

DISPARATE TREATMENT COMPLAINTS CITIZEN REVIEW COMMITTEE REPORT

IF YOU WISH TO SPEAK TO CITY COUNCIL, PRINT YOUR NAME, ADDRESS, AND EMAIL.

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Comments on the “Disparate Treatment Complaints” Report by the Citizen Review Committee’s Bias Based Policing Work Group

by Dan Handelman, Portland Copwatch

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Last year, Portland Copwatch praised the Citizen Review Committee (CRC)’s Bias Based Policing Work Group for their interim “Disparate Treatment Complaints” report, but hoped that the final report, being presented today, would include more community input, an analysis by CRC of former Chief Sizer’s “Plan to Address Racial Profiling,” and research into other communities’ solutions to Racial Profiling. Today, we continue to express appreciation for the valuable information in the report, but are disappointed that only the first two of these elements were partially included in the final report. We are strongly encouraged by the CRC’s observation that the Bureau’s Racial Profiling plan, unlike the CRC report, did not address so-called “pretext stops.” The fact that their report is being presented one day after information was released showing that Keaton Otis, an African American man with mental health issues, was apparently stopped for pretextual reasons, probably racially profiled, and shot 23 times over what began as minor traffic infractions, should be a clarion call to take this report to heart.

That said, we support all of the CRC’s recommendations, even where we think the IPR and the Bureau can do even more.

Further observations include:

—Low Levels of Sustained and “Insufficient Evidence” Findings:

The CRC calls attention to the fact that none of the cases they reviewed resulted in a “Sustained” complaint against officers, and findings were more often labelled “Unfounded” (that the incident did not occur as described) than “Insufficient Evidence” (he said/she said). This is borne out by the Independent Police Review Division (IPR)’s annual reports, which show only one Disparate Treatment complaint sustained in 8 years (in 2007), with 42 “Unfounded,” 16 “Insufficient Evidence,” and 19 “Unproven”—a new finding combining the latter two “not sustained” findings. There were also 8 allegations that were “Exonerated,” meaning the officers acted within Bureau policy.

—Repeated Concerns May Not Have Been Addressed:

The CRC notes that officers were alleged to have made rude comments after finding a person had no criminal history, revealed people’s criminal records in order to embarrass them, and profiled people based on alleged “gang clothing” which is likely compounded by their race. It’s not clear to us that these behaviors have lessened, particularly with the HEAT team patting down hundreds of youth of color in “operations” targeting Martin Luther King Jr Blvd, the Lloyd Center and other areas frequented by African Americans.

—The Bureau Improved Its Business Card Policy

While it was a major achievement for City Council to direct the Bureau to hand out business cards at all stops, not just traffic stops, the changed Directive now lacks the important caveat for officers who are asked to give a “badge number” to give their “DPSST”^{*} number. We hope the Bureau will restore that sentence, which resulted from community concerns of officers who said “I don’t have a badge number.”

^{*}—Department of Public Safety, Standards and Training

—The Report Clarifies IPR’s Action for An Officer with Repeat Complaints

The final report explains that the IPR prompted an Internal Affairs Division (IAD) investigation by calling attention to repeated Disparate Treatment complaints against the same officer. This explanation makes a great difference in transparency from the original report, which merely stated the IPR Director pointed out the officer’s history.

We’ve included many of the comments we presented to Council in April of 2009 below.

Thank you for the opportunity to comment.

Dan Handelman
Portland Copwatch

...Though sample cases of white complainants were reviewed to compare how the cases were handled both by the police and by IAD system, no thorough analysis of possible differences was made. There is a note that “IPR handled complaints similarly across comparison groups,” and another that “fewer, but similar, allegations of rude/ insensitive comments [to those made to people of color] were noted in the control sample of Caucasian complainants.” A more thorough analysis would be important since the rudeness appears to be more prevalent in stops of people of color. Also, though IPR allegedly was even-handed, CRC observed that some IPR staff on occasion “became rude and argumentative,” missed allegations, and/or interrupted the complainants—it is not clear that this behavior happened across the boards.

...The CRC report helpfully lists a few specific examples, such as an African American man stopped because he was wearing blue, allegedly a “gang” color, and police speaking only to the men in a situation where women were also present. The report could have benefitted from other stories such as one raised in the Work Group meetings in which officers zeroed in on a young African American man at a basketball game where trouble had been reported, despite the fact that people in the crowd told the officers he was the wrong guy.

...The report also noted (as did the Chief’s Racial Profiling report) that “mere conversation” is another tool used by police which creates tension in the community. The CRC report explicitly notes that they “did not feel that the complainant understood that they had a right or felt free to walk away from an officer,” which we agree is a crucial part for police to understand with regard to the power dynamic of any police-citizen interaction. In some cases complainants “felt that the officers were misrepresenting their identity, their evidence or probable cause, or the purpose of their conversation in the hopes of getting the complainant to disclose criminal activity.” While there may be law enforcement training to this effect, such behavior is what leads to community distrust of the police. We must find a way to protect the community from criminal behavior without creating the impression that everyone is a suspected criminal, especially if that suspicion disproportionately affects people of color.

...CRC also made extensive recommendations to the IPR to improve case handling, such as improving tone, clarifying what kind of advice is appropriate for an interviewer to give, breaking out allegations more thoroughly, using Service Complaints with discretion, and do better outreach.

...[Regarding the findings of Unfounded, Sustained and Exonerated,] PCW continues to believe that the original findings should be restored [to go back to “Insufficient Evidence” and “Unfounded” as separate findings] (with Training Failure, Supervisory Failure and Policy Failure added as additional possible outcomes).

...Portland Copwatch has made the recommendation that incidents in which obvious racial epithets were used should not be sent to mediation, as such an act by an officer would be a very serious offense.