

INDEPENDENT POLICE REVIEW DIVISION ANNUAL REPORTIF YOU WISH TO SPEAK TO CITY COUNCIL, **PRINT** YOUR NAME, ADDRESS, AND EMAIL.

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**INDEPENDENT POLICE REVIEW DIVISION'S 2010 ANNUAL REPORT LEAVES
MUCH TO BE DESIRED—Despite Some Improvement**
summary analysis by Dan Handelman, Portland Copwatch
June 7, 2011

Local police accountability group Portland Copwatch (PCW) has released a 7-page analysis of the 2010 annual report from the Independent Police Review Division (IPR), noting the agency's report is slightly slimmer as a result of their removing survey feedback information from civilians who filed complaints with them about the Portland Police. The report will be discussed on Wednesday, June 8 at 5:30 PM at the Citizen Review Committee (CRC) meeting at City Hall and presented to City Council at 10:05 AM on Wednesday, June 15.

In general, the report continues the more neutral tone adopted in 2009, organizes itself in a slightly more logical way, continues to include useful anecdotal examples, but leaves up to the reader much of the work comparing the past to the present and finding further information. In a year that included a huge upswing in police shootings (six last year versus one or two in 2007-2009), changes in the Chief's Office and the Police union, and massive settlements going to people abused at the hands of police, the report is quite muted in its observations of being the City's oversight body.

It should also be noted that IPR opens the report touting the changes made to its ordinance in March, 2010, briefly mentioning the "Stakeholder Report" which made 41 recommendations for further change, yet it does not note that said report was heard by City Council in December and has yet to be brought forward for consideration.

PCW's full analysis can be found at [www.portlandcopwatch.org/iprannual2010analysis.html]; IPR's annual report is at [www.portlandonline.com/auditor/index.cfm?c=27727&a=350057].

WHAT CAN BE FOUND CAN BE TROUBLING, EVEN MORE SO BY STUDYING PAST REPORTS

The IPR's 2010 report shows a few trends that raise concerns, and others that become clear if one reads its past reports from 2002-2009.

—Last year was the third in a row, and the 8th of nine years IPR has existed, that no Disparate Treatment/Racial Profiling complaints were found out of policy (p. 14). Only one such allegation has ever been "Sustained," in 2007. In addition, African Americans continue to make up 20% of complainants in a city that is 6% black (p. 31).

—While 62 allegations of excessive force were filed, only three of those (4.8%) were Sustained (pp. 14 & 35).

—IPR and Internal Affairs (IA) collectively dismissed or declined to investigate 75% of incoming complaints, up from 71% last year (pp. 7 & 10); the 28 community cases investigated by IA represent just 7.9% of all 356 complaints, meaning a person who files with IPR now has only a one in 13 chance of having his/her case investigated.

—IPR is now dismissing cases when they believe that an investigation will not lead to proof that misconduct occurred; of the cases dismissed by IPR, 45% had no misconduct alleged by the complaint, and 18% —or roughly one in 5— fit their new "cannot prove misconduct" category (p. 8). PCW calls this new reason for dismissal, which is not proscribed by the ordinance, a form of clairvoyance.

—While the use of non-disciplinary complaints ("Service Improvement Opportunities," or "SIOs") went down from 58% of IA-assigned cases to 52% (p. 11), their use still outweighs the number of times full investigations are initiated, and has remained at a raised rate from 34-54% in 2002-2006 to 51-60% in 2007-2010.

STICKING TO ITS HABITS: IPR CONTINUES TO MISLEAD

—IPR continues to list its ability to conduct independent investigations in its introduction (p. 1) though it still has never done so in over nine years.

—IPR seemingly inflates its "Sustain Rate" by only noting the percentage of cases with "one or more Sustained findings" (37%) and the percentage of total findings that are Sustained, is 14% of all investigated allegations (p. 14). The 2008 Luna Firebaugh report suggested they look at percentages compared to overall complaints— which then shows 7 of 356, or 2.0% of cases had a Sustained finding, though more accurately, 11 of 910 allegations provides just a 1.2% Sustain rate.

—IPR cast aside the opinions of people who have used their complaint system. In the past, they published data from surveys sent to complainants. They state that from now on they will only publish the results of the Auditor's city-wide survey on various services. Though this survey also does not show IPR in a good light— only 34% of respondents had a positive view of IPR, down from 38-47% in past years (p. 22)— one can more easily declare it invalid since it asks nearly a million people to talk about a service that only about 400 people a year actually use.

CITIZEN REVIEW COMMITTEE: WORK DETAILED, BUT NOTABLY DISRESPECTED

—The Citizen Review Committee's work is represented in great detail in this year's report, including five allegations they challenged successfully, three reports they presented to City Council, and eight Work Groups which were functional in 2010 (pp. 15-17 & 25-29). Yet for all its attention to the countless volunteer hours put in by the CRC, IPR virtually cut them out of the two-page executive summary, instead filling 1/3 of a column with a list of organizations contacted by the Outreach coordinator.

—No civilians filed appeals on non-Sustained findings to CRC in all of 2010, a first in IPR history.

NEW ADDITIONS: WELCOME INFORMATION NEEDS EXPANSION

New categories and information in the 2010 report include:

—Bureau-initiated investigations and IPR's now-formal ability to oversee them (pp. 12-13);

—Status of shooting investigations, including the facts that the Jack Collins and Keaton Otis Internal Affairs investigations are done, awaiting Police Review Board hearings (p. 19);

—At least two acknowledgments of labor agreements and their role in defining how oversight works (pp. 13 & 18).

MORE CONSOLIDATION, MORE CONFUSION: Lawsuit Information, Timeliness Goals Removed

—Possibly in part because they have decided to merge complaints triggered by "Tort Claims" (lawsuits) with other civilian-initiated complaints, there is no breakdown as in the past as to why they decided not to open files on 111 of 139 Tort Claims. There is also no indication of how many of the 6 cases they opened and 22 filed by civilians are being actively investigated by IA (p. 6).

—With regard to timeliness, the IPR has removed information on the percentage of time IA and IPR meet goals and replaced it with the median number of days each stage of the investigation takes, also removing the desired timelines— leaving nothing to compare the numbers to (p. 33). PCW used the 2009 report to determine IA investigations are coming in 16% over its 70 day goal (81 days); and the findings being issued are taking 109 days though they should take 45-90 days (or 21% too long).

OVERSTATING OUTREACH?

In a 2008 proposal on how IPR should conduct community outreach, consultants failed to emphasize community concerns that IPR should be as willing to listen the community as they are explaining the complaint system to civilians. The 2010 annual report highlights at least three times when IPR met with community members and police at the same time, as well as "networking" with the "Police Awards Ceremonies" (p. 21). While there can be benefits from building community/police relations, having the agency which is responsible for holding police accountable for misconduct appear to be working in conjunction with police further takes the "Independent" out of the IPR.

STILL MISSING: MOST COMMON ALLEGATIONS OVER TIME, MEDIATION AND DISCIPLINE DETAILS

—As a public service, Portland Copwatch has included a table of the most common complaints listed in IPR reports from 2006-2010, showing that Rudeness has been the #1 complaint every year, with Failure to Act second and Force third in 2009-10, while Force was #2 in 2006-2008.

—The IPR report has no detailed information on the 14 mediation sessions scheduled between civilians and officers in 2010. Even though it was estimated early on that mediation could resolve a substantial proportion of complaints, mediation has only been used for 2-4% of complaints from 2006-2010 (p. 7).

—Regarding discipline, IPR could still better inform the community by connecting the discipline imposed (totalling 34 this year) to the number of Sustained findings (totalling 39 including 11 civilian and 28 Bureau allegations) (pp. 14-15 & 18).

CONCLUSION

As in past years, the IPR's annual report is a mixed bag of useful information, statistics and information that gives a skewed perspective on how effective the oversight system is, and omissions that make analysis— which is of great importance to the community—extremely difficult. While we enjoy being able to present a more full picture to the community each year, we hope that our analysis becomes less necessary as the IPR continues to improve its reporting.



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Independent Police Review Division 2010 Annual Report City Council Testimony June 15, 2011

The League of Women Voters of Portland appreciates the Independent Police Review (IPR) Division's commitment to producing another timely annual report that is informative and neutral in tone. There were a number of changes made in 2010 to our already complicated police oversight system. The annual report contains a helpful and comprehensive accounting of those changes and a step-by-step explanation of how a complaint works its way through the system. A number of the items we asked last year to have reinstated were included in the current report, which we appreciate.

This year's report raised some issues that deserve further consideration.

- One of the reasons IPR dismisses community complaints is the inability to identify the officer. In spite of the fact that officers now are required to hand out business cards, the rate at which cases were dismissed for this reason increased from 7 percent in 2009 to 12 percent in 2010 (p. 8). This may indicate a need for more training on the business card policy.
- In 2010 only 19 full investigations of community complaints were completed (p. 14). This is a significant drop from the four previous years when totals ranged from 36 to 59. With so few investigations completed it is easier to understand why it has been a year since the last appeal hearing came before the Citizen Review Committee (CRC).
- Chief Reese's letter to the Police Oversight Stakeholder Committee states that the Internal Affairs findings cover sheet now includes possible additional recommendations of training, policy, and/or supervision review. When authorized individuals make any of those recommendations they should be captured in future annual reports alongside the data on findings (p. 14).

Furthermore, the League urges the Bureau to return to its original findings: Unfounded, Exonerated, Insufficient Evidence, and Sustained. They are the standard in the field and "insufficient evidence" better describes instances in which there is not enough evidence to determine if the incident occurred as described by the complainant.

- The officer-involved shooting investigations chart (p. 19) would be more useful to the public if the names of individuals and more specifics about IPR involvement were included.

"To promote political responsibility through informed and active participation in government."

- This year information on the satisfaction level of community members using the system was omitted (p. 22). Furthermore, we learned at the last CRC meeting that surveys no longer are mailed to complainants. At the same time, community complaints continue to decline and the outreach coordinator reports that some are reluctant to file a complaint because they fear police retaliation. These reasons highlight the importance of finding an acceptable method of surveying complainants and also those who have had police encounters, but did not file a complaint. It may be necessary to hire an outside firm to conduct such surveys.
- The outreach coordinator meets regularly with community organizations and their members. IPR included a summary of public comments received at these meetings in the last director's report. This information should be added to the annual report (p. 23).
- The summary of CRC workgroup activity would benefit from a short description of the findings and recommendations included in their completed reports with links to the website.

Finally, we would like to address a related topic. The Police Oversight Stakeholder Committee Report was issued in September of last year and deserves your attention. We urge Council to move forward on consideration of its recommendations.

Thank you for considering our views on this important issue.