OFFICE OF THE
CITY AUDITOR
ENSURING OPEN AND ACCOUNTABLE GOVERNMENT

CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Independent Police Review
Mary-Beth Baptista, Director
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503-823-0146
www.portlandoregon.gov/auditor/ipr

MEMORANDUM

Date: June 6, 2011

To: Mayor Sam Adams
Commissioner Randy Leonard
Commissioner Dan Saltzman
Commissioner Nick Fish
Commissioner Amanda Fritz

From: City Auditor LaVonne Griffin-Valade

Re: Accept the 2010 annual report of the City Auditor's Independent Police Review division

The City Auditor's Independent Police Review (IPR) division released its annual report for calendar year 2010 on May 24, 2011. This is IPR's eighth annual report to the public. IPR is Portland's civilian police oversight agency, established in 2002 under the authority of the Auditor. IPR also provides staff assistance to the Citizen Review Committee (CRC), a group of community volunteers appointed to advise the Auditor and IPR and hear appeals of complaints against the Portland Police Bureau.

Complaint intake and processing data for 2010 are detailed, as are major policy and program changes.

- IPR opened 385 complaints from community members about police conduct; rude behavior was the most common allegation.
- Forty-two complaints alleged violations of the Police Bureau's use-of-force policies; four were sustained.
- Three officers were terminated, five officers resigned or retired with an investigation pending, and 13 officers were suspended without pay (between 10-80 hours).
- There were no in-custody deaths; however, there were six officer-involved shootings — three in the last five weeks of 2010.

City Council increased IPR's authority to conduct independent investigations, required the Police Bureau to obtain IPR approval of all Internal Affairs investigations, and created a more balanced and transparent Police Review Board to recommend findings and discipline to the Chief of Police.

The CRC members focused their efforts on increasing the credibility of the complaint process among stakeholders. In 2010, CRC held two Community Public Forums to discuss police accountability and to hear community concerns. Additionally, the CRC members began a review of the Police Bureau's use of Tasers and other less-lethal force options.

INDEPENDENT POLICE REVIEW

Annual Report 2010

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LaVonne Griffin-Valade
City Auditor

Mary-Beth Baptista
IPR Director

Office of the City Auditor
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May 11, 2011

Civilian oversight of the Portland Police Bureau is viewed as a responsibility that requires objectivity, fairness, and transparency, as well as public input and guidance. To accomplish those aims, City Council placed the Independent Police Review (IPR) division under the authority of the independently elected City Auditor and established the Citizen Review Committee in 2001. IPR has implemented a number of internal changes since that time, primarily to improve the efficiency and responsiveness of the organization and to more effectively reach out to the community. But, building and sustaining a successful oversight system is not simple or easy.

As the Vera Institute of Justice has pointed out, "A continuous challenge for civil society is to engage the police in collaborative reform initiatives, while at the same time remaining independent and impartial. By maintaining sufficient distance from the police, oversight mechanisms are better able to preserve their clarity and objectivity and keep the oversight process itself from becoming corrupted by the interests or culture of the police. At the same time, an oversight agency's ability to investigate complaints and monitor police investigations depends on collaboration with the police, which can become impossible if relationships are fraught."

The attached annual report provides a snapshot of IPR outcomes and describes significant initiatives undertaken in 2010. For example, we sought to strengthen and broaden IPR's oversight of police. This resulted in City Council's approval of unprecedented changes to the civilian oversight system, including IPR's direct participation in administrative investigations and a stronger role in Police Review Board deliberations and decisions. The report also discusses the July 2010 findings of the outside expert we hired to review the closed investigations of the 2006 in-custody death of James Chasse, Jr.

Finally, since taking office as City Auditor in June 2009, I have learned a great deal about our police oversight role and I have come to appreciate the effort it takes to succeed. I want to acknowledge the commitment and dedication of IPR staff and involved community members, as well as the Portland Police Bureau and the Police Commissioner.

L. Griffin-Valade

LaVonne Griffin-Valade
City Auditor

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CHAPTER 1: INTRODUCTION

INDEPENDENT POLICE REVIEW

The Independent Police Review (IPR) division is an impartial oversight agency under the authority of the independently elected City Auditor (Auditor). IPR was created to improve police accountability, promote higher standards of police services, and increase public confidence. IPR has five primary responsibilities:

1. COMPLAINTS AND COMMENDATIONS
   Receive community members' complaints and commendations about Portland Police Bureau (Police Bureau) officers.

2. ADMINISTRATIVE INVESTIGATIONS
   Conduct or oversee administrative investigations of Police Bureau officers charged with misconduct.

3. REPORTS AND RECOMMENDATIONS
   Issue periodic reports about complaints and investigations, and recommend policy changes to reduce complaints and misconduct.

4. SHOOTINGS AND DEATHS
   Observe and participate in investigations of officer-involved shootings (OIS) and in-custody deaths (ICD). Hire expert to review closed investigations, and report on policy and quality of investigation issues.

5. APPEALS
   Coordinate appeals filed by community members and officers who are dissatisfied with the outcome of administrative investigations.

Additionally, IPR conducts outreach to hear community concerns and build community trust; provides administrative and technical staff support to the Citizen Review Committee (CRC), an advisory body appointed by Portland City Council (Council); and coordinates mediations between community members and officers.

General information and other reports produced by IPR and CRC are available at: www.portlandoregon.gov/auditor/ipr.

EXPANDED OVERSIGHT AUTHORITY

On March 31, 2010, Council voted unanimously to increase the oversight authority of the Auditor's Independent Police Review division and to increase the transparency of Portland's police accountability process.

The revised ordinance significantly strengthened IPR's oversight of the Police Bureau in three main areas: increased IPR's authority to conduct independent administrative investigations; increased IPR's role in administrative investigations conducted by the Police Bureau; and established a more balanced and transparent Police Review Board to recommend investigative findings and discipline to the Chief of Police.

Specific reforms include:

1. Increased authority for independent investigations

    - Granted IPR subpoena power to compel civilian witness testimony and the production of evidence.
    - Authorized the IPR Director to initiate investigations in cases of community concern, whether or not a community member files a complaint.

2. Increased IPR's role in administrative investigations conducted by the Police Bureau

    - Required IPR approval before an administrative investigation is closed or sent to Police Bureau command staff for recommended findings and proposed discipline.
    - Authorized IPR to challenge the post investigatory findings recommended by Police Bureau managers, whether or not the investigation involves a community member.
    - Gave IPR authority to challenge discipline recommendations and require a Board review.

3. Revised structure and provisions of the Police Bureau's disciplinary review boards for a more transparent and balanced Police Review Board (Board)

    - Made the IPR Director a voting member of the Board and allowed the Director to make recommendations to the Chief of Police (Chief) on findings and discipline.
    - Increased civilian influence on Board decisions by increasing civilian membership to two and reducing police membership to three. The civilians include the IPR representative and a community member nominated by the Auditor and appointed by Council.

- Required Board hearings to be facilitated by independent professional facilitators who are responsible for writing the Board's recommendations for findings and discipline for submission to the Chief.
- Required the Police Bureau to report the Board's recommendations to the public no less than twice a year.

As part of the enabling ordinance, Council also established a "Stakeholder Committee" consisting of members from various community organizations, representatives of City bureaus and Council members' offices. The purpose of the committee was to convene and recommend additional changes to the City's oversight of the Police Bureau. The committee worked within a limited time frame and forwarded a report with recommendations to Council in September 2010. The IPR Director and management staff attended each stakeholder meeting and the Auditor prepared a written response to each recommendation made by the committee.

CHAPTER 2: COMPLAINTS, INVESTIGATIONS, APPEALS, AND DISCIPLINE

COMPLAINT, INVESTIGATION, AND DISCIPLINE SUMMARY

COMPLAINT CATEGORIES

Complaints against police officers fall into two categories:

Community Complaints

Complaints about police conduct that involve community members are called community complaints. Since the 2010 ordinance change, this category now also includes complaints opened by IPR based on the content of tort claims and lawsuits against the Police Bureau.

Table 1 Complaints Opened in 2010	
Community Complaints*	385
Bureau Complaints	24
Total	409

* This count does not include three complaints based on tort claims that were opened before the 2010 ordinance change became effective.

Bureau Complaints

These are complaints by Police Bureau employees about conduct that involves only police officers.

ADMINISTRATIVE INVESTIGATIONS

Table 2 Administrative Investigations Opened in 2010	
Community Complaints	28
Bureau Complaints	21
Officer-involved Shootings	6
Total	55

All community complaints are initially investigated by IPR complaint investigators who customarily interview the complainants and civilian witnesses, and gather other available evidence. After the initial investigations are reviewed by the IPR Director or designee, some of the complaints advance to formal administrative investigations (personnel investigations). Officer-involved shooting and in-custody death incidents are subject to mandatory administrative investigations.

Table 3 Formal Corrective Actions in 2010*	
Termination	3
Suspension	14
Letter of Reprimand	5
Command Counseling	7
Total	29

* Data does not include 67 non-disciplinary Service Improvement Opportunity discussions with supervisors.

DISCIPLINE

Administrative investigations may lead to formal corrective action.

COMPLAINT HANDLING PROCEDURES

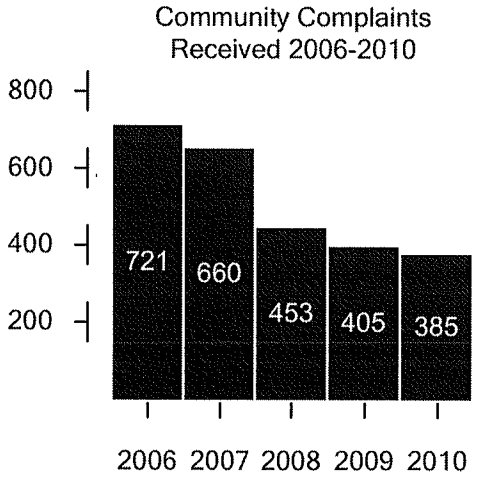


Figure 1

COMMUNITY COMPLAINTS

Community complaints can come from a variety of sources, including the affected community member, witnesses, or bureau members. Most community complaints are generated by IPR after it receives a complaint from the involved community member. Others are opened at the discretion of the IPR Director or designee.

Table 4 Most Common Allegations in 2010*	
Detailed Allegations	Cases
Rude Behavior or Language	106
Fail to Take Appropriate Action	42
Excessive Force	41
Unjustified Behavior	24
Fail to Provide Accurate or Timely Info.	18

* Within the 385 community complaints opened.

IPR may open a case when a police action becomes the subject of widespread community concern or after a review of a civil claim (tort claim notice or civil complaint). In 2010, IPR opened six cases after reviewing 139 civil claims. Three of these six cases were opened after the ordinance change and are included in this year's count of 385 community complaints. An additional 22 of the 139 civil claims were already the subject of community or bureau complaints. Overall, about 20% of the claims (28 of 139) had a concurrent complaint.

IPR Initial Investigation

In most instances, a community member contacts IPR with a complaint regarding police officer misconduct to initiate the process. Complaints are mailed, faxed, e-mailed, telephoned, or dropped off in person at the IPR office. IPR also provides postage-paid complaint forms (in English, Spanish, Russian, Chinese, and Korean) that are available at the IPR office, Police Bureau precincts, and other locations throughout the community.

Once in receipt of a complaint, IPR begins its investigation. This includes an IPR complaint investigator determining the nature of the community member's complaint and interviewing the complainant and any other civilian witnesses. Complaint investigators also gather relevant documents, such as police reports, photographs, and medical records. The investigator handling the complaint also drafts the proposed allegations of violations against the bureau member based on his/her investigation. IPR staff takes about two or three weeks to complete an initial complaint investigation.

Table 5
IPR Screening Decisions

	2006		2007		2008		2009		2010	
Intake Decision	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
Dismissed by IPR *	429	64%	332	58%	329	62%	226	60%	234	66%
Referred to IAD	198	29%	205	36%	175	33%	140	37%	106	30%
Pending or Completed Mediation	25	4%	17	3%	15	3%	8	2%	14	4%
Resolved at Intake	9	1%	5	1%	8	2%	1	<1%	1	<1%
Referred to Other Agency	13	2%	10	2%	2	<1%	-	-	1	<1%
Total**	674		569		529		375		356	

* IPR subsequently referred 39 of the 234 dismissals to precinct commanders or division captians for information.

** IPR makes case-handling decisions after completing preliminary investigations (which take a few weeks). The number of decisions made in a given year will typically differ from the number of complaints received because of this lag time.

IPR Screening Decision

Once the initial investigation is complete, the case file is forwarded to the assigned case manager. The case manager (IPR Director or Assistant Director) assesses each allegation individually and thoroughly reviews relevant case file material. The case manager then makes a decision whether to dismiss the allegation, revise the allegation, add an allegation, refer the allegation to Internal Affairs (IA) for review, or to move forward with some combination of these alternatives.

The reviewing case manager has several options in handling community complaints, including:

- Mediation;
- Dismissal;
- Refer to Internal Affairs; or
- Conduct a formal administrative investigation.

Mediation

One alternative to the disciplinary process is mediation. Generally, the IPR case manager decides whether a complaint is eligible for mediation on a case-by-case basis. The officer's unit commander and the captain of the Professional Standards Division must agree that the complaint is appropriate for mediation. The community member and the involved officer also have to agree to participate in mediation.

Once mediation is agreed upon by all, IPR arranges for an impartial, professional mediator to facilitate an informal discussion between the community member and the officer. Both parties are heard in a confidential and neutral setting with the goal of gaining a better understanding of one another's perspective about the incident.

IPR Dismissal

In 2010, IPR dismissed 66% of the complaints reviewed. IPR may dismiss a complaint for a variety of reasons; for example, the timeliness of the complaint, the lack of witnesses, or the lack of sufficient evidence to prove alleged misconduct. When IPR dismisses a complaint, a written rationale for dismissal is provided to the complainant. Two of the most common dismissal categories are "no misconduct" and "cannot prove misconduct."

Table 6
Top Reasons for IPR Dismissal

	2006		2007		2008		2009		2010	
Dismissal Reason	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
No Misconduct	176	41%	127	38%	140	43%	141	62%	105	45%
Cannot Prove Misconduct*	-	-	-	-	-	-	-	-	43	18%
Unable to Identify Officer	30	7%	31	9%	22	7%	15	7%	27	12%
Complainant Unavailable	47	11%	42	13%	50	15%	20	9%	16	7%
Filing Delay	16	4%	14	4%	18	5%	10	4%	12	5%
Not Reliable, Credible, or Logical	33	8%	32	10%	32	10%	12	5%	9	4%
All Other Reasons	127	30%	86	26%	67	20%	28	12%	22	9%
Total Dismissals	429		332		329		226		234	

* Newly tracked in 2010, previously counted as a subset of 'No Misconduct'

The "no misconduct" category is meant to apply to cases where even if all aspects of the complainant's allegation are true, no act of misconduct occurred. Example: an officer was speeding through traffic in downtown Portland without lights and sirens, but during the initial investigation IPR learned that the involved officer was dispatched to an armed robbery in progress. A Police Bureau directive allows officers not to use lights and sirens when doing so may interfere with the apprehension of a suspect. In 2010, 105 cases were dismissed because of no misconduct by the involved officer(s).

The "cannot prove misconduct" category applies to cases where it is more likely than not that no misconduct occurred and additional investigation would not reach a different conclusion. This category was added in 2010, in an attempt to more accurately reflect IPR's case-screening process. Example: an officer cited an out-of-state driver for speeding. The driver's complaint stated that he was not speeding and that the officer stopped him because he had out-of-state plates. The complainant believed that he was specifically targeted by the officer because he lived out-of-state and would not be able to attend his traffic court date, forcing him to pay the fine.

IPR Reconsideration

Any community member who is dissatisfied that his/her complaint was dismissed by IPR may request a reconsideration of that decision by a case manager not initially assigned to the dismissed case. The reconsideration process is a recent innovation by IPR to provide an additional layer of review. In 2010, 13 complainants requested reconsideration of their cases, with one case resulting in a different outcome.

IPR Dismissal with Precinct Referral

IPR refers some dismissed complaints to precinct commanders for information and possible supervisory action. The referrals typically involve complaints that do not involve disciplinable misconduct but are worthy of management's attention. Commanders frequently report taking some type of remedial action even though a report is not required.

Precinct referrals often stem from complaints in which IPR cannot identify the officer who is the subject of the complaint. Example: a community member approached an unidentified officer after she observed her driving in downtown Portland without wearing her seat belt. When the community member asked the officer why she was not complying with the seat-belt law, the officer responded that she was exempt. The IPR Director discussed this matter with the Police Bureau's Training Division and City Attorney's Office and determined that Police Bureau members are not exempt from the law. This case was referred bureau-wide to all precincts and divisions to remind members that they are required to wear their seat belts while driving. In 2010, IPR referred 39 dismissals to precinct commanders or other division managers.

IPR Referral to Internal Affairs

In 2010, IPR referred 106 cases to IA. IPR will refer a complaint to IA in either of the following circumstances:

- When there is an allegation of officer misconduct where additional investigation will enable a fact finder to determine whether an officer's actions were outside of the Police Bureau's polices.
- The alleged misconduct involves quality of service or a minor rule violation where further investigation would not yield any relevant information about the conduct, and the nature of the conduct would not necessarily result in discipline, but where intervention of an immediate supervisor may be necessary.

IPR Oversight of IA Case Handling

Once a case is referred to IA, and after IPR's initial investigation and subsequent review by the IPR case manager, there are three options for handling complaints referred by IPR:

Administrative Investigation

When IA conducts an administrative investigation of an officer, IPR is involved in a variety of ways. IPR participates in the interviews of the involved officer(s) and witness(es), and has access to all evidence gathered during the investigation. IPR also works with IA to form allegations in a case to accurately reflect the alleged misconduct. Finally, IPR has the responsibility to review the investigation and case summary for approval prior to it being sent to the involved officer's commander, captain, or manager (known as the reporting unit manager or "RU manager") for a recommended finding.

It takes IA approximately 10 to 12 weeks to complete an administrative investigation. IPR has the authority to send an investigated case back to IA for further investigation or further clarification in the investigation summary. Senior IPR staff members participated in the interviews of officers and key civilian witnesses in five investigations that IPR identified as having special issues or a high level of community interest.

Table 7
Internal Affairs Assignment Decisions for Complaints Referred by IPR

	2006		2007		2008		2009		2010	
Assignment Decision	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
Service Improvement Opportunity	92	39%	149	60%	95	51%	93	58%	67	52%
Investigation	65	28%	55	22%	47	25%	27	17%	28	22%
Declined	51	22%	42	17%	46	24%	40	25%	33	26%
Resolved Administratively*	28	12%	3	1%	-	-	-	-	-	-
Total	236		249		188		160		128	

* Administrative resolution was a category predominantly used for complaints that IA declined to investigate but referred to a precinct commander for information. Such cases now are categorized as 'Declined' with subsequent referral or are processed as 'Service Improvement Opportunities.'

After IPR approves an investigation, IA sends it to the officer's RU manager to recommend appropriate findings for each investigated allegation. IPR has the authority to approve or challenge the finding(s) of the officer's RU manager. If any challenges to a finding occur, a Board hearing is convened.

Service Improvement Opportunity

When IPR receives a complaint that demonstrates an officer's service was below Police Bureau expectations and/or constitutes a minor rule violation, IPR may recommend that IA refer the complaint to the precinct commander of the involved officer. The non-disciplinary complaint is then assigned to the officer's direct supervisor, normally a sergeant. The supervisor is expected to talk to the complainant twice. The initial conversation is to hear the community member's concerns and description of the incident. The supervisor meets with the officer to review the community member's concerns, discuss options for handling the incident differently, and reinforce the Police Bureau's expectations for quality of service.

Table 8
Most Common Complaint Allegations
Closed as Service Improvement Opportunities in 2010

Detailed Allegations	Cases
Rude Behavior or Language	38
Fail to Take Appropriate Action	10
Unprofessional Behavior	7
Fail to Provide Name and/or Badge	6
Profane Language or Gestures	6

After discussing the complaint with the involved officer and providing whatever coaching or advice is appropriate, the supervisor re-contacts the complainant to explain the outcome and results. The supervisor then writes a Service Improvement Opportunity (SIO) Resolution Memo documenting the discussions and actions taken to resolve the complaint. The memo must be reviewed and approved by the involved officer's RU manager, IA, and IPR. If an SIO Resolution Memo fails to meet the above criteria, IPR has the authority to send it back to the precinct to fix any deficiencies.

SIOs provide relatively fast supervisory intervention, evaluation, and mentoring. In 2010, the median time from IA's referral to a precinct or division to the completion of an SIO Resolution Memo was 28 days. An SIO is not a disciplinary action but it remains on the officer's IA record for three years. In 2010, 67 complaints were handled as SIOs.

Example: a woman videotaped an argument that her neighbors were having in front of her house. When the involved parties realized that they were being videotaped, the situation escalated and 9-1-1 was called. Upon arrival, the involved officer contacted both parties. The woman stated the officer made her feel like she was a "criminal" when he told her that filming her neighbors while they were arguing was akin to the actions of the paparazzi. The

complainant was contacted by the involved officer's sergeant and they discussed how she perceived the officer's actions as disrespectful and hurtful. The sergeant then provided feedback to the officer regarding the effect that words can have on members of the public they encounter, and how officers should weigh those words carefully.

Declination

Subject to IPR approval, IA may recommend that the Police Bureau take no formal action on a complaint. In 2010, IA declined further action on 33 complaints. If IPR accepts an IA declination, IA must write a detailed letter to the complainant explaining the basis for its decision.

BUREAU COMPLAINTS

Police Bureau employees, supervisors, and commanders may report to IA the suspected misconduct or poor performance of other employees, including supervisors or commanders. "Bureau complaints" involve only Police Bureau employees.

Table 9
Most Common Allegations in 2010 Bureau Cases

Detailed Allegations	Cases
Unprofessional Behavior	7
Untruthfulness	5
Fail to Take Appropriate Action	3
Unlawful Conduct - DUII	3

IPR Oversight of Bureau Complaints

With few exceptions, bureau complaints lead to formal administrative investigations. IPR has the same authority and responsibility in bureau cases as it does in complaints involving community members. IPR staff participates in or conducts the investigations. Additionally, they review the investigations, investigative summaries, and recommended findings and discipline.

IPR may challenge the recommended findings and discipline, and sits as a voting member on any Board. Unlike complaints involving community members, involved officers do not have a right to appeal bureau-complaint investigations to the CRC members.

FINDINGS

After IPR approves an administrative personnel investigation, IA sends it to the involved officer's RU manager (precinct commander or senior manager) for recommended findings.

Commanders and managers are responsible for writing detailed recommendations for each investigated allegation. In accordance with employment law and the applicable labor agreements, the allegations must be proven by a "preponderance of evidence." In other words, the evidence must be sufficient to prove that an allegation is more likely true than not true. A proven allegation is "sustained."

Police Bureau-defined Findings for Investigated Complaints	
Unproven	Allegation not proven by a preponderance of the evidence.
Unproven with a debriefing	While the allegation is not proven by a preponderance of the evidence, a critique of the complaint with the member should be conducted.
Exonerated	Actions of the member were within the policies and procedures.
Exonerated with a debriefing	While the member's actions were within the policies and procedures, a critique of the complaint with the member should be conducted.
Sustained	Member found to be in violation of policy or procedure.

IPR, IA, or the supervising assistant chief may challenge an RU manager's recommendations and refer the case to the Board. The Board is an advisory body to the Chief. It makes recommendations to the Chief regarding the completeness of investigations, appropriateness of findings, and recommended discipline. The Chief and the Police Commissioner make the final disciplinary decision.

The Board reviews the following categories of investigations:

- Investigations with recommended sustained findings and proposed discipline of suspension without pay or greater;
- Investigations in which IPR, IA, or the supervising assistant chief have challenged a recommended finding; and
- All officer-involved shootings, in-custody deaths, uses of force that cause physical injury resulting in hospitalization, and less-lethal incidents where the recommended finding is "out of policy."

Table 10 presents the Police Bureau's findings in community complaints summarized at the case or investigation level.

Table 10
Completed Full Investigations of Community Complaints with Findings by Year

	2006		2007		2008		2009		2010	
Completed Investigations	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
All Non-sustained Findings	29	62%	42	75%	28	78%	46	78%	12	63%
One or More Sustained Findings	18	38%	14	25%	8	22%	13	22%	7	37%
Total	47		56		36		59		19	

Many investigations include multiple allegations of misconduct (or multiple officers). Each allegation requires a separate finding. Table 11 presents the Police Bureau's findings in community complaints detailed at the allegation level.

Table 11
Findings on Allegations by Community Complaint Category

	Conduct	Control	Courtesy	Disparate Treatment	Force	Procedure	Total	Percent
Sustained	3	2	0	0	3	3	11	14%
Not Sustained								
Unproven	3	2	2	0	2	3	12	15%
Unproven with Debriefing	6	0	1	5	9	0	21	27%
Exonerate	10	2	0	0	3	7	22	28%
Exonerate with Debriefing	2	2	0	0	4	4	12	15%
Combined Total	24	8	3	5	21	17	78	
Number of Completed Investigations with Findings in 2010							19	

Table 12 presents the Police Bureau's findings in bureau complaints summarized at the case or investigation level.

Table 12
Completed Full Investigations of Bureau Complaints with Findings by Year

	2006		2007		2008		2009		2010	
Completed Investigations	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
All Non-sustained Findings	8	35%	4	24%	4	21%	14	39%	11	41%
One or More Sustained Findings	15	65%	13	76%	15	79%	22	61%	16	59%
Total	23		17		19		36		27	

Table 13 presents the findings in bureau complaints detailed at the allegation level.

Table 13
Findings on Bureau Allegations by Complaint Category

	Conduct	Control Technique	Courtesy	Disparate Treatment	Force	Procedure	Total	Percent
Sustained	21	0	2	0	1	4	28	58%
Not Sustained								
Unproven	10	0	0	1	1	1	13	27%
Unproven with Debriefing	3	0	0	0	0	0	3	6%
Exonerate	2	0	0	0	0	0	2	4%
Exonerate with Debriefing	0	0	0	0	2	0	2	4%
Combined Total	36	0	2	1	4	5	48	
Number of Completed Investigations with Findings in 2010							27	

Appeals

In community complaint cases, the involved community members and officers may appeal recommended findings to CRC, which has unrestricted access to IPR's and IA's investigative files. Appeals must be resolved before the Chief and Police Commissioner make their disciplinary decision. Bureau complaints and administrative investigations of officer-involved shootings and in-custody deaths are not subject to appeal.

In 2010, CRC heard five appeals that had been filed in 2009. Two officers filed appeals in 2010 but withdrew them before the CRC hearings.

2009-X-0004
In April 2008, a community member filed a complaint on behalf of his deceased son. He stated that an officer struck his son in the face with a flashlight during a police contact in September 2007. He also stated that the officer failed to document his use of force in a police report. The Police Bureau did not sustain the findings and the complainant appealed. In January 2010, CRC affirmed the Police Bureau's decision on both allegations.

2009-X-0005
In November 2006, IPR received a complaint stemming from a May 2006 incident that involved four officers. The case involved 13 allegations and three sub-allegations including false arrest, use of excessive force, failure to provide a verbal warning prior to deployment of less-lethal devices, failure to provide medical attention, rude language, rude behavior, threats, failure to write accurate police reports, and inappropriate control techniques. IPR dismissed one allegation at the outset, the Police Bureau recommended a sustained finding for three allegations, and the complainant appealed seven of the remaining allegations. In February 2010, CRC voted to challenge the following recommended findings:

Allegation 1.
Officers falsely arrested the appellant (Conduct).
Police Bureau finding - Exonerated with Debriefing.

CRC passed a motion (5-1) to challenge the finding for one of the four officers, recommending Unproven with a Debriefing.

Allegation 2(a).
Three officers used unnecessary physical force to affect appellant's arrest, causing injury to his right elbow (Force).
Police Bureau finding - Unproven with a Debriefing.

CRC passed a motion (6-0) to challenge the finding for one officer's use of the Taser, recommending it be changed to Sustained.

Allegation 11.
Officer used rude language (Courtesy).
Police Bureau finding - Unproven.

CRC passed a motion (6-0) to challenge the finding, recommending it be changed to Unproven with a Debriefing.

A CRC conference hearing was held on April 14, 2010, at which time the Police Bureau command staff advised CRC that the Chief would accept CRC's challenge on Allegation 1 and Allegation 11, but disagreed with the challenge of Allegation 2(a). Thus, CRC voted unanimously to continue the appeal to Council. Two weeks later, the Chief advised CRC that its challenge of all three allegations in this case would be accepted, concluding the appeal.

2009-X-0006
In September 2007, a community member filed a complaint regarding an August 2006 incident involving two officers and a sergeant. He said one of the officers and the sergeant used excessive force to take him into custody and failed to file accurate police reports. He also stated that the other officer used an unapproved control technique. The Police Bureau did not recommend a sustained finding in any of the allegations, and the complainant appealed. In March 2010, the CRC members affirmed the Police Bureau's recommendations for all three allegations.

2009-X-0007
In April 2009, a community member filed a complaint against two officers for their conduct during a contact. At a case-file review meeting in April 2010, CRC requested that IA conduct further

investigation. IA agreed to investigate a portion of the request and IPR also agreed to conduct some additional investigation. CRC affirmed the Police Bureau's recommendation on all six conduct allegations in July 2010.

2009-X-0008
The complainant was involved in a minor traffic crash with an off-duty officer in January 2009. He filed a complaint with IPR the next day stating that the officer failed to observe traffic laws, and engaged in inappropriate conduct while driving and after the crash. He also stated the officer misused his authority. In June 2010, CRC voted to affirm two recommended findings and challenge the following:

> Allegation 3.
> Officer repeatedly pounded with a key on the appellant's car window (Conduct).
> Police Bureau finding - Exonerated.
>
> CRC passed a motion (5-2) to challenge the finding and recommended changing it to Unproven.
>
> Allegation 4.
> Officer misused his authority as a police officer (Conduct).
> Police Bureau finding - Exonerated with a Debriefing.
>
> CRC passed a motion (4-3) to challenge the finding and recommended changing it to Unproven with a Debriefing.

The Chief notified CRC that its challenge was accepted and made the recommended changes in August 2010.

2010-X-0001
The subject officer filed a timely appeal of a sustained finding stemming from a February 2009 incident. He withdrew his appeal prior to the case file review scheduled in August 2010.

2010-X-0002
The subject officer filed a timely appeal of a sustained finding stemming from a September 2009 incident. He withdrew his appeal prior to the case file review scheduled for January 2011.

DISCIPLINE

If a Board recommends formal discipline in a community or bureau case, and after any CRC appeals have been resolved, the Chief makes the final disciplinary decision in consultation with the Police Commissioner. Disciplined officers have the right to seek arbitration of discipline in accordance with their labor agreements.

Table 14
Discipline, Resignations, Letters, and Counseling

Bureau or Member Action	2006	2007	2008	2009	2010
Termination	1	1	1	1	3
Resignation or Retirement with Investigation Pending*	8	4	6	5	5
81+ Hours SWOP**	0	1	4	3	1
10-80 Hours SWOP**	5	7	10	4	13
Letter of Reprimand	11	9	10	9	5
Command Counseling	16	10	8	7	7
Total***	41	32	39	29	34

* 6 of the 28 resignations or retirements appear unrelated to the pending complaint.
** SWOP = suspension without pay
*** Counts include officers disciplined in Bureau, Community, or Tort cases only. Bureau performance and collision reviews led to discipline for additional officers.

Table 14 presents the corrective actions taken by the Police Bureau based on sustained findings from formal administrative investigations. The table does not include debriefings ordered and documented by RU managers in non-sustained cases.

ALLEGATIONS OF USE OF FORCE

Force allegations are discussed separately in this section because they are matters of particular community concern. In 2010, 42 community or bureau complaints contained at least one allegation that an officer violated the Police Bureau's use-of-force polices. Among investigations of force allegations completed in 2010, sustained findings were returned in four separate cases.

Table 15
Frequency of Force Complaints Against Employees by Year
Count of Employees by Year

Number of Force Complaints	2006	2007	2008	2009	2010
5+	0	0	0	0	0
4	0	0	0	0	0
3	2	6	1	1	1
2	20	10	1	12	4
1	90	80	69	57	42
Total*	112	96	71	70	47

* Includes bureau and community complaints

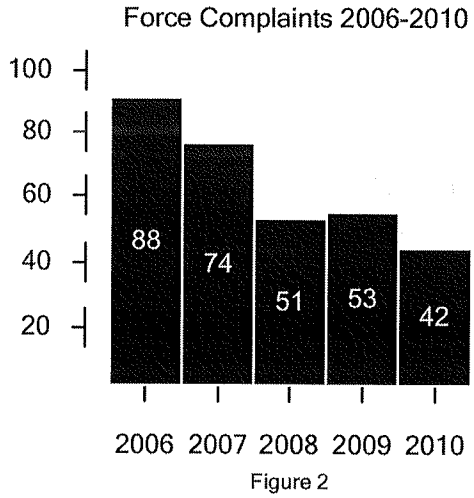


Figure 2

OFFICER-INVOLVED SHOOTINGS AND IN-CUSTODY DEATHS

Officer-involved shooting and in-custody death incidents are automatically subject to administrative investigation by IA and training analysis by the Police Bureau Training Division to determine whether the officers and supervisors complied with Police Bureau policies and training.

OIS and ICD cases are not included in other complaint and allegation counts. There were six OIS incidents in 2010, three in the last five weeks of the year. There were no ICD incidents in 2010.

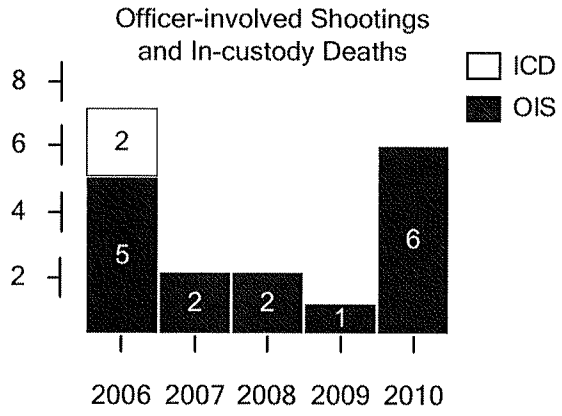


Figure 3

IPR participates with IA and the Training Division in all OIS and ICD investigations and reviews the investigations and recommended findings. IPR has the same authority to challenge recommended findings and to propose discipline as it does in community and bureau complaints.

Table 16
Officer-involved Shooting Investigations in 2010

Incident Year	IA Investigation Completed	Board Recommendation
2009	2010	Justified; no policy violations
2010	2010*	Not justified; policy violations by 2 officers and 2 supervisors
2010	2010**	Pending
2010	2010	Pending
2010	Pending	
2010	Pending	
2010	Pending	

* IPR met with the IA investigator and Training Division Lieutenant to review their work and clarify their analyses.

** IPR participated in the IA interview of a crucial eyewitness and recommended that additional policy directives be considered in the investigation.

OUTSIDE REVIEW OF OIS/ICD

After the Chief and Police Commissioner make their disciplinary decisions in OIS and ICD cases and the administrative investigation is closed, the Auditor hires independent experts to review the investigations and report any policy-related or quality-of-investigation issues that the Police Bureau should address. To date, IPR has released five reports covering 68 OIS incidents and three ICD incidents that occurred between 1997 and 2006.

James Chasse, Jr. ICD Report

The fifth and most recent independent expert review was the first to focus exclusively on a single case—the Police Bureau's investigation of the 2006 in-custody death of James Chasse, Jr. It was also the first to be conducted before the completion of civil litigation.

Over the course of the review, the Office of Independent Review (OIR Group) — outside experts hired by the Auditor — met with Police Bureau members, IPR staff, community members, and others significant to the investigations. Its report, published in July 2010, shed light on the events surrounding Mr. Chasse, Jr.'s death, the actions of the Police Bureau, and the other public and private entities that were involved with Mr. Chasse on the day of his death. The report also made 26 recommendations for change.

The Auditor has hired the OIR Group to review the closed investigations of at least 15 OIS incidents and one ICD incident that have occurred since 2004. Another eight OIS investigations were yet to close as of the date of this report. Any of those investigations that close prior to the end of 2011 will also be subject to the review by OIR Group.

CHAPTER 3: COMMUNITY OUTREACH

BUILDING COMMUNITY TRUST

The IPR Community Outreach Coordinator (Coordinator) worked throughout the year to build positive relationships with the public and community advocacy groups, and promote understanding about IPR's role in the police complaint and commendation processes. Outreach ranged from one-on-one meetings to presenting at local and statewide events.

Various outreach activities undertaken during 2010 are discussed below:

- IPR staff and Police Bureau officers made joint presentations in Spanish to members of the Hispanic community at Kelly Elementary School and Morrison Family Services. IPR provided information about complaint processes, and officers answered questions about traffic stops and police procedures.

- The Coordinator facilitated a meeting among East Precinct command staff, Slavic leaders, and community organizers to help foster positive relationships between the community and the Police Bureau.

- Other IPR staff members and the Coordinator met with leaders of immigrant communities, speaking with and listening to them in English, Spanish, and Russian. IPR also distributed 4,500 brochures in English, Russian, Spanish, Chinese, and Korean.

- To discuss proposed changes in the IPR ordinance, IPR staff met with leaders of the African American, Hispanic/Latino, Slavic, Native American, Asian, immigrant and refugee, and youth organizations — as well as leaders of groups providing or advocating for homeless and mental heath services.

IPR Community Outreach Coordinator Irene Konev (fluent Russian)

IPR Director Mary-Beth Baptista

IPR Assistant Director Constantin Severe

IPR Investigator Mike Hess (fluent Spanish)

- Several organizations asked IPR to address the barriers that some community members perceive when they consider filing a complaint. In response, IPR distributed complaint forms to places that are more convenient and comfortable for community members, including TriMet offices, neighborhood associations, clinics, and dozens of other local organizations. In addition, IPR complaint investigators traveled to various locations throughout Portland to interview witnesses and complainants.

A list showing many of the organizations that IPR reached out to in order to develop relationships and network can be found in the Appendix.

COMMUNITY SATISFACTION

The Auditor's Audit Services Division conducted its 20th Annual Community Survey in 2010. One question asked a large sample of Portlanders how they rated the City's efforts to regulate the conduct of Portland Police officers, and it sought separate ratings for IPR and internal Police Bureau efforts.

Table 17
Community Satisfaction with IPR

Very Good	7%
Good	27%
Neither	42%
Bad	16%
Very Bad	8%

This community satisfaction rating is a measure of IPR's overall impact in the community. Although IPR made significant changes in 2010, the responses to the survey question indicate the need to continue to work to improve services and to educate the public about the role and authority of IPR. To obtain additional information on the 2010 survey (including its response rate and methodology), you can view the report on the Auditor's web site: www.portlandoregon.gov/auditor/auditservices.

Previous annual reports had shown the results of IPR's survey of complainants. For the past several years, less than 20% of those complainants surveyed responded, despite efforts to increase the response rate. That level of response is as not meaningful for the purposes of drawing accurate conclusions from the data, particularly when compared to the 66% response rate for the IPR satisfaction question posed in Audit Services Division's 2010 scientific survey. IPR will now report the community satisfaction results found in the Annual Community Survey. Over time, this will allow for more accurate reporting of residents' perceptions of the full spectrum of IPR services.

CRC SUPPORT

GENERAL SUPPORT

In addition to staffing a number of workgroups and providing ongoing administrative support for CRC, IPR improved the navigation on CRC's web page and added a feature that allows CRC members to exchange confidential communications between and among members.

ANNUAL NEW MEMBER RECRUITMENT

IPR expanded its effort to recruit a culturally diverse group of applicants for appointment to CRC, including posting announcements and applications online, in non-traditional news media, and in brochures handed out at presentations.

NEW MEMBER ORIENTATION

A multi-session orientation was developed by the Coordinator for new CRC members that included presentations by the Auditor, the IPR Director, and the CRC Chair, as well as a tour of IA with presentations by the IA Captain and Lieutenant.

CULTURAL COMPETENCE TRAINING

IPR arranged for six hours of cultural-competency training for those CRC members in the first year of service.

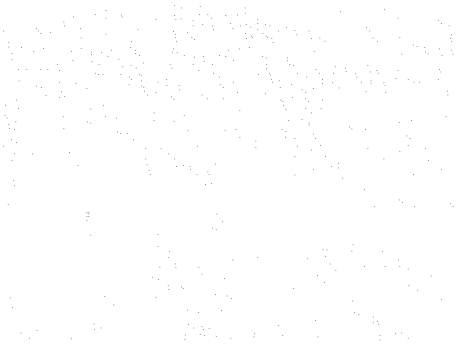
COMMUNITY OUTREACH EVENTS

CRC members were invited to join the Coordinator in attending community events to hear public concerns and explain the work of CRC and IPR. They accompanied the Coordinator at meetings with the Native American Youth and Family Center, African American Chamber of Commerce, and Urban League Adult and Senior program. IPR arranged for CRC members to go on ride-alongs with Police Bureau officers and a sit-along with 9-1-1 operators.

Left to right: An IPR Event at Oregon Partners 2010 – a Crisis Line Volunteer (John), IPR Community Outreach Coordinator Irene Konev, Crisis Line Supervisor for Oregon Partnership Christine Murray, and Auditor Deputy Ombudsman Beverly Bolensky Dean.

CRC FORUMS

The Coordinator staffed the CRC workgroup that planned both 2010 community forums, issued press releases and public notifications to advertise the events, and assisted with refreshments. IPR staff provided additional office-support tasks and developed outreach materials for the events.



CHAPTER 4:
CITIZEN REVIEW COMMITTEE

ADVISORY COMMITTEE

The nine-member CRC was created in 2001 to help improve police accountability, promote higher standards of police services, and increase public confidence. Members of CRC are dedicated, professional, and hard working. They serve as an advisory body to the Auditor and IPR. Volunteer CRC members are appointed by Council to perform four primary functions:

1. gather community concerns about police services;
2. help the IPR Director develop policy recommendations to address patterns of problems with police services and conduct;
3. review and advise IPR and IA on the complaint handling process; and
4. hear appeals from community members and officers, and publicly report their findings.

CRC WORKGROUPS

CRC members also form and serve on special-purpose workgroups to address particular short-term issues and needs, and to aid them in fulfilling their four primary duties. A list of active workgroups and updates on their various activities are provided in each IPR/CRC Quarterly Report.

APPEALS

The Appeals Workgroup in its first, full year created a work plan to review and update all protocols that deal with CRC appeals — many of which had not been substantially altered since the creation of CRC in 2001. Members had two goals in mind as they reviewed each protocol. First, each protocol reviewed by the workgroup was assessed against the goals of whether the protocol (as written) accurately reflected the current appeals process, which has drastically changed in the last nine years. By reviewing these protocols, the workgroup's goal is to improve appeal hearings and increase an appellant's trust in the process.

The following protocols were significantly revised by the workgroup and posted for public comment and approved by the full CRC in 2010:

- PSF 5.03 Appeals Procedure;
- PSF 5.11 Case File Review; and
- PSF 5.13 Supplemental Appeal Hearing.

BIAS-BASED POLICING

The Bias-based Policing Workgroup was formed in December 2006 to review closed complaints of disparate treatment in policing. By definition, these are allegations of specific actions or statements that indicate inappropriate treatment of an individual because of race, sex, age, national origin, gender identity/sexual orientation, economic status, political or religious beliefs, mental or physical ability, etc.

The workgroup reviewed 36 closed complaints filed with IPR between 2005 and 2007 which included a disparate treatment allegation. The members also reviewed an additional 24 complaints as a comparison sample. The workgroup produced an interim report that was presented to the full CRC and discussed with various community stakeholders and the Police Bureau in 2009. After the additional follow-up efforts, the workgroup updated the interim report and published "Disparate Treatment Complaints: A Complaint Handling and Case File Review," in April 2010 and presented it to Council in June 2010.

IPR STRUCTURE REVIEW

The IPR Structure Review Workgroup was formed in September 2008 to evaluate, prioritize, and respond to the report research and analysis of the January 2008 "Performance Review of the Independent Police Review Division," by Eileen Luna-Firebaugh.

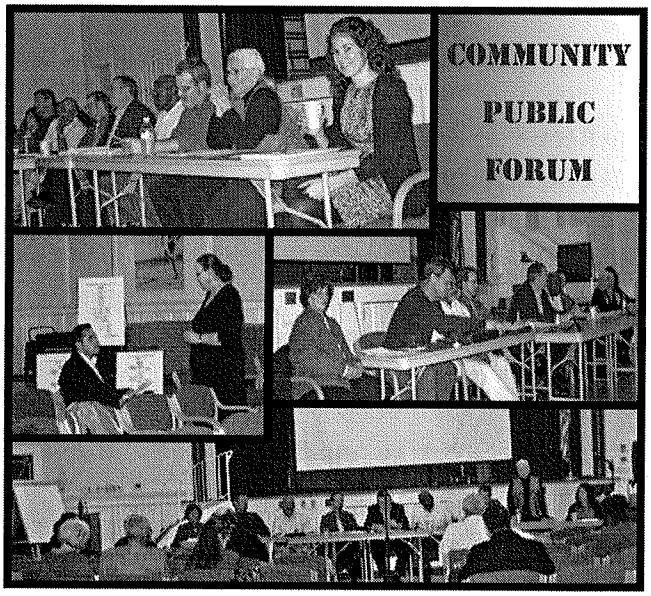
The workgroup defined and reported on six-primary focus areas: the complaint process; the mediation policy and procedure; staffing and training issues; policy development; outreach; and transparency. The report, "Structure Review of the Independent Police Review Division," discusses objectives and directs a number of recommendations to IPR and the Police Bureau. The full CRC adopted the report and workgroup members presented it to Council in July 2010.

OUTREACH

The Outreach Workgroup coordinated its Community Public Forum on police accountability on March 14, 2010, held at the Portland State University (PSU) campus. The forum was facilitated by Resolutions Northwest and the PSU Student Veteran's Association provided the facility and equipment. Approximately 60 people attended and many of them offered comments concerning the Portland Police and expressed desired changes in policing, IPR, and CRC that they believed would benefit the community.

The workgroup held a second Community Public Forum on October 28, 2010 at the Kaiser Permanente's Town Hall. About 30 community members attended. The forum facilitator was the program specialist of the City's Office of Neighborhood's Effective Engagement Program.

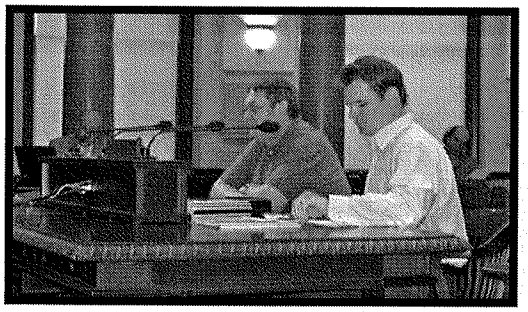
The workgroup was provided a written summary of each forum outlining the community members' comments. The summaries are posted on the IPR/CRC web site.



CRC's Community Public Forum on Portland Police Bureau accountability and professional standards — October 28, 2010 at Keizer Permanente's Town Hall on North Interstate Avenue, Portland, Oregon.

POLICE ASSESSMENT RESOURCE CENTER

Police Assessment Resource Center (PARC) is a consulting firm previously hired by IPR to develop recommendations for improving the Police Bureau's investigations and policies related to officer-involved shootings and in-custody deaths. PARC produced four reports that reviewed 70 incidents dating back to 1997 and formulated 124 recommendations in the process.



Left to right: Michael Bigham (CRC Chair) and Derek Reinke (IPR Senior Management Analyst) presenting the PARC Report to City Council. July 2010

The PARC Workgroup evaluated the Police Bureau's implementation of the recommendations PARC made in its 2005 and 2006 reports. The workgroup drafted an initial assessment before comparing its findings against additional documentation provided by the Police Bureau. The workgroup's report, "Following up on Portland Police Bureau's Response to Reviews of Officer-involved Shootings and In-custody Deaths," was published in June 2010, and presented to Council in July 2010.

PROTOCOL

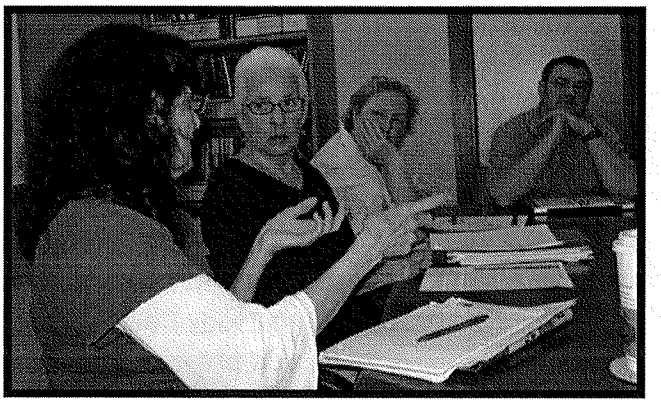
The Protocol Workgroup reviews protocols addressing the complaint process. The workgroup was active revising protocols: PSF 5.04 Communication Guidelines; PSF 5.07 Public Comment; PSF 5.12 Workgroup; and PSF 5.14 Request for Reconsideration of CRC Decision. The members also reviewed possible changes to other protocols that could be affected by the IPR Structure Review Workgroup report.

RECURRING AUDIT

The Recurring Audit Workgroup started the year by creating its work plan, mission statement, and establishing project needs. The workgroup reviewed 21 closed Service Improvement Opportunity complaints that were filed in a six-month period (October 1, 2009 — March 31, 2010). They looked at IPR and the Police Bureau's case-handling decisions and made recommendations for systemic improvement when necessary. The workgroup's report with findings and recommendations to IPR, the Police Bureau, and CRC was finalized and published in early 2011.

TASERS/LESS-LETHAL FORCE

The Taser/Less-lethal Force Workgroup formed in early 2010 and began examining the existing policies and previously reported use of less-lethal force options by the Police Bureau. Police Bureau training personnel, Audit Services staff, and a local defense attorney all attended workgroup meetings to discuss relevant topic areas and answer questions from workgroup members and the public. The workgroup also reviewed 21 closed complaints with allegations involving the use of a Taser, aerosol restraint (pepper spray), or a bean-bag shotgun. Members assessed the case-handling decisions in these complaints and developed a better understanding of when and why these force options result in complaints. In 2011, the workgroup will work on reporting its findings which may include both case-handling and policy recommendations.



Left to right: Sylvia Zingeser (National Alliance on Mental Illness), Rochelle Silver (CRC member), Debbie Aiona (League of Women Voters), and Michael Bigham (CRC Chair) discussing public concerns at a Taser/Less-lethal Force Workgroup meeting. June 2010

2010 CRC ACCOMPLISHMENTS

The CRC members held a retreat in February 2009 and they established the following goals for 2009 and 2010: increase credibility among stakeholders regarding the IPR/CRC complaint process; review and make recommendations regarding satisfaction with the Police Bureau; and evaluate and develop in-house training for the CRC members. In addition, CRC members established a top-six priority list for policy review:

1. Police Bureau Training Division curriculum;
2. In-house training for CRC members;
3. Police Bureau Discipline system;
4. Police Bureau Taser policy;
5. Police Bureau recruitment and retention practices; and
6. Police Bureau Crowd Management/Crowd Control Policy.

In 2010, CRC focused primarily on these four:

1. CRC members commented on the proposed City ordinance to strengthen police accountability and the Police Bureau discipline system; participated in the subsequent Stakeholder Committees' process which had the goal of adding to the Ordinance; and testified before Council about the Ordinance and Stakeholder Committee's report.

2. At the Police Bureau's request, CRC provided input and suggestions to aid in the development of training for new and existing CRC members. A range of topics were covered in the training, including disciplinary actions and the "just cause" standard, commendation and complaint processes through IPR and IA, and crisis intervention training. Also covered in the training were: use-of-force policy and its history; patrol and defense tactics; and less-lethal uses of force, including pepper spray, bean bag rounds, and Tasers.

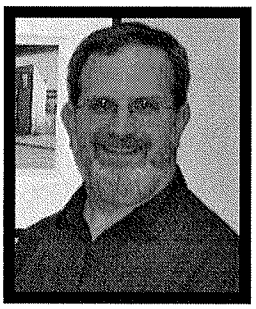
3. CRC created a workgroup tasked with reviewing Police Bureau use of Tasers and other less-lethal force options.

4. CRC also held two Community Public Forums to discuss police accountability and hear community concerns regarding the police oversight system.

In early 2011, CRC will assess the need to establish additional workgroups to review the Police Bureau's Training Division curriculum, recruitment and retention practices, and crowd management/crowd control procedures.

CITIZEN REVIEW COMMITTEE MEMBERS 2010

CRC Chair
Mr. Michael Bigham



CRC Recorder
Mr. Jeff Bissonnette

CRC Member
Ms. Lindsey Detweiler

CRC Member
Mr. Loren Eriksson

CRC Member
Mr. Hank Miggins

CRC Member
Mr. Ayoob Ramjan

CRC Member
Ms. Lewellyn Robison

CRC Member
Dr. Rochelle Silver

CRC Vice-Chair
Mr. F. G. (Jamie) Troy II

APPENDIX

WHO FILES COMPLAINTS AND HOW THEY FILE

The demographic profile of community members who file complaints has not changed significantly over time. This data should be viewed cautiously because age and race information is not available or captured in many cases.

Appendix Table 1
Complainant Demographics

Gender, Race, and Age of Complainants	2006 Percent	2007 Percent	2008 Percent	2009 Percent	2010 Number	2010 Percent*	Proportion of Portland's Population**
Gender							
Female	43%	43%	42%	40%	166	44%	51%
Male	57%	57%	58%	60%	210	56%	49%
Unknown					10	-	
Race							
Asian	2%	2%	2%	2%	8	2%	7%
Black or African American	22%	23%	21%	22%	64	20%	6%
Hispanic or Latino	5%	4%	3%	4%	16	5%	9%
Native American	2%	1%	2%	1%	10	3%	1%
Native Hawaiian/ Other Pacific Islander	0%	0%	0%	0%	0	0%	1%
White	67%	68%	69%	68%	215	66%	76%
Two or More Races	0%	1%	1%	1%	9	3%	5%
Other Race/Ethnicity	1%	1%	2%	2%	3	1%	4%
Unknown					61	-	
Age							
24 Years and Younger	15%	13%	14%	14%	47	15%	31%
25-34 Years	24%	25%	22%	30%	77	24%	18%
35-44 Years	24%	26%	23%	21%	75	24%	16%
45-54 Years	24%	24%	26%	21%	62	20%	15%
55-64 Years	10%	10%	11%	10%	42	13%	8%
65 Years and Older	4%	3%	3%	3%	14	4%	12%
Unknown					69	-	
Total Complainants	740	670	480	395	386		

* Percent calculations exclude responses of 'unknown.'

** From U.S. Census Bureau Data.

Appendix Table 2 Sources of Community Complaints Received by IPR*										
	2006		2007		2008		2009		2010	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Phone	412	52%	380	53%	249	49%	233	55%	212	52%
E-mail	132	17%	133	19%	92	18%	71	17%	90	22%
Mail	84	11%	77	11%	76	15%	54	13%	54	13%
Walk-in	56	7%	37	5%	35	7%	29	7%	27	7%
Precinct	51	6%	41	6%	29	6%	12	3%	10	2%
Fax	14	2%	11	2%	11	2%	8	2%	3	1%
Inter-office	33	4%	23	3%	9	2%	7	2%	5	1%
Unknown/Other	10	1%	10	1%	4	1%	7	2%	9	2%

* Complainant contact counts are shown. Because multiple complainants can be named on any given complaint, and they can file multiple complaints, this count will tend to be larger than the annual community complaint count.

Community members continue to file most of their complaints by telephone. Complaints filed at any of the Police Bureau's precincts or at any other City offices are forwarded to IPR.

TIMELINESS MEASURES

IPR measures the timeliness of the complaint-handling system against aspirational benchmarks (timeliness measures) established in 2002. With few exceptions, IPR and the Police Bureau have consistently missed most of the benchmarks, sometimes by wide margins.

In late 2010, IPR initiated a more comprehensive analysis of how cases flow through the system in an effort to understand the factors that affect timeliness and to identify potential moderating variables. The report, including recommendations, will be published in 2011. A key recommendation in the report is to state measures in terms of median days and to include all cases (including bureau complaints and officer-involved shooting and in-custody death investigations).

Appendix Table 3
Timeliness Measures in Median Days

	2006	2007	2008	2009	2010
Combined Timeliness Measure:					
Overall Case Closure	54	67	77	83	67
IPR Timeliness Measures:					
Completion of Intake Investigations (w/ IPR Director Decision)	34	29	27	18	27
IA and Other Police Bureau Timeliness Measures:					
IA Assignment of (Non-declined) Cases	8	11	12	22.5	13
IA Investigations Completed	126	120	119	74	81
IA Declines Completed	44	69.5	64	97	53.5
Service Improvement Opportunities Completed	23	31	33	42	28
Command Review of Investigations	24	41	23	25.5	21
Review Level Findings Issued	44	60	52.5	106	108.5
Full Investigation Process Complete (w/ Findings, Review Level, etc.)	286	304	280	343.5	247

MISCELLANEOUS COMPLAINT DATA

COMMUNITY COMPLAINTS BY PRECINCT

In mid-2009, the Police Bureau merged its five precincts into three, making some long-term comparisons less meaningful. The precincts combined continue to account for three-fourths of the community complaints received, followed by the Traffic Division.

Appendix Table 4
2010 Complaints by Precinct

	Number	Percent
Central	104	27%
East	116	30%
North	70	18%
Precinct Subtotal	290	75%
PPB Traffic	38	10%
PPB Transit	16	4%
PPB Detectives	6	2%
PPB Other Division	18	5%
Unknown/Other Agency	17	4%
Total	385	

COMPLAINT FREQUENCY

Complaints were made against 333 individual Police Bureau employees in 2010. Of that number, 230 received a single complaint and 103 received two or more complaints. One employee received a total of six complaints.

Appendix Table 5
Frequency of Complaints Against Employees by Year
Count of Employees by Year

Number of Complaints	2006	2007	2008	2009	2010
8+	2	0	0	1	0
7	2	3	2	1	0
6	6	6	1	0	1
5	12	14	5	5	3
4	32	19	12	13	5
3	60	39	32	23	23
2	95	108	78	93	71
1	247	268	238	220	230
Total*	456	457	368	356	333

* Includes bureau and community complaints

ALLEGATION COUNTS BY CATEGORY

A single complaint usually contains multiple allegations. Example: a community member might complain that she was stopped without cause, treated rudely, and subjected to excessive force. IPR uses descriptive allegation titles covering a wide range of behaviors. For convenience, the allegations are grouped into six large categories: force; disparate treatment; conduct; control technique; courtesy; and procedure.

Appendix Table 6
Community Complaint Allegations Reported by Category

	2006		2007		2008		2009		2010	
Allegation Category	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Conduct	747	39%	695	39%	436	38%	363	36%	302	33%
Control	85	4%	104	6%	66	6%	63	6%	32	4%
Courtesy	383	20%	315	18%	218	19%	181	18%	196	22%
Disparate Treatment	76	4%	103	6%	61	5%	50	5%	40	4%
Force	162	8%	147	8%	74	6%	71	7%	62	7%
Procedure	481	25%	403	23%	302	26%	284	28%	278	31%
Total Allegations	1,934		1,767		1,157		1,012		910	
Complaints Received	721		660		453		405		385	

Appendix Table 7
Bureau Complaint Allegations Reported by Category

	2006		2007		2008		2009		2010	
Allegation Category	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Conduct	42	88%	72	87%	62	71%	85	74%	38	75%
Control	0	0%	0	0%	1	1%	0	0%	0	0%
Courtesy	2	4%	1	1%	1	1%	2	2%	0	0%
Disparate Treatment	0	0%	0	0%	0	0%	2	2%	0	0%
Force	2	4%	5	6%	8	9%	16	14%	1	2%
Procedure	2	4%	5	6%	15	17%	10	9%	12	24%
Total Allegations	48		83		87		115		51	
Complaints Received	20		24		40		48		24	

Appendix

COMMUNITY ORGANIZATIONS

Some of the organizations that IPR worked with to build community trust are listed below.

Developing Relationships
African American Chamber of Commerce
Avel Gordly Center for Healing
Cascadia Behavioral Healthcare
Gateway Domestic Violence Center
Hispanic Metropolitan Chamber of Commerce
Muslim Educational Trust
Oregon Commission on Asian Affairs
Oregon Youth Authority
Outside In
Portland Business Alliance
St. Andrew Legal Clinic
Workers' Rights Education Project
Networking
Albina Ministerial Alliance
Annual Brokerage Resource Fair
Center for Intercultural Organizing
Colored Pencils Art and Culture Night
East Precinct Advisory Committee
High school and college civic leadership classes
Immigrant Refugee Community Organization
National Alliance on Mental Illness
National Association for the Advancement of Colored People
National Night Out
Native American Youth and Family Center
Oregon Assembly for Black Affairs
Oregon Native American Chamber
Police Awards Ceremonies
Say Hey Northwest
Self Enhancement, Inc.
United Villages
Urban League of Portland

Independent Police Review Division
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This report and other reports produced by the Independent Police Review Division and the Citizen Review Committee are available on the Internet web site at: www.portlandoregon.gov/auditor/ipr.

OFFICE OF THE
CITY AUDITOR
ENSURING OPEN AND ACCOUNTABLE GOVERNMENT

INDEPENDENT POLICE REVIEW

Executive Summary of the Annual Report 2010

OFFICE OF THE
CITY AUDITOR
ENSURING OPEN AND ACCOUNTABLE GOVERNMENT

LaVonne Griffin-Valade
City Auditor

Mary-Beth Baptista
IPR Director

Independent Police Review
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INDEPENDENT POLICE REVIEW

The Independent Police Review (IPR) division is an impartial oversight agency under the authority of the independently elected City Auditor (Auditor). IPR was created to improve police accountability, promote higher standards of police services, and increase public confidence. IPR has five primary responsibilities:

1. COMPLAINTS AND COMMENDATIONS
Receive community members' complaints and commendations about Portland Police Bureau (Police Bureau) officers.

2. ADMINISTRATIVE INVESTIGATIONS
Conduct or oversee personnel administrative investigations of Police Bureau officers charged with misconduct.

3. REPORTS AND RECOMMENDATIONS
Issue periodic reports about complaints and investigations, and recommend policy changes to reduce complaints and misconduct.

4. SHOOTINGS AND DEATHS
Observe and participate in investigations of officer-involved shootings and in-custody deaths. Hire expert to review closed investigations, and report on policy and quality of investigation issues.

5. APPEALS
Coordinate appeals filed by community members and officers who are dissatisfied with the outcome of administrative investigations.

Additionally, IPR conducts outreach to hear community concerns and build community trust; provides administrative and technical staff support to the Citizen Review Committee (CRC), an advisory body appointed by Portland City Council (Council); and coordinates mediations between community members and officers.

EXPANDED OVERSIGHT AUTHORITY

In 2010, the Council significantly strengthened IPR's oversight of the Police Bureau:

- Increased IPR's authority to conduct independent administrative investigations, including the power to subpoena civilian witnesses, to compel the production of evidence, and to participate directly in Police Bureau investigations of officer-involved shootings and in-custody deaths.
- Authorized IPR to initiate investigations in cases of community concern, whether or not a community member files a formal complaint.

- Required that completed administrative investigations be approved by IPR before being submitted to senior Police Bureau managers for recommended findings and disciplinary recommendations.
- Authorized IPR to challenge senior Police Bureau managers' recommendations and require the cases be considered by the Police Review Board (Board).
- Made IPR a voting member of the Board and authorized IPR to make recommendations to the Chief of Police (Chief) regarding findings and discipline.
- Increased civillian influence on the Board decisions by increasing civilian membership to two and reducing police membership to three. The civilians include the IPR representative and a community member nominated by the Auditor and appointed by Council.

A skilled professional will facilitate the Board hearings and also write a statement of findings and discipline that will be forwarded to the Chief. In addition, the Police Bureau is required to publicly report (no less than twice a year) the Board's recommendations.

CITIZEN REVIEW COMMITTEE

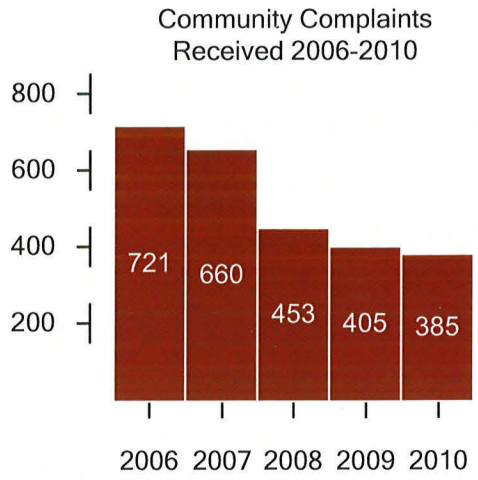
The nine-member CRC is appointed by Council to:

- gather community concerns about police services;
- help the IPR Director develop policy recommendations to address patterns of problems with police services and conduct;
- review and advise IPR and Internal Affairs (IA) on the complaint-handling process; and
- hear appeals from community members and officers, and publicly report their findings.

2010 CRC ACCOMPLISHMENTS

- *IPR AUTHORITY* — CRC members helped shape the expansion of IPR authority by providing input on drafts of the ordinance, participating in the subsequent Stakeholder Committees' process, and testifying before Council.
- *TRAINING* — CRC provided input and suggestions to aid in development of an 18-hour training series for new and existing CRC members and community members of the Board.
- *POLICY REVIEW* — CRC created a workgroup tasked with reviewing Police Bureau use of Tasers and other less-lethal force options.
- *COMMUNITY PUBLIC FORUMS* — CRC hosted two forums to discuss police accountability and hear community concerns.

COMPLAINTS



Complaints may be filed in person, by telephone, fax, mail, e-mail, or through the IPR website. Most complaints are filed by telephone. There were 385 community complaints received in 2010.

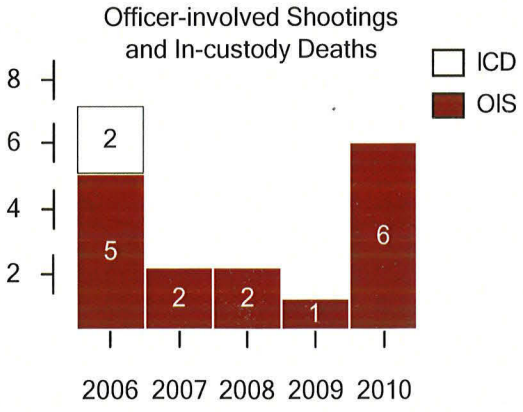
Most Common Allegations in 2010

Detailed Allegations	Cases
Rude Behavior or Language	106
Fail to Take Appropriate Action	42
Excessive Force	41
Unjustified Behavior	24
Fail to Provide Accurate or Timely Info.	18

Rude Behavior or Language continues to be the most common allegation among community complaints.

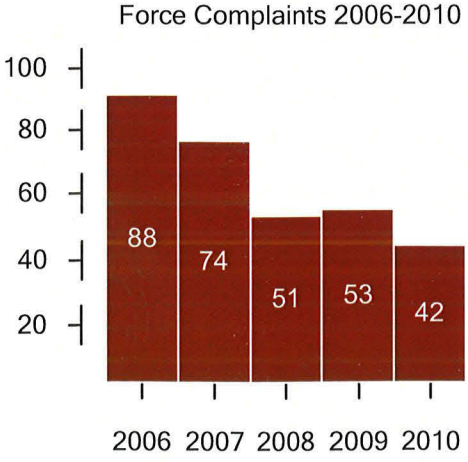
OFFICER-INVOLVED SHOOTINGS AND IN-CUSTODY DEATHS

There were six officer-involved shootings in 2010, three in the last five weeks of the year. There were no in-custody death incidents in 2010.



ALLEGATIONS OF USE OF FORCE

In 2010, 42 community or bureau complaints contained at least one allegation of excessive force. Force complaints dropped by more than 50% from 2006 to 2010.



WHAT HAPPENS TO COMMUNITY COMPLAINTS

IPR received 385 community complaints in 2010. Following preliminary investigations, IPR referred 30% to IA and four percent to mediation. IPR dismissed 45% because the complaining parties described police conduct that was lawful and consistent with Police Bureau policy. Twenty-one percent were dismissed for other reasons.

IPR Screening Decisions

	2006		2007		2008		2009		2010	
Intake Decision	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
Dismissed by IPR*	429	64%	332	58%	329	62%	226	60%	234	66%
Referred to IAD	198	29%	205	36%	175	33%	140	37%	106	30%
Pending or Completed Mediation	25	4%	17	3%	15	3%	8	2%	14	4%
Resolved at Intake	9	1%	5	1%	8	2%	1	<1%	1	<1%
Referred to Other Agency	13	2%	10	2%	2	<1%	-	-	1	<1%
Total**	674		569		529		375		356	

* IPR subsequently referred 39 of the 234 dismissals to precinct commanders or division captians for information.

** IPR makes case-handling decisions after completing preliminary investigations (which take a few weeks). The number of decisions made in a given year will typically differ from the number of complaints received because of this lag time.

IA processed 128 community complaints in 2010. Following initial assessments by IA supervisors, 52% were handled as Service Improvement Opportunities and 22% as administrative investigations. Subject to IPR approval, IA declined to take further action on 26% for reasons explained in letters to the complaining parties.

Internal Affairs Assignment Decisions for Complaints Referred by IPR

	2006		2007		2008		2009		2010	
Assignment Decision	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
Service Improvement Opportunity	92	39%	149	60%	95	51%	93	58%	67	52%
Investigation	65	28%	55	22%	47	25%	27	17%	28	22%
Declined	51	22%	42	17%	46	24%	40	25%	33	26%
Resolved Administratively*	28	12%	3	1%	-	-	-	-	-	-
Total	236		249		188		160		128	

* Administrative resolution was a category predominantly used for complaints that IA declined to investigate but referred to a precinct commander for information. Such cases now are categorized as 'Declined' with subsequent referral or are processed as 'Service Improvement Opportunities.'

Officers were found to have committed at least one act of misconduct in 37% percent of the fully investigated community complaints.

Completed Full Investigations of Community Complaints with Findings by Year

	2006		2007		2008		2009		2010	
Completed Investigations	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percer
All Non-sustained Findings	29	62%	42	75%	28	78%	46	78%	12	63%
One or More Sustained Findings	18	38%	14	25%	8	22%	13	22%	7	37%
Total	47		56		36		59		19	

Discipline, Resignations, Letters, and Counseling

Bureau or Member Action	2006	2007	2008	2009	2010
Termination	1	1	1	1	3
Resignation or Retirement with Investigation Pending*	8	4	6	5	5
81+ Hours SWOP**	0	1	4	3	1
10-80 Hours SWOP**	5	7	10	4	13
Letter of Reprimand	11	9	10	9	5
Command Counseling	16	10	8	7	7
Total***	41	32	39	29	34

* 6 of the 28 resignations or retirements appear unrelated to the pending complaint.

** SWOP = suspension without pay

*** Counts include officers disciplined in Bureau, Community, or Tort cases only. Bureau performance and collision reviews led to discipline for additional officers.

The Police Bureau took corrective action against 29 officers as a result of complaints in 2010. An additional five officers resigned or retired while complaints were pending.

OUTREACH — BUILDING COMMUNITY TRUST

The IPR Community Outreach Coordinator (Coordinator) worked throughout the year to build positive relationships with the public and community advocacy groups. Outreach ranged from one-on-one meetings to presenting at local and statewide events, and included contact with the following groups:

- African American Chamber of Commerce
- Annual Brokerage Resource Fair
- Avel Gordly Center for Healing
- Center for Intercultural Organizing
- Colored Pencils Art and Culture Night
- Gateway Domestic Violence Center
- High school and college civic leadership classes
- Hispanic Metropolitan Chamber of Commerce
- Immigrant Refugee Community Organization
- Muslim Educational Trust
- National Alliance on Mental Illness
- National Association for the Advancement of Colored People
- National Night Out
- Native American Youth and Family Center
- Oregon Assembly for Black Affairs
- Oregon Native American Chamber
- Outside In
- Police Awards Ceremonies
- Portland Business Alliance
- Say Hey Northwest
- Self Enhancement, Inc.
- St. Andrew Legal Clinic
- United Villages
- Urban League of Portland

Outreach activities promoted understanding about IPR's role in the complaint and commendation process. The Coordinator and other IPR staff members met with leaders of immigrant communities, speaking with and listening to them in English, Spanish, and Russian. IPR also distributed 4,500 brochures in English, Russian, Spanish, Chinese, and Korean.

OUTREACH — HEARING THE PUBLIC

Several organizations asked IPR to reduce the barriers that some community members perceive when they consider filing a complaint or commendation. In response, IPR complaint investigators have travelled to various locations throughout Portland to interview witnesses and complainants.

IPR expanded its effort to recruit a culturally-diverse group of applicants for appointment to CRC, including posting announcements and applications online, in non-traditional news media, and in brochures handed out at presentations.

CULTURAL COMPETENCE TRAINING FOR IPR AND CRC

IPR arranged six hours of cultural competence training for new CRC members. In addition, a half-day, follow-up training session was scheduled for IPR staff in January 2011.

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Agenda No.
REPORT NO.
Title

Accept the 2010 annual report of the City Auditor's Independent Police Review division (Report)

INTRODUCED BY Commissioner/Auditor: **Auditor LaVonne Griffin-Valade**	CLERK USE: DATE FILED JUN 10 2011
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland By: _____ Deputy
BUREAU APPROVAL Bureau: Office of the City Auditor Bureau Head: LaVonne Griffin-Valade	**ACTION TAKEN:** JUN 15 2011 ACCEPTED
Prepared by: Carol Kershner - Independent Police Review Date Prepared:June 6, 2011	
Financial Impact Statement Completed ☐ Amends Budget ☐ Not Required ☒	
Council Meeting Date **June 15, 2011**	
City Attorney Approval	

AGENDA
TIME CERTAIN ☒ **Start time: 10:00 a.m.** **Total amount of time needed: 30** **(for presentation, testimony and discussion)**
CONSENT ☐
REGULAR ☐ **Total amount of time needed: _____** **(for presentation, testimony and discussion)**

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Leonard	4. Leonard	✓	
Adams	Adams	✓	