

Independent Police Review

Annual Report 2017



PORTLAND
CITY AUDITOR

**Independent
Police Review**

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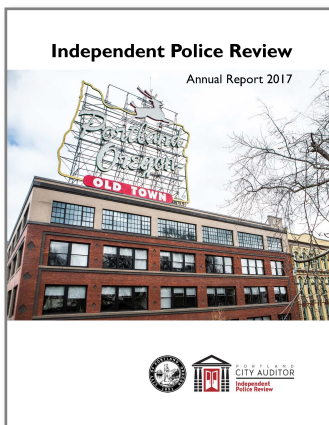
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Independent Police Review

Highlights from 2017

The Independent Police Review (IPR), a division of the City Auditor's Office, provides impartial oversight of the Portland Police Bureau's conduct, practices and policies, and supports a system of police accountability designed to build public trust. IPR receives reports of police misconduct from community members and Police Bureau employees, conducts investigations, and provides administrative support to the Citizen Review Committee.

	2017 Result	Trend from 2016
Misconduct complaints from community members	396	↘
Misconduct complaints from Police Bureau employees	43	↘
Independent investigations initiated	20	↘
Community member contacts	1,503	↗

IPR received fewer complaints but conducted complex investigations

In 2017, IPR received fewer complaints than 2016, but, because of staffing vacancies, continued to miss its goal of completing the intake process within 21 days. The median number of days for intake was 33 days.

IPR initiated fewer independent investigations than in 2016, but investigated more complex complaints, including those stemming from multiple street protests and separate incidents involving two Police Chiefs, and other high-ranking Police Bureau command staff. IPR also monitored Internal Affairs' investigations of six officer-involved shootings.

IPR finalized its strategic plan

In 2016 and 2017, IPR engaged in a strategic planning process to assess current practices, identify opportunities for improvement, and incorporate community feedback into short and long-term goals for the office. At the end of this process, IPR identified three areas of focus:

1. Developing further autonomy from the Police Bureau to maintain independence and promote accountability;
2. Creating clear criteria for IPR action to promote transparency in decision-making; and
3. Clearly communicating IPR processes and action to promote community engagement.

IPR's full Strategic Plan is available at:

<https://www.portlandoregon.gov/ipr/76608>

City Council adopted changes to the accountability system

In August 2017, City Council adopted changes to City Code that streamlined Portland's police accountability system. The changes will be implemented in 2018. Two of the most significant changes are:

- A complaint that an officer engaged in a minor rule violation will now be investigated by a supervisor, with review by IPR.
- When IPR or Internal Affairs complete a misconduct investigation, it will include a recommended finding, which is the investigator's determination whether the available evidence supports the allegation. This is a change from current practice where the officer's supervisor makes recommended findings.

Policy reviews examined broader issues

Some complaints IPR receives do not constitute a violation of Police Bureau policy, but are important sources of information to determine if new or revised policies are needed. IPR reviews issues that are broader in scope than an individual complaint and result in recommendations to the Police Bureau for policy changes or improvements.

In 2017, IPR published its review of how the Police Bureau complied with its obligations under the U.S Supreme Court case *Brady v. Maryland*. In *Brady*, the Court found that the Constitution requires prosecutors and law enforcement agencies to disclose evidence that helps prove the innocence of criminal defendants or undermines the credibility of a government witness. IPR found that the Police Bureau did not have a written policy or training to guide officers in complying with its *Brady* obligations.

IPR initiated two other policy reviews in 2017. One focused on the Police Bureau’s response to street protests and a second examined its approach to hiring. Both reports are scheduled to be published in 2018.

IPR conducted outreach in the community IPR engaged immigrant communities through a series of meetings to discuss police accountability, build trust and increase awareness of IPR’s role. Citizen Review Committee volunteers and IPR staff participated in meetings with recent immigrants from Mexico, Guatemala, Russia and Ukraine, which were aided by simultaneous translation in their native languages.

IPR connected with these groups	
PDX Women in IT	Emerge Oregon
Hispanic Metropolitan Chamber of Commerce	Muslim Educational Trust
Urban League of Portland	Russian Oregon Social Services
Oregon Women Lawyers	Latino Network
Partners in Diversity	Native American Youth Association

IPR staff attended events, festivals, forums, conferences and connected to many organizations that serve and support women and diverse community. IPR staff also made presentations at neighborhood events, schools, community organizations and churches.

IPR worked with organizations serving the houseless community and gave presentations on the complaint filing process to Sisters of the Road, Right to Survive, and the Lents Neighborhood Association.

How does the police accountability system work?

Typically, Portland’s police accountability system is set in motion when a community member or Police Bureau employee files a complaint alleging misconduct by an officer. Portland’s complaint investigation model divides various duties between the City Auditor, who as an elected official is independent from the Police Bureau, and the Police Commissioner, a role commonly filled by the Mayor.

Different officials are responsible for separate functions within the system

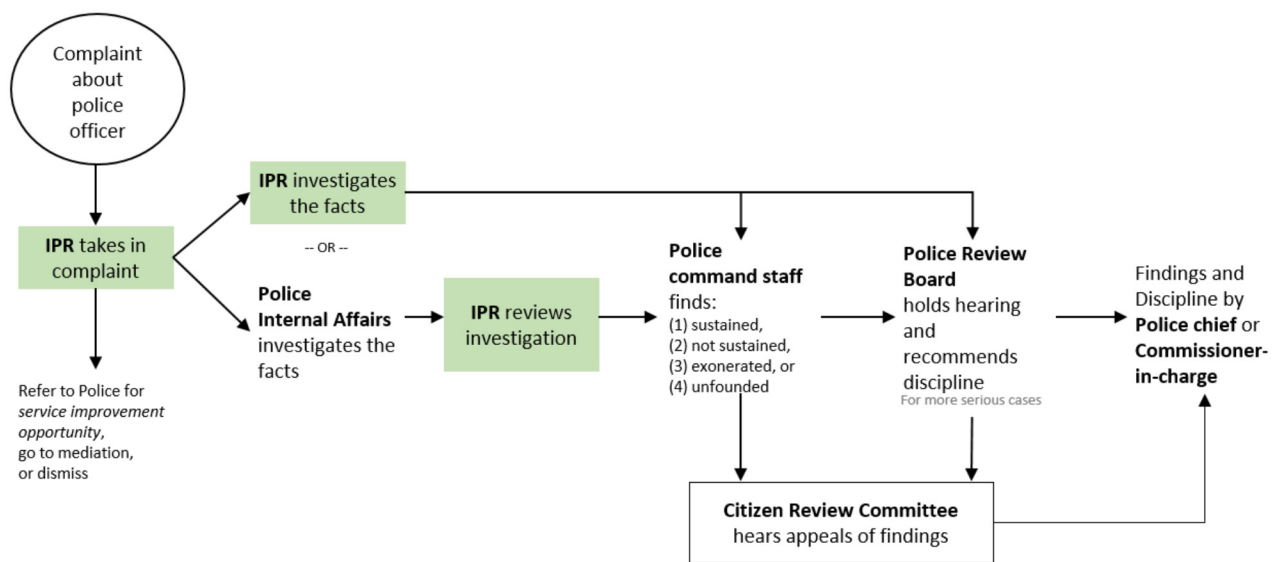
Task	Auditor's Independent Police Review	Police Internal Affairs	Police Commanders	Police Review Board	Police Chief	Police Commissioner (Mayor)	Arbitrator
Receives complaints	■	■					
Assigns/Dismisses complaints	■						
Investigates complaints	■	■					
Decides if violation occurred			■	■	■	■	■
Recommends discipline			■	■	■		
Decides discipline						■	■
Monitors process	■						

The City Auditor oversees IPR, which acts as the central intake point for complaints, conducts an initial review to determine if further investigation is warranted and keeps the case to investigate or refers it to Internal Affairs. IPR monitors all cases investigated by Internal Affairs. Once an investigation is complete, the case file is submitted to the officer's commanding officer to decide if the evidence gathered during an investigation supports the allegations in the complaint. Commanders must document their conclusions in written findings.

Once commanders have issued their written findings, the process may move in two directions. If the evidence supports the allegation and the potential discipline could result in the loss of pay, the commander's findings are reviewed by the Police Review Board. The Review Board is made up of police personnel, community members, and an IPR manager. Its role is to recommend its own finding, and, if warranted, the appropriate level of discipline to the Chief of Police.

The other direction a case can go is to the Citizen Review Committee, an 11-member volunteer body that hears appeals of the commander’s findings if the community member who filed the complaint or the police officer disagree with the findings. The Committee considers the quality of the investigation and assesses the reasonableness of the commander’s findings. It communicates its conclusions to the Chief of Police to be considered in her decision whether to uphold the commander’s findings. Unlike the Police Review Board, the all-community member Citizen Review Committee does not make recommendations to the Chief about discipline. The Chief’s final decision must be approved by the Police Commissioner.

Misconduct Complaints move through several stages of investigation and review

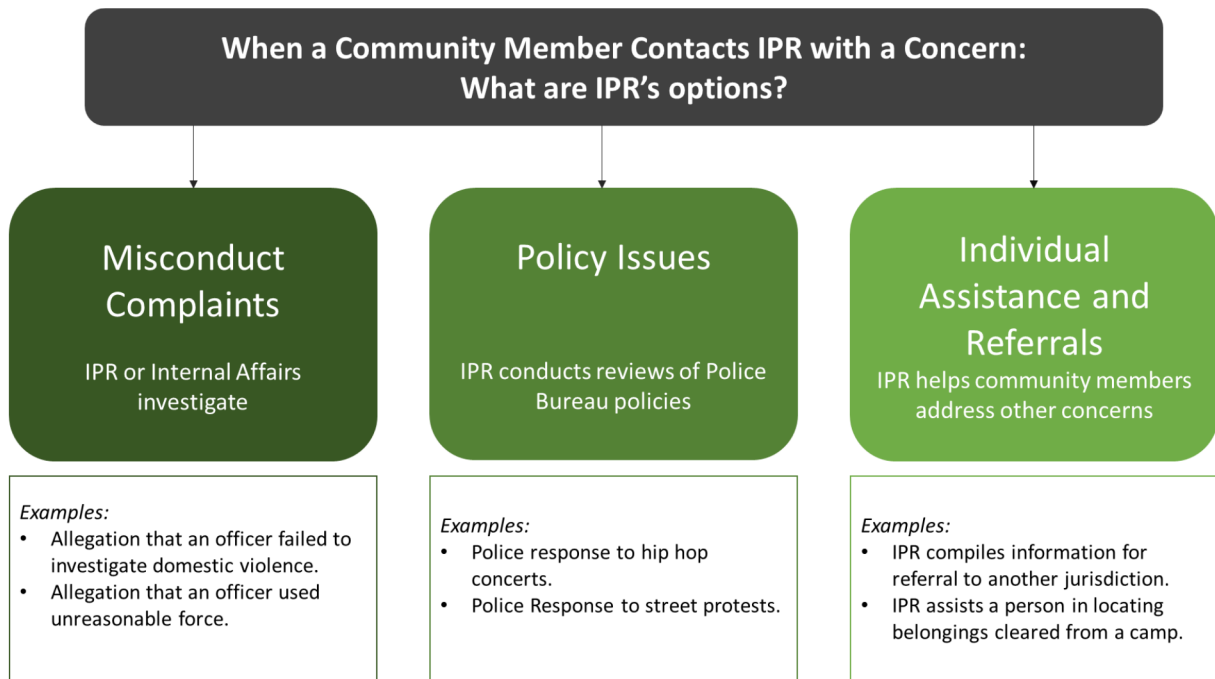


Exceptions to the process described above are cases in which a person dies in police custody or in officer-involved shootings. These cases undergo both criminal and administrative investigations by the Police Bureau. There were six officer-involved shootings in 2017. More information on these incidents is available on IPR’s website in an interactive dashboard:

<https://www.portlandoregon.gov/ipr/article/682501>

How does the complaint process work?

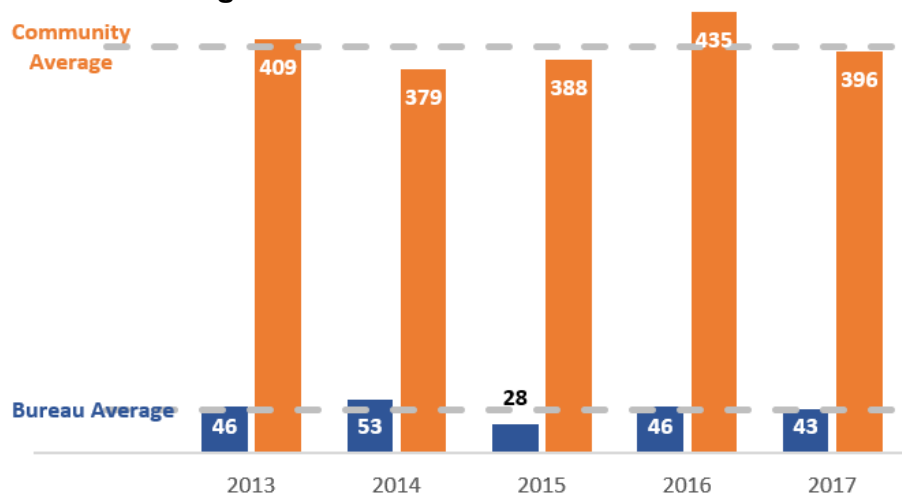
IPR serves as a contact point outside the Police Bureau for community input on law enforcement practices. IPR investigators had more than 1,500 contacts with community members last year, a median of 122 contacts per month. When a community member reports an objection to a police interaction, IPR has three options to respond to it.



IPR received fewer misconduct complaints

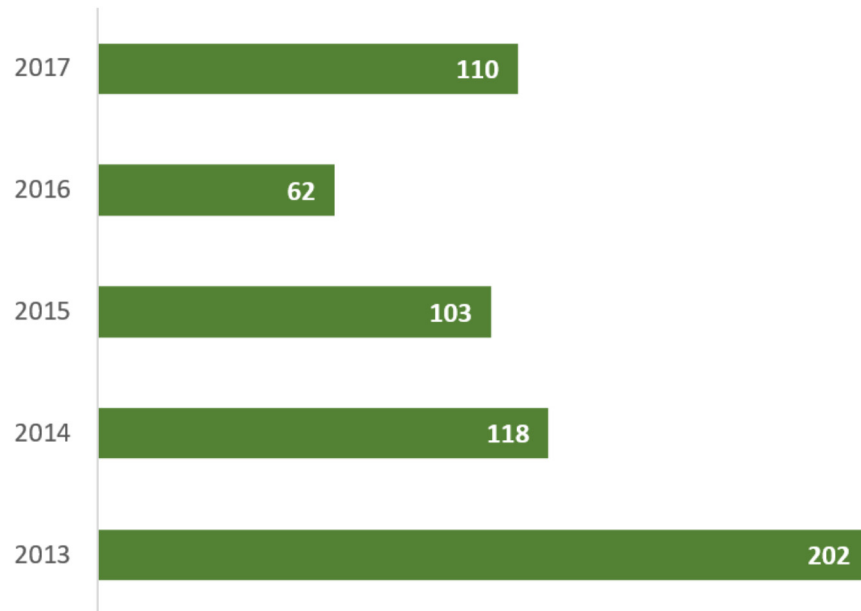
Community members and Police Bureau employees filed 439 reports of officer misconduct in 2017. Community members filed 396 reports, 39 fewer than 2016. Police Bureau employees filed 43 complaints of misconduct against officers, three fewer than the previous year.

Complaints from community members and Bureau employees were about average in 2017



IPR also collects commendations about individual police officers from the public. In 2017, IPR received 110 commendations about officers from community members, an increase from 2016 and roughly consistent with past years.

Police commendations received by IPR rose in 2017



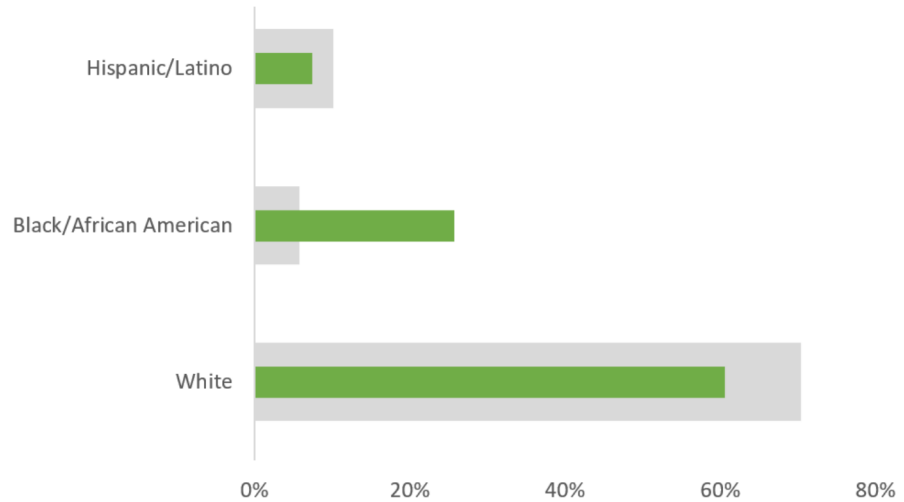
Who submitted complaints?

IPR collects demographic data from community members who submit a complaint. The majority self-report as white. However, the number and percentage of people who decline to provide demographic information has grown so that over one-third of all complaints do not it. This gap in data makes it difficult to assess demographic trends because there is not enough data to analyze trends for gender, age, or provide more detail on race-related trends. It is important to keep in mind when reviewing the following trends that they are not comprehensive of all complaints filed.

African-Americans are overrepresented

Of the complainants who specify a race or ethnicity, most are white. However, when compared to their percentage of Portland’s population, Black complainants are over-represented in submitting misconduct complaints about four times that of white complainants. The relative disparity in complaints received from Black community members was higher in 2017 than in the past 10 years.

Black/African Americans filed a higher percentage of complaints than their proportion of Portland’s population

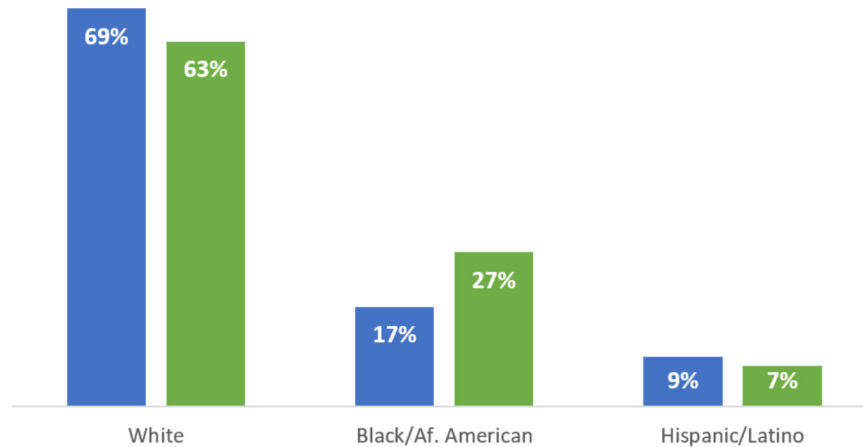


Hispanic/Latino population is underrepresented

In contrast, Hispanic and Latino residents are underrepresented in complaints, submitting complaints at about half the rate of their White counterparts, relative to the population. Other populations, such as Asian and Native Americans had fewer than five complainants in 2017, numbers too small to reliably calculate disparities.

These disparities do not identify why some groups are under- or over-represented in complaints filed. There is similar over-representation of Black/African Americans in police stops, though Police Bureau data includes significantly lower percentages of people with an unknown racial identity.

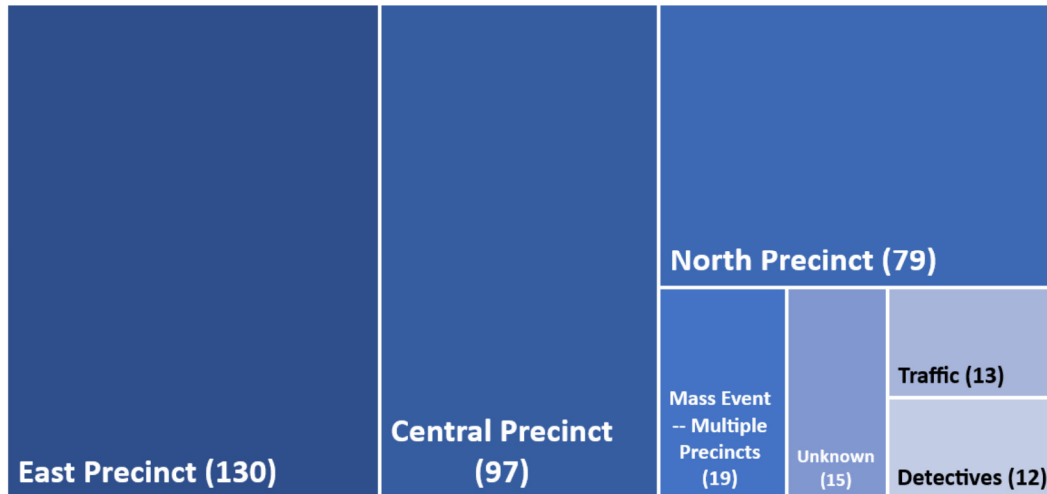
Black/African Americans are over-represented in misconduct complaints, when compared to Police stops



Who were the subjects of the complaints?

Most complaints filed by community members in 2017 stemmed from encounters with officers assigned to a patrol precinct (77 percent). Additionally, only 3 percent of complaints in 2017 were specific to the Traffic Division, compared to 6 percent last year.

Patrol officers accounted for most complaints



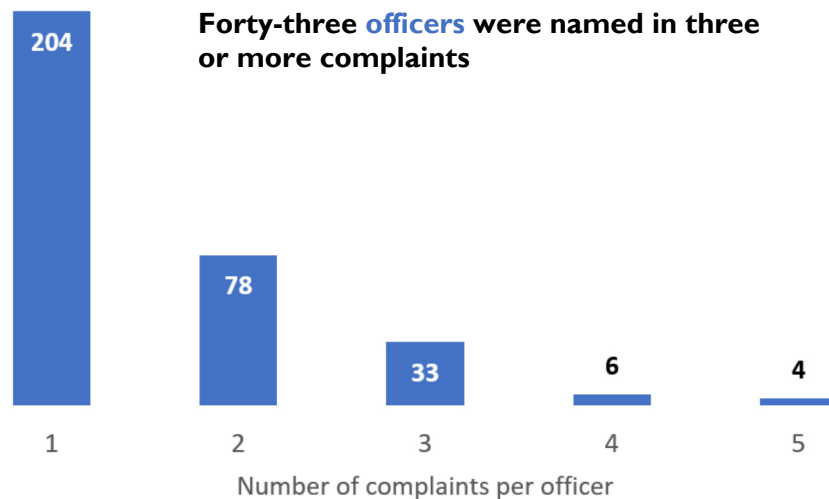
The overall percentage of complaints involving multiple precincts was also up in 2017, from 3 percent in 2016 to 5 percent. These complaints typically result from mass events, such as protests, in which officers from all multiple precincts may respond. As protests have increased in recent years, the number of complaints from these events have risen.

In addition to receiving the highest number of misconduct complaints, East Precinct also had the highest number of complaints per officer, with approximately one each.

Division	Officers	Average complaints per officer
East Precinct	120	1.08
Central Precinct	130	0.75
North Precinct	129	0.61
Traffic Division	35	0.37

In 2017, community members submitted complaints about 325 officers, which was lower than 370 officers in 2016. These officers represent over one third of the Police Bureau’s 930 sworn officers.

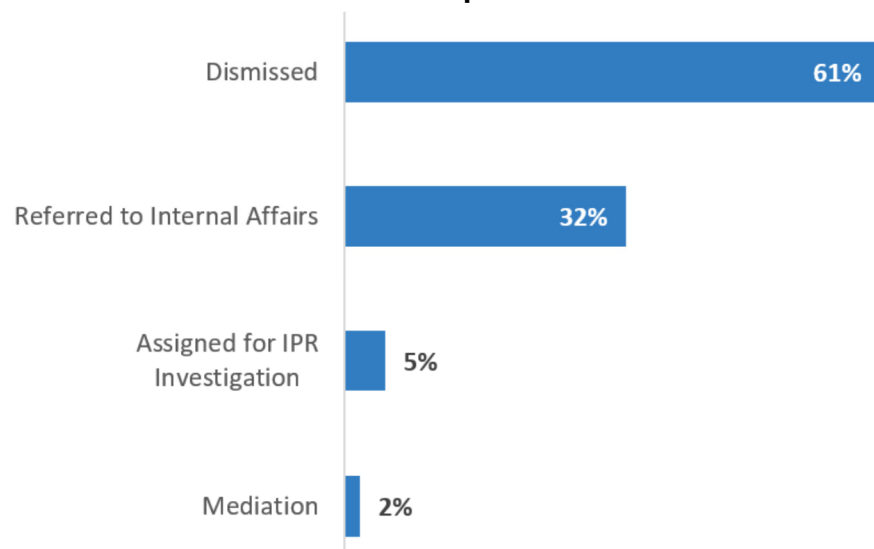
There were 43 officers with three or more complaints filed against them, up from 41 in 2016. Multiple complaints should cause supervisors to intervene with an officer independent of the investigation process.



What did IPR do with the complaints?

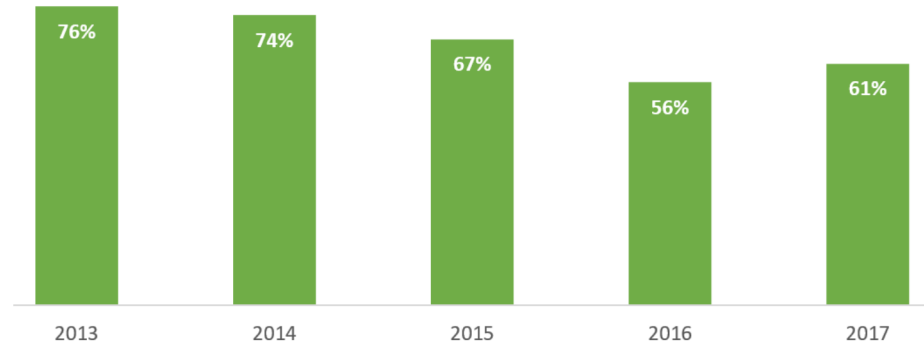
When IPR investigators receive a misconduct complaint, they conduct an initial investigation to identify the officer who is the subject of the complaint, understand the nature of the allegation being made, and whether the preliminary information indicates that a policy violation might have occurred. IPR uses this information to decide whether to dismiss the complaint for lack of information or jurisdiction, refer it to Internal Affairs, or conduct its own investigation.

More than half of misconduct complaints were dismissed



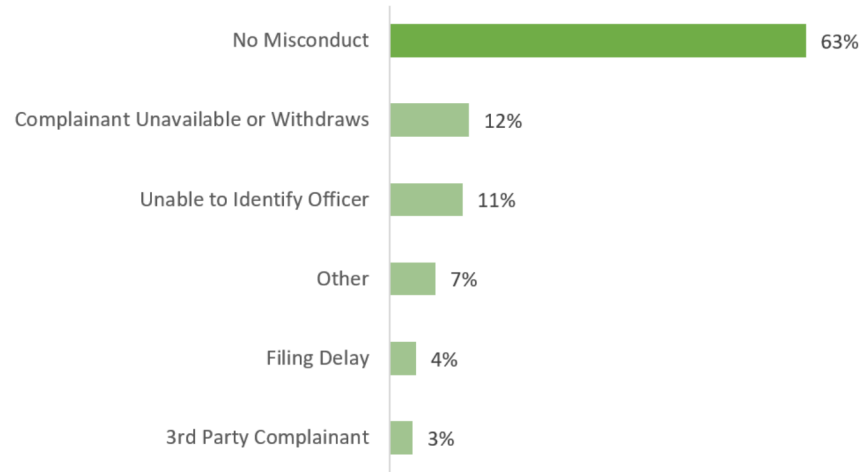
The majority of cases in 2017 were dismissed, following a consistent trend from years prior. In 2017, there was a slightly lower referral rate to Internal Affairs and fewer cases assigned for IPR investigation than in 2016. Two percent of cases are referred for mediation.

IPR’s dismissal rate rose in 2017



The most common reason for dismissal in 2017 was because the complainant’s description of what occurred did not violate a Police Bureau directive.

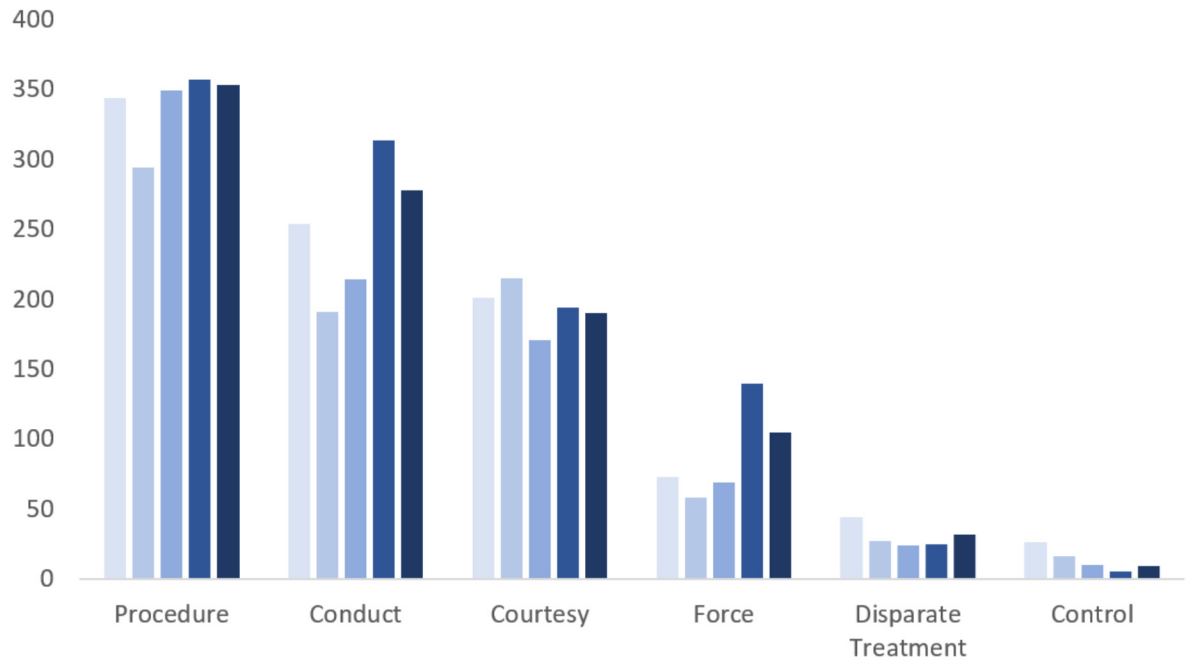
No misconduct was IPR’s most common reason to dismiss in 2017



What were the complaints about?

In 2017, the 396 complaints from community members included a total of 967 allegations for an average of 2.5 allegations per complaint. Allegations are categorized by type and specific policy violation.

Allegation trends by type 2013—2017



Procedure

Failure to follow an administrative or procedural requirement

Conduct

Unjustified, unprofessional, or inappropriate actions, or unsatisfactory performance

Courtesy

Discourteous or rude statements or conduct

Force

Inappropriate use of physical force or pointing a firearm at a person

Disparate Treatment

Inappropriate action or statement based on a characteristic of a person such as race, sex, age or disability

Control

Inappropriate use of a hold or other technique to control a person's movement

Fewer community complaints led to fewer allegations

There were 7 percent fewer allegations in 2017, which is consistent with the overall reduction in the number of complaint reports. Most allegation types declined in 2017 from 2016, except for disparate treatment and control, which saw small increases. The most common allegations are:

Top Specific Allegations	
Inadequate Action/Assistance	16 %
Rude Behavior or Language	9 %
Unprofessional Conduct	7 %
Inadequate/Improper Investigation	6 %
Inadequate/Unjustified Arrest/Citation	4 %

In 2017, Police Bureau employees were more likely to submit an allegation regarding professional conduct than community members. Conduct complaints account for nearly one-third of all Police Bureau complaints, while they only comprise 10 percent of community complaints. Community members are most likely to submit a courtesy complaint.

Community allegations differ from Police Bureau allegations



IPR conducted complex independent investigations

IPR initiated 20 investigations in 2017, 11 fewer than in 2016. IPR’s investigations stemmed from more complex complaints, including street protests, separate incidents involving two Police Chiefs, and investigations of other high-ranking command staff. IPR also investigated allegations of disparate treatment based on race, sex, age, or disability.

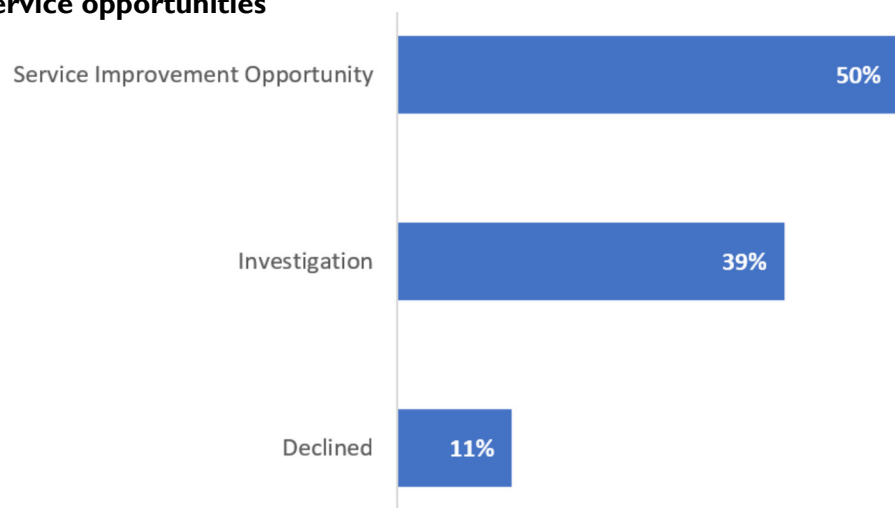
IPR Investigations in 2017	
Police Response to Protests	9
Captain or Above	4
Disparate Treatment	4
Director’s Discretion	2
Force	1

What happened to cases referred to Internal Affairs?

Of the 349 community member complaints received by IPR in 2017, 32 percent (112) of them were referred to Internal Affairs for review. Internal Affairs also received 44 complaints directly from community members.

Half of the community member complaints that were referred to Internal Affairs in 2017 resulted in a service improvement opportunity (79), 39 percent (61) were investigated, and 11 percent were declined (18). The most common reason Internal Affairs declined to investigate a complaint was that the action described did not violate Police Bureau policy.

Most community complaints referred to Internal Affairs to service opportunities



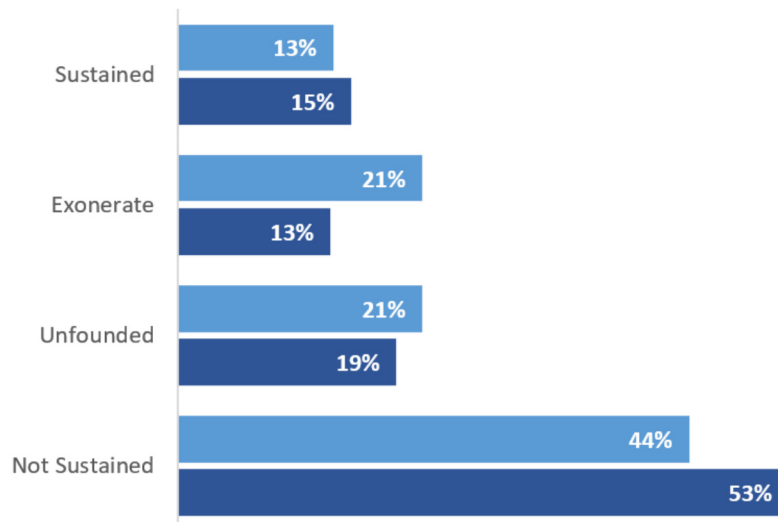
After an investigation is complete, a Police Bureau supervisor can reach one of four conclusions when considering whether the evidence supports an allegation. They can:

- **Sustain** the allegation as a violation of Bureau policy or procedure;
- **Not sustain** the allegation because the evidence was insufficient to prove it;
- **Exonerate** the officer’s actions because they were lawful and within Bureau policy; or
- Find the allegation to be **unfounded** because it was false or without a credible basis as a possible violation of Bureau policy or procedures.

Most community complaints do not result in a sustained allegation

IPR and Internal Affairs completed 92 investigations into community member complaints in 2017, 12 more than 2016. Those investigations contained 260 allegations, 13 percent of which were sustained (35). This a lower rate for sustained allegations than 2016.

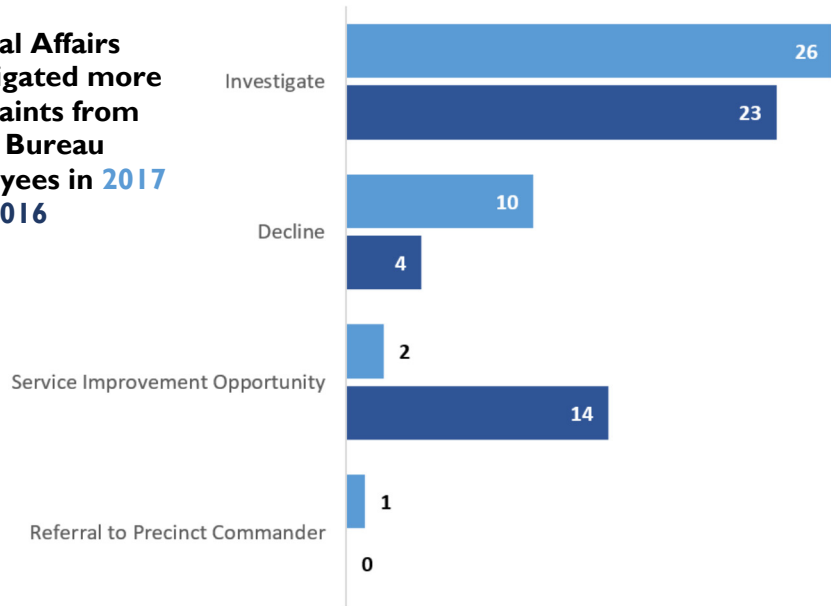
Police supervisors sustained fewer allegations from community members in 2017 than 2016



Most Bureau employee complaints are investigated and result in sustained allegations

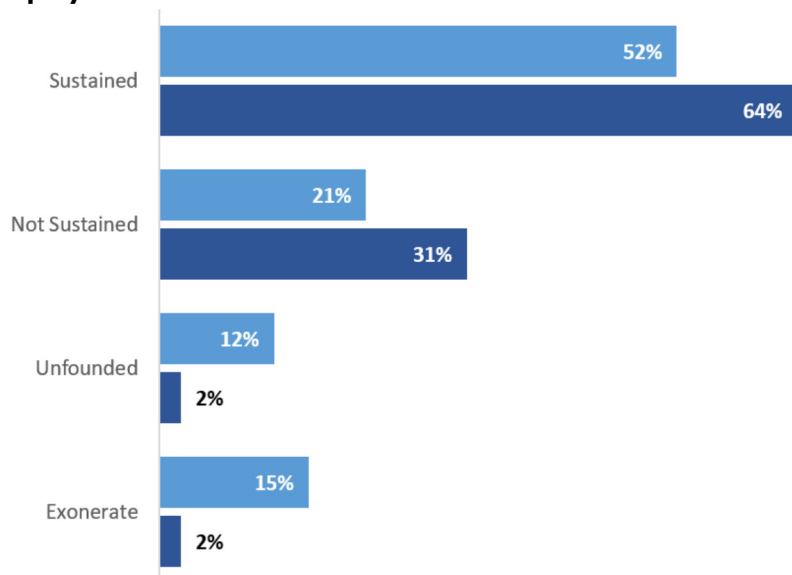
Police Bureau employees filed 43 Bureau employee complaints in 2017, and unlike complaints from community members, most (30) were investigated. Internal Affairs investigated 26 and IPR investigated 4 complaints filed by Police Bureau employees. Compared to 2016, Internal Affairs referred fewer complaints to the officers' supervisors as service improvement opportunity and declined more complaints in 2017.

Internal Affairs investigated more complaints from Police Bureau employees in 2017 than 2016



IPR and Internal Affairs completed 32 investigations into complaints filed by Police Bureau employees in 2017, 10 more than 2016. Those investigations contained 86 allegations, 52 percent of which were sustained (45). Like previous years, these complaints were sustained at higher rates than allegations from community members.

Police supervisors sustained fewer allegations filed by Police Bureau employees in 2017 than 2016



What happened to appealed cases?

Once a decision has been made within the Police Bureau whether an officer's conduct violated policy, either the officer or the community member who filed the complaint may appeal the finding to the 11-member Citizen Review Committee.

The purpose of the appeal process is for the Committee to determine if the investigation was thorough and whether the police supervisor's findings were reasonable based on the evidence. The Committee does not have jurisdiction over complaints filed by Police Bureau members, officer-involved shootings, or deaths of people while in police custody.

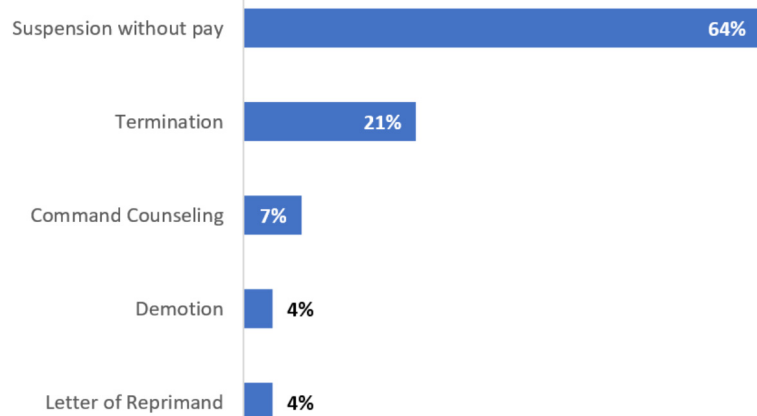
The Committee heard seven appeals in 2017. It affirmed all findings in three cases, challenged all findings in two cases, and in two other cases, affirmed the finding for one allegation and challenged another. Committee decisions are forwarded to the Police Chief to consider in subsequent decisions related to the allegations.

How were officers disciplined?

Cases involving moderate-to-serious discipline, officer-involved shootings, deaths of people in police custody, or use-of-force that causes serious injury are presented to the Police Review Board before they advance to the Police Chief. The Review Board, which is internal to the Police Bureau, is made up of police personnel, an IPR manager, and community volunteers, including a member of the Citizen Review Committee in force cases.

The Review Board considered 36 cases last year, 78 percent of which had one or more allegations that were sustained. This is slightly higher than the 75 percent rate in 2016. Of the 28 cases with a sustained finding, the Review Board most commonly recommended suspension-without-pay for discipline.

Police Review Board most commonly recommended suspension-without-pay as discipline



Discipline for a sustained finding of misconduct falls within a range. The mildest discipline includes counseling by a commander or a letter of reprimand. More serious discipline includes demotion, leave without pay, or termination.

With six cases still pending a decision at the end of 2017, the Review Board sustained allegations in 20 of 30 cases it reviewed. This is a lower rate (67 percent) than in 2016 (78 percent).

The Police Chief and Police Commissioner take the Review Board's recommendations into account when making disciplinary decisions. Of the cases with sustained allegations that were completed in 2017, final discipline matched the Review Board's recommendations in 77 percent of cases. Four officers were given lower level discipline than recommended by the Review board and two officers resigned during the investigation and discipline processes.

IPR can dispute a Police Bureau supervisor's finding and cause the case to be heard by the Review Board. In 2017, IPR referred two cases for review when it disagreed with supervisors who did not sustain allegations. For more information about cases considered by the Police Review Board, reports are available:

<https://www.portlandoregon.gov/police/55365>.

IPR is committed to continuous improvement

With additional investigative resources in late 2017 and early 2018, IPR hopes to improve on the timeliness of intake investigations and keep more cases for independent investigation. IPR also hopes to expand its data and policy function in 2018, specifically with regularly refreshed complaint data available on IPR's website and more policy reviews of relevant areas and topics related to the Police Bureau.

Goals for 2018 Leverage increased staffing and capacity

IPR hired three complaint investigators in late 2017 and early 2018, bringing investigatory staffing up to eight full-time investigators. IPR also plans to hire a second management analyst to assist with conducting data and policy analysis.

Improve the timeliness of investigations

Additional investigators will assist in reducing the median intake length. The additional analyst will also improve IPR's ability to track internal trends, identify problems and make corrections.

Increase data and information transparency

IPR is committed to transparency and intends to produce additional reports and data visualizations to describe complainant trends. Interactive dashboards and open data can be accessed on IPR's website:

<https://www.portlandoregon.gov/ipr/76848>



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