duty officer and by participating in a “private show” with one of the dancers. One member noted that even if Sworn Employee A [redacted] had visited a club outside of his patrol area, his actions would still be under review. In his interview, Sworn Employee A [redacted] stated that he did not pay for the private show. The board believed it was probable that Sworn Employee A [redacted] received “special treatment” due to his status as a sworn employee. As a result, violation of directive 313.10 (Gratuities, Gifts, and Rewards) was introduced and the board unanimously agreed that it should be included as part of the directives that were violated.

A few members voiced special concern about Sworn Employee A [redacted]’s decision to visit an establishment that he later identified as being rumored to harbor criminal activity. The board felt Sworn Employee A [redacted] in accepting the free dances, placed himself, as well as the Bureau, in a compromising situation. One member noted that police officers take an oath to lead their lives at a higher standard of conduct and that Sworn Employee A [redacted]’s actions fell short of meeting that standard.

Allegation #2

Sworn Employee B engaged in conduct likely to bring reproach or discredit upon the Bureau or the City.

Finding: Sustained / Unanimous

Violation of Directive 310.00 – Professional Conduct and as it relates to Directive 313.70 – Gratuities, Gifts, and Rewards.

Opinion:

The majority of the board found that Sworn Employee B acted out of policy by visiting a club, while off duty, that was part of his patrol as an on duty officer and by participating in a “private show” with one of the dancers. One member noted that even if Sworn Employee B had visited a club outside of his patrol area, his actions would still be under review.

A few members voiced additional concerns regarding Sworn Employee B's decision to visit an establishment that he himself identified as being rumored to harbor criminal activity. Board members were troubled and expressed concern that Sworn Employee B, in providing handcuffs as a form of payment, placed himself, as well as the Bureau, in a compromising situation.

Recommendations:

Discipline

Sworn Employee A

10 SWOP – Three members
40 SWOP – Two members

Sworn Employee B

10 SWOP – Three members
40 SWOP – Two members

Training

The board recommended that additional training should be offered at every level on the ethical issues that officers frequently face (including sexuality, drugs, alcohol, gratuities, etc.).

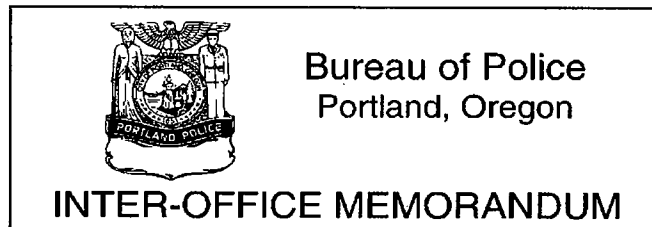
Policy

The board recommended a review of directive 310.00 (Professional Conduct) as it relates to frequenting locations where suspected criminal activity is taking place, and of directive 313.70 (Gratuities, Gifts, and Rewards) as it relates to associations.

Other

The board recommended that as part of the applicant screening process, reviewers pay closer attention to characteristics that may be indicative of judgment on ethical issues.

DATE: January 21, 2011
TO: Christopher Paille
Review Board Coordinator
FROM: Joe Hertzberg, Rangineh Azimzadeh
Police Review Board Facilitator and Assistant
SUBJ: Police Review Board Findings and Recommendations



CONFIDENTIAL

The Police Review Board met on Thursday, January 13, 2011, to review the following case:

IAD Case Number: **2010-C-** [redacted]
Employee: Sworn Employee A [redacted]

Allegation #1 Sworn Employee A [redacted] *exhibited inappropriate off duty behavior in his encounter with the complainant during a traffic dispute.*

Finding: Sustained / Unanimous

*All members voted to sustain the allegation on the basis of directive 310.00 (Professional Conduct). In addition, two members also voted to sustain the allegation on the basis of directive 311.30 (Off Duty Responsibility of Officers), while three voted that this was unproven.
Violation of Directive 310.00 – Professional Conduct and 311.30 – Off Duty Responsibility of Officers

Opinion:

Board members agreed that Sworn Employee A [redacted]'s use of profane language and gestures were an important part of his unprofessional conduct; they incorporated these behaviors into their finding for this allegation rather than considering it a separate allegation (see Allegation #3).

Sworn Employee A [redacted] had alternative options throughout the entire incident, and he exercised poor judgment. One board member felt that Sworn Employee A [redacted] failed to utilize the option of phoning 911 at the onset of the incident. Both Sworn Employee A [redacted] and the complainant had an opportunity to disengage at any point during the situation and neither did. Another member felt that Sworn Employee A [redacted] initiated the incident.

Board members were not in agreement about whether Sworn Employee A [redacted] was acting as an off-duty officer engaged in a police action at the time of the incident. Ultimately, two members voted that he was acting as an off-duty Sworn Employee A [redacted] engaged in a police action and three found this to be unproven.

Allegation #2

[REDACTED] Sworn Employee A acted unprofessionally by removing, displaying, or pointing his firearm at the complainant.

Finding: Sustained / Unanimous
Violation of Directive 310.00 – Professional Conduct

Opinion:

Board members believed that [REDACTED] Sworn Employee A's decision to introduce a gun into the situation as he got out of his car significantly changed the dynamics of the situation by potentially provoking further violence and placing the nearby citizen witness in a frightening and potentially harmful situation. [REDACTED] Sworn Employee A's attempt to "prevent violence" by drawing his gun actually escalated the situation. Overall, board members believed [REDACTED] Sworn Employee A did not display a professional public image during the encounter.

Allegation #3

[REDACTED] Sworn Employee A used profane language and gestures during his encounter with the complainant over a traffic dispute.

Finding: The board incorporated this allegation into Allegation #1.

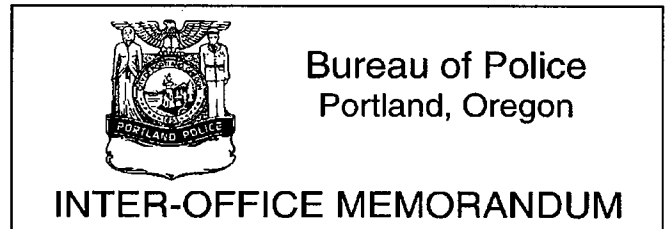
Recommendations:

Discipline

80 SWOP and Anger Management Classes – Two members
40 SWOP and Anger Management Classes – Two members
1 Workday and Anger Management Classes – One member

The board expressed significant concern over [REDACTED] Sworn Employee A's ability to properly manage his anger and suggested he follow up with counseling and/or anger management classes. Board members also stressed the importance of providing [REDACTED] Sworn Employee A with the proper support to address his anger issues.

DATE: February 9, 2011
TO: Christopher Paille
Police Review Board Coordinator
FROM: Frances Portillo, Rangineh Azimzadeh
Police Review Board Facilitator and Assistant
SUBJ: Police Review Board Findings and Recommendations



CONFIDENTIAL

The Police Review Board met on Wednesday, February 2, 2011 to review the following case:

IAD Case Number:
Employee:

2010-B- [redacted]
Sworn Employee A [redacted]
Sworn Employee B [redacted]
Sworn Employee C [redacted]

Allegation #1

Sworn Employee A [redacted] *negligently discharged his firearm at a Bureau authorized firearms range where no person was endangered. (Conduct)*

Finding: **Sustained / Unanimous**

Violation of Directive 1010.10 – Deadly Physical Force, Negligent Discharge

Opinion:

The board found that Sworn Employee A [redacted] did in fact negligently discharge his firearm despite Sworn Employee A [redacted]'s written testimony that he believed he had possession of a "red handle" weapon at the time of the incident. One board member noted that Sworn Employee A [redacted] did not take any precautions not to fire the gun. Board members also discussed that in addition to negligently discharging his weapon, Sworn Employee A [redacted] failed to report the incident using the proper reporting procedure.

Allegation #2

Sworn Employee A, B, C, D [redacted] *failed to report Sworn Employee A [redacted]'s negligent firearm discharge as required by PPB Directives and Training Division SOP. (Conduct)*

Finding for Sworn Employee A [redacted]: **Sustained / Unanimous**

Finding for Sworn Employee C [redacted]: **Sustained / Unanimous**

Finding for Sworn Employee B [redacted]: **Sustained / One member; Unproven with a debrief / Four members**

Violation of Directive 1010.10 – Deadly Physical Force, Negligent Discharge

Majority Opinion:

The board felt that at the time of the incident, Sworn Employee A and C knew that the negligent discharged should have been reported to a supervisor and they failed to do so. As part of his written testimony, Sworn Employee A replied "do you really want to know" when Sworn Supervisor A later inquired about the incident. Board members felt that Sworn Employee A's comment indicated that he knew he had acted out of policy. Sworn Employee C had been a part of the Training Division on two previous occasions and one board member noted that the reporting procedure should have been clear to him.

In the case of Sworn Employee B the majority of the board felt that it was unproven whether or not Sworn Employee B felt he had complied with standard reporting procedure. One board member felt that although Sworn Employee B had discussed reporting the incident with Sworn Employee C Sworn Employee B should have confirmed the incident was in fact reported.

Minority Opinion:

Following the incident, no supervisor or other detective arrived on the scene to conduct an investigation. One board member felt that Sworn Employee B should have assessed at that point that there was a low probability that the incident was going to be reported, despite the fact that he had already had a conversation with Sworn Employee C

Recommendations: Discipline

Sworn Employee A
[REDACTED] :
20 SWOP – Unanimous

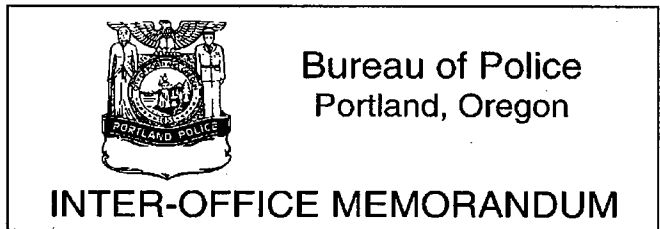
Sworn Employee
C [REDACTED] :
LOR – One member
10 SWOP – Two members
20 SWOP – Two members

Sworn Employee
B [REDACTED] :
10 SWOP – One member

Training

The board recommended that the Training Division review the reporting procedure for negligent discharge incidents in order to define and better clarify who is responsible for reporting the incident and to whom the report should be directed.

DATE: February 9, 2011
TO: Christopher Paille
Police Review Board Coordinator
FROM: Frances Portillo, Rangineh Azimzadeh
Police Review Board Facilitator and Assistant
SUBJ: Police Review Board Findings and Recommendations



CONFIDENTIAL

The Police Review Board met on Wednesday, February 2, 2011 to review the following case:

IAD Case Number: **CRB** [REDACTED]
Employee: Sworn Employee A [REDACTED]

Allegation #1 Sworn Employee A [REDACTED] *unsatisfactorily performed his duties as a driver.*

**Finding: Sustained / Unanimous
Violation of Directive 315.30 – Unsatisfactory Performance as it
relates to Violation of Directive 317.40 – Authorized Use of
Bureau Equipment**

Opinion:
The majority of the board found that Sworn Employee A [REDACTED] used poor judgment in his decision to engage in the high speed pursuit that led to his accident. One board member expressed concern that Sworn Employee A [REDACTED] had not completed drivers training because he was a trainee at the time of the accident, which may have helped prevent the accident to some degree.

The majority of the board members felt that it was more of an issue of poor judgment and that Sworn Employee A [REDACTED] was aware that five other officers were already assigned to the pursuit. One member noted that despite being a trainee at the time of the accident, Sworn Employee A [REDACTED] was an exemplary trainee with previous law enforcement experience. It was acknowledged that when trainees are involved in this type of accident, they are typically discharged from the training program. Overall, the board considered the incident to be very serious and heavily weighed Sworn Employee A [REDACTED]'s positive track record with the potential damage the accident could have caused. They concluded that despite using poor judgment, with additional drivers training Sworn Employee A [REDACTED] could avoid similar incidents in the future [REDACTED]

Recommendations: Discipline

10 SWOP and Drivers Training – Four members
20 SWOP and Drivers Training – One member

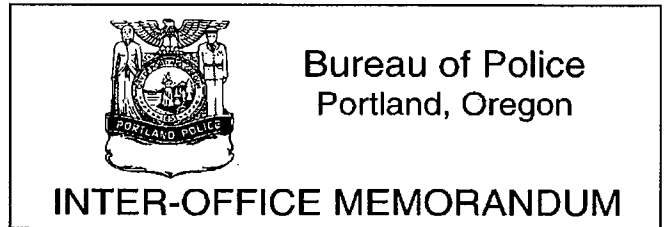
Training

The board recommended that the Training Division extend the probation period of any trainee that is involved in an incident of misconduct.

Traffic

The board recommended that any time a police vehicle is involved in a major accident that the Traffic Division should download the data from the “black box” as part of standard procedure and policy.

DATE: February 24, 2011
TO: Christopher Paille
Police Review Board Coordinator
FROM: Steve Hanamura, Rangineh Azimzadeh
Police Review Board Facilitator and Assistant
SUBJ: Police Review Board Findings and Recommendations



CONFIDENTIAL

The Police Review Board met on Wednesday, February 16, 2011 to review the following case:

IAD Case Number: **IAD 2009-B-** [redacted]
Employee: Sworn Employee A [redacted]

Allegation #1 Sworn Employee A [redacted] *had inappropriate physical contact with* Employee B [redacted] *on or about November 18, 2009. B alleged that A intentionally* [redacted]

Finding: Unproven with debrief / Three members Sustained / Two members Violation of Directives 310.00 – Conduct and 315.30 - Unsatisfactory Performance

Majority Opinion:

One member indicated that it was difficult to determine the actual series of events that took place in the corridor, especially without an eye witness. Employee C *was interviewed as a witness but did not actually see the incident take place.*) In order to gain a better sense of the space and corridor in question, the board physically visited the corridor where the incident took place. Employee C The tight space and location of the seat where Employee C was reported to be sitting at the time of the incident led many board members to believe that if in fact a the contact Employee C had occurred, Employee C would have noticed it.

Board members were also concerned by the stark contrast in Employee B's account of her conversation with Employee D it appeared in the video. They felt Employee B exaggerated account of her conversation with Employee D called into question her credibility as it related to her claim that Sworn Employee A her in the corridor.

Minority Opinion:

Sworn Employee A admission that an "awkward" contact did occur convinced some board members that some degree of contact occurred.

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Allegation #2

[REDACTED] ^{Sworn Employee A} made inappropriate, unprofessional and retaliatory remarks to [REDACTED] ^{Employee B}, [REDACTED] ^{Employee E}, [REDACTED] ^{Employee F} and [REDACTED] ^{Employee G} at various times from approximately late spring 2009 to the end of November 2009.

**Finding 2A: Unproven / Unanimous
Violation of Directive 310.20 – Retaliation Prohibited**

**Finding 2B: Sustained / Unanimous
Violation of Directives 310.00 – Conduct and 315.30 –
Unsatisfactory Performance as it relates to 310.00.**

Opinion:

During his opening remarks, [REDACTED] ^{Sworn Employee A} clarified the remarks he made during his conversation with [REDACTED] ^{Employee B} about [REDACTED] ^{Employee E}. He provided the board with an explanation of the analogy he used, which he claimed was taken out of context by [REDACTED] ^{Employee B}. Due to the stark contrast of accounts given by [REDACTED] ^{Employee B} and [REDACTED] ^{Sworn Employee A} about their conversation regarding [REDACTED] ^{Employee E}, the board felt it was unproven whether the comments made by [REDACTED] ^{Sworn Employee A} to [REDACTED] ^{Employee B} about [REDACTED] ^{Employee E} were retaliatory in nature. The board agreed, and [REDACTED] ^{Sworn Employee A} confirmed, that [REDACTED] ^{Sworn Employee A} did make inappropriate comments to [REDACTED] ^{Employee F} and [REDACTED] ^{Employee G} during a later conversation.

Allegation #3

[REDACTED] ^{Sworn Employee A} acted in an unprofessional manner while assigned [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

**Finding: Unproven with debrief / Unanimous
Violation of Directive 310.00 – Conduct**

Opinion:

One member noted that [REDACTED] did not raise any significant concerns at the time and that [REDACTED] has a different way of encouraging employee morale. If the intention of the initiative is meant to boost morale, then it is important that everyone views it in a positive way otherwise the purpose is defeated. Overall, the board unanimously agreed that it was unproven that [REDACTED] ^{Sworn Employee A} acted in an unprofessional manner with regards to the [REDACTED] but noted it was important that [REDACTED] ^{Sworn Employee A} receive a debriefing with regards to his actions.

Allegation #4

On March 1 and April 5, 2010 [Sworn Employee A] was not truthful during his Internal Affairs Division interviews regarding the alleged inappropriate physical contact with [Employee B]. On November 25, 2009 [Sworn Employee A] was untruthful to Assistant Chief (now retired) H regarding the allegations made by [Employee B].

**Finding: Unproven / One member
Unproven with debrief / Four members
Violation of Directive 310.50 – Truthfulness**

Opinion:

One member felt it was difficult to determine whether the alleged [REDACTED] took place because there was no corroborating witness. Another member noted that the incident depended to a great extent on perception. If [Sworn Employee A] perception of the incident was that a [REDACTED] did not occur, then it was unproven that he was not truthful during his Internal Affairs Division interviews.

Allegation #5

[Sworn Employee A] failed to report to then [Supervisor] [REDACTED] J an incidental contact with [Employee] [REDACTED] that occurred on or about May 14, 2010. (Date corrected to 2010)

**Finding: Sustained / Unanimous
Violation of Directives 315.30 – Unsatisfactory Performance and
315.00 – Laws, Rules, and Orders**

Opinion:

The board felt that [Sworn Employee A] did fail to report an incidental contact with [Employee B] to then [Supervisor] [REDACTED]. The board noted that the policy was clear that any contact with [Employee B] was supposed to be reported and that [Sworn Employee A] was aware of this requirement. The board also pointed to the fact that [Sworn Employee A] admitted to this oversight during his remarks earlier that same day.

Recommendations:

Discipline

The board recommended that [Sworn Employee A] be given a choice between demotion or 40 SWOP and a signed [Last Chance] Letter of Agreement stating that any further sustained violations will result in demotion to [REDACTED] – Unanimous



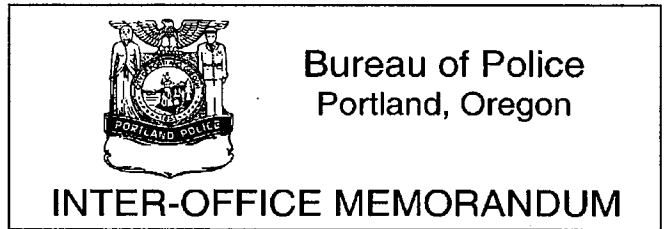
The majority of the board also recommended that [REDACTED] ^{Sworn Employee A} receive a debrief and mentoring session with a commanding officer regarding effective methods for increasing employee morale, encouraging open communication, and increasing awareness about how his actions may be perceived by others.

Other

The board recommended that the promotion of [REDACTED] ^{sworn staff} [REDACTED] should be scrutinized very carefully in the future. Part of the process should include codifying the language that calls for elements such as a 360 review and requiring officers have experience in at least two branches before being eligible for promotion [REDACTED]

These recommendations for corrective action are in tandem with the following two cases: IAD 2009-B-[REDACTED] and IAD 2010-B-[REDACTED]

DATE: February 24, 2011
TO: Christopher Paille
Police Review Board Coordinator
FROM: Steve Hanamura, Rangineh Azimzadeh
Police Review Board Facilitator and Assistant
SUBJ: Police Review Board Findings and Recommendations



CONFIDENTIAL

The Police Review Board met on Wednesday, February 16, 2011 to review the following case:

IAD Case Number: **IAD 2010-B-** [redacted]
Employee: Sworn Employee A [redacted]

Allegation #1 Sworn Employee A [redacted] *did not exercise proper caution in his fiscal responsibilities [redacted] and was dismissive of Bureau members' attempts to help improve safeguarding procedures.*

**Finding: Unproven with debrief / Two members
Sustained / Three members
Violation of Directive 310.00 – Conduct**

Majority Opinion:

The majority of the board felt that Sworn Employee A [redacted] did not exercise proper caution in his fiscal responsibilities to [redacted]. One board member noted that Employee B and C [redacted] were clearly brought in for their expertise and that Sworn Employee A [redacted] should have utilized their knowledge in his decision making regarding the [redacted]. Moreover, board members pointed to Sworn Employee A [redacted] arbitrary decision making, including writing a check that did not include two signatures. Although Sworn Employee A [redacted] claimed that the two-signature safeguarding procedure was not technically adopted by the board at the time, the majority of the board felt Sworn Employee A [redacted] should have been aware of this procedure and followed it.

Minority Opinion:

While the majority of the board felt that Sworn Employee A [redacted] should have been aware of the two signature procedure, one board member noted that the preponderance of evidence did not show that Sworn Employee A [redacted] did not exercise proper caution.

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Allegation #2

Sworn Employee A [REDACTED] was unprofessional and discourteous in a conversation with Employee B and C [REDACTED]

**Finding: Unproven with debrief / Unanimous
Violation of Directive 310.00 – Conduct**

Opinion:

One board member acknowledged there was a lack of clear and complete communication between Sworn Employee A [REDACTED] and Employee B and C [REDACTED]. During one incident, Employee B [REDACTED] claimed that Sworn Employee A [REDACTED] was trying to intimidate her; however, a witness to the incident did not substantiate the claim. The board felt it was unproven whether Sworn Employee A [REDACTED] acted in a manner that was unprofessional and discourteous to Employee B and C [REDACTED].

Recommendations:

Discipline

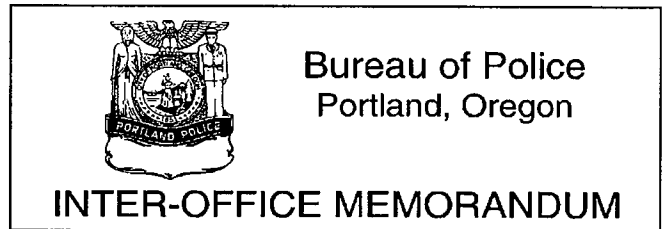
The board recommended that Sworn Employee A [REDACTED] be given a choice between demotion or 40 SWOP and a signed [Last Chance] Letter of Agreement stating that any further sustained violations will result in demotion [REDACTED] – Unanimous

Other

The board recommended that the promotion of Sworn staff [REDACTED] should be scrutinized very carefully in the future. Part of the process should include codifying the language that calls for elements such as a 360 review and requiring officers have experience in at least two branches before being eligible for promotion [REDACTED]

These recommendations for corrective action are in tandem with the following two cases: IAD 2009-B- [REDACTED] and IAD 2009-B- [REDACTED]

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TO: Christopher Paille
Police Review Board Coordinator
FROM: Steve Hanamura, Rangineh Azimzadeh
Police Review Board Facilitator and Assistant
SUBJ: Police Review Board Findings and Recommendations



CONFIDENTIAL

The Police Review Board met on Wednesday, February 16, 2011 to review the following case:

IAD Case Number: **IAD 2009-B-** [REDACTED]
Employee: Sworn Employee A [REDACTED]

Allegation #1 Sworn Employee A [REDACTED] acted in a manner that was dismissive of women in violation of Bureau Directive 310.00 - Conduct [REDACTED]

Finding: **Sustained / Unanimous**
Violation of Directive 310.00 – Conduct

Allegation #2 Sworn Employee A [REDACTED] conduct, as listed in Allegation 1, violated Bureau Directive 344.00, Prohibited Discrimination.

Finding: **Unproven with debrief / Unanimous**
Violation of Directive 344.00 – Prohibited Discrimination

Allegation #3 Sworn Employee A [REDACTED] conduct, as listed in Allegation 1, violated Bureau Directive 315.30, Unsatisfactory Performance.

Finding: **Sustained / Unanimous**
Violation of Directive 315.30 – Unsatisfactory Performance

Opinion:

The board felt that the statements given by Employee B [REDACTED] and Employee C [REDACTED] confirming Sworn Employee A [REDACTED] dismissive behavior toward women provided substantial reasoning for sustaining Allegations #1 and #3. Moreover, their statements showed examples of conduct that was not diplomatic or professional [REDACTED]. One member noted that Employee B [REDACTED] has been awarded for her work in the [REDACTED] and that Sworn Employee A [REDACTED] should have sought input from her during his time at the Division but did not.

While the board felt that Sworn Employee A [REDACTED] behavior may have been indicative of discrimination, Directive 344.00 clearly states that the discrimination must be overt. Therefore, the board found that it was

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unproven that [REDACTED] ^{Sworn Employee A,} s behavior was in violation of Directive 344.00. They did, however, unanimously agree that [REDACTED] ^{Sworn Employee A} should receive a debriefing about his actions, particularly with regards to his communication with female police officers.

Recommendations: Discipline

The board recommended that [REDACTED] ^{Sworn Employee A} be given a choice between demotion or 40 SWOP and a signed [Last Chance] Letter of Agreement stating that any further sustained violations will result in demotion [REDACTED] – Unanimous



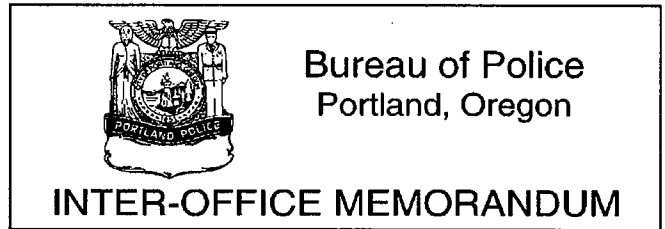
Other

The board recommended that the Police Bureau review Directive 344.00 to determine if less overt forms of discrimination should be considered.

The board recommended that the promotion of [REDACTED] ^{sworn staff} should be scrutinized very carefully in the future. Part of the process should include codifying the language that calls for elements such as a 360 review and requiring officers have experience in at least two branches before being eligible for promotion [REDACTED]

These recommendations for corrective action are in tandem with the following two cases: IAD 2009-B- [REDACTED] and IAD 2010-B- [REDACTED]

DATE: March 8, 2011
TO: Christopher Paille
Police Review Board Coordinator
FROM: Frances Portillo, Rangineh Azimzadeh
Police Review Board Facilitator and Assistant
SUBJ: Police Review Board Findings and Recommendations



CONFIDENTIAL

The Police Review Board met on Wednesday, March 2, 2011 to review the following case:

IAD Case Number: **IAD 2010-B-** [redacted]
Employee: Sworn Employee A [redacted]

Allegation #1 *While off duty Sworn Employee A [redacted] was driving under the influence of intoxicants and arrested.*

Finding: Sustained / Unanimous
Violation of Directive 310.00 – Conduct, Professional; Directive 316.00 – Alcohol Use; and Directive 315.00 – Laws, Rules, and Orders

Opinion:
The board unanimously determined that Sworn Employee A [redacted] was driving under the influence of intoxicants and arrested. Board members noted that Sworn Employee A [redacted]’s claim that he was drinking while waiting in the parking lot was not made until months after the incident, when he was interviewed by the Internal Affairs Division. This raised concern among some board members that during the time in between the incident and the interview Sworn Employee A [redacted] created an affirmative defense for his actions.

Another board member noted that Sworn Employee A [redacted]’s enter of a “no contest” plea in the recent court case regarding his DUI illustrates his acknowledgement of the weight of the case against him. One board member pointed to the “guilty” finding in Sworn Employee A [redacted]’s court case and noted that the judge used the standard of “beyond a reasonable doubt” to determine this verdict whereas the Review Board only requires a preponderance of evidence.

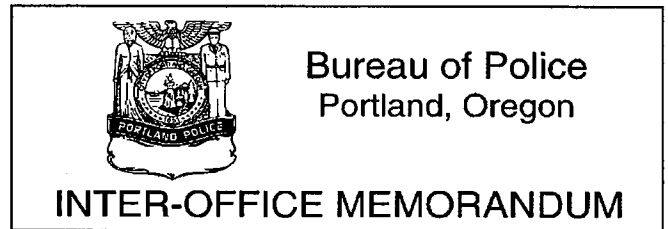
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Recommendations: Discipline

The board unanimously recommended that this incident be used as an additional basis for termination with regards to [REDACTED] Sworn Employee A's already pending discipline of termination.

The board also expressed unanimous concern about [REDACTED] Sworn Employee A's request for differential treatment from the responding [REDACTED] sworn supervisor as well as his insubordinate reaction to the [REDACTED] sworn supervisor when special treatment was not provided.

DATE: April 12, 2011
TO: Christopher Paille
Police Review Board Coordinator
FROM: Steve Hanamura, Rangineh Azimzadeh
Police Review Board Facilitator and Assistant
SUBJ: Police Review Board Findings and Recommendations



CONFIDENTIAL

The Police Review Board met on Wednesday, April 6, 2011 to review the following case:

IAD Case Number: **IAD 2010-C** [redacted]
Employee: Sworn Employee A [redacted]

Allegation #1 *On January 28, 2010, Sworn Employee A [redacted] acted unprofessionally by engaging in inappropriate off-duty conduct during his contact with Citizen A.*

Finding: **Sustained / Unanimous**
Violation of Directive 310.00 – Conduct

Opinion:

The board unanimously felt that Sworn Employee A [redacted] did act unprofessionally toward CO, Citizen A. After reviewing the case and listening to the TRU recording of the report, the board noted several factors which supported Citizen A's credibility regarding her account of the incident. These factors included reporting the incident the following day, accurately writing down the license plate number, and providing an articulate and consistent description of the incident both in her report and follow up interviews. Likewise, the board noted factors which supported Sworn Employee A [redacted] lack of credibility regarding his account of the incident, which included providing vague or non-answers to questions during the follow up IAD interviews as well as providing contradictory accounts of the incident.

Allegation #2 *On January 30, 2010, Sworn Employee A [redacted] acted unprofessionally by engaging in inappropriate off-duty conduct during his contact with CO and CO's husband.*

Finding: **Sustained / Unanimous**
Violation of Directive 310.00 – Conduct

Opinion:

The board acknowledged that Sworn Employee A [redacted] version of the incident varied significantly with the accounts provided by both Citizen A and her husband. Sworn Employee A [redacted] conflicting reasons for his presence at the incident site coupled with his spontaneous recall of additional details

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after seeing the investigators notes led the board to believe that [REDACTED] lacked credibility in his account of the incident.

The board also questioned, though it did not conclude, whether [REDACTED] recognized Citizen A's car because of the distinct make and model of her car.

Allegation #3

On January 30, 2010, [REDACTED] acted unprofessionally in the manner in which he operated his vehicle while travelling on SW Beaverton-Hillsdale Hwy.

Finding: Sustained / Unanimous
Violation of Directives 310.00 – Conduct and 315.00 – Laws, Rules and Order

Opinion:
Given that [REDACTED] has been an officer for close to 19 years, the board felt that he should be extremely familiar with traffic laws. They also felt that [REDACTED] should recognize even minor violations, such as misusing a special left turn lane or pulling in front of a car then slamming the brakes, which they noted are still traffic violations. When asked whether [REDACTED] was a traffic officer at any point, one board member responded that he had been denied entry into the Traffic Division in part due to his poor driving record.

Allegation #4

[REDACTED] inappropriately displayed the incorrect license plates on his 2007 Pontiac for approximately one year.

Finding: Sustained / Unanimous
Violation of Directive 315.00 – Laws, Rules and Order
[Violation of Directive 310.50 – Truthfulness, was added by unanimous consent of the board]

Opinion:
The board initially expressed that [REDACTED]'s reasoning for not having the correct plates on his car for a period of one year lacked credibility due to his inconsistent explanations as a result of the incident. The lack of confidence in [REDACTED]'s credibility regarding his account of the incident was further supported by [REDACTED]'s testimony. [REDACTED] confirmed that during a conversation with [REDACTED] [REDACTED] acknowledged his plates scan as Unable to Locate. This acknowledgement led the board to believe that the act of not placing the correct plates was done intentionally and potentially with deceit. [REDACTED]'s testimony that [REDACTED] was aware of the status of his plates also led the board to question [REDACTED]'s truthfulness in his account of the incident.

The board also called into question whether [Sworn Employee A] intentionally misrepresented himself to the DMV, a governmental entity, when he claimed that he did not receive the plates they had sent him.

Allegation #5

[Sworn Employee A] *was not truthful during his IAD interviews on April 1, 2010, and May 11, 2010.*

Finding: Sustained / Unanimous
Violation of Directive of 310.50 - Truthfulness

Opinion:

The board reasoned that [Sworn Employee A]'s inconsistent and often conflicting accounts of the incidents in question coupled with the credibility of Citizen A and [Sworn Employee B]'s testimony weighed heavily against [Sworn Employee A] and the degree to which the board found him to be truthful in his IAD interviews. Ultimately, they felt that Citizen A and [Sworn Employee B] had no ulterior motivation that could be discerned and that [Sworn Employee A]'s truthfulness did not meet the necessary standard in coming forward with critical information.

Allegation #6

[Sworn Employee A] *did not cooperate fully in an IAD investigation as required by the PPB Directive 330.00.*

Finding: Sustained / Unanimous
Violation of Directive 330.00 - Internal Affairs, Complaint Investigation Process

Opinion:

The board agreed that [Sworn Employee A] exhibited non-cooperation throughout both his IAD interviews in a number of ways. His memory failure at critical junctures in the investigation coupled with the implausibility of his explanations, which often included random or off the cuff explanations, made it difficult to ascertain the facts. Moreover, his opportune memory recovery, which often led to providing information in way and timing that would be seen as favorable, provided inconsistent information during the investigation. Finally, [Sworn Employee A]'s admission to facts only when confronted with contrary information and the ongoing speculative nature of his responses posed additional challenges to a cooperative investigation.

Allegation #7

[REDACTED] Sworn Employee A's use of profanity during his contact with the CO was unprofessional and discourteous.

Finding: Sustained / Unanimous
Violation of Directives 310.00 – Conduct and 310.40 – Courtesy

Opinion:

The board acknowledged that [REDACTED] Sworn Employee A admitted to using profanity and though he denied identifying himself as an officer to Citizen A, she confirmed that he did and was able to describe the leather holder that the badge is commonly held when she reported the incident. Ultimately, the board believed that neither profanity nor the angry behavior displayed by [REDACTED] Sworn Employee A was appropriate or necessary for the incident. They also concluded that he did identify himself as an officer and acknowledged that officers are held to a higher standard of conduct. They felt that [REDACTED] Sworn Employee A's conduct was out of compliance with this standard.

Recommendations:

Discipline

Termination – Unanimous

The board agreed that personal and professional integrity for officers is of the utmost importance, especially when dealing with the issue of truthfulness. Board members noted that [REDACTED] Sworn Employee A displayed criminal-like behavior with intent to deceive over the period of one year as a result of displaying incorrect license plates on his car. The board was also concerned that [REDACTED] Sworn Employee A's truthfulness extended beyond the parameters of the investigation and well into his conduct both on and off duty. [REDACTED] Sworn Employee B's testimony confirmed their concerns and led the board to question whether a long time issue of deceptive truthfulness has existed with regards to [REDACTED] Sworn Employee A's behavior.



Bureau of Police
Portland, Oregon

INTER-OFFICE MEMORANDUM

DATE: May 5, 2011
TO: Christopher Paille
Review Board Coordinator
FROM: Judith Trotter McAfee
Police Review Board Facilitator
SUBJ: Police Review Board Findings and Recommendations

The Police Review Board met on Wednesday, April 20, 2011, to review the following case:

IAD Case: 2010-B- [REDACTED]

Allegation ^{Sworn Employee} failed to behave according to laws, rules and orders, and to conduct himself in a manner representing his profession.

Finding: **Sustained/Unanimous**

Directive 315.00 –Laws, Rules and Orders

Directive 310.00- Conduct, Professional

On November 6, 2010, ^{Sworn Employee} was off duty and traveling northbound on Interstate 205. He was stopped by Washington State Patrol for speeding, traveling 72 mph in a 60 mph zone.

The Washington State Patrol Trooper noted a strong odor of intoxicants when stopping the vehicle. ^{Sworn Employee} presented his driver's license and apologized for speeding. He exited his vehicle and performed field sobriety tests at the request of the Washington Trooper.

The Washington Trooper states in his report that ^{Sworn Employee} performed poorly on the tests and gave a voluntary portable breath sample that resulted in a .134 blood alcohol reading. The Trooper then placed ^{Sworn Employee} under arrest for DUI and transported him to a Washington State Patrol office for a Blood Alcohol Test (BAC). ^{Sworn Employee} provided two samples: one, .135 and a second at .135. ^{Sworn Employee} was cited and released for DUI. Board members were advised that .08 is the trigger limit for blood alcohol levels.

On December 9, 2010 ^{Sworn Employee} was interviewed by IAD. During the interview he admitted that he should not have been driving due to his alcohol consumption. He also admitted to drinking six to eight beers prior to being stopped.

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The Board considered that [Sworn Employee] s statements regarding the number of drinks he had consumed differed in his statements to the Trooper and in his statements during the IAD investigation.

[Sworn Employee] was present and made a statement to the Board.

The Board considered [Sworn Employee] s behavior since the citation and arrest; the fact that he voluntarily admitted himself to a two-year outpatient program and is meeting with a support group twice a week; his apology to the Bureau, and his recognition of the seriousness of his actions.

Recommendation:

Discipline

40 SWOP/Four members

40 SWOP /One member

One Board member recommended SWOP with the condition that [Sworn Employee] provides a release upon successful completion of his outpatient program. Member stated that he did not want the release to be punitive, merely to have the [Sworn Employee] follow through on his commitment.

The discipline for similar cases has resulted in 40 hours suspension without pay; six were DUIs. [Sworn Employee] has no prior history of discipline. The Board believed that the recommended discipline for [Sworn Employee] was appropriate.





Bureau of Police
Portland, Oregon

INTER-OFFICE MEMORANDUM

DATE: May 4, 2011
TO: Christopher Paille
Review Board Coordinator
FROM: Judith Trotter McAfee
Police Review Board Facilitator
SUBJ: Police Review Board Findings and Recommendations

The Police Review Board met on Wednesday, April 20, 2011, to review the following case:

CRB Case Number 2010- [REDACTED]

Allegation #1 [REDACTED] ^{Sworn Employee A} failed to remain aware of his surroundings and maintain safe distance from vehicle in front of his patrol car

Finding: Sustained/Unanimous
Directive 315.30—Unsatisfactory performance as it relates to vehicle operation.

On October 28, 2010, [REDACTED] ^{Sworn Employee A} was driving a marked patrol car near Martin Luther King Blvd. A vehicle driven by Citizen A was in front of him and stopped to allow pedestrian traffic to cross the busy intersection

[REDACTED] ^{Sworn Employee A} was engaged in looking down at the patrol car's MDC or the fuel gauge and was not aware that the citizen had stopped. As a result, [REDACTED] ^{Sworn Employee A} rear ended the citizen's vehicle.

[REDACTED] ^{Sworn Employee A} requested assistance from [REDACTED] ^{Sworn Employee B} (in the immediate area), who requested a response from a Supervisor and Traffic Officer. [REDACTED] ^{Sworn Employee A} was offered but refused medical attention at the scene. Both vehicles sustained light to minor damage. Both the citizen and [REDACTED] ^{Sworn Employee A} reported that they were uninjured.

The Board believed this was a preventable accident and that [REDACTED] ^{Sworn Employee A} should have been focused on his surroundings and conditions, particularly the citizen vehicle immediately in front of him at the busy intersection.

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Allegation # 2

Sworn Employee A [REDACTED] *did not satisfactorily perform his duty related to authorized Bureau equipment.*

Finding: Sustained/Unanimous
Directive 317.40-Authorized Use of Bureau Equipment

Following a discussion and review of road, weather, ABS and traffic conditions, Board members agreed that all officers are trained to take into account their environment, and they are ultimately responsible for the safe operation of their patrol car.

Sworn Employee A [REDACTED] was following too closely to the citizen's car. His attention was focused on equipment in the patrol car (either the MDC or the fuel gauge). Sworn Employee A [REDACTED] failed to conduct a constant scan of traffic, weather conditions and equipment to safely operate his patrol car, resulting in a preventable accident.

Recommendation

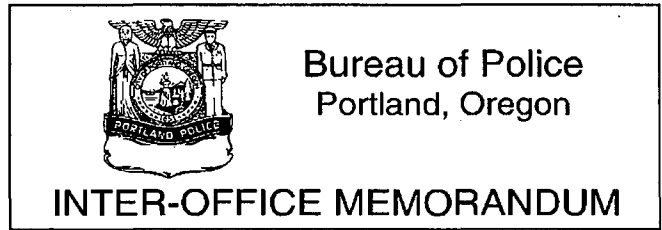
Discipline
 10 SWOP/Unanimous

The Board considered this incident part of a clear pattern of poor driving by Sworn Employee A [REDACTED] and believed discipline stronger than a Letter of Reprimand was warranted to get his attention.

[REDACTED]

The Board also considered Sworn Employee A [REDACTED] history of lacking attention to detail. In a prior incident, the information given to Sworn Employee A [REDACTED] was not relayed to his supervisor. The Board believes the lack of attention to detail (in reports) is also reflected in Sworn Employee A [REDACTED]'s driving.

DATE: June 13, 2011
TO: Christopher Paille
PRB Coordinator
FROM: Joe Hertzberg/Frances Portillo
Police Review Board Facilitator/Note Taker
SUBJ: Police Review Board Findings and Recommendations



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The Police Review Board met on June 1, 2011, to review the following case:

IAD Case Number: **Case Number 2010-C-** [redacted]
Employee: Sworn Employee A #00000

Allegation #1 Sworn Employee A *used excessive or inappropriate force against Individual B*

Finding: Exonerated / Unanimous

Violation of Directive 1010.20 – Use of Force

Allegation #2 Sworn Employee A *used excessive or inappropriate force against Individual C*

**Finding: Unproven with a debriefing / Three Members
Exonerated with a debriefing / One Member
Sustained / One Member**

Violation of Directive 1010.20 – Use of Force

Majority Opinion:

It was difficult to ascertain whether the directive was in fact violated in this confusing and fast-moving situation.

Minority Opinion:

The situation was complex and if you weren't there, you just can't know what is right to do in this situation.

Allegation #3 Sworn Employee A *failed to fully and truthfully respond to Supervisor questions surrounding his use of force during an arrest of Individuals C and D on May xx, 2010.*

**Finding: Unproven with a debriefing / Three Members
Exonerated with a debriefing / One Member
Exonerated / One Member**

Violation of Directive 310.50 – Truthfulness

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Majority Opinion:

While ^{Sworn Employee}_A [REDACTED] did not respond with all of the facts and with all total clarity, untruthfulness is an extremely serious allegation and his behavior did not rise to this level. It was not clear that it was his intention to leave out facts or information pertinent to the case or to his role in the case.

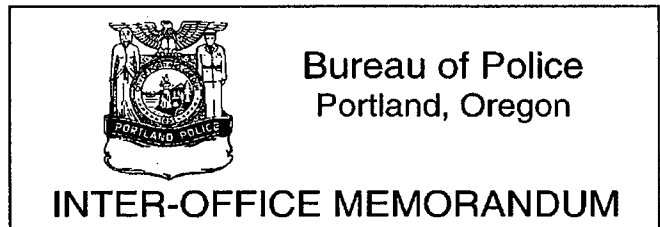
Minority Opinion:

When asked a direct question, ^{Sworn Employee}_A [REDACTED] responded directly to the question asked.

Recommendation:

The Board spent quite a bit of time discussing the general pattern exhibited in all of the allegations against ^{Sworn Employee}_A [REDACTED] in relation to all three cases under review on the same day. Ultimately, they recommended a comprehensive debriefing, which is described in the memorandum regarding Case Number 2010-B- [REDACTED].

DATE: June 13, 2011
TO: Christopher Paille
PRB Coordinator
FROM: Joe Hertzberg/Frances Portillo
Police Review Board Facilitator/Note Taker
SUBJ: Police Review Board Findings and Recommendations



CONFIDENTIAL

The Police Review Board met on Wednesday June 1, to review the following case:

IAD Case Number: **2010-C-** [redacted]
Employee: Sworn Employee A [redacted]

Allegation #1 Sworn Employee A [redacted] *was a participant in a verbal and physical disturbance while off duty. Conduct, Professional (310.00)*

Finding: Sustained / Unanimous

Violation of Directive 310.00 – Conduct Professional

While this was an off-duty offense, officers represent the Portland Police Bureau at all times. Verbal assaults and harassment are not acceptable at any time.

Recommendations: 40 hours SWOP / Two Members
30 hours SWOP / One Member
20 hours SWOP / One Member
Debriefing / One Member

Members noted that Sworn Employee A [redacted] has indicated remorse and embarrassment. The Board noted that the standard discipline for a DUI is 40 hours SWOP and disagreed about whether this offense was more or less serious.

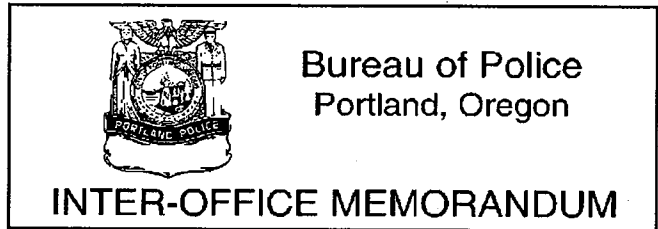
Other Recommendations: #1-supervisor [redacted]
The Board recommended that the Operations Branch consider Supervisor's [redacted] decision not to address or report the incident in his upcoming review process. Some members felt that the second, more serious incident would have been prevented had he acted properly.

#2-Training

The Board also recommended that actual, recent cases like this one be used as case studies in Advanced Academy, with proper attention to preserving anonymity.

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DATE: September 7, 2010
TO: Christopher Paille
Review Board Coordinator
FROM: Frances Portillo, Sherri Vacarella
Police Review Board Facilitator and Assistant
SUBJ: Police Review Board Findings and Recommendations



The Police Review Board met on Wednesday, September 7, 2011, to review the following case:

CRB Case Number: 2011- [REDACTED]

Allegation: [REDACTED] ^{Sworn Employee A} failed to adequately perform her duties as a driver.

Finding: **Sustained / Unanimous**
Violation of Directive 315.30 – Unsatisfactory Performance

Opinion:

Board members agreed that the accident ^{Sworn Employee A} was involved with was preventable and she therefore unsatisfactorily performed her duties as a driver when she made a U-turn across a concrete median and hit a signpost. In determining their finding and recommendation, the board reviewed her past driving history and noted that ^{Sworn Employee A} [REDACTED]

Recommendations: Discipline

10 SWOP – Unanimous

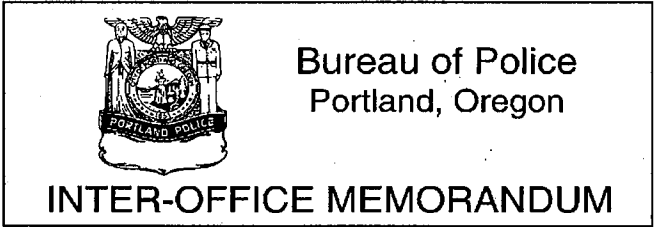
The board considered suggesting remedial driver's training for ^{Sworn Employee A}. After reviewing the training that ^{Sworn Employee A} had received from the Bureau, the board noted that she had received both the Advanced Academy as well as the Driving Academy in-service course in May of 2011. During this latest course, particular attention had been paid to ^{Sworn Employee A}'s particular training issues. For this reason, the board believed that she has received adequate training and further remedial training is not appropriate.

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DATE: October 14, 2011
TO: Christopher Paille
Review Board Coordinator

FROM: Frances Portillo
Police Review Board Facilitator and Assistant

SUBJ: Police Review Board Findings and Recommendations



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The Police Review Board met on October 5, 2011 to review the following case:

Case Number: **PPB Case# [REDACTED] -IAD Case#2010-B-[REDACTED]**

Employee: Sworn Employee A [REDACTED]
Sworn Employee B [REDACTED]
Sworn Employee C [REDACTED]
Sworn Employee D [REDACTED]
Sworn Employee E [REDACTED]
Sworn Employee F [REDACTED]
Sworn Employee G [REDACTED]
Sworn Employee H [REDACTED]

Findings

Area #1: *The Traffic Stop and Box-In*

Findings:

Sworn Employee G [REDACTED]
In Policy / Unanimous

Sworn Employee B [REDACTED]
In Policy / Unanimous

Sworn Employee C [REDACTED]
In Policy / Unanimous

Opinion:

The Board unanimously concurred that the decisions and actions of the Officers did conform to the requirements of ORS 814.410, DIR 344.05 and 630.05.

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Item #2: *Application of Less Lethal Force-Taser*

Findings:

Sworn Employee E [redacted]

Within Policy / Unanimous

Sworn Employee H [redacted]

Within Policy / Unanimous

Sworn Employee G [redacted]

Within Policy / Unanimous

Opinion:

The Board unanimously concurred that the use of the Taser by the Officers did conform to the requirements of Directive 1051.00.

Area #3:

Application of Deadly Physical Force

Findings:

Sworn Employee B [redacted]

Within Policy / Unanimous

Sworn Employee D [redacted]

Within Policy / Unanimous

Sworn Employee C [redacted]

Within Policy-Unanimous

Opinion:

The Board unanimously concurred that the use of deadly physical force by each of the officers did conform to the requirements of Directive 1010.10.

Area #4:

Application of Less Lethal Force-Less lethal Shotgun

Finding: Sworn Employee F [redacted]

Within Policy- Unanimous for Sworn Employee F [redacted]

The Board also recommended adding Sworn Employee E [redacted] **to this area**

Within Policy-6 Out of Policy-1 for Sworn Employee E [redacted]

Violation of Directive 1010.20-Physical Force

Majority Opinion:

Members believed that Sworn Employee F [redacted] and Sworn Employee E [redacted] acted in policy. Sworn Employee F [redacted]

[redacted] deployed the bean bag three times, pausing between each round to evaluate. [redacted] Sworn Employee F wanted to ensure the safety of the custody team and less lethal is an extended range impact weapon.

[redacted] Sworn Employee E made an accurate and calculated evaluation of the situation and acted appropriately.

Minority Opinion:

One member felt that using the bean bag three times was excessive. They felt that one would have been sufficient because he seemed to have stopped breathing by then according to one witness.

Area #5:

Post Shooting Actions and Procedures

Finding: [redacted] Sworn Employee E

Within Policy-Unanimous

Opinion:

The Board unanimously agreed that the decisions and actions of [redacted] Sworn Employee E and all officers involved in providing post shooting cover and taking [redacted] the deceased into physical custody did conform to the requirements of DDR 630.50 and DIR 1010.10.

Area #6:

Operational Planning and Supervision

Finding: [redacted] Sworn Employee E

Within Policy-Unanimous

Opinion:

The Board unanimously concurred that the decisions and actions of [redacted] Sworn Employee E did conform to the responsibilities of a supervisor as well as the responsibilities of a supervisor on a critical incident.

Recommendations

Six recommendations from Training Division were presented along with the Commander's Review and Findings. Each one was evaluated and voted on. The results are as follows:

Training Division Recommendation 1:

Create a work group to include medical professionals to discuss medical treatment of wounded or injured officers in the field. In this case, after [redacted] Sworn Employee A was shot, he was transported to Emanuel, which was a short distance from the location. Officers wounded in past

shootings were much further away from medical facilities. Some have been transported by ambulance, some by police car. Work group can evaluate options for treatment following an incident and that information can be shared throughout the Police Bureau.

Training Division Recommendation 2:

Sworn
Employee A

was transported in one police car while a second police car acted as an escort. This work group should also evaluate the role of an escort in situations like this one.

Board Final Recommendation:

Eight members voted to accept Training Division's recommendations #1 and #2. One member voted not to accept. It was also recommended that the two recommendations be combined.

The minority opinion, while agreeing to a work group was not sure if you can set a policy. If you are close to a hospital, why wait? Also, it should be left to the officer's discretion. Change the recommendation to read "the pros and cons" of transporting officers.

Training Division Recommendation 3:

Add language in the Less Lethal lesson plan that addresses the use of the bean bag gun in post shooting situations. Consider adding language in the lesson plan that addresses supervisors directing officers in certain situations to deploy the bean bag rounds.

Final Recommendation:

Accept the recommendation-Unanimous

While one member stated that there is a need to fully address the use of less lethal means most felt it is covered in 1010.20.

Training Recommendation 4:

Specialty units throughout the Police Bureau use the Nextel direct connect feature. The direct connect function allows units to communicate with one without having the broadcast on the operational radio nets. Units like HEAT and DVD use direct connect on activities like surveillances. While this method of communication is effective, developing tactical situations should be broadcast on the appropriate radio net. Each RU should review their SOPs and update them giving officers directions when they can use direct connect and when they should use the operational nets.

Final Recommendation:

8 members rejected this recommendation and one abstained.

Training Recommendation #5

Sworn Employee B

said he fired without looking at his sights. The Training Division teaches "Flash Sighting," however, the instructions at qualification ranges direct officers to shoot close range while looking at their sights. Range instructions need to be updated on-sight shooting should be addressed in a training Bulletin.

Final Recommendation:

Board unanimously accepted this recommendation.

Training Recommendation #6

All shooting

Sworn Employee B, C, D

Sworn Employee D

conducted a Tactical Reload. said he had trouble securing the magazine from the reload because when he trained he wore BDU pants with a cargo pocket and could not secure the magazine because his uniform pants did not have a cargo pocket. Firearms trainers should look carefully at D's statements and ensure we are training for the conditions officers will face on the street.

Final Recommendation:

Board unanimously accepted this recommendation.

Further Recommendations:

Training Opportunity - The Board unanimously agreed that this case be debriefed/reviewed in an In-Service format and in the Sergeant's Academy. Board members recommended the debrief cover and review the roles of lethal and less lethal cover.

Training Analysis - The board unanimously recommended that the Training Division utilize resources (if available), including on-staff mental health and cultural diversity experts, to examine and consider particular aspects of individuals, including their mental health, cultural norms or other factors, that might affect their response to law enforcement personnel. The Board believed that any lessons learned from such an examination should be considered in the ongoing development of interaction strategies.

Other

One member asked if the nine year old grand-daughter had been interviewed, expressed concerns about whether adequate counseling resources were made available to the child at the scene, and questioned the lack of documentation in these regards.

Concern was also expressed about the lack of documentation regarding witness testimony and suggested it will be helpful to include a diagram of witness locations and a summary overview of witness testimonies in future investigations and reviews. No formal recommendations were made specific to these concerns.