

Independent Police Review Division

City of Portland
Office of the City Auditor

Annual Report 2002



GARY BLACKMER, CITY AUDITOR

RICHARD ROSENTHAL, IPR DIRECTOR

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January 2, 2002 — December 31, 2002



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Message from the City Auditor



Portland has always been a leader in police oversight, distinct from anyone else in the country. In this last year, we set a new standard. No other jurisdiction has a program with as much independence or as many tools for change.

I view our partnership of citizens, police, and auditor personnel as a key aspect of community policing. My elected office has the mission of fostering accountable government and I am pleased to have the opportunity to participate in this endeavor.

But improvements happen only with a commitment to finding solutions (not just problems), maintaining an open-minded dialogue, and recognizing progress. At this point, our core values have been established, the problem-solving strategies are in place, and we are monitoring the results.

Already we see improved communications with complainants, an open and orderly appeal process, a powerful case management system, standards for timely investigations, a successful mediation option, citizen review decisions that are accepted by the police, participation in investigations, and the assistance of experts on officer-involved shootings. I am happy with our progress but eager to see what the future brings.

I extend my sincere appreciation to the members of our Citizen Review Committee who volunteer their time, energy, and perspective in the best of Portland traditions. The members of the Portland Police Bureau also deserve credit for approaching these changes in a positive and constructive way. Just as important, the Independent Police Review staff members deserve our recognition for continually showing new aspects of their dedication and professionalism every day.

A handwritten signature in black ink that reads "Gary Blackmer". The signature is written in a cursive, flowing style.

Gary Blackmer
Portland City Auditor

Table of Contents

Executive Summary	i
Responsibilities of the IPR/CRC	ix
CRC Members and IPR Staff	xi
Chapter I. Overview from the CRC Chair	1
Chapter II. Overview from the IPR Director	7
Chapter III. Complaint Workloads and Outcomes	31
Chapter IV. Timeliness of the Complaint Process	73
Chapter V. Mediation	91
Chapter VI. Outreach	101
Chapter VII. Complainant Satisfaction Survey	107
Appendices	123
Appendix 1 Summary of Comments from CRC Public Forums	125
Appendix 2 Summary of Appeals	129
Appendix 3 Analysis of the Effect of Complaint Outcome on Complainant Satisfaction	147
Appendix 4 Portland's Police Complaint Review System	151
Appendix 5 IPR/CRC Model and Police Accountability Tools	157
Appendix 6 IPR Budget for Fiscal Year 2002-2003	161
Appendix 7 IPR Staff	163
Appendix 8 CRC Meetings	165
Endnotes	167

Executive Summary

Mission

The mission of the Independent Police Review Division (IPR) is to improve police accountability to the public and to provide the opportunity for fair resolution of complaints against the police. The IPR works with the Citizen Review Committee (CRC) and the Portland Police Bureau (PPB) to ensure that : (1) proper action is taken to address complaints about police activities; (2) complainants and officers have an opportunity for a fair appeal of the results; and (3) policies are changed to prevent the recurrence of problems identified through the complaint process.

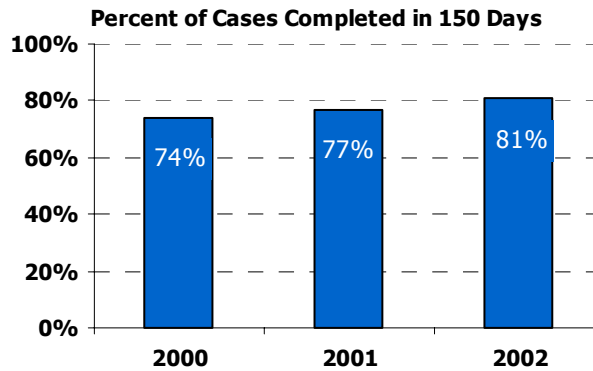
First Year Changes

Significant improvements have been introduced in the first year of operation to achieve this mission:

- An improved selection process for CRC members was created
- CRC members underwent training in policing issues
- The appeals backlog was eliminated
- Complaints are taken by an office independent of the Police Bureau
- Complaints can be filed through the City website
- Database software has been installed to manage complaints and identify complaint patterns and training issues
- The Police Bureau improved their handling of service complaints
- Professional mediators have been hired to resolve complaints
- The IPR actively participates in Internal Affairs (IAD) investigations
- The IPR has authority to independently investigate complaints
- Complainants are notified of the status of their case on a regular basis
- The Police Bureau has proposed a more efficient discipline process
- Investigation deficiencies are corrected before appeals hearings
- Protocols have been developed for appeals hearings
- Complainants are surveyed for feedback
- Outreach has been conducted to improve public and officer awareness
- Experts have been hired to conduct a policy review of officer-involved shootings and deaths in custody
- Public forums have been held on policy issues
- Complaint-handling performance standards have been developed

Timeliness

In 2001, City Council, complainants, and police officers were unanimous in demanding more timely resolution of complaints. In 2002, IPR handled 1,091 information calls and initiated 513 complaints, of which 81% were completed within the Police Bureau's stated goal of 150 days.



The overall timeliness in the handling of complaints improved between 2001 and 2002. Likewise, there was strong improvement in the speed of intake investigations between 2001 and 2002, and a pronounced improvement in timeliness in the handling of appeals between the CRC and its predecessor, the Police Internal Investigations Auditing Committee (PIIAC).

Number of Days to Complete Appeal	2000 PIIAC Appeals	2002 CRC Appeals
0-50 Days	0%	66%
51-100 Days	0%	24%
101-150 Days	4%	3%
151-365 Days	67%	7%
More than 365 Days	29%	0%
Number of Appeals	29	29

Despite gains in timeliness in 2002, there were a number of areas where improvement is still needed. The IPR did not achieve its goal of completing all intake investigations within 21 days, the speed of IAD assignments dropped over the course of 2002, and IAD did not achieve its timeliness performance goals for declines, service complaints, or full investigations.

Investigation Quality and Outcomes

The IPR Director ensures that IAD properly categorizes complaints, reviews IAD investigations for thoroughness, and evaluates proposed findings. In addition, the IPR is charged with monitoring the processing of citizen complaints and reporting publicly on case outcomes. Overall, the most common complaint filed with the IPR involved allega-

tions of either rude or unprofessional behavior. Of the complaints filed in 2002, 61% were referred to the Internal Affairs Division for handling. Of those complaints, 32% were assigned to an IAD investigator for a full investigation, 30% were assigned to precincts as service complaints, and 30% were declined after review by the IAD Captain. Since a significant proportion of the 2002 workload remained open at year-end, it is too early to calculate a sustain rate for 2002 complaints.

Ten Most Common Citizen Complaints	Number of Complaints
Rude Behavior	116
Unprofessional or Unjustified Conduct	73
Excessive Force Involving Hands, Feet, or Knee Strikes	66
Harassment, Intimidation, Retaliation or Threats to Arrest	57
Provide Poor Service	48
Profanity	43
Incorrect Charges/Citations	39
Did Not Take Appropriate Action	35
Violated Constitutional Rights	27
Failed to File a Police Report	24

Constant communication between IPR and IAD has improved investigations. The IPR Director has been provided with free and unfettered access to Police Bureau records, IAD investigative reports, and the reasoning behind Police Bureau decisions. The IPR Director made 162 formal comments to IAD. For example, in nine cases the IPR Director requested that allegations be re-categorized to better reflect the type of conduct alleged by the complainant. In 13 cases, the IPR Director requested further investigation, and in seven cases recognized exceptionally good investigative work.

The IPR Director was actively involved in several IAD investigations of alleged misconduct. The Director also participated in interviews, as well as discussions with the Police Bureau Review Level Committee regarding the findings. These cases included the allegation of a cover-up of a Central Precinct assault and a failure to report an incident of domestic violence.

Complainants may appeal the results of an investigation. Of the 61 appeals filed by complainants in 2002, 57 were resolved by year-end. After review of each case, full hearings were conducted on 24 of the appeals. In seven of the appeals, the CRC voted to challenge 17 findings, and after reconsideration, the Police Bureau accepted them all.

The IPR also reviewed the discipline resulting from complaints received in 2002 and closed by year-end. Discipline had been imposed ranging from command counseling to 20 hours off (two days) without pay, which appeared to be appropriate, based upon the facts of the complaints, the underlying IAD investigation, and the disciplinary history of the involved officers.

Improving Police Services

The Portland City Council authorized a wide array of tools to improve police services:

Information and referral

Answering questions about police practices often resolves complaints. In addition, the IPR may refer callers to Risk Management or another agency's internal affairs division if it is a more appropriate avenue for redress.

Performance standards

Establishing expectations for timeliness, scope, and quality of complaint investigations will improve consistency and credibility of complaint handling.

Power to investigate and participate in investigations

Involvement in significant investigations can improve thoroughness, professionalism, and timeliness.

Independent reviews of policies and operations

Detailed analyses of a particular policy or management issue by IPR staff can identify areas where the Police Bureau can make improvements. Issues are often identified during appeal hearings that CRC members, IPR staff, and student interns analyze to develop recommendations to improve police services.

Analysis for complaint patterns

Better problem definition contributes to effective changes in policies, supervision practices, or intervention with particular officers.

Mediation

Professional mediators bring officers and complainants together to resolve many types of issues, thereby strengthening police-community ties.

Citizen Review Committee appeal hearings

Public hearings provide a structured opportunity for complainants and police to testify on a complaint regarding a violation of Police Bureau procedures, and the findings that resulted from an investigation. Nine citizens vote to challenge or accept Police Bureau findings.

City Council appeal hearings

When differences in CRC and Police Bureau findings cannot be resolved, a structured hearing will be conducted before City Council. Council decisions on findings are final, and the Chief determines discipline.

Public outreach

Viewpoints, concerns, and feedback from the public in open forums and CRC meetings in various parts of the community can create channels of communication between the public and the Police Bureau, as well as help shape policy issues and priorities for CRC and IPR efforts.

Expert review of officer-involved shootings

Every year the IPR will contract with national experts for a review of past officer-involved shootings and deaths in police custody to identify policy recommendations to help prevent future occurrences.

Follow-through

Change takes time and persistence. The IPR and CRC will monitor and report on recommendations to ensure that they are being effectively implemented throughout the Police Bureau.

Working relationship with the Police Bureau

Improving police services means constructively challenging the thinking and behavior of all 1,400 employees in the Police Bureau through a good working relationship. IPR and CRC members regularly communicate with managers, supervisors, and officers in the Police Bureau.

Increased Accountability

A fair and thorough review of every complaint does not guarantee that each person who complains will be satisfied. Nonetheless, we have improved communications with complainants, established an open and orderly appeal process, implemented a powerful case management system, set standards for timely investigations, created a mediation option, developed a constructive working relationship with police management and labor, seen CRC decisions accepted by the police, participated in IAD investigations, and obtained the assistance of experts on officer-involved shootings and deaths in custody.

We are recommending further improvements in complaint handling: to address timeliness by assigning some IAD administrative duties to a sergeant, streamlining Police Bureau decision-making on discipline, and more rigorously enforcing deadlines. In addition, we are proposing new timeliness goals to address cases that are more complex and require additional time to conduct a thorough investigation.

IPR also has assigned itself goals for 2003: To evaluate our mediation program, improve our outreach to the public, review the handling of tort claims, and prevent incidents that cause complaints by recommending improvements to Police Bureau policy and operations.

Responsibilities of the IPR and CRC

The mission of the City Auditor's office is to foster open and accountable government by conducting independent and impartial reviews that promote fair, efficient, and quality services. In an effort to improve police accountability to the public, the Portland City Council approved the creation of the Independent Police Review Division (IPR) and the Citizen Review Committee (CRC) on June 6, 2001. The staff of IPR and volunteers of CRC jointly comprise an independent, impartial division that operates under the authority of the Portland City Auditor.

The Independent Police Review Division has been charged with performing four basic functions:

- ◆ To receive all citizen complaints regarding allegations of misconduct involving sworn members of the Portland Police Bureau that cannot be resolved by a Bureau officer or supervisor;
- ◆ To monitor Bureau Internal Affairs investigations and conduct independent investigations as necessary;
- ◆ To coordinate appeals of Bureau findings to the Citizen Review Committee; and
- ◆ To recommend policy changes to the City Council and the Bureau Chief.

Composed of nine citizen volunteers appointed by the City Council, the Citizen Review Committee was created to strengthen the public's trust in the Bureau by providing independent, citizen oversight of investigations regarding citizen complaints and monitoring police policy and training. The CRC has been charged with:

- ◆ Gathering community concerns by holding and participating in public meetings;
- ◆ Hearing appeals of citizen-initiated complaint investigation findings;
- ◆ Monitoring complaints, identifying patterns of problems, and recommending policy changes to the City Council and the Bureau Chief; and
- ◆ Advising the IPR Director on the operation of Portland's police complaint handling system.



Citizen Review Committee

Current Members

Rev. Héctor E. López, D.D., Chair

Denise Stone, Vice-Chair

Richard A. Alexander II

Teresa Jean Browning

AnneMaria Butzbaugh

Antoinette J. Jaffe

Henry C. Miggins

Douglas G. Montgomery

Robert M. Ueland

Former Members

Bryan Pollard

Alice Shannon, M.D.

Eric A. Terrell

Independent Police Review Division Staff

Richard A. Rosenthal, Director

Michael H. Hess, D.D.S., Deputy Director

Joseph T. De Angelis, Management Analyst

Lauri K. Stewart, Community Relations Coordinator

Venancio V. Panit, Intake Investigator

Judy M. Taylor, Intake Investigator

Carol L. Kershner, Office Manager

Portland State University Quarterly Interns

Allison Healy and Shaun Isham, Winter Term

Nicole Young and Shelly Adamson Belille, Spring Term

Andrea Kinman and Roger Walsh, Summer Term

Caseman Thompson, Fall Term

Current Citizen Review Committee Members



Rev. Dr. Héctor E. López

Rev. Dr. Héctor E. López is the devoted husband of Rev. Ms. Lynne Smouse López, as well as a proud and exhausted father of 11 year old Kamil

and of Nichole who is eight. Immigrant and migrant working parents, Florencio and Julia, raised him lovingly, faithfully, and affectionately. Rev. Dr. López explains that an older brother, Humberto (deceased), and an older sister, Lilia, supported him fondly, creatively, and teasingly. He was nurtured and taught by a cast of hundreds of *tios/tias*, and *primos/primas*, along with friends and colleagues. He believes that people can learn to live together with integrity, respect, and caring. Furthermore, he is committed to the belief that we all serve the community and one another; and therefore to the possibility that the community and the Police Bureau can and need to be partners in serving the community. Rev. Dr. Héctor E. López is dedicated to justice, peace, community, and Christian ministry by working as a community minister: organizing, boycotting, picketing, and teaching; in addition to serving in West Oakland, Berkeley, San Francisco, and Southeast Los Angeles. In 1996, he finally ended up in Portland to become one of the Conference Ministers of the central Pacific Conference of the United Church of Christ (a denomination that is committed to becoming an Open and Affirming, Multiracial/Multicultural, Just Peace, and Accessible to All church).

TERM: October 2001-October 2004



Denise Stone

Denise Stone has been an active community volunteer in the field of police accountability and social justice for many years. Ms. Stone was appointed to the Police Internal Investigations

Auditing Committee by Commissioner Erik Sten. Ms. Stone held the position of Vice Chair and was a member of the Monitoring Subcommittee until it transitioned into the Citizen Review Committee (CRC) of the Independent Police Review Division in 2001. Ms. Stone was elected as the CRC's Vice-Chair, as well as the Chair of the CRC Policy Work Group, and continues to serve in those positions for the coming year. Mayor Vera Katz appointed Ms. Stone to serve on the Mayor's Work Group to evaluate the City's system of police accountability. Ms. Stone is currently working with the NE Portland Youth Advisory Council to the Police to organize a SE Portland branch. In addition to her work on police accountability issues, Ms. Stone has been active with the Women's Resource Center domestic violence and homeless shelter for women and children, and has provided resource information and referral services for one of Portland's multi-cultural service centers. She is a native Oregonian, a graduate of the University of Portland, and works as the program manager for the Zimmerman Community Center in the River District.

TERM: October 2001-October 2003



Richard A. Alexander II

Richard A. (Ric) Alexander II is a small business owner from Northeast Portland. He has served for more than a decade on the board of the Sabin Neighborhood Association and as a board

member of the Northeast Coalition of Neighborhoods, which appointed him to serve on the former Police Internal Investigations Auditing Committee (PIIAC). Mr. Alexander states that he wants to see all citizens, officers included, treated fairly.

TERM: October 2001-October 2004



Teresa Jean Browning

Teresa Jean (T.J.) Browning is an advocate and activist for effective community policing. She states that accountability is a key component to successful community policing. She is

a member of All Saints School Advisory Council, League of Women Voters, and Laurelhurst Neighborhood Association. Ms. Browning has been involved in the community-policing forum for over 10 years and has focused her efforts on the goal of a professional, well-trained police bureau.

TERM: October 2001-October 2003



AnneMaria Butzbaugh

AnneMaria (Mia) Butzbaugh was raised in a farming community in southwest Michigan. Her work has included advocating for unions and for migrant farmworkers' employment rights, as well

as a legal practice in corporate tax and employee benefits. She states that transparency is critical to building a safe and just community. Ms. Butzbaugh is a member of the Oregon State Bar Association, National Lawyers Guild, Oregon Women Lawyers Association, and the American Civil Liberties Union.

TERM: October 2002-October 2004



Antoinette J. Jaffe

Antoinette J. (Toni) Jaffe is a native north westerner. She is actively involved in civic and community activities. Her stewardship interests include work with: The American Red

Cross, Basic Rights Oregon, Equity Foundation and Human Rights campaign. Some of her strongest skills and abilities include: objective decision-making, analytical skills, solid interpersonal, communication and listening skills, confidentiality, judgment, sensitivity, impartiality, objectivity, integrity, and truthfulness. Ms. Jaffe strives to promote open, fair, and independent and accountable citizen review for one of the most important services we receive: protection. Ms. Jaffe's professional background and experience is an executive human resources officer in the health care and pet care service industries. She is an avid fly fisherwoman, golfer, and kayaker. Ms. Jaffe lives in Southwest Portland with her partner, son, cat, dog, and goldfish.

TERM: October 2002-October 2004



Henry C. Miggins

Henry C. (Hank) Miggins has been a Portland resident, as well as an active community member, for more than 20 years. He is a father of five children and has ten grandsons,

along with one granddaughter. Mr. Miggins has earned a Bachelor of Arts and a Master of Arts from Fort Wright College, Spokane, Washington; and has also received his title of Certified Internal Auditor. His current profession is a Licensed Mortgage Broker; his past employment included the positions of the U.S. Air Force's Internal Auditor, Spokane's City Manager, and Portland's Deputy Multnomah County Auditor. He is a Member of Directors for the Center of Airway Science, Oregon Board of Radiologic Technology, and Oregon Assembly for Black Affairs. Former community involvement included Board of Governors, Oregon State Bar; State and Federal Judicial Council; and Oregon Adult (plus Youth) Prison Siting Authority. Mr. Miggins explains that his contribution to restoring the community's faith in the Portland Police is by providing a fair and objective review of citizen's complaints against the officers. His life experiences (being a Vietnam Veteran included) have all helped provide him with knowledge to examine the facts and arrive at clear and objective conclusions.

TERM: October 2001-October 2003

Douglas Montgomery
(Photo not available)

Douglas Montgomery is a 27-year resident of Portland. He plans to work closely with the Portland Police Bureau to suggest improvements with work processes, services, productivity, and morale. He has held a wide variety of positions including a research and teaching position at Portland State University (PSU) from 1975-1982, teaching courses in urban studies and public administration. Mr. Montgomery has participated on panels in collecting opinions on controversial issues, including a three-year stint on the Oregon Board of Nursing Home Administration. He has been able to stand the heat of discussions and emerge with group recommendations for change. He supports mediation between police and citizens.

TERM: February 2003-October 2003



Bob M. Ueland

Robert Ueland is a citizen activist of long standing. He is a member of the Hollywood Lions Club, Ride Connection Board of Directors, and the OPDR Citizens Oversight Committee. Mr. Ueland states that he can

assign equal dignity and worth to citizens who file complaints and to sworn members of the Portland Police Bureau. He was this year's winner of the Gladys McCoy Award and was cited as follows: "He exemplifies the community organizer's maxim of *think globally, act locally*. His energy, enthusiasm, and tenaciousness motivate others to join in and actively solve problems."

TERM: October 2001-October 2003

Former Citizen Review Committee Members



Bryan Pollard

Bryan Pollard serves the community in several capacities including organizing and giving voice to the homeless and the disen-

franchised people. He has been the managing editor for Street Roots, as well as the organizer for Dignity Village. He states that in every situation he seeks the truth. Mr. Pollard does not sway for personalities, but weighs decisions based on the facts and available evidence, as well as valuing fairness and objectivity. After accepting a job with the Cherokee Nation in Oklahoma, he resigned midterm from the CRC.

TERM: October 2001-January 2003



Eric A. Terrell

Eric A. Terrell states that communities remain strong and vital when sufficient numbers of residents are engaged in managing and directing the life of the community. He explains

that strong police accountability and effective community policing are equally central to the goal of achieving and maintaining a community's quality of life. Mr. Terrell has received his Masters Degree in Sociology, Bachelors Degree in Psychology, and has also completed five doctoral-level classes in Organization and Leadership. He declares that total objectivity is difficult to achieve. However, when dedicated, well-trained, responsible individuals strive for it; fairness and impartiality should prevail as the result of a group's collective effort.

TERM: October 2001-October 2002

Dr. Alice Shannon
(Photo not available)

Alice Shannon, M.D. states that her life experiences as a woman maturing in the sixties and seventies helped her develop an open mindedness with regard to new and/or conflicting ideas. This combined with many years of dealing with very serious crimes, violence, prejudice, and personal rights have made her aware of how difficult it is to understand the specifics of a conflict situation. She received her Medical Doctor Degree from the University of Maryland and her Bachelor of Science Degree from College of Mount Saint Vincent.

TERM: October 2001-October 2002

The Citizen Review Committee (CRC) experienced a year of exceptional activity. A year and a half ago, the Independent Police Review (IPR) and CRC were faced with a backlog of appeals; some complainants had been waiting for over two years for their cases to be reviewed. The CRC was given the task of getting organized; orienting itself through training in police and community issues; reducing the backlog; and initiating the development of policy recommendations. The IPR and CRC also had to develop the relationship detailed in the City ordinance. The newly appointed committee members and the IPR staff eagerly set out to respond to these challenges; all have been committed to serving the community to the best of their abilities.

Nine CRC members have endeavored to become a working unit that represents the Portland community, with a style characterized by collegiality and cooperation. CRC members have learned to respect and listen to one another, and to honor the decisions made by the group. Through much debate, and trial and error, the CRC developed its leadership responsibilities by selecting officers (Chair, Vice-Chair, and Recorder) and creating Policy, Outreach, and Internal Process working groups, to allow the CRC's work to be done in a timely and organized manner.

Training

The CRC went through a very important and critical training period, gaining a better understanding of the context of police work through workshops and seminars on Internal Affairs Division (IAD) policies and practices, Portland

Police Bureau training methods, and other pertinent areas of training and procedures. The CRC also invited presenters from diverse community and professional groups to assist in orienting the members, including representatives of the African American and homeless communities, and a variety of other specialists (Multnomah County Public Defender and District Attorney, the ACLU, the Portland Police Association President, etc.).

Appeals

The CRC steadily reduced the backlog of appeals through lengthy semi-monthly meetings. Halfway through the year, all appeals were current. The IPR staff was instrumental in providing support for the CRC. There are still areas of clarification (and even of revision) concerning our mutual understanding of the City ordinance; and therefore, of our respective responsibilities. Yet, it is clear that the IPR and CRC are inextricably bound together, our work continues to progress, and the public is served better as we strengthen our relationship.

Policy Recommendations

The ordinance establishing the Independent Police Review Division (IPR) and the Citizen Review Committee (CRC) states that the two shall work together to develop policy recommendations. The CRC created the Policy Work Group to conduct the extensive research required for developing recommendations. Drawing on the language of the ordinance, the CRC adopted this mission for the Policy Work Group:

The Citizen Review Committee's Policy Work Group audits data from investigations of complaints against the Bureau for patterns of problems and develops recommendations to modify Bureau policies and procedures in order to prevent problems, improve the quality of investigations, and improve police-community relations.

When the CRC reviews the investigations of complaints against the police and conducts public hearings on appealed Bureau decisions, they are watching for specific patterns of problems in police policy and procedure. It is the charge of the Policy Work Group to research the identified problems through all available data, including related Bureau directives, officer training, best practices of comparable police bureaus, and related complaint statistics. In its first year, the Policy Work Group established a working protocol to organize the research process. The protocol follows an audit model by defining the problem, its cause and effect, identifying best practices, and formulating recommendations that identify solutions. Policy Work Group members work with IPR staff to gather and analyze the research data and formulate recommendations. The work group members present their research findings and recommendations to the CRC for consideration and possible action. The Policy Work Group will use the same criteria and process to audit declined citizen complaints.

During the year, several police policy questions and concerns surfaced from the appeals hearings and case reviews. The CRC referred these issues to the Policy

Work Group for research:

- Officer identification and early explanation of reasons for stops
- Civil holds and referrals to Hooper Detox Center
- Officer use of profanity
- Minor children left alone following arrest of parent or guardian
- Mental health crises and the Community Care-taking Function
- De-escalation as a focus during officer/citizen encounters
- Crisis Intervention Team (CIT) training for all officers

Three of the policy issues – profanity, Hooper Detox Center, and officer identification – were also targeted for review by the previous Police Internal Investigations Auditing Committee (PIIAC) Monitoring sub committee. The Policy Work Group members chose to finish the work PIIAC started by researching these three policy issues first.

In conducting background research, the Policy Work Group participated in trainings and conducted interviews to enhance their understanding of police policies and procedures. Internal Affairs Division (IAD) Captain Darrel Schenck joined work group meetings to provide Bureau insight into officer use of profanity, officer identification issues, and civil holds. To understand the Bureau's process of revising the directives handbook, work group members interviewed Jane Braaten, Manager of the Portland Police Bureau (PPB) Planning and Support Division. The Policy Work Group also conducted an interview of Lt. Tellis from the PPB Training Division on the

Bureau's training procedures regarding officer identification and use of profanity.

Policy Work Group goals for 2003, are to wrap up the research process on civil holds and Hooper Detox Center, officer identification, and officer use of profanity. A summary of the research findings and any applicable recommendations on these policy issues will be presented to the CRC for possible action. In addition, work group members will strive to complete the research process and formulation of recommendations on pending policy issues as well as any new referrals by the CRC. The Policy Work Group will integrate complaint and Police Bureau statistics in the policy research process. The Policy Work Group will continue to work with the CRC Outreach Work Group to organize more public forums that will include policy surveys.

Internal Process Work Group

While the ordinance that created IPR and the CRC specified much of the functions and powers of both entities, and the nature of the relationship between the IPR, CRC, and Portland Police Bureau, the task still remained of determining how to put the ordinance into practice. Over the past year, the Internal Process Work Group has been charged with working with the IPR staff to develop procedural protocols that elaborate on the duties and processes for the CRC, and provide details on the working relationship between the IPR and the CRC. These protocols are listed in Chapter II of this report (pages 24-26).

Public Outreach

The CRC's Outreach Work Group's mission statement is as follows:

The Citizen Review Committee (CRC) Outreach Work Group shall organize, conduct, and participate in community meetings to gather concerns regarding police services and disseminate information about the Independent Police Review (IPR) and CRC. The Outreach Work Group will also facilitate continuing training for the CRC.

The Outreach Committee had three goals for 2002:

1. To take the CRC hearings out into the community
2. Organize training for the CRC
3. Conduct public forums

The Outreach Committee completed all stated goals.

The CRC held one of its monthly meetings in North Portland at the King facility this last winter. The meeting gave the community an opportunity to see how hearings were conducted without coming to City Hall.

The Outreach Committee organized two trainings. In an effort to understand the complainant's viewpoint, defense attorneys from the ACLU, Oregon Law Center, and the Public Defenders Office addressed the full CRC. The second training directly related to complaints that the CRC had heard regarding Hooper Detox. Members of Hooper's staff and administration came and educated the CRC on policy and procedures under which it operates. Both trainings were highly

informative and educational.

The last goal, public forums, was the biggest task the Outreach Committee undertook this last year. After months of planning, two public forums were conducted this last fall, one in North Portland and the other in Southwest. (For more information, see the separate summary report on the forums located in Appendix 1).

Our goals for 2003, are to improve our efforts in organizing community meetings, to gather public concerns, and disseminate information about the IPR and CRC. In reviewing the two 2002 forums, one of the concerns expressed by a number of community members was that attendance did not reflect the diversity of views, concerns, and social/cultural groups that exist in Portland. Such forums tend to appeal to a narrow constituency, and the challenge is trying to elicit constructive input from a broad range of interests.

Accordingly one of the ideas proposed for outreach efforts in 2003 is adopting a strategy of more targeted efforts to a variety of cultural/ethnic communities, age groups, and socio-economic levels, instead of relying on general forums for the whole city. We plan to encourage participation not only through general press releases and e-mail notification, but by specific invitation to individuals and organizations, posting of flyers or posters in appropriate locations, and specifically enlisting the aid and cooperation of relevant community organizations.

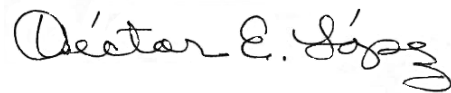
We also intend to try using different kinds of meeting formats in place of (or

in addition to) the *open-mike* testimonial format most frequently used in forums. For example, we plan to try some roundtable-style discussions, in order to encourage full and open dialog rather than serial monologues without feedback or discussion.

We will also continue outreach to neighborhood associations and other groups, though with the intent of combining our *talking* about IPR and the complaint process, along with *listening* to the concerns of these groups – an exchange of information and issues rather than a one-way flow.

Conclusion

The CRC will continue to learn more about community groups through outreach and inviting community groups to instruct and advise. The CRC will also continue to sponsor community forums. It will continue to hear appeals quickly, fairly, and compassionately. The CRC will work to enhance the relationship between the Portland Police Bureau and the community. Furthermore, it will continue to be responsive to the public as it seeks to serve the people of Portland.



Rev. Héctor E. López, D.D., CRC Chair and the Citizen Review Committee



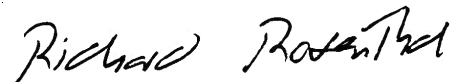
From the IPR Director

This is the first annual report of the Independent Police Review Division (IPR) of the Auditor's Office for the City of Portland, Oregon. On January 2, 2002, the IPR opened its doors to the public, accepting citizen initiated complaints and commendations relating to members of the Portland Police Bureau. The IPR model was proposed by Portland City Auditor Gary Blackmer and was adopted by City Council, taking effect on July 1, 2001. It took approximately five months to hire the Director and staff; nominate, appoint, and train nine citizens for the Citizen Review Committee (CRC); and have the office equipped and ready to open in Room 320 of Portland City Hall. Please see Appendices 4-7 for detailed discussion of the history, mandate, budget, and staffing of the IPR/CRC program.

The members of the CRC deserve our appreciation for putting in many long hours of their personal time to make this program succeed. We also owe an immense debt to the staff of this office who have been a deep resource of energy and professionalism.

The IPR/CRC program is an ongoing effort to improve the services of the Police Bureau (on a long-term basis), and to improve our own ability to handle issues of concern to the citizens of Portland. Our immediate priority in this first year was to improve complaint-handling and investigations, but we also recognize that our mission will require us to influence many other aspects of the Police Bureau, and we are working to establish strong constructive relationships throughout the agency.

I welcome any comments or suggestions about this report, which can be made by phone, fax, letter, e-mail, or accessing our website at: www.ci.portland.or.us/auditor/ipr



Richard Rosenthal
IPR Director

IPR Mission

The mission of the Independent Police Review Division is to improve police accountability to the public and to provide the opportunity for a fair resolution of complaints against the police. The Division works with the Citizen Review Committee and the Police Bureau to ensure that proper actions are taken to address complaints about police activities, that complainants and officers have an opportunity for a fair appeal of the results, and that preventable problems are identified and addressed through well-researched recommendations for improvement.

Status of Goals for the Year 2002

The primary goals of IPR for the year 2002 were to:

1. Allow citizen complainants to submit their complaints to the City Auditor, instead of the Police Bureau;
2. Keep citizens advised of the status of the handling of their complaints;
3. Monitor and review the Police Bureau's handling of citizen complaints; and,
4. Assist the Police Bureau in making reasonable decisions with respect to their actions on these complaints.

In addition, the City Council requested that the Auditor address issues relating to officer-involved shootings, which have been of continuing concern to the community and the Council.

We have purchased and modified a program called the Administrative Investigations Management (AIM) database. This software allows us to track all complaints received by the IPR and IAD. We have been able to create protocols to establish working relationships between the Police Bureau, the IPR, and the CRC. We have established an excellent working relationship with Internal Affairs, by which the IPR Director is provided with free and unfettered access to the progress of all IAD investigations. The Director has actively participated in investigations and reviews of findings with respect to those investigations.

We hired the Los Angeles-based Police Assessment Resource Center (PARC) to review policy and training issues with regard to officer-involved shootings over a 2-1/2 year period. We have also begun an in depth best practices review of the Bureau's *Early Warning System*, which was designed to assist Bureau managers in identifying and addressing problematic employee behavior before it results in liability to the City or serious discipline to the officer.

As the program matures and as we resolve ongoing issues relating to procedure and protocol (and as timeliness issues are eliminated), we look forward to addressing many additional policy related issues that are not directly related to complaint handling and the disciplinary process.

Summary of Goals for 2003

IPR looks forward to completing these projects in 2003:

1. Complete and publish a comprehensive report on officer-involved shootings with the purpose of identifying training and policy issues.
2. Assist the Internal Affairs Division with the installation of the Administrative Information Management (AIM) database.
3. Complete and publish a review of the Bureau's *Early Warning System* and evaluate the use of *Employee Behavioral Reviews* by Bureau managers.
4. Review the Bureau's processes for handling tort claims alleging officer misconduct in order to ensure that investigations are conducted when necessary and discipline is imposed when appropriate.
5. Conduct multivariate analyses of complaint, deployment, and officer data to determine whether any patterns exist that need to be identified and addressed by Bureau personnel, or through policy changes.
6. Improve our outreach to minority and non-English speaking communities by distributing translated versions of IPR pamphlets and making presentations to groups representing these communities.
7. Increase the use of the IPR's mediation program as an alternative to the discipline process.
8. Work to improve complainant satisfaction by preparing and distributing pamphlets that inform citizens about police practices and procedures, and the limits of the police complaint process.
9. Review the quality of disposition letters and consider developing other means by which case dispositions can be communicated to complainants.

The following sections summarize changes that have increased monitoring efforts and improved complaint resolution. The IPR, CRC and Police Bureau have all contributed to the progress in these areas:

- Complaint-handling
- Timeliness of investigations
- Quality of investigations
- Discipline review
- Officer-involved shooting review
- Appeals-handling
- Coordination and communication

Improvements in Complaint-Handling

The Police Bureau, IPR Director, and Citizen Review Committee created new policies and protocols to facilitate the civilian oversight of Internal Affairs investigations and findings. As a result, the Police Bureau updated its Policies and Procedure Manual to incorporate the changes into the administrative investigation process. (The Chief has made the Policies and Procedures Manual available to the public on the Police Bureau's website at: <http://www.portlandpolice.com>). We appreciate the work of IAD Captain Darrel Schenck and Assistant Chief Drew Kirkland in taking the lead in making these changes.

New Complaint Process

Before the creation of the IPR/CRC, citizens with complaints about police officers were required to contact a police precinct, the Mayor's Office (the Mayor serves as the Commissioner of Police), or the Internal Affairs Division of the Portland Police Bureau. With the creation of the IPR, citizens whose complaints cannot be resolved to their satisfaction by either the Mayor's Office or a police supervisor are referred to the City Auditor's Independent Police Review Division.

The IPR provides citizen complainants with a neutral place to make their complaints to a staff that is knowledgeable about law enforcement rules and procedures but who are independent of the Police Bureau. The IPR now accepts citizen complaints and commendations by phone, mail, fax, e-mail, via the IPR's web site, and in person. The IPR created

a form that can be used by citizens to complain about misconduct or commend a member of the Police Bureau for exceptional service. In addition, the IPR re-worked a pamphlet that explains the IPR-IAD process to citizens making complaints.

Every citizen complaint is accepted and numbered, regardless of whether it is a third party complaint, an anonymous complaint, or relates to an unverifiable incident. Each complaint is entered into the IPR's Administrative Investigations Management (AIM) database and is then assigned to an intake investigator.

The Intake investigator locates any dispatch records, police reports, or citations relating to the incident; identifies the involved officers; and then attempts to contact and interview the complainant. Complainant interviews are tape recorded in order to ensure that the interview reports are accurate and to allow for audits by the Citizen Review Committee and the IPR Director. The intake investigator prepares a summary of the complaint, includes the reports and dispatch records, and submits the complaint to the IPR Director within 21 days of the receipt of the complaint. In appropriate cases, the intake investigators attempt to resolve the complaint to the satisfaction of the complainant at the time of intake. Intake investigators also determine whether the complainant would be satisfied with a *service complaint* or with the case being assigned for mediation.

The IPR Director then decides whether to refer the complaint to the Internal Affairs Division (IAD) for review and handling,

or to decline the complaint as untimely, false, trivial, or failing to state misconduct. In the event of an IPR Decline, a letter is sent to the complainant explaining the reason for closing the case.

The IPR Director reviews each case for possible mediation. If the complainant is amenable, and the case otherwise appears suitable, the IAD Captain is consulted. If the IAD Captain and the IPR Director agree that a case is appropriate for mediation, the IAD Captain sends a memorandum to the involved officers to determine if they are willing to mediate. If they agree, the case will be mediated without a formal referral to IAD.

If the IPR Director decides to refer the case to Internal Affairs, he will note whether the case appears appropriate for handling as a service complaint. If the IAD Captain and the IPR Director agree, a case may be handled as a service complaint, even over the objection of the complainant.

Once a referral is received from the IPR, the IAD Captain decides whether to assign the case for a full IAD investigation, decline the complaint after a preliminary investigation, or assign the complaint to a precinct as a service complaint.

Changes in Complaint Intake

IPR assigns case numbers and IAD provides copies of all investigation summary reports to the IPR Director for review and comment prior to findings being made. IAD disposition letters are now sent to citizen complainants via the

IPR Director. At the time the disposition letter is sent, the complainant is advised of his or her right to appeal any declination or non-sustained finding to the Citizen Review Committee.

The Bureau also agreed to have the IPR Director review and comment on Bureau-initiated complaints, which are allegations made by Bureau members, supervisors, or law enforcement officers from other agencies. This review and comment was not required by City ordinance and shows the Bureau's commitment to involving the IPR in the review process.

Changes in Classification of Complaints:

"Inquiry" Finding Eliminated

The IAD Captain and the IPR Director agreed that changes needed to be made with respect to the Bureau's handling of minor rule violations by Bureau employees that would normally not result in discipline. In the case of an *inquiry*, a full investigation was completed (at the precinct-level) but only the ambiguous finding of *inquiry* was made. In the new policy manual, the *inquiry* was eliminated and replaced by a more formal *service complaint* process.

Service Complaints Changed

Prior procedures allowed for the use of a *service complaint* only if a complaint could be resolved in that manner to the satisfaction of the complainant. This requirement was necessary to ensure that the Police Bureau did not simply ignore

complaints involving misconduct by using the service complaint process in an arbitrary and capricious manner. With intake and classification done by IPR, instead of the Police Bureau, this requirement is no longer necessary.

Service complaints do not require full investigations and are, instead, a means by which Bureau managers can keep track of performance and service issues relating to their employees. A *service complaint* now remains on an officer's disciplinary history for two years. During that period, the officer's supervisors have access to the complaint if there are future concerns relating to the officer's performance. Multiple service complaints or performance deficiencies will result in a formal *Employee Behavioral Review* by Bureau supervisors. As required by Bureau policy, a supervisor is required to debrief the involved officer(s) about a citizen's complaint, make the officer aware of Bureau expectations, and communicate the complainant's perceptions of the officer's behavior to the involved officer.

In the past, when a complainant unreasonably insisted on an IAD investigation instead of a service complaint, the Bureau's only rational response was to decline the case. No record of the complaint would, therefore, be placed in the officer's record and an excellent personnel tool went unused. Under a protocol agreed upon by IAD, a service complaint may only be used over the objection of the complainant if both the IAD Captain and the IPR Director agree. The Citizen Review Committee will hear any case where a disagreement occurs and the

Committee's Policy Work Group will be conducting periodic audits of the service complaint process.

In addition, all service complaints resolved by precinct supervisors are now being sent to IAD for record keeping purposes. The IPR receives a copy, reviews each complaint for adherence to policy, and assigns a complaint number for record-keeping purposes.

Disparate Treatment Categorizations

While reviewing IAD categorizations of complaints, the IPR noted that when a complainant alleged racial profiling, but could not provide any objective evidence other than his or her own perception of the event, IAD would often categorize the complaint as *conduct* instead of *disparate treatment*. This practice was an apparent attempt to protect officers from unsubstantiated allegations of bigotry. While IPR did not identify any unreasonable findings with respect to the handling of these complaints, the failure to categorize the complaint as *disparate treatment* created a problem when attempting to identify community perceptions through the statistical reporting function of the IPR. Since the time that this issue was identified by the IPR, the IAD Captain has changed this practice and categorized the allegations according to the complainant's perceptions.

Changes in Case Management

Bureau Adopting Administrative Investigation Management (AIM) Database

The IPR is currently assisting IAD in the implementation of the Administrative Investigation Management database. The adoption of this program by IAD was a recommendation made by IPR shortly after the database was put into operation by the Auditor's Office. IAD's adoption of AIM will allow for automatic updates of the tracking system to be made by IAD personnel. This will eliminate many of the communication problems identified early on in the IPR/IAD program, allow for more timely reporting of the status of complaint handling, and eliminate the current duplication of IPR and IAD resources. In addition, it will do away with the need for copying of IPR intake reports that will instead be available to IAD investigators on-line.

IPR Adopting the Use of Digital Recording in Lieu of Audio Recording

In addition, the IPR has already implemented a system of digital recordings that will allow IAD investigators to listen to intake interviews on-line, without the time and expense of making audiotape copies of each interview for use by IAD.

Timely Investigations

Timeliness Goals

Prior to the implementation of the IPR program, one of the issues of greatest concern to citizens and officers alike was the Bureau's inability to conduct investigations and make findings in a timely fashion. The untimely investigations were unfair to officers who were interviewed about purported acts of misconduct that took place more than a year before. Also, the untimely investigations were unfair to citizen complainants who felt that the Police Bureau's response to their complaint was inadequate and ineffectual. Since the time of its inception, the IPR has been reporting on timeliness issues in its quarterly reports. This report contains our timeliness goals and achievements over the past year.

In previous quarterly reports, the IPR noted that the number of citizen complaint incidents closed in each quarter has been significantly less than the number of complaints received. The result is an ever-increasing number of pending complaints. The last quarter of 2002, however, contained good news. In that quarter, for the first time in the year, IAD was able to close more cases than it opened and reduce the number of pending complaints carried over from the prior quarter. The IPR will continue to monitor this issue, will work with IAD to maintain its complement of investigators, and will work to further reduce the amount of time necessary to resolve complaints in an effective and appropriate manner.

Timeliness of IPR Intakes

IPR seeks to complete complaint intakes and IAD referrals in a timely fashion. The current goal is to complete 75% of the complaint intakes within 14 days and the other 25% within 21 days. The most significant impediment to achieving these goals has been the inability of the IPR intake investigators to make contact with the complainants to conduct interviews. In many cases, complainants fail to return calls or provide inadequate information for intake investigators to contact them. As a result, we adopted a procedure that requires intake investigators to make at least three attempts to reach a complainant by phone and send a letter requesting a call from the complainant within a week. If contact for an interview cannot be made within three weeks, the IPR Director reviews the complaint. The case is either returned to the intake investigator to make additional attempts to contact the complainant, is declined due to the unavailability of the complainant, or is referred to IAD for their review and handling without an interview having been conducted.

Timeliness of IAD Declinations

We have worked with IAD to ensure that all IAD declinations are completed within 45 days of the IPR referral of a complaint to the IAD Captain. This has been a difficult goal for IAD to achieve. In one notable case, IAD took six months before declining multiple complaints involving officer actions at the protest against President Bush in August 2002, and the Critical Mass ride of the same month. One of the recommendations in this

report, to create an *administrative sergeant* position within IAD, is specifically designed to assist IAD in processing declinations in a more timely manner. The administrative sergeant can be tasked with writing a declination letter to a complainant when it is determined that an investigation is not appropriate.

Timeliness of Service Complaint Debriefings and Case Findings

Significant delays still occur after a case is assigned out to a precinct for a service complaint debriefing or for a precinct commander review of an IAD investigation to make findings. Current policy requires that service complaint debriefings and resolution memos be completed within 10 days of a referral from IAD, and that investigative findings be made within two weeks of a referral from IAD. The Police Bureau hired the Campbell-DeLong Consultants to analyze investigation timeliness in 2001. Their work revealed that timeliness goals established by the Police Bureau were not being achieved at this stage of the complaint-handling process.

More current data in this report shows that precinct commanders have still been unable to achieve these goals. It must be recognized that the Bureau commanders have many responsibilities over and above the processing of internal affairs complaints. These obligations tend to interfere with their duty to make findings and handle service complaints in a timely fashion. As such, Internal Affairs sends out formal reminders to the commanders of overdue complaints on a quarterly basis.

What is missing, however, is more frequent, informal contact between IAD and the Precinct/Division commanders that would alleviate the untimely handling of a complaint, as opposed to merely reminding a commander that a case review or debriefing is weeks or months overdue. Although the IPR intake investigators have stepped into this role, it would be helpful for IAD to assign an administrative sergeant to take some responsibility for this task. The IPR investigators are expected to explain to a complainant any delays that have occurred in the processing of a complaint. The administrative sergeant could be responsible for specifically identifying and addressing timeliness issues as they are identified.

Timeliness for the Imposition of Discipline

For those cases involving *sustained* findings, a Review Level Committee (made up of the three assistant chiefs and the civilian Director of Services) is required to review the findings, decide whether the findings should be approved and, if so, what level of discipline should be recommended. These requirements cause further delays, in addition to those that exist when a complaint is determined to be unfounded. As a result, even when the Bureau acts appropriately in sustaining a complaint and imposing discipline, the amount of time between the date of the incident and the date of discipline may be lengthy.

The Bureau is in the process of developing a proposal to authorize precinct commanders to make discipline decisions on all but the most serious cases. This

will allow for the more efficient imposition of discipline.

We support the decision of Chief Kroeker to implement such a plan and recommend that it be put in place as soon as possible.

IAD Staffing Problems and a Recommendation for Improvement

It was only with the doubling of the IAD investigative staff to 10 sergeants on September 28, 2000, that IAD began to complete its investigations within a reasonable amount of time. However, the 2002 calendar year and the first few months of 2003 have resulted in a significant turnover of investigative staff for IAD.

In October 2002, the IAD Captain asked the IPR Director to participate in the interviews of two sergeants who had volunteered for two available investigative positions in IAD.

Both applicants were highly qualified and promise to be valuable members of IAD, but only two sergeants had volunteered to be interviewed for the two positions. When asked, the President of the Portland Police Association (PPA) noted that recent staffing reductions have created a wider range of assignments available to the Bureau's 125 sergeants.

The job of an IAD investigator is not an easy one. An investigator's work product is closely scrutinized by the IAD Captain and command staff, the police unions, the Chief of Police and the Review Level Committee, the IPR and CRC, and poten-

tially by the City Council. It is well known in the Bureau, however, that if a sergeant is interested in being promoted to lieutenant, service in IAD will be a strong factor in favor of obtaining a promotion.

Given current budget constraints, it is impractical to recommend that financial incentives be created in order to encourage service in IAD. Instead, Police Bureau command staff should identify sergeants and detectives who they know will do the work well, personally contact them and solicit their applications. In this way, IAD staff can be hand-selected by the Bureau's command staff.¹ The investigators who are assigned to that division will know they are there because they have the respect of their command staff and that their mission is an important one within the organization.

Quality of Investigations

Fairness and Thoroughness of IAD Investigations

In general, IAD investigations have been complete and thorough, and when the IPR has recommended additional investigation, it has been done. The IPR Director has been provided with free and unfettered access to IAD investigators, the investigative reports and, often, the thought processes used to make decisions. This type of access is unlike any prior civilian oversight in the City of Portland and speaks highly of the Bureau's willingness to subject its decision-making processes to outside oversight.

The Police Bureau's good work is also shown by the fact that the Citizen Review Committee has, in most cases, either affirmed the Bureau's findings in citizen initiated appeals or made changes within the non-sustained categories. In only two cases during the 2002 calendar year did the CRC recommend changes from non-sustained findings to sustained findings. In both cases the Bureau agreed to make the changes as recommended.

In 2003, the IPR also made its first recommendation to change an *insufficient evidence* finding on a courtesy complaint to *sustained*. The Police Bureau initially declined to make this change. The case was subsequently set for an appeal before the Citizen Review Committee. After conducting a full hearing, the CRC also recommended that the Bureau change the finding from *insufficient evidence* to *sustained*. The IPR met with the Police Bureau's command staff in order to attempt to facili-

tate the recommended change. The Chief of Police ultimately accepted the sustained recommendation.

IPR Verifications

The IPR has acted to check individual complaints on a continuing basis. When a precinct supervisor reports that a complaint has been resolved to the satisfaction of the complainant, an IPR letter is sent to the complainant to verify that fact. When an IAD investigator reports that a complainant was unavailable for an interview or failed to provide necessary information, the IPR advises the complainant of that fact.

These letters have verified that in the vast majority of the cases, the precinct or IAD documentation of their findings has been accurate and complete. In only three cases involving service complaints, did the complainant contradict the Bureau's claim that a complaint had been resolved to his or her satisfaction. In all three cases, it was determined that there was an innocent miscommunication between the Bureau and the complainant. The IPR agreed it was appropriate to close out the complaints as service complaints, over the objection of the complainant.

In every case where an IAD investigator indicated that the complainant was uncooperative or unavailable, we checked and found that the complainant was also unresponsive to IPR inquiries.

Investigations Participated in by IPR

During the course of the year, the IPR Deputy Director periodically assists IAD staff with interviews of Spanish-speaking complainants.

Investigation of Allegation of Central Precinct Assault Cover-Up

On January 24, 2002, two off-duty Portland Police Bureau officers assaulted another patron of a downtown club. Although there was a significant police response to the assault, no reports were written, and there was no referral made for either a criminal or an administrative investigation. On February 6, 2002, the IPR received an anonymous complaint regarding the assault. An IPR intake investigator reviewed the complaint and verified that an incident did, in fact, take place. The complaint was then referred to the Internal Affairs Division for their review and handling. The IAD Captain ordered reports to be written and upon reviewing those reports, the case was assigned out to the Detective Division for a criminal investigation.

A criminal investigation was conducted and the off-duty officers were subsequently indicted on felony charges of assault, convicted, and sentenced to prison.

The criminal investigation identified that there was a failure on the part of responding officers to prepare reports and make the necessary referrals to Internal Affairs and the Detective Division at the time of the incident. The grand jury presented

Chief Kroeker with a letter outlining concerns over internal reporting and processing of the assault. After receiving this letter from the grand jury, Chief Kroeker announced that a full internal investigation would scrutinize the actions of the responding officers, sergeants, and lieutenants.

The IPR Director actively participated in this investigation as a member of a multi-disciplinary team (MDT) created by Assistant Chief Drew Kirkland. The team was charged with the task of overseeing the internal investigation and recommending the allegations to be investigated. The MDT consisted of representatives from the Oregon State Police, the Portland City Attorney's Office, the Oregon Department of Justice, the Bureau of Human Resources, the Internal Affairs Division, the Detective Division, the Director of Services for the Police Bureau, as well as the IPR Director.

At the conclusion of the investigation, the Review Level Committee (consisting of the three Assistant Chiefs of the Police Bureau and the civilian Director of Services) made recommended findings. The IPR Director participated in the discussion as well as a representative of the City Attorney's Office, the Internal Affairs and Detective Division investigators, and a representative of the Bureau of Human Resources. The Review Level Committee subsequently met (without the involvement of the IPR Director) and made recommendations as to the discipline to be imposed on the officers who had committed misconduct.

Once the incident was reported to Internal Affairs, the Police Bureau's command

staff handling of this response was above reproach. The IAD response was quick and unequivocal. The case was immediately and appropriately sent over to Detective Division for a criminal investigation. The criminal investigation was timely, professional, and thorough. The internal investigation was professional and thorough as well. Special recognition should be made to Detective Division Commander Jim Ferraris and Internal Affairs Captain Darrel Schenck for supervising high quality criminal and internal investigations.

The IPR Director will issue a separate and more detailed report on this subject.

Investigation of the Failure to Report an Incident of Domestic Violence

On July 2, 2002, a police officer was arrested for domestic violence involving his girlfriend, a Police Bureau desk clerk, just days before. The officer was indicted on more than a dozen charges, including fourth-degree assault, harassment, and official misconduct. In November 2002, the officer pleaded guilty to a single count of coercion.

During the course of the prosecution of this incident, an August 2001 incident was discovered, which also involved the officer and his girlfriend. In that case, the police report was reportedly reclassified from a domestic violence incident to a noise disturbance. The Bureau has opened an internal affairs investigation into the conduct of officers and supervisors involved in the handling of the August 2001 incident. The IPR Director

is actively participating in this Bureau-initiated investigation, at the invitation of the Police Bureau's command staff.

Protest-Related Complaints

In August 2002, two well publicized protests took place in downtown Portland which resulted in controversial police actions: a large protest at a fund-raising event attended by President Bush on August 22; and a Critical Mass bicycle ride on August 30.

The police response to the Bush protest resulted in the filing of a tort claim by National Lawyers Guild attorneys on behalf of nine plaintiffs. The lawsuit relating to that claim is still pending.

As the result of the *Bush Protest*, 9 citizen complaints, involving 22 complainants, were filed with the IPR. As the result of the *Critical Mass* ride, 9 citizen complaints, involving 11 complainants, were filed with the IPR. All of the complaints were referred to IAD for their review and handling.

As of the end of the 2002 calendar year, none of the complaints had been resolved by IAD. It has since been determined, however, that by that time, IAD had concluded that most of the complaints did not warrant investigations and would need to be declined. The reason for the failure to handle these complaints in a timely fashion was, in part, the need for the Captain and Lieutenant of IAD to assign these complaints a lower priority while they were attempting to handle other significant complaints that required investigations. It is hoped that the

delegation of authority to write declination letters to an administrative sergeant could help prevent this type of problem.

The IPR and the CRC will be reviewing and reporting on the Police Bureau response to these two incidents after all of the complaints are closed and any appeals are heard. Until then, both the IPR and the CRC need to remain objective and consider each complaint on its merits, based upon the information provided at the time of a proffered appeal. When the cases are closed, a policy and procedure review will be conducted and any recommendations for improvement that can be identified will be shared with the Police Bureau, the Mayor, the City Council and the community.

Discipline Review

The Imposition of Discipline for 2002-Initiated Complaints

As part of the IPR's work as the Police Auditor, a review was conducted of complaints (received in 2002) where sustained findings were made. Pursuant to Bureau policy, discipline recommendations were made by the *Review Level Committee*, (RL Committee) consisting of the four Assistant Chiefs of the Bureau. At the time of the review, in January 2003, a total of nine complaints received in 2002, both Bureau-initiated and Citizen-initiated, had been ordered *sustained* by the RL Committee.² Discipline had been imposed ranging from *command counseling* to 20 hours off (two days) without pay.

The discipline imposed appeared to be appropriate in the cases reviewed, based upon the facts of the complaints, the underlying IAD investigation, and the disciplinary history of the involved officers.

The IPR also reviewed the discipline imposed on officers involved in the two cases where the Citizen Review Committee recommended a *sustained* finding. The discipline imposed in those cases also appeared to be appropriate given the facts of the complaints.

A future goal of the IPR, will be to conduct a comprehensive review of the imposition of discipline by the Police Bureau to ensure that the discipline that is imposed is fair, consistent, and appropriate given the totality of the circumstances. This IPR review will also consider whether the Bureau should consider

implementing a more formal matrix for the imposition of discipline. This goal is consistent with the Police Bureau's proposal to have IPR conduct external audits of discipline in order to ensure consistency in decision-making by Bureau Responsible Unit (RU) managers with respect to the imposition of discipline.

Officer-Involved Shooting Review

As part of the IPR/CRC ordinance, the City Council requested that the Auditor propose code by December 31, 2001, for reviewing police shootings and deaths in police custody.

On March 13, 2002, the City Council passed an ordinance authorizing the IPR to hire an expert consultant to review officer-involved shootings and deaths in custody to make recommendations with respect to policy and training issues. The objectives of the project were:

(1) to hire the most qualified possible person to review officer-involved shootings and deaths in custody over a period of time and evaluate Portland Police Bureau policies and training compared to other communities, in order to identify best practices approaches in this area; (2) to identify any areas where the quality of investigations could be improved, and (3) to identify information that can be gathered by the Police Bureau and IPR staff to improve quality and reduce cost and time required for annual reviews.

The Los Angeles-based Police Assessment Resource Center (PARC) was chosen to conduct this review. The Director of PARC, Merrick Bobb, is a nationally respected expert in the review and monitoring of police uses of force. He was the Deputy General Counsel for the Christopher Commission investigation of the Los Angeles Police Department in 1991. He was the General Counsel for the Kolts investigation of the Los Angeles County Sheriff's Department in 1992. He has been the Special Counsel to the Board of Supervisors for Los Angeles County for almost 10 years monitoring the progress

of the Sheriff's Department response to the Kolts' investigation recommendations. He has also served as Special Counsel and consultant to the City of Detroit in 1997, as well as the Civil Rights Division of the Justice Department from 1998 to 2001.

Staff of the Police Assessment Resource Center (PARC) arrived in Portland at the beginning of the third quarter of 2002 to begin their review of officer-involved shootings. PARC staff members met with the Auditor and IPR staff, Police Bureau command staff, the Mayor and her staff, police union representatives, executive staff members of the City Commissioners, the Citizen Review Committee, and representatives of the civil rights community.

PARC staff will review all officer-involved shootings that took place between January 1, 1997 and June 2000.³ The project is expected to be completed by the end of the summer 2003. After the review is completed and recommendations are implemented, additional reviews of shootings will be conducted on an annual basis.

Included in the Officer-Involved-Shooting (OIS) review will be a review of the policies and practices in the PPB's awarding of *police medals* to officers involved in shootings.

Improved Appeal Hearings

In order to ensure professionalism, consistency, and fairness in the handling of appeals, the Citizen Review Committee (with the assistance of the IPR Director) created and promulgated numerous protocols that help guide the committee in its operations.

The protocols are posted on the Portland Police Documents (PPD) Public Safety Policies and Rule Index as they are promulgated. The protocols can be found on-line at the following Internet address:

<http://www.ci.portland.or.us/auditor/policy/publicsafety/index.htm#5>

The protocols that have been adopted are as follows:

Subcategory 5: Independent Police Review

- 5.01 – Independent Police Review Division – Internal Affairs Division – Citizen Initiated Complaint Protocol. (Describes the process by which citizen complaints are received, processed, and reviewed by the IPR and codifies the interrelationship between IPR and IAD).
- 5.02 – Independent Police Review Division – Internal Affairs Division – Bureau Initiated Complaint Protocol. (Describes the circumstances under which the IPR will review a Bureau-initiated complaint).
- 5.03 – Citizen Review Committee - Independent Police Review Division – Appeals Protocol. (Describes the process by which appeals are handled by the IPR and the CRC).
- 5.04 – Citizen Review Committee – Communication Guidelines. (Establishes limits on the distribution of information and public comment by the members of the CRC).
- 5.05 – Citizen Review Committee – Guidelines for CRC Declinations of Appeals. (Explains the reasoning used by the CRC to decline to conduct full hearings of appeals).
- 5.06 – Citizen Review Committee - Independent Police Review Division – Process for Appointments and Reappointment to CRC. (Describes the process by which members of the CRC are selected and referred to City Council for appointment).
- 5.07 – Citizen Review Committee – Public Comment Protocol. (Explains under what circumstances the CRC will respond to public comment).
- 5.08 – Independent Police Review Division – Internal Affairs Division – Service Complaint Protocol. (Describes the process by which complaints are categorized and handled as *service complaints*).
- 5.09 – Independent Police Review Division – Mediation Program Protocols. (Explains the process used to identify and handle complaints identified for the citizen-police mediation program).
- 5.10 – Independent Police Review Division – Mediation Program Guidelines. (Established formal guidelines for use by mediators).

- 5.11 – Citizen Review Committee - Independent Police Review Division – Pre-hearing Protocol. (Explains the process used to conduct pre-hearing reviews of appeals by the CRC).
- 5.12 – Citizen Review Committee – Work Group Protocol. (Establishes rules for the operation of the CRC work groups).
- 5.13 - Citizen Review Committee – Supplemental Hearing Protocol (Explains the process used to conduct supplemental hearings after the CRC has requested additional investigation or intake).
- 5.14 – Citizen Review Committee – Independent Police Review Division – Request for Reconsideration of IPR/ CRC Decision. (Explains the rules under which the CRC can reconsider a decision previously made by the committee).
- 5.15 – Independent Police Review Division – Untimely Appeal Protocol. (Identifies the circumstances under which the IPR will consider an appeal that is not filed in a timely fashion).

In addition, to creating formalized processes for handling appeals, the IPR and CRC have provided for the active involvement of the Police Bureau in CRC appeals hearings. The Internal Affairs Division is represented by the IAD Captain, Lieutenant and often an investigative sergeant. The Portland Police Association (PPA) sends representatives to the appeals hearings to represent the interests of their officers. Police Bureau command staff attend the hearings on an as-needed basis as well.

The City Attorney’s Office has also maintained a presence at the CRC hearings through the active participation of Deputy City Attorney Linly Rees. This participation assists the CRC in obtaining legal advice on issues relating to public records, public meetings, personnel and collective bargaining issues, and the jurisdiction and limitations of the IPR/ CRC program. In addition, Deputy City Attorney David Woboril, who provides legal advice to the Police Bureau, has attended hearings on an as-needed basis. The District Attorney’s Office has been represented as well. Deputy District Attorney Wayne Pearson has arranged for training to be provided to the CRC upon request. In the past, the City Attorney’s participation in PIIAC hearings was sporadic. Special thanks go to City Attorney Jeff Rogers for ensuring that the CRC’s legal needs are addressed on an ongoing basis.

The IPR Director has also recently been admitted to the Oregon Bar, in order to be able to provide independent legal advice to the CRC.

The IPR staff prepares public reports which are used by CRC members as a starting point for their discussions of the merits of an appeal. The reports are not only distributed to the members of the CRC, but are also provided at no cost to the appellant, the involved officers, IAD, the police unions, and Copwatch.

The IPR’s Community Relations Coordinator contacts each appellant in order to ensure that they understand the appeals process and to facilitate their appearance before the CRC.

It should be noted that this improved appeals hearing process has resulted in a positive response from the Police Bureau to recommendations made by the CRC. In the 16 months that the CRC has been operating, the Police Bureau has accepted three recommendations from the committee to change a finding from *insufficient evidence* to *sustained*.

Coordination and Communication

Outreach to the Police Bureau

During the first months of 2002, the IPR Director met with the commanding officers of the Police Bureau's Operations Branch in order to discuss the new IPR/CRC process. The IPR Director (at times in the company of the Auditor and other IPR staff) subsequently addressed officers at more than 40 roll calls throughout the various precincts and divisions in order to discuss issues and concerns important to the individual officers. The precinct supervisors and the vast majority of the officers listened to the IPR presentation, asked cogent, appropriate questions, and accepted the members of the IPR and the CRC as a legitimate part of the Portland law enforcement community.

The IPR Director also began to teach at the Police Bureau's *Advanced Academy*. The IPR course is designed to apprise incoming officers of the complaint process, how to avoid being on the receiving end of a citizen-initiated or bureau-initiated complaint, and ethical issues of importance to police officers.

It is very important for each and every officer to become familiar with the IPR/CRC process and the IPR Director. It is equally important for the Bureau to be vigilant in teaching officers how to avoid becoming embroiled in the disciplinary process in the first place.

The Portland Police Association (PPA), the Portland Police Command Officers Association (PPCOA) and the IPR/CRC

The IPR Director worked with the City Attorney's Office and representatives of the police unions to incorporate the IPR/CRC process into the collective bargaining agreement between the City and the Portland Police Association, which is the labor organization that represents most of the sworn staff at PPB. In many cities, the civilian oversight process has been greeted with lawsuits and litigation. Not so in the City of Portland. Special thanks go to PPA President Robert King, Vice President Leo Painton, the PPA Executive Board, and PPA attorney Will Aitchison. These union representatives have been open with their concerns, have been accommodating of our requests, and have been reasonable in their responses. The PPA President and the IPR Director have an *open door* policy that has allowed for an intelligent and objective discussion of the issues facing Bureau officers as well as the citizen oversight community.

For the first time in the history of citizen oversight in Portland, the PPA is representing its officers in front of the Citizen Review Committee. This presence provides the CRC with an important perspective on their work and indicates a certain level of respect for the CRC process. Their participation is appreciated. Of particular note, is the participation of Sergeant Kevin Warren who has acted as the PPA representative during many of the CRC hearings. This

participation has been after-hours and with no compensation. In the future, the IPR Director hopes that individual officers will be willing to voluntarily testify in front of the CRC. To date only one officer has voluntarily testified before the CRC on a complaint in which she was involved. In those cases where an officer has acted appropriately, such voluntary testimony would assist the CRC in making the right decision.

It should be noted that many Bureau supervisors (members of both the PPA and the PPCOA) have appeared before the committee on behalf of officers under their supervision. By observing or participating in these meetings, these sergeants, lieutenants, captains, and commanders have helped facilitate the acceptance of the CRC hearings process and have assisted the committee in its work.

IPR Recommendations

1. The IAD Captain should appoint an administrative sergeant to assist in writing disposition letters to complainants, deciding whether complaints should be investigated or declined, and following up on untimely complaint handling by the precincts and divisions.
2. The Police Bureau should implement the proposal to empower commanders and captains (RU Managers) to decide on the amount of discipline to be imposed in all but the most serious cases involving employee misconduct.
3. The Police Bureau command staff needs to hand-select qualified sergeants and detectives to staff IAD.
4. The Chief of Police must press Bureau commanders and captains (RU Managers) to be more vigilant in handling service complaints and findings in a more timely manner.
5. Timeliness goals should be revised to allow for the need to thoroughly process the most serious and complex citizen-initiated complaints.

IPR Recommendations Already Being Implemented

1. The Administrative Investigation Management (AIM) database will be adopted by IAD and made available to necessary personnel in the Chief's Office.
2. The Portland Police Bureau's Manual of Policy and Procedure was updated to reference the partnership between the Internal Affairs Division and the Independent Police Review Division.
3. The use of service complaints was expanded and inquiry investigations were eliminated.
4. A new mediation protocol was accepted by the Police Bureau, allowing for the renewal of a citizen-police mediation program.
5. The Internal Affairs Division agreed to operate according to protocols adopted by the Independent Police Review Division and the Citizen Review Committee.
6. The Internal Affairs Division agreed to confer with the Independent Police Review Division with respect to the categorization of allegations of racial profiling.
7. The Internal Affairs Division will work with the Independent Police Review Division to adopt the use of digital recording as a substitute for the use of audiotape recording.
8. The Police Bureau agreed to include several questions on its community survey relating to the complaint process.

Workload and Outcomes

The IPR Director ensures that IAD properly categorizes complaints, reviews IAD investigations for thoroughness, and evaluates proposed findings. In addition, the IPR is charged with monitoring the processing of citizen complaints and reporting publicly on complaint workload and outcomes. This chapter reports on the complaint workload and outcomes for the three stages of the 2002 police complaint process: Intake, Internal Affairs review and handling, and Appeals. We also included a section on outcomes for Bureau-initiated complaints.

It should be noted that since this is a new process, the data reported here constitute a baseline against which the program will be measured in future annual reports.

Summary of Findings

In 2002, IPR handled 1,091 information calls and initiated 513 complaints, of which 380 were closed by the year-end. Central Precinct accounted for 26% of 2002 citizen complaints, followed by Southeast Precinct with 17%. Overall, the most common complaint filed with the IPR involved allegations of either rude or unprofessional behavior. Of the complaints filed in 2002, 61% were referred to the Internal Affairs Division for handling. Of those complaints, 32% were assigned to an IAD investigator for a full investigation, 30% were assigned to precincts as service complaints, and 30% were declined after review by the IAD Captain. Since a significant proportion of the 2002 workload remained open at year-end, it is too early to calculate a sustain rate for 2002 complaints.

STAGE ONE: INTAKE

Intake Process

Complaints regarding misconduct by Portland Police Bureau (PPB) officers can be filed with the IPR in person at City Hall, by telephone, by fax, by mailing a letter, or electronically through the IPR's web site. Additionally, complaints can be filed by mailing back a postage-paid complaint form that has been distributed to all five PPB precincts and 51 local community locations.

Once a complaint has been received by the IPR, the complaint is entered into IPR's case management database, assigned a unique identification number and forwarded to an IPR intake investigator. The intake investigator then conducts a preliminary investigation into the complaint. By gathering and reviewing relevant documentation relating to the incident, the investigator seeks to identify the involved officers, clarify and classify the complainant's allegations, and begin the process of investigating the allegations. The intake investigator also makes an attempt to conduct a detailed interview with the complainant within five business days of the receipt of the complaint. Most intake interviews are conducted over the telephone, although some complainants have taken advantage of the opportunity to be interviewed in person at the IPR office.

Following the interview, the intake investigator groups the complainant's detailed allegations into one or more of six primary allegation classifications.

IPR/IAD Allegation Classification Categories

Force	An allegation that an officer used excessive or inappropriate physical or deadly physical force.
Control Techniques	An allegation that a control technique was used unreasonably or improperly. This would include control holds, hobble, take-downs and handcuffing.
Conduct	An allegation that tends to bring reproach or discredit upon the Police Bureau or City of Portland. It involves behavior by a Bureau member that is unprofessional, unjustified, beyond the scope of their authority or unsatisfactory work performance.
Disparate Treatment	Allegations of specific actions or statements that indicate inappropriate treatment of an individual that is different from the treatment of another because of race, sex, age, national origin, sexual orientation, economic status, political views, religious beliefs, or disability.
Courtesy	Allegations relating to rude or discourteous conduct, other than disparate treatment.
Procedure	Allegations that an administrative or procedural requirement was not met. This would normally include the failure of a police officer to follow general policies and procedures that relate to identification, report writing, notebook entries, and property/evidence handling.

At the conclusion of the preliminary investigation, the intake investigator composes a report that outlines the complainant's allegations, the officers involved, and the incident details as identified by both the complainant and background material. The entire case file is then forwarded to the IPR Director for review.

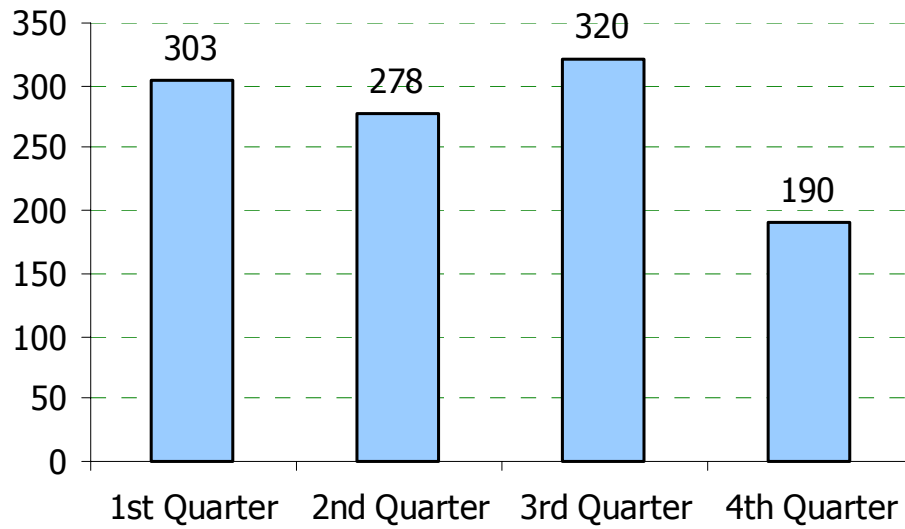
Upon receiving the case file, the Director reviews the investigation report and the accompanying documents, and then makes an intake decision. Under the ordinance creating the IPR, the Director is granted the discretion to handle citizen complaints in one of five ways:

Possible IPR Director Intake Decisions

Decline	The complaint can be dismissed if the IPR Director concludes that "the allegation is trivial, frivolous or obviously false, is without merit, contains no allegations that would constitute misconduct or if the complainant is using another remedy" (e.g. a tort claim). If the Director chooses to decline the complaint, the case is closed and the complainant is mailed a letter outlining the reasons why the case was declined.
IAD Referral	The Director can refer the case to the Bureau's Internal Affairs Division (IAD) for their review and handling. In cases where the complaint is referred to IAD, the complainant is notified by mail. In addition, the complainant is informed that the IPR will monitor the handling of their complaint and notify them as to the status of their complaint on a monthly basis.
Mediation	A case can be assigned for mediation with the approval of the complainant, the police officer, and the Captain of Internal Affairs. In cases assigned for mediation, the IPR arranges for a professional mediator to meet with the complainant and the involved officer(s) with the intention of facilitating a discussion of the incident in an informal and non-confrontational setting.
Referral to Other Agency or Jurisdiction	Certain cases may be referred to other City bureaus or other jurisdictions if they can more appropriately deal with the complaint. For example, if the intake investigation reveals that the complaint relates to a police officer from another jurisdiction, then the IPR Director will forward the complaint and the appropriate documentation to that department. If a case is referred, the complainant will be notified by mail of the referral. The complainant is also given a phone number so they can contact that agency directly (e.g. the number for that jurisdiction's internal affairs division).
Referral to PPB Command Staff or Citizen Review Committee	If a complaint relates issues involving policy, procedure or training, the concern will be referred to the Chief's Office, a member of the Police Bureau's command staff and/or the Citizen Review Committee's Policy Work Group.

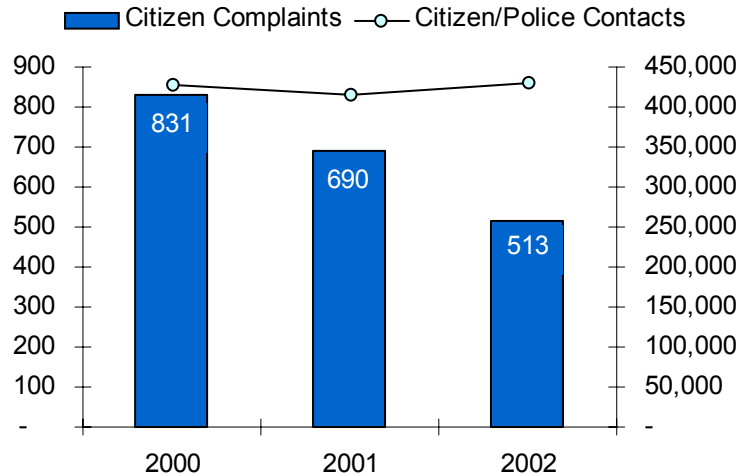
Intake Outcomes

Number of Calls for Information in 2002



- The Independent Police Review Division fielded 1091 calls for information in calendar 2002.

Complaints Received and Police-Citizen Contacts⁴ in 2000, 2001, and 2002



- Even though the number of police-citizen contacts remained fairly stable from 2000 through 2002, the number of citizen-initiated complaints filed against the Portland Police Bureau dropped noticeably between 2000 and 2002.

New, Closed, and Pending Complaints in 2002

	First Quarter	Second Quarter	Third Quarter	Fourth Quarter	YTD 2002
Number of Citizen Complaints	130	122	138	123	513
Citizen Complaints Closed	88	63	93	136	380
Complaints Pending at Quarter's End	42	101	146	133	

- Of the 513 complaints received by the IPR, 380 were successfully closed in 2002. 133 complaints remained open at the end of the year.

Complaints by Precinct and Citizen-Police Contacts⁵

PPB Precinct/Division ⁶	Citizen Complaints	Complaint Percent	Citizen-Police Contacts	Complaints per 1,000 Contacts
Central	133	26%	87,697	1.52
Southeast	87	17%	105,394	0.83
East	69	13%	102,809	0.67
Northeast	66	13%	85,000	0.78
North	28	5%	47,857	0.59
Precinct Subtotal	383	75%	428,757	0.89
Detectives (Non-Precinct)	15	3%	-	-
Traffic	29	6%	-	-
Other Division	24	5%	-	-
Unknown	62	12%	-	-
Total	513	100%	-	-

- Central Precinct received 26% of all citizen complaints in 2002. Southeast Precinct received the second highest number of citizen complaints with 17%, followed by East and Northeast Precincts each with 13% and North Precinct with 5%.
- Central Precinct also had the highest rate of complaints per police-citizen contacts, generating 1.52 complaints for every 1,000 police-citizen contacts. Southeast Precinct had the second highest rate at 0.83 complaints per 1,000 police-citizen contacts.

Gender, Race, and Age of Complainants

Gender, Race and Age of Complainants	2002	Percent of Complainants	Proportion of Portland 's Pop. ⁷
Gender			
Female	194	37.2%	50.6%
Male	318	61.0%	49.4%
Unknown	9	1.7%	--
Race			
Hispanic or Latino	21	4.0%	6.8%
White	234	44.9%	77.9%
Black or African American	80	15.4%	6.6%
Native American	9	1.7%	1.1%
Asian	8	1.5%	6.3%
Native Hawaiian and Other Pacific Islander	1	0.2%	0.4%
Two or More Races	3	0.6%	4.1%
Other Race/Ethnicity	7	1.3%	3.5%
Unknown	158	30.3%	--
Age			
Under 24 years	86	16.5%	31.4%
25-34 years	117	22.5%	18.3%
35-44 years	122	23.4%	16.4%
45-54 years	81	15.5%	14.8%
55-64 years	32	6.1%	7.6%
65 years and over	10	1.9%	11.5%
Unknown	73	14.0%	--
Total Number of Unique Complainants	521		

- Overall, males were over-represented among IPR complaints relative to their proportion in the population. This was not unexpected, however, given that it is likely that males have proportionally more contact with the police than females.
- In terms of race/ethnicity, whites were potentially under-represented among IPR complainants, while African-Americans may have been over-represented. Due to high levels of non-response, however, race/ethnicity was unknown for 30% of IPR's complainants. *Thus, extreme caution needs to be used when attempting to draw any conclusions concerning trends relating to the race/ethnicity of IPR complainants.*

Allegation Classifications Reported for All Citizen Complaints (by Quarter)

Allegation Classification	First Quarter	Second Quarter	Third Quarter	Fourth Quarter	Total	Total Percent
Force	23	37	69	40	169	14%
Control Techniques	8	12	9	14	43	4%
Disparate Treatment	18	9	8	24	59	5%
Conduct	92	97	153	125	467	39%
Courtesy	41	56	57	45	199	17%
Procedure	84	74	58	44	260	22%
Total Classified Allegations	266	285	354	292	1197	100%
Number of Complaints Received	131	122	138	122	513	

- 39% of all allegations received in 2002 were classified as conduct. Procedure was the second most common classified allegation at 22%, followed by courtesy at 17%, force at 14%, disparate treatment at 5%, and control techniques at 4%.
- In terms of detailed allegations, the two most common allegations involved rude behavior and unprofessional conduct. Out of the 513 complaints received in 2002, 116 (23%) complaints involved at least one allegation of rude behavior and 73 complaints involved at least one allegation of unprofessional or unjustified conduct. Allegations of excessive force through the use of hands, feet, or knees constituted the third most common type of complaint to be filed with the IPR, followed by complaints of harassment, poor service, and profanity (see table on next page for a complete listing of detailed allegations).

Most Common Detailed Allegations for Calendar 2002 Citizen Complaints⁸

Number of Complaints	
Rude Behavior	116
Unprofessional or Unjustified Conduct	73
Excessive Force Involving Hands, Feet, or Knee Strikes	66
Harassment, Intimidation, Retaliation or Threats to Arrest	57
Provide Poor Service	48
Profanity	43
Incorrect Charges/Citations	39
Did not take Appropriate Action	35
Violated Constitutional Rights	27
Failed to File a Police Report	24
Mishandled Property	24
Failed to Provide Identification	23
Handcuffs Excessively Tight	21
Discrimination-Race-General	19
Acted Beyond Scope of Authority	17
Did Not Release Property	17
Racial Profiling--Non-specific	15
Filed Inaccurate Police Report	14
No Explanation for Traffic Stop, Citation, or Arrest	14
Excessive Force-Asp Baton	12
Pepper Spray	12
Inappropriate Use of Detox	11
Vague Procedure Allegation	11
Control Holds	11
Failed to Arrest	9
Untruthfulness	8
Did Not Conform to Law	7
Discrimination-Other	5
Incorrect Tow	5
Did Not Return Phone Calls	4
Did Not Follow Traffic Law	4
Excessive Force-Bean Bag Shotgun	4
Excessive Force-Taser	4
Used Racial Epithets	4
Inappropriate Off-Duty Behavior	3
Intentionally Demeaning Language--Not Profanity	3
Excessive Force-Rubber Bullets	3
Used Authority for Personal Gain	3
Excessive Force-Vehicle	3
Excessive Force-Flashlight	2
Improper Disclosure of Information	2
Incorrect Use of Exclusion	2
Excessive Force-Horse	1
Inappropriate Sexual Conduct	1

IPR Intake Decisions in 2002 (by Quarter)

Intake Decision	First Quarter	Second Quarter	Third Quarter	Fourth Quarter	Total	Total Percent
Referred to IAD	69	77	76	73	295	61%
Declined after Intake Investigation	27	21	27	39	114	24%
Resolved at Intake	14	7	7	9	37	8%
Referred to Other Agency	9	4	5	9	27	6%
Referred to District Attorney	0	1	0	0	1	0.2%
Referred for Mediation	0	0	1	5	6	1.3%
Completed Intakes for 2002	119	110	116	135	480	100%
Intake Investigations On-going at Quarter's End	11	23	43	21		

- Out of the 513 complaints received in 2002, the IPR referred 61% (295 complaints) to the Internal Affairs Division for handling.
- Roughly 24% of all complaints received in 2002 were declined by the IPR after intake investigation.

Example of IPR Intake Decisions

Referred to IAD for Possible Investigation	The complainant alleged that his vehicle was towed even though he had a valid out-of-state driver's license. He also alleged that the citing officer made disparaging comments about his Latino heritage.
Referred to IAD as a Possible Service Complaint	<p>Example 1: The complainant was a taxicab driver who alleged that an officer who was dispatched to deal with a contested cab fare forced him to accept a fare that was less than the amount owed by his customers. The IPR contacted the driver's employer who indicated that a debriefing with the involved officer would satisfy his concerns.</p> <p>Example 2: The complainant alleged that an officer was rude and discourteous to him when he warned him about an illegal car alarm. The complainant also believed the officer may have been harassing him by repeatedly stopping him over a period of several months. The complainant wanted to know what the officer had to say about his complaint; he was not comfortable with participating in the mediation program. He indicated that a debriefing with the officer and contact from the officer's supervisor would satisfy his concerns.</p> <p>Example 3: The complainant alleged that an officer who had taken a theft report from her had lost the report and that another officer had to come out to prepare a duplicate report. She was greatly inconvenienced by the loss of the report. The complainant did not agree to a service complaint because she wanted "the most severe thing possible" to happen to the officer due to the great inconvenience caused by the need to report the incident twice. IPR and IAD agreed that the complaint would be best handled as a service complaint over the complainant's objection.</p>
Case Resolved at Intake	The complainant was arrested by a PPB officer. During the arrest, a small amount of property was seized as evidence. The charges were later dismissed. Because the complainant did not have a signed release from the arresting officer, however, he was having difficulty getting the property room to release his property. The complainant contacted the IPR and requested assistance in retrieving his property. The IPR intake investigator identified the officer who made the arrest and forwarded a copy of the dismissal order to the officer's lieutenant. The officer subsequently signed and faxed a release form to the property room. The complainant was then able to retrieve his property. During a follow-up call with the intake investigator, the complainant stated that his complaint had been satisfactorily resolved.
Referred to Other Agency	The complainant and his wife had a domestic dispute at their home. The wife called the police, and two officers and a sergeant responded. The complainant was unhappy with the officers' resolution of the dispute. During the intake investigation, it was determined that the officers involved were from another jurisdiction. The IPR sent a copy of the complaint to the involved agency and advised the complainant of the referral.

Detailed Reasons for IPR Decline of Citizen Allegations in Calendar 2002

IPR Decline Reason	Force	Control Tech.	Disparate Treatment	Conduct	Courtesy	Procedure	Decline Total	Decline Percent
Complainant Unavailable	12	0	0	25	4	12	53	27%
Complainant Withdraws	0	0	0	5	4	2	11	6%
False or Trivial Claim	0	0	0	25	9	6	40	20%
Filing Delay	9	0	0	4	0	2	15	8%
Lack Resources	0	0	0	2	0	0	2	1%
No Misconduct Alleged	0	0	2	26	1	23	52	26%
Other Jurisdiction	2	0	0	19	0	1	22	11%
Other Remedy	0	0	0	2	0	0	2	1%
Previously Adjudicated	0	0	0	1	0	1	2	1%
Allegation Total	23	0	2	109	18	47	199	100%
Allegation Percent	12%	0%	1%	55%	9%	24%		

- The most common reason the IPR declined citizen allegations was due to the unavailability of the complainant. 27% of all declined allegations resulted from circumstances where the IPR intake investigator was unable to contact the complainant in order to conduct an intake interview. In circumstances such as these, the allegations were declined if the complainant did not provide enough information to establish the identity of the officers or any behavior that could be classified as potential misconduct.
- The second most common reason that allegations were declined by the IPR was that the complainant was unable to identify any type of behavior that would constitute a violation of Police Bureau policies or procedures.
- Finally, false, trivial, and obviously fallacious allegations constituted the third most common reason the IPR declined complainant allegations.

Example of Complaints Declined by the IPR

Complainant Unavailable	<p>Example 1: The complainant called the Chief's Office, angry that officers were not investigating a case where he was assaulted by another individual. The case was then referred to the IPR. The IPR obtained copies of the police reports and attempted to contact the complainant. Two phone messages were left with the complainant and a contact letter was sent to his residence. The police reports appeared to have been appropriately prepared and without further information from the complainant, no further action could be taken. The case was closed.</p> <p>Example 2: The complainant alleged that an officer was rude to him at a MAX train station. The IPR intake investigator left two messages for the complainant and sent him a contact letter. No response was received. The intake investigator contacted a fare inspector who was identified as a witness by the complainant. The fare inspector stated that the officer was professional, but the complainant was rude. Without further information from the complainant, no further action was warranted and the case was closed.</p>
Complainant Withdraws	<p>The complainant filed a complaint with the PPB Chief's Office alleging that an officer had been discourteous and had disclosed confidential information about him to another person. The Chief's Office forwarded the complaint to the IPR. Upon being contacted by the IPR, the complainant stated emphatically on multiple occasions that he did not want to pursue a complaint and that the IPR should not keep any information relating to the incident in its files. Based upon the complainant's insistence, the case was closed and no further action was taken.</p>
False or Trivial Claim	<p>The complainant was talking to a clerk at a nutrition store. Two police officers walked into the store and stood behind him in line. Although the officers did not make contact with the complainant, nor say or do anything, he felt that their presence constituted harassment. In a second complaint, the complainant alleged that after a former girlfriend reported to police that he was bothering her, Portland officers repeatedly drove their police vehicles in front of, behind, and beside his vehicle. The complainant provided photographic evidence of the presence of police and emergency vehicles driving around his vehicle. In a third complaint, the complainant alleged that while he was inside a nightclub, he approached a police officer to look at his nametag, and the officer made a provocative comment. All three complaints were declined by the IPR Director. The complainant made three additional complaints in January 2003 that were also declined without a referral to Internal Affairs.</p>
No Misconduct Alleged	<p>The complainant landlord stated that police officers were scaring his tenants by repeatedly driving down a private road to the property. He also complained that one of the residences was burglarized and the police had not apprehended the burglar. The involved tenant was contacted and interviewed by the IPR intake investigator. The tenant stated that he was not scared by the police and wanted the patrols to continue. The police reports relating to the burglary were reviewed and the investigation appeared appropriate. The complaint was declined due to a lack of any apparent misconduct.</p>

<p>Filing Delay</p>	<p>Example 1: The complainant alleged that a police officer had inappropriately cited him for “road rage” and reported him to the D.M.V. The complainant waited more than seven months to file his complaint, until he read in the paper that the citing officer had been granted an award for an unrelated incident. The IPR reviewed the reports and the D.M.V. referral. Based upon the reports, which included references to independent witnesses who complained about the complainant’s driving and the time delay in making the complaint, the case was declined and was not referred to IAD for any further action.</p> <p>Example 2: The complainant alleged that officers used excessive force in placing him under arrest for harassment almost 22 months before. The complainant pled guilty two months after his arrest to harassment and resisting arrest. The IPR reviewed the police reports relating to the arrest, which documented the complainant’s acts of resisting and the need to use force to effect his arrest. The complainant stated that he was now making his complaint because he was told that there was a two-year statute of limitations for filing a lawsuit. The complaint was declined as being untimely.</p> <p>Example 3: The complainant alleged that 19 months before, he was stopped by a Portland Police Bureau officer and warned about attempting to pick up a prostitute. He stated he was only trying to assist a young woman who was clearly intoxicated and fell against his car. He complained that the officer was rude and he recently learned that the police report was defamatory. The IPR obtained a copy of the police report, which indicated that a young woman, who was not intoxicated, but was emotionally upset, complained to the police officer that the complainant was harassing her. The officer issued the complainant a warning after he provided contradictory information about where he was going and what he was doing at the location. The complaint relating to the officer’s demeanor was declined as untimely; the complaint relating to police report was declined as failing to state misconduct.</p>
<p>Other Judicial Review</p>	<p>Example 1: The complainant requested that the IPR review his conviction for two counts of robbery. The complainant alleged that his civil rights had been violated due to a conviction based on police reports containing discrepancies, a lack of handwritten notes by the investigating officer, and other factual errors in the investigation. The complaint was declined since the IPR and IAD do not have jurisdiction to review and overturn a criminal conviction. The complainant was advised that he had a remedy to have his criminal conviction overturned by filing an appeal with the criminal court.</p> <p>Example 2: The complainant alleged that an arrest and conviction for violating a domestic violence restraining order was false. He complained that the arresting officer prepared false police reports. The IPR intake investigator contacted the victim of the domestic violence and was advised that the police reports were not false and that her allegations were truthfully reflected in the police reports that were prepared. The IPR declined the complaint because the appropriate avenue of appeal was through the appellate court process rather than through the use of the IPR/IAD complaint process. The complainant was advised that he had a remedy with the appellate courts. The complainant re-contacted the IPR, accused the IPR of being involved in a conspiracy, and made bigoted comments regarding the handling of his case.</p>

STAGE TWO: IAD PROCESS

Process for Cases Referred to IAD

If the IPR Director refers a complaint to Internal Affairs Division (IAD), the IAD Captain can choose to assign the case for a full investigation, assign it to a precinct to be handled as a service complaint, or decline the case after further review.

Service Complaints

If the IAD Captain assigns the case to a precinct as a service complaint, then a precinct supervisor will review the complaint, attempt to contact the complainant and debrief the involved officers. Upon completion of the service complaint, the IPR sends a letter to the complainant to determine whether he or she was satisfied with the handling of the complaint by the assigned Portland Police Bureau (PPB) supervisor.

IAD Declines and Other Dispositions

If IAD declines to fully investigate the complaint, IAD drafts a letter to the complainant explaining the decision. The IPR will then mail the complainant the IAD declination letter along with a cover letter that notifies them of their option of appealing the declination to the Citizen Review Committee. Complaints are declined by Internal Affairs if the IAD Captain determines that the complaint is without merit or is obviously fallacious. A complaint can also be declined if the complainant does not articulate any misconduct or a violation of Bureau policy. If a complaint is declined, the involved officers are not interviewed by IAD personnel.

Occasionally, complaints will receive a disposition other than investigation, service complaint, or decline. Grouped here under the category of *Other disposition*, this category includes cases that are:

- *Closed* after the IAD investigator resolves the citizen's complaint during the investigation;
- *Suspended* when sufficient information cannot be obtained to finish the investigation and make appropriate findings; and
- *Referred* to other Police departments or agencies when the complaint involves non-PPB officers.

Categories for Police Bureau Findings

Full Investigations

The Independent Police Review Division monitors and reviews all IAD investigations. Once the investigation is complete, an investigation file is prepared and forwarded to the Responsible Unit (RU) Manager (typically the subject officer's Precinct Commander) for review and finding. Simultaneously, the investigation report is forwarded to the IPR Director for review and comment.

PPB Findings for Investigations

The RU Manager reviews the investigation report and evidence, and issues a finding on the complaint. There are two general categories of findings, sustained and not sustained. The not sustained category includes three sub-categories: Unfounded, exonerated and insufficient evidence. Each of these findings can also include a debriefing.

Sustained	The officer was found to have been in violation of Police Bureau policy or procedure
Unfounded	The available facts do not support the allegation
Exonerated	The actions of the police officer were within the guidelines of Police Bureau policy
Insufficient Evidence	There was not enough evidence to prove or disprove the allegations

Not Sustained and Pending

If the Bureau returns a finding of *not sustained*, the complainant is notified by mail of the finding and informed of the option of filing an appeal to the Citizen Review Committee with the IPR.

Sustained Complaints

If the subject officer's precinct commander recommends that a complaint be sustained, the case is forwarded to a Review Level Committee composed of assistant chiefs for a finding. The PPB Review Level committee will also make disciplinary recommendations to the Police Chief. The Mayor, as the Commissioner of Police, may also review recommendations for serious disciplinary actions, such as termination or suspension. If a finding is sustained at the review level, the IPR notifies the complainant, and the involved officers are provided with an opportunity to appeal the finding to the Citizen Review Committee.

Outcomes for Complaints Referred to IAD

Internal Affairs Assignment Decisions for Complaints Referred by IPR

IAD Assignment Decision	First Quarter	Second Quarter	Third Quarter	Fourth Quarter	Total	Total Percent
Investigation	20	27	22	23	92	32%
IAD Service Complaint	17	10	29	30	86	30%
Precinct Service Complaint	0	0	1	11	12	4%
Declined after Preliminary Investigation	20	19	23	22	84	30%
Other (resolved or suspended)	5	0	2	0	7	2%
Criminal Investigation	0	0	2	1	3	1%
Total for Completed Assignments	62	56	79	87	284	100%
Assignments Pending at Quarter's End	7	28	29	23		

- Of the complaints referred to the Internal Affairs Division in 2002, 32% were assigned to an IAD investigator for a full investigation, 30% were assigned by IAD as service complaints, and 30% were declined after review by the IAD Captain.

Case Examples of IAD Assignment Decisions

Assigned for Full Investigation	The complainant made numerous allegations regarding his detention and transportation to a Detoxification facility for public drunkenness. He alleged (1) the arresting officer used excessive force while taking him into custody; (2) that the officer left his personal property on the hood of the police car and that the property was lost when the officer drove off without securing the property, and (3) the officer drove in an unsafe fashion while transporting him. The case was assigned for a full investigation.
Assigned as a Service Complaint	The complainant stated that officers responding to a call about a violation of a restraining order were overly aggressive in the manner in which they dealt with her family members. The complainant did not want to get the officers in trouble, she just wanted a supervisor to discuss her issues and concerns with the officers.
Declined by IAD	The complainant stated that he and a friend were watching an amateur film. A neighbor called the police after hearing sounds of a woman screaming and hitting noises. The complainant refused to allow the police to check his house without a search warrant. When they insisted on entering, he began to show them through the house. An officer yelled that he could not accompany them and instructed him to remain seated in the front room. They left after determining there was no one in the house other than the complainant and his friend. The complainant stated that the actions of the officers violated his civil rights. After reviewing the relevant reports, the IAD Captain determined that the officers had probable cause to enter and search the residence, and to detain the complainants pending the outcome of the search. No further investigation was warranted and the complainant was advised of the reasons for the IAD declination.
Precinct Service Complaint	<p>Example 1: The complainant stated that an officer was rude to her when she was stopped for a traffic violation. The officer asked her if she knew why he had stopped her and when she answered "No," he responded in a loud voice, it was because she ran a stop sign. When she tried to explain her version of the incident to the officer, she felt that he acted rude and inconsiderate. Although she did not want to file a formal complaint, she wanted a supervisor to know about her concerns in case this behavior has been a problem with the officer in the past. The precinct completed a service complaint and documentation was forwarded to IAD and IPR.</p> <p>Example 2: The complainant stated that he was cited for having a cover on his license plate. He was irritated because he was unaware that having a cover on his license plate was illegal. He admitted to being rude to the officer. After the officer wrote the citation, the officer <i>threw</i> the complainant's driver's license, registration, and insurance back at the complainant. When the complainant asked for the officer's name, he replied, "It's on the ticket, can't you read?" Although the complainant acknowledged being rude to the officer, he believed that the officer's conduct was unprofessional. The complainant indicated he would be satisfied if a supervisor would talk to the officer about the incident.</p>

Disposition Summary for All Citizen Allegations Received in Calendar 2002

Disposition	Force	Control Tech.	Disparate Treatment	Conduct	Courtesy	Procedure	Total	Total Percent
Resolved at Intake	0	0	0	7	3	26	36	3%
Referred to Other Agency	0	0	0	4	1	0	5	0%
Declined by IPR	23	0	2	109	18	47	199	17%
Completed Mediation	0	0	1	0	1	1	3	0%
Pending Mediation	0	2	2	10	4	1	19	2%
<hr/>								
Closed Full Investigation	9	2	2	27	16	26	82	7%
Open Full Investigation	74	20	8	113	23	46	284	24%
IAD Service Complaint	2	2	4	58	71	46	183	15%
Precinct Service Complaint	0	0	0	5	8	1	14	1%
Declined by IAD	34	12	25	93	36	50	250	21%
Other	2	1	0	7	4	4	18	2%
IAD Assignment Pending	25	4	15	34	14	12	104	9%
Total							1197	100%

- Overall, 31% of all allegations received in 2002 were assigned for a full investigation, while 38% were declined by either the IPR (17%) or IAD (21%).

Ten Most Common Complaints Disposed as Service Complaints

Detailed Allegations	Number of COMPLAINTS
Rude Behavior	42
Unprofessional or Unjustified Behavior	14
Profanity	8
Harassment or Threats to Arrest	6
Inappropriate Arrest, Charges, or Citations	4
Did Not Provide Identification	4
Acted Beyond Scope of Officer's Authority	3
Did Not Take Appropriate Action	3
Did Not Arrest Subject	2
Did Not Write or File a Police Report	2

- Of the complaints referred to IAD by the IPR, the most common type of complaint disposed as a service complaint involved allegations of either rude behavior or unprofessional conduct.

Ten Most Common Complaints Referred for Full Investigation

Detailed Allegations	Number of COMPLAINTS
Rude Behavior	14
Excessive Force Involving Hands, Feet, or Knees	13
Profanity	12
Unprofessional Behavior or Unjustified Behavior	9
Fail to Provide Name/Badge	5
Failure to Follow Investigation Procedures	4
Failure to Take Appropriate Action	4
Mishandled Property	4
Failure to Write or File a Police Report	3
Warrantless Search and Seizure	3

- The most common complaints assigned for full investigation involved allegations of rude behavior, excessive force, profanity, and unprofessional conduct.

Detailed Allegations Disposed as Precinct Service Complaints

Detailed Allegations	Number of COMPLAINTS
Rude Behavior	7
Fail to Provide Name/Badge	1
Failure to Follow Investigation Procedures	1
Failure to Take Appropriate Action	1
Harassment or Threats to Arrest	1
Poor Service	1
Unsatisfactory Work Performance	1
Warrantless Search and Seizure	1

- For complaints handled as precinct service complaints, the most common allegations again involved rude behavior, as well as a number of procedure allegations, such as failure to provide identification, follow investigative procedures, or take appropriate action.

Full Investigations Completed with Findings by Quarter

	First Quarter	Second Quarter	Third Quarter	Fourth Quarter	Total
Completed Full Investigations with Findings	1	6	12	15	34
Completed Full Investigations with Sustained Findings	0	0	1	4	5
Open Full Investigations					58

- During the course of 2002, 34 out of 92 full investigations were completed with findings. Out of the 34 completed full investigations, the PPB returned sustained findings on 5 allegations involving 5 separate complaints.
- Note: The number of sustains reported here undercounts the number of sustains that are likely to result from complaints filed with the IPR in 2002. This is a function of a number of factors. First, cases assigned for full investigation take longer to complete than cases that receive alternate dispositions (e.g. service complaints or declines). In addition, sustained cases are subject to additional levels of review, first by the Review Level Committee, then by the Chief of Police. These additional levels of review can add considerable time to the process. In comparison to non-sustained cases, a larger proportion of cases destined for a sustained finding remained open at the end of the year. It is, therefore, not possible to calculate a *sustained rate* for the year until all 2002 IPR complaints have been closed.

Findings on Classified Allegations for Both Pending and Closed Investigations

	Force	Control Techniques	Disparate Treatment	Conduct	Courtesy	Procedure	Total	Total Percent
Sustained	0	0	0	1	2	2	5	1%
Not Sustained								
Unfounded	4	0	2	7	6	7	26	7%
Unfounded w/Debriefing	0	0	0	1	0	0	1	0%
Exonerated	3	2	0	9	0	8	22	6%
Exonerated w/Debriefing	2	0	0	2	1	4	9	2%
Insufficient Evidence	0	0	0	5	4	3	12	3%
Insuff. Evidence w/Debriefing	0	0	0	2	3	2	7	2%
On-Going Full Investigation	74	20	8	113	23	46	284	78%
Combined Total	83	22	10	140	39	72	366	100%

- The most common finding on completed full investigation was unfounded, followed by exonerated and insufficient evidence. Overall, a large majority of the allegations assigned for full investigation (78%) remained open as of December 31, 2002.

Findings on Detailed Citizen-Initiated Allegations Subject to Full Investigation

	Unfounded	Unfounded w/debrief	Exonerate	Exonerate w/debrief	Insuff. Evidence	Insuff. Evidence w/debrief	Sustained	Total
Profanity	3				2	2	3	10
Rude Behavior	3			1	3	2		9
Hands/Feet/Knees Strikes	4		3	1				8
Warrantless Search and Seizure			2	2		1		5
Unprofessional or Unjustified Behavior			2	2	2	1		7
Did Not Arrest					3			3
Did Not Follow Investigation			2	1				3
Did Not Take Appropriate Action	1	1	1					3
Harassment	1		2					3
Inappropriate Arrest/Charges			3					3
Did Not Provide Identification	2						1	3
Did Not Conform to Laws	2							2
Did Not Act Properly	1		1					2
Did Not Write or File a Police Report			2					2
Mishandled Property	2							2
Used Authority for Personal Gain	1		1					2
Other	1			1				2
Distraction Tech.				1				1
Control Holds			1					1
Handcuffs			1					1
Discrimination- Racial Profiling	1							1
Used Racial Epithets	1							1
Acted Beyond Scope of Authority					2			2
Did Not Investigate						1		1
Failure to Release Property							1	1
Falsified a Police Report	1							1
Incorrect Application of Law			1					1
Incorrect Use of exclusion	1							1
Retaliation	1							1
Total	26	1	22	9	12	7	5	82

- Of the allegations that were sustained in 2002, 3 allegations involved officer use of profanity, 1 allegation involved failure to provide identification, and 1 allegation involved the failure of an officer to release property.

IPR Director's Comments on IAD Actions

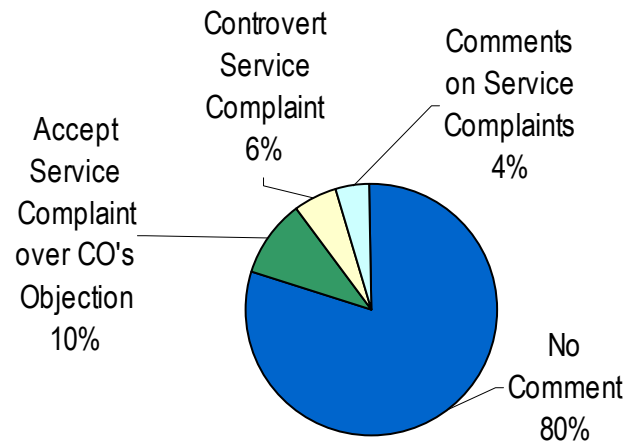
IPR Director Comments	Total
Comments on Timeliness	
Timeliness Issue	41
Comments on Service Complaints	
Service Complaint Over Complainant's Objection	7
Controvert Service Complaint	4
Comment on Service Complaint	3
Request Decline not Service Complaint	4
Comments on Investigations	
Request Further Investigation	13
Comment on Investigation	7
Comments on Allegations and Findings	
Comment on Finding	6
Comment on Allegations	9
Recategorized Allegation	9
Comments on Declines	
Request Service Complaint not Decline	2
Request Investigation not Decline	6
Commendations	
Investigative Kudo	7
Other Comments	
Investigation Not Submitted for Review	7
IPR Inquiry	5
Comment on Documentation	21
Comment on Disposition Letter	11
Total	162

IPR Director Comments on Timeliness

- On 41 occasions, the IPR Director made comments on the failure of IAD to comply with timeliness goals. These cases involved untimely declinations, service complaints, and investigations.

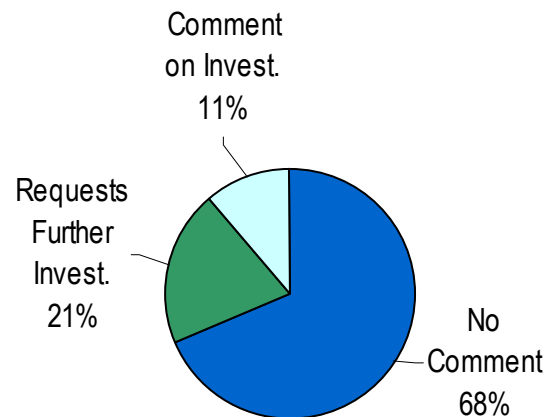
IPR Director's Comments on Service Complaints

In most cases (80%), the IPR Director found no need to comment on the categorization of complaints as service complaints. In 7 cases, the IPR Director and the IAD Captain agreed to categorize a complaint as a service complaint over the objection of the complainant. In 4 cases, the IPR Director objected to the use of the service complaint process and the IAD Captain agreed to handle the complaint as an investigation or a decline. In 3 cases, the IPR Director made a comment on a service complaint. These comments were intended to communicate the IPR's position with respect to the handling of the complaint.



IPR Director's Comments on Investigations

In the majority of cases (68%), the IPR Director found no need to comment on the quality or thoroughness of IAD investigations. In 13 cases, however, the IPR Director requested that the investigator conduct further investigation. In all cases where, after discussion with the investigator or the IAD Captain, the Director believed that the integrity of the investigation was at stake, the request was accepted, and additional investigation was completed. In 7 additional cases, the IPR Director made comments on the investigations that were designed to (1) make an inquiry to understand actions taken during the course of the investigation; (2) assist an IAD investigator in the future; or (3) assist the CRC in its review of the investigation in the event of an appeal.



Case Example of IPR Request for Further Investigation

The complainant was stopped by two officers who requested his identification and told him that he matched the description of someone spray-painting graffiti. Although the complainant refused to give consent for the search of his backpack, the officers searched it anyway. Nothing of evidentiary value was found and the complainant was released at the scene.

IAD assigned the complaint for a full investigation. The IPR requested that the IAD investigator contact the District Attorney's Office to determine whether the officers had probable cause to search the complainant's backpack, even without his consent.

A final decision was made in the case after the Chief of Police consulted with the District Attorney's Office and the City Attorney's Office. The Chief was advised that because the complainant matched a *graffiti tagger profile*, the officers contacted the complainant in an area highly impacted by graffiti, and the officers heard a rattling sound from the backpack, the officers had probable cause to conduct the search.

IPR Director Comments on Allegations and Findings

In six cases, the IPR Director made comments on Bureau findings and either requested that the findings be changed or that the involved officers be debriefed about the incident. In only one case, did the Director recommend that a finding be changed from a non-sustained finding to a sustained one. In nine cases, the IPR Director provided comments to the IAD Captain on how allegations should be handled by IAD. These comments included suggestions to reword allegations or include additional allegations in an investigation. In nine additional cases, the IPR Director requested that allegations be re-categorized to better reflect the type of conduct alleged by the complainant. Most of these requests for re-categorization involved disparate treatment allegations that had been previously categorized as *conduct* by IAD.

Case Example of IPR Request for Change in Finding to Sustained

The complainant's daughter called police to regarding a possible suicide attempt by her mother. An officer responded, as did fire and ambulance personnel. The complainant alleged that the officer was rude and forced her to go to the hospital against her will.

The Bureau made a finding of *insufficient evidence* as to the allegation of discourtesy and a finding of *exonerated* as to the officer's actions in getting the complainant to go to the hospital. The IPR Director reviewed the findings. The IPR Director agreed with the *exonerated* finding, but believed the *insufficient evidence* finding to be unreasonable. Specifically, the Internal Affairs investigation contained statements from the ambulance personnel who corroborated the complainant's perception of the officer's conduct as unnecessarily discourteous. Fire personnel at the scene did not remember any misconduct, but their presence at the location was limited and unnecessary given that the complainant suffered no injury as the result of her attempted suicide.

The IPR Director requested that the *insufficient evidence* finding be reconsidered. The finding was referred back to the Precinct for reconsideration, but the finding was not changed.

The complainant filed an appeal to the CRC. The CRC voted 5-2 to recommend that the Bureau change the *insufficient evidence* finding to *sustained*. That recommendation was accepted by the Chief of Police.

Case Example of IPR Request for Change in Finding to Add Debriefing

Example 1: The complainant was the immediate supervisor of a police officer's wife. The officer's wife was placed on administrative leave. The officer subsequently transported his wife in a Bureau vehicle, while on duty, to an event hosted by the wife's employer. The complainant refused entry to the officer's wife and alleged that the officer's presence at the event was intimidating and inappropriate.

After the completion of an Internal Affairs investigation, the officer's commander concluded that the officer committed no misconduct and made a finding of "exonerated." Upon receipt of this finding, the IPR Director requested that a debriefing be added onto the "exonerated" finding. Although the commander concluded that it was not misconduct for the officer to give a ride to a family member while on duty, the IPR Director concluded that the officer's actions led to an appearance of impropriety that was not consistent with the goals established for City employees.

The officer's commander agreed to debrief the officer.

Example 2: The complainant was working as a traffic controller and was seriously injured by an uninsured driver. The complainant believed that the responding officer did not prepare an adequate report and inappropriately failed to cite the driver at the scene.

An Internal Affairs investigation was conducted and a finding of *unfounded* was made as to the preparation of the report and the failure to cite at the scene. The Bureau noted that there was insufficient reason to believe that a traffic crime occurred and, therefore, the officer was not required to conduct a criminal investigation. Therefore, the Traffic Crash Report that was prepared was sufficient as per Bureau policy. In addition, the officer was not required to issue a citation to the driver, even though he failed to yield to a pedestrian, because the alleged infraction did not occur in the officer's presence.

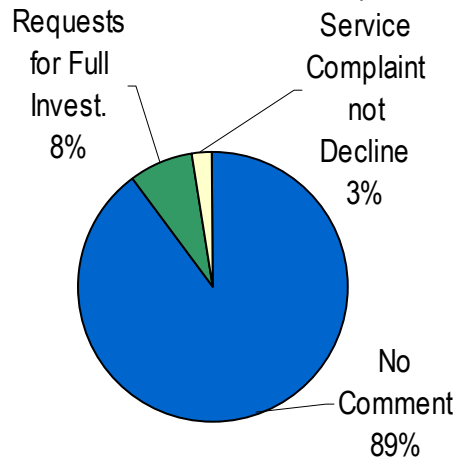
The complainant filed an appeal with the IPR/CRC. The IPR Director reviewed the appeal, conferred with the complainant and concluded that a different finding was necessary. Although the Director agreed with the Bureau's reasoning for its initial findings, there was an additional fact not considered. While attempting to sue the driver, the complainant discovered that the driver was uninsured and had provided false proof of insurance to the responding officer. Even after the officer became aware of this fact, he failed to follow-up on the information and cite the driver for false presentation of insurance coverage, a Class II misdemeanor.

Based upon an IPR request, the officer conducted additional investigation and attempted to locate the driver to issue a citation. Due to the passage of time, however, the driver could not be located. The report was forwarded to the District Attorney's Office for a possible criminal filing.

At the IPR's request, the finding was changed to *Exonerated with a Debriefing*. The officer was debriefed about the need to conduct an appropriate follow-up investigation. The complainant's appeal was withdrawn and he was provided with an updated letter of disposition. He filed a second appeal that is currently pending.

IPR Director Comments on IAD Declines

The IPR Director reviews all complaints declined by the IAD Captain before the complainant is advised of the IAD action. In the vast majority of the cases (89%), the IPR Director agreed that a proposed declination by the IAD Captain was reasonable and the declination letter was forwarded to the complainant with notice of the right to appeal the declination to the CRC. In 6 of the cases, however, the IPR Director requested that IAD conduct a full investigation. The IAD Captain agreed to conduct an investigation in 5 out of the 6 cases. The remaining case involved the conduct of a police officer during a protest. The IPR forwarded the IAD declination to the complainant who chose not to file an appeal.



In 2 additional cases, the IPR Director requested that a declination be handled instead as a service complaint. The IAD Captain agreed to assign one of these cases as a service complaint; in the other case, the declination was forwarded to the complainant who chose not to file an appeal.

Case Examples of IPR Request for Investigation – Not Decline

Example 1: The complainant reported that she observed an off-duty Portland Police Bureau officer at a local restaurant drive off while under the influence of alcohol.

The initial IAD decision was to decline to investigate the complaint. The proposed declination noted that off-duty officers are permitted to drink alcohol with the only restriction being that they cannot be impaired to any degree when they report to duty, nor can an officer violate any laws including driving under the influence. The initial report from the complainant that the officer consumed three drinks in three hours was determined to be insufficient to conclude that the officer was under the influence of alcohol when he left the premises. The IAD proposed forwarding a copy of the complaint to the officer's commanding officer, but taking no other action.

The IPR Director requested an investigation. It was noted that the complainant appeared to be an independent and credible witness. It was unlikely that she would have called to make the complaint unless she observed the officer to be seriously intoxicated. It was recommended that the officer be interviewed, as well as the bartender who served him the alcohol. There was concern that the complaint put the Bureau on notice about an officer with a alcohol problem and that the Bureau needed to take more affirmative action.

Upon being advised that an investigation would be conducted, the complainant called the IPR and advised that she had talked to a restaurant employee and realized that the intoxicated person was not a police officer. An IAD investigator contacted the restaurant employee and verified that fact.

The case was closed out by IAD with a designation of *miscellaneous*.

Example 2: IAD received a complaint that a police officer was habitually and intentionally failing to pay for parking in a City garage where he parked while working his shift. The garage manager who reported the conduct did not request an investigation; instead he wanted the conduct to stop and the officer to start paying for parking. The garage manager noted that additional Police Bureau employees were not paying for parking on every occasion.

The garage had an "honor system" for parking after-hours. When the last garage employee left for the night, an envelope would be placed on the windshields of all vehicles that were still in the garage. The drivers of these vehicles were expected to place payment for parking services in the envelope and leave the envelope in a box located at the garage's exit.

A review of the parking garage's records identified 37 Bureau employees who appeared to have parked in the garage, while working their shifts, and left without paying on three or more occasions.

The initial IAD review also identified an additional 160 failures to pay on the part of 47 county employees, many of them employed by the Multnomah County Sheriff's Department. The Multnomah County Sheriff declined to conduct an investigation into the actions of that agency's employees.

IPR urged that an Internal Affairs investigation be conducted. Specifically, the IPR was concerned that the allegation that officers were failing to pay for parking, if proven true, would constitute theft. The Bureau agreed to conduct the investigation.

The IPR Director participated in the investigation and concluded that it was thorough and professional.

IPR Director Commendations

In 7 cases, the IPR Director was so impressed with the quality of the investigation that an *investigative kudos* was forwarded to the IAD Captain and the sergeant who conducted the IAD investigation.

Other Comments by IPR Director

In 7 cases, investigations were completed by IAD without the investigative summary being forwarded to the IPR Director for review and comment. In each of these cases, clerical errors resulted in the submission failure. The IPR Director and the IAD Captain have worked to eliminate this type of failure so that every citizen-initiated case will receive the same type of comprehensive review.

In 5 cases, the IPR conducted an additional inquiry before forwarding an IAD disposition letter to a complainant. In some cases, the IPR inquiry consisted of verifying that the complainant was unable to provide additional information requested by IAD. In other cases, the IPR inquiry consisted of attempting to contact or identify witnesses who the complainant claimed could have provided relevant information.

In 21 cases, the IPR Director noted problems with the documentation of the IAD case closure information. In each case, the documentation problems were resolved by IAD.

In 11 cases, the IPR made comments on the IAD disposition letter that was provided to the IPR to forward to the complainant. In all cases, the IAD Captain or Lieutenant rewrote the letter along the lines suggested by the IPR Director. In most cases, there was either a suggestion to reword the language of a declination or to provide additional explanation of a reason for a finding. In some other cases, typographical errors or omissions were corrected.

STAGE THREE: APPEALS

Appeals Process

If the Police Bureau does not sustain an allegation, the complainant has an opportunity to file a request for review by the IPR and the CRC. IPR staff will review the appeal request and the IAD investigation. The IPR Director can then ask IAD to investigate the complaint further. If IAD declines to conduct further investigation, the IPR can independently conduct further investigation, if appropriate.

For appeals where the IPR Director does not request further investigation, the case is set for a CRC pre-hearing. During this pre-hearing, CRC members review the case file and discuss whether to hold a full hearing on the case or request further investigation by IAD or IPR. If by a majority vote, the CRC declines to give the case a full hearing, the appeal will be denied. If the CRC votes to hold a full hearing, all parties to the case are informed of the date and time. At the public hearing, everyone involved in the incident is given the opportunity to speak to the Citizen Review Committee. After reviewing the case and listening to public and Police Bureau comments, the CRC decides whether the Bureau's findings were reasonable under the circumstances. If, by a majority vote, the CRC agrees that the Bureau findings were reasonable, the case will be closed and the parties will be notified.

If the CRC concludes that any of the findings are unreasonable, and the Bureau does not accept a recommendation to change a finding, a conference between the Bureau and the CRC is held. If no consensus is reached, a hearing will be set before the City Council. The City Council will then make the final decision as to whether or not the findings should be changed. If the City Council votes to implement the CRC's recommended changes, the Chief of Police is required to adopt the finding and determine what, if any, discipline should be imposed. If the City Council does not change the findings, the case is closed and all parties are notified. In 2002, the Police Bureau accepted all of the CRC recommendations and there was no need to refer an appeal to the City Council.

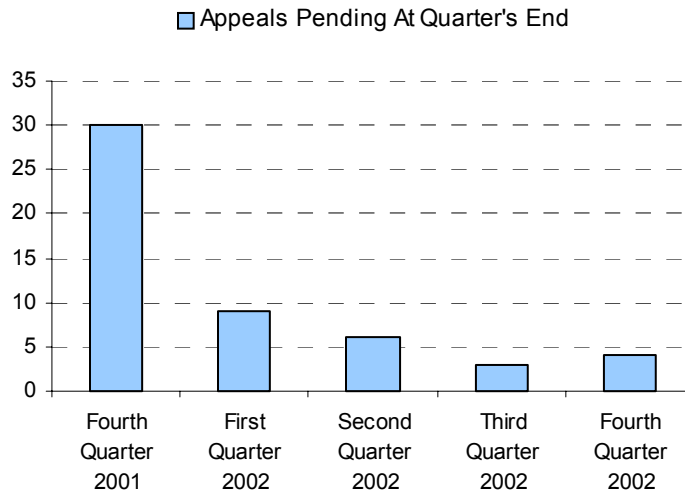
Appeal Outcomes

New Appeals Received and Action on Appeals

Appeals	Fourth Quarter 2001	First Quarter 2002	Second Quarter 2002	Third Quarter 2002	Fourth Quarter 2002	Total
New Citizen Appeal Received	32	16	8	2	3	61
Citizen Appeals Closed	2	37	11	5	2	57
Appeals Pending as of December 31, 2002						4
Actions on Appeals ⁹						
Full CRC Hearing	0	19	2	1	2	24
CRC Decline	0	2	6	2	0	10
IPR Decline	2	15	3	1	0	21
Withdrawn	0	3	0	0	2	5
Total Actions	2	39	11	4	4	60

- Since the inception of the CRC, complainants have filed 61 appeals of Police Bureau findings. Of those appeals, 57 were handled and closed by the end of 2002.
- During 2002, the CRC held 24 full hearings on citizen appeals. In addition, either the CRC or IPR declined 31 appeals.
- Please see Appendix 2 for detailed summaries of all appeals received by the IPR/CRC.

Reduction of Appeals Backlog in 2002



- The number of pending appeals dropped appreciably over the course of 2002. The large number of appeals pending in the Fourth Quarter of 2001 was the result of a backlog created by the closing of PIIAC and the creation of the IPR/CRC. During the first quarter of 2002, the IPR/CRC eliminated the 6-month backlog by holding 19 full hearings and issuing 15 declines. Since that time, the number of pending appeals has remained relatively low with 4 appeals pending as of December 31, 2002.

Findings on Appealed Allegations

Allegation Classification	Affirm	Challenge	Further Invest.	Appeal Declined	Withdrawn	Pending Action	Total	Total Percent
Force	11	0	2	27	1	5	46	17%
Control Techniques	9	1	3	7	0	1	21	8%
Disparate Treatment	6	2	2	9	0	0	19	7%
Conduct	28	7	8	52	7	5	107	39%
Courtesy	4	3	0	10	0	0	17	6%
Procedure	23	4	6	32	2	0	67	24%
Total	81	17	21	137	10	11	277	100%
Percent	29%	6%	8%	49%	4%	4%	100%	

- The CRC voted 6% of the time to challenge the PPB's findings, while affirming 29% of all allegations they reviewed. Of all appealed allegations, 49% were declined by the IPR or CRC. The total percentage of appeals affirmed by the CRC was, therefore, 78%.
- The majority of CRC challenges occurred on conduct, courtesy and procedure allegations. The CRC did not challenge any PPB findings on force allegations.

Types of CRC Challenges and PPB Response

	PPB Finding	CRC Recommendation	Hearing Date	PPB Response
Recommend Sustained				
2001-X-0012	Insufficient Evidence	Sustained	2/13/2002	Accepted
2001-X-0019	Exonerate w/debriefing	Sustained	6/18/2002	Accepted
Recommend less than Sustained				
2001-X-0012	Exonerate	Exonerate w/debriefing	2/13/2002	Accepted
2001-X-0012	Exonerate	Exonerate w/debriefing	2/13/2002	Accepted
2001-X-0013	Exonerate	Exonerate w/debriefing	1/10/2002	Accepted
2001-X-0013	Exonerate	Insufficient Evidence	1/10/2002	Accepted
2001-X-0013	Exonerate	Unfounded	1/10/2002	Accepted
2001-X-0014	Exonerate	Unfounded	3/5/2002	Accepted
2001-X-0014	Exonerate	Unfounded	3/5/2002	Accepted
2001-X-0017	Exonerate	Insufficient Evidence	2/5/2002	Accepted
2001-X-0019	Exonerate w/debriefing	Insufficient Evidence w/debriefing	6/18/2002	Accepted
2002-X-0010	Declined by IAD	Insufficient Evidence	5/21/2001	Accepted
2002-X-0010	Declined by IAD	Exonerate	5/21/2002	Accepted
2002-X-0010	Exonerate	Insufficient Evidence w/debriefing	5/22/2002	Accepted
2002-X-0013	Unfounded	Insufficient Evidence w/debriefing	5/21/2002	Accepted
2002-X-0013	Unfounded	Exonerate	5/21/2001	Accepted
Recommend Service Complaint				
2001-X-0018	Declined by IAD	Request Service Complaint	2/5/2002	Accepted

- Of the 17 challenges made by the CRC, 2 involved recommendations that the findings be changed from non-sustained to sustained. 14 challenges included recommended changes within the non-sustained category—for example, from exonerate to insufficient evidence. Please see Appendix 2 for a detailed summary of all appeals.
- In 5 instances, the CRC voted to recommend that a supervisor formally debrief the subject officer regarding the incident.
- As of the end of 2002, the Police Bureau had accepted all 17 CRC challenges.

BUREAU-INITIATED COMPLAINTS

Bureau-Initiated Complaint Process

In some cases, the Internal Affairs Division will self-initiate a complaint against a police officer without having received a complaint from a member of the community. Often, these are complaints initiated at the behest of another Bureau employee or supervisor, or based on information obtained from another law enforcement agency or employee of another governmental agency. Although the IPR Ordinance provides the Director with the right to review all Bureau records, the Ordinance did not specifically outline the IPR's involvement in bureau-initiated complaint investigations. An agreement has been reached, however, wherein IAD submits each bureau-initiated investigation to the IPR Director for review and comment upon the completion of the investigation. In addition, in one case, the Police Bureau requested that the IPR Director actively participate in the investigation of a bureau-initiated case.

As the IPR conducts annual reviews of the imposition of discipline, the discipline imposed with respect to bureau-initiated complaints will be included in that review.

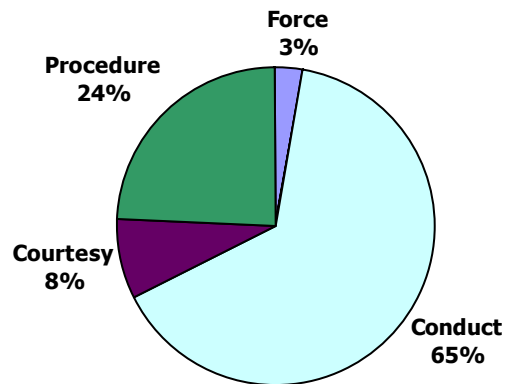
When IAD decides to initiate a bureau complaint, the IPR assigns the case a tracking number and IAD forwards an intake worksheet to the IPR Director. The IPR is then notified when the findings on the complaint are returned and the appropriate entries are made in the Administrative Information Management (AIM) database.

Bureau-Initiated Outcomes

Classified Allegations on Bureau Initiated Complaints

Classified Allegations on Bureau Initiated Complaints

	Number
Force	1
Control Techniques	0
Disparate Treatment	0
Conduct	24
Courtesy	3
Procedure	9
Total	37
Number of Complaints	23



- In calendar 2002, 23 bureau-initiated complaints were filed by the Portland Police Bureau (PPB).
- Roughly 65% of all allegations on Bureau-initiated complaints were classified as relating to conduct, with the second most common allegation relating to procedure (24%).

Detailed Bureau Initiated Allegations

	Sustained	Not Sustained	Pending	Total
Inappropriate Off-Duty Behavior	5	0	6	11
Unprofessional or Unjustified Behavior	1	3	2	6
Unsatisfactory Work Performance	0	2	2	4
Mishandled Property	0	0	3	3
Rude Behavior	2	1	0	3
Failure to Follow Investigation Procedures	2	0	0	2
Warrantless Search and Seizure	0	0	2	2
Failure to Follow Traffic Law	0	0	1	1
Failure to Provide Accurate or Timely Info	0	0	1	1
Excessive Force Involving Hands/Feet/Knees	0	0	1	1
Profanity	0	1	0	1
Other	0	0	2	2
Total	10	7	20	37

- Inappropriate off-duty behavior was the single most common detailed allegation for bureau-initiated complaints, followed by unprofessional conduct and unsatisfactory work performance.
- As of December 31, 2002, 10 of the 37 allegations from 2002 bureau-initiated complaints had been sustained. Since 20 allegations remained open as of the end of the year, the number of sustains for 2002 bureau-initiated allegations will likely rise over the next six months as the investigations are completed.
- Since the IPR database only tracks bureau-initiated complaints received in 2002, it should be noted, however, that sustained findings were also returned on cases received in 2001 (which were not included in the numbers given above). In 2002, 30 bureau-initiated allegations were sustained from complaints received in 2001. Thus, if 2001 and 2002 complaints are grouped together, the number of sustained allegations rises to 40.

Bureau-Initiated Allegations

In some cases, the Internal Affairs Division will add an allegation against a police officer as it relates to a citizen initiated complaint. Often, these allegations are procedural violations unknown to the complainant. For example, if a citizen complains about being unnecessarily handcuffed and it is determined that the officer failed to write a report after placing handcuffs on the complainant, the Bureau will add an allegation against the officer for failing to write a report on the incident. The same process would take place if an officer failed to appropriately document a use of force.

Case Example of IPR Bureau-Initiated Allegation

The complainant's car was towed as part of a stolen vehicle investigation. The complainant alleged that his car was inappropriately towed and held for an unreasonable amount of time.

While not specifically part of the complainant's allegations, the Internal Affairs investigation showed that the officer who ordered the tow violated several internal Police Bureau procedures relating to preparing reports in a timely manner. Some of these procedural errors resulted in the complainant's car being held for longer than normal. On this Bureau-initiated allegation, a finding of "sustained" was made as it related to the performance of the officer.

Although the complaint was only about the actions of the officer who ordered the tow, the Internal Affairs investigation also looked at the actions of another officer who was involved in the case. The investigation revealed that the second officer also violated procedures related to completing reports in a timely manner. Because the second officer's actions were not significant enough to warrant official discipline, they were addressed through a debriefing wherein a supervisor discussed the incident with the officer in an effort to improve future performance.

The finding made was "Exonerated with a Debriefing." In that a report was never written, the officers were debriefed about the proper method of documenting the search of the complainant.

The IPR requested that the IAD Captain document his informal recommendations to the second officer's commander in the IAD file. The complainant was advised of both the formal findings as to the first officer and the performance related issues relating to the second officer. No appeal was made.

Timeliness

Timeliness of investigations and appeals is one of the most critical elements of an effective complaint system. Delays can reduce the quality of investigations, discourage complainants, and frustrate officers with cases pending. Therefore, in an effort to monitor and reduce the amount of time that it takes to resolve citizen complaints, the IPR and IAD have agreed upon a set of timeliness performance goals for each stage of the complaint process. This section reports on the timeliness of the individual stages of the complaint handling process.

Summary of Findings

The overall timeliness in the handling of complaints improved between 2001 and 2002. Likewise, there was strong improvement in the speed of intake investigations between 2001 and 2002, and a pronounced improvement in timeliness in the handling of appeals between PIIAC and the CRC.

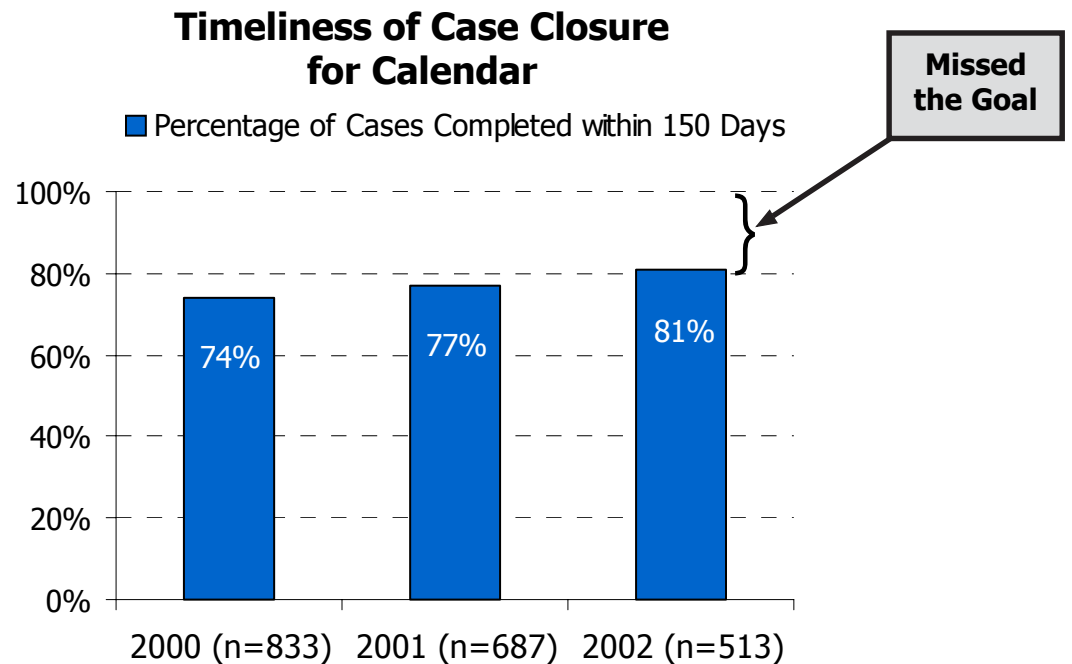
Even though there were gains in timeliness in 2002, there were a number of areas where improvement is possible. The IPR did not achieve its goal of completing all intake investigations within 21 days, the speed of IAD assignments dropped over the course of 2002, and IAD did not achieve its timeliness performance goals for declines, service complaints, or full investigations.

Performance Goal for Closing All Citizen Complaints

GOAL: The IPR and IAD currently have a goal of completing 100% of all action on citizen complaints within 150 calendar days of date the complaint was received.

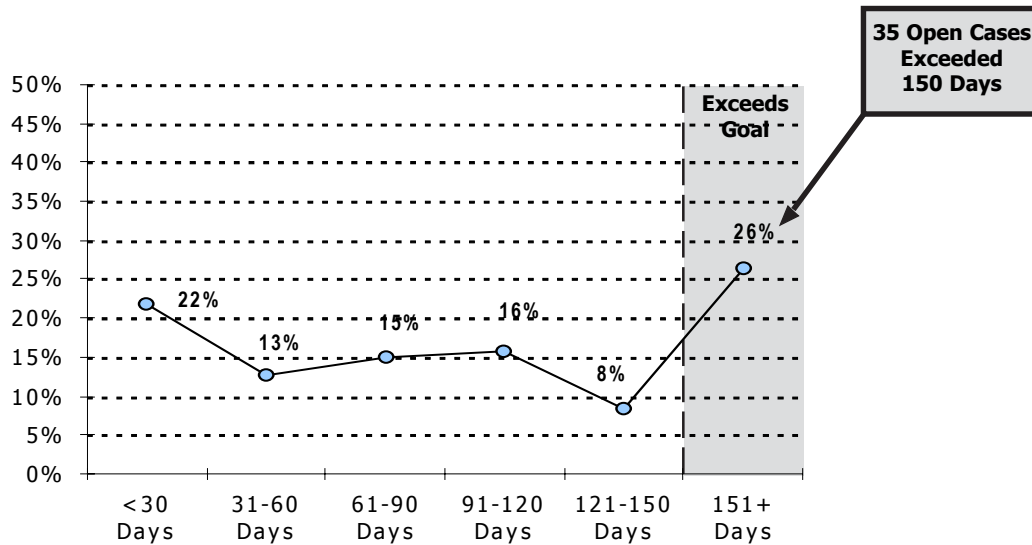
MEASUREMENT: This is measured as the number of days from the day the case is received by the IPR to the day the IPR closes the case

2002 PERFORMANCE: 81% of all complaints received by the IPR in 2002 were closed within 150 days.



- One of the most significant and reoccurring issues in relation to the Police Bureau's handling of citizen complaints has been the timeliness of complaint process. One concern with the creation of the IPR was whether or not the addition of another layer of review would decrease the overall timeliness of the process. Results indicate that rather than declining, the overall timeliness of the complaint process improved in 2002. The chart included above reports the percentage of complaints completed within 150 days, broken out by year. For complaints received by the IPR in 2002, 81% were completed within 150 days, compared to 77% in 2001 and 74% in 2000.
- Even though there was improvement in overall timeliness between 2001 and 2002, IPR/IAD did not achieve its shared goal of closing 100% of all citizen complaints within 150 days. For 19% of all complaints received in 2002, case processing exceeded 150 days.

Age of All Cases Open as of December 31, 2002



- Of concern, is the large number of open cases pending as of December 31, 2002 that were older than 150 days. At the end of the year, 26% of all open IPR/IAD cases (35 of 133) were already older than 150 days. Almost all of these cases involved complaints undergoing full investigation.

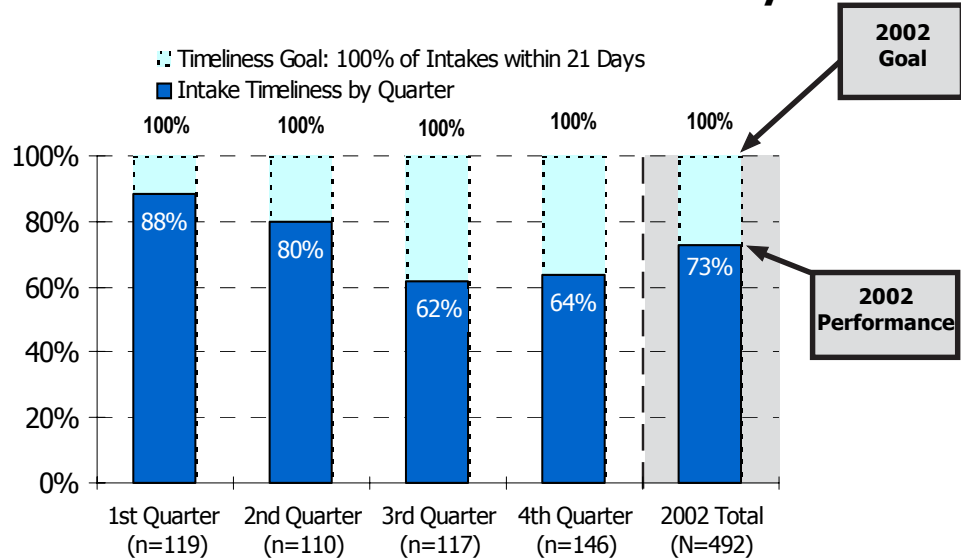
Performance Goal for Intake Investigations

GOAL: The IPR currently has a goal of completing 75% of all intake investigations within 14 calendar days of the receipt of the complaint, and 100% within 21 days.

MEASUREMENT: This is measured as the number of days from the date the IPR received the complaint to the date the IPR completed its intake decision.

2002 PERFORMANCE: 57% of intakes were completed within 14 days and 73% were completed within 21 days

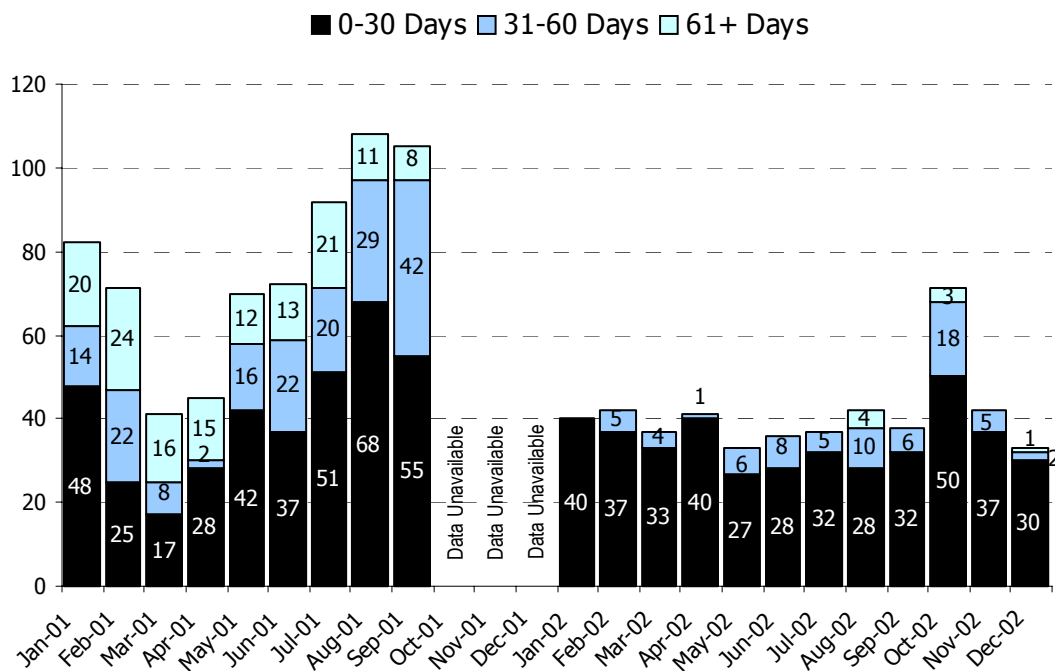
Goal: 100% of Intakes within 21 Days



- Over the course of 2002 the timeliness of intakes declined somewhat. However, there was improvement in the fourth quarter despite a sharp increase in investigator workload.
- Part of this overall decrease was expected. IPR intake investigators are responsible for monitoring open cases and for keeping the complainant apprised about the status of their complaint. This requires them to check on the status of cases referred to IAD at least once a month and to send frequent letters to the complainant. Since the IPR did not monitor any IAD complaints received in 2001, the intake investigators did not have to monitor many open cases at the beginning of the year and could instead devote almost all of their time to conducting intake investigations. As the number of open IPR cases grew over the course of the year, however, the intake investigators needed to spend more time investigating the progress of cases and writing status letters. This increase in workload can account for part of the drop in timeliness.

- Apart from increasing workload, there were several other issues that affected the timeliness of intakes. In particular, timeliness was affected by the persistent problem of complainants who were unable or unwilling to respond to requests for further information. For complaints to receive an adequate intake investigation, it is usually necessary for the IPR to interview the complainant. Unfortunately, there are some complainants who the investigators are unable to contact, and who do not respond to repeated phone and mail requests for intake interviews.
- Finally, a more difficult problem relates to dramatic short-term fluctuations in the IPR's complaint workload. This has been especially problematic as it relates to large numbers of complaints filed with the IPR as the result of police enforcement actions during local protests. Such deluges of protest-related complaints can work to create a backlog of intakes, thus decreasing timeliness.

Comparison of Intake Timeliness between 2001 and 2002



- Even though the IPR did not achieve its 2002 intake timeliness goals, there was a very noticeable improvement in intake timeliness between 2001 and 2002.

IPR Strategies for Improving Intake Timeliness

- **Assign intake investigations to the IPR Deputy Director**

The Deputy Director began to supplement the work of the IPR's two investigators in 2002 by conducting intake investigations. This has helped to reduce the backlog of pending intakes on protest complaints, which in turn will help to improve timeliness.

- **Send contact letters to complainants earlier in the intake process**

The IPR has altered its approach to the problem of difficult-to-reach complainants. Toward the beginning of 2002, the intake investigators would attempt to contact complainants at least three times by phone. If the investigator could not reach the complainant by phone, and he/she did not respond to messages, then the IPR would mail the complainant a letter asking them to call the IPR office within 21 days. Unfortunately, the *21-day* letter proved to be an ineffective tool in persuading the complainant to call within a reasonable period. Toward the end of the third quarter, the intake investigators began sending *7-day* contact letters to difficult-to-reach complainants after the first or second attempt at phone contact (though they continue to make at least three attempts at phone contact). This has helped to increase the speed with which complainants return phone messages.

- **Distribute weekly reports that identify intakes approaching timeliness limits**

In the fourth quarter, the IPR began distributing weekly reports to the intake investigators that specified how long each complaint has been pending at intake. Intakes that are approaching the 14 and 21 day marks are then discussed in order to identify strategies for completing the intake within the timeliness goals.

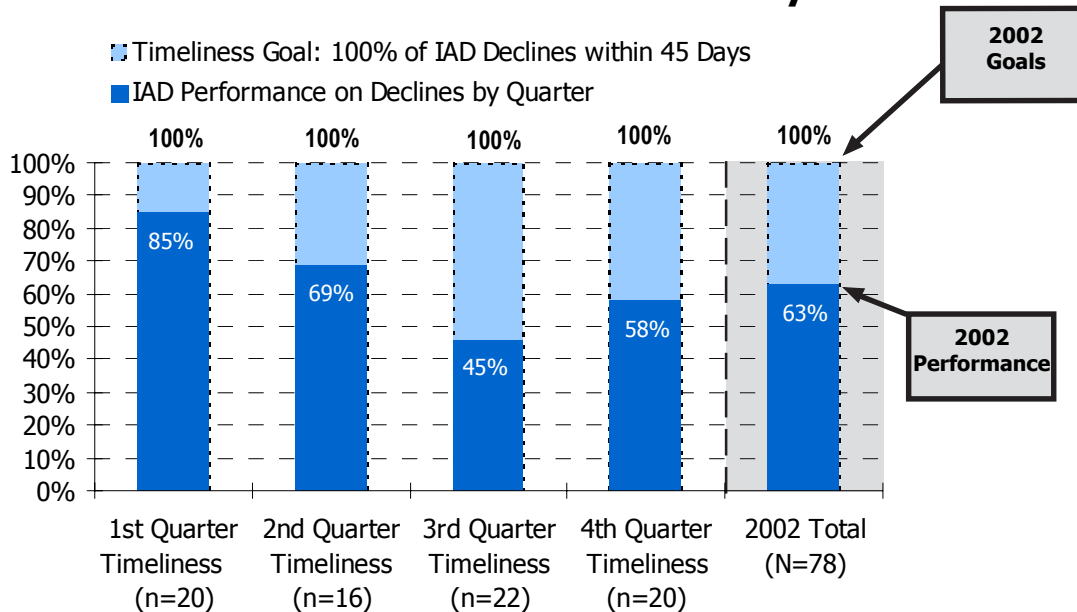
Performance Goals for IAD Declines

GOAL: IAD currently has a goal of completing 75% of all declines within 30 calendar days of the date IPR referred the complaint to IAD, and 100% within 45 days.

MEASUREMENT: This is measured as the number of days from the day the case is hand-delivered to IAD to the day the IPR receives the declined case back from IAD with the declination letter.

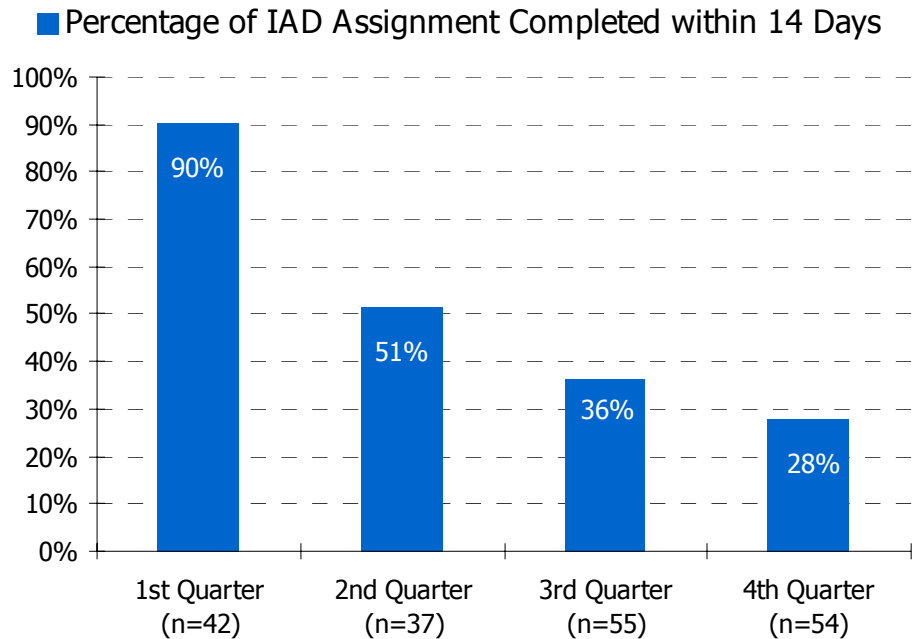
2002 PERFORMANCE: 35% of IAD declines were completed within 30 days and 63% were completed within 45 days

Goal: 100% of Declines within 45 Days¹⁰



- Timeliness of IAD declines decreased over most of 2002, though there was noticeable improvement in the fourth quarter. Part of the explanation for the decline has to do with the short-term effects brought about by changeover in IAD's Lieutenant's position in the third quarter, as well a reduction in the IAD staff during the second half of 2002.

Timeliness on IAD Case Assignments, Excluding Declines



- The timeliness with which IAD assigned cases for investigation or service complaints declined over the course of 2002. In the fourth quarter, only 28% of IAD assignments were made within 14 days.
- One reason for the increased delay in assignment of IAD investigations was that in the Third Quarter of 2002, the IAD Lieutenant was promoted to Captain and there was a delay in assigning and then training a new lieutenant to take that position. In addition, there have been increasing demands on the time of the IAD Captain, above and beyond the normal responsibilities of complaint and investigation review and assignment. It is anticipated that the recommendation for the assignment of an administrative sergeant within IAD would help to eliminate this apparent *logjam* in the process.

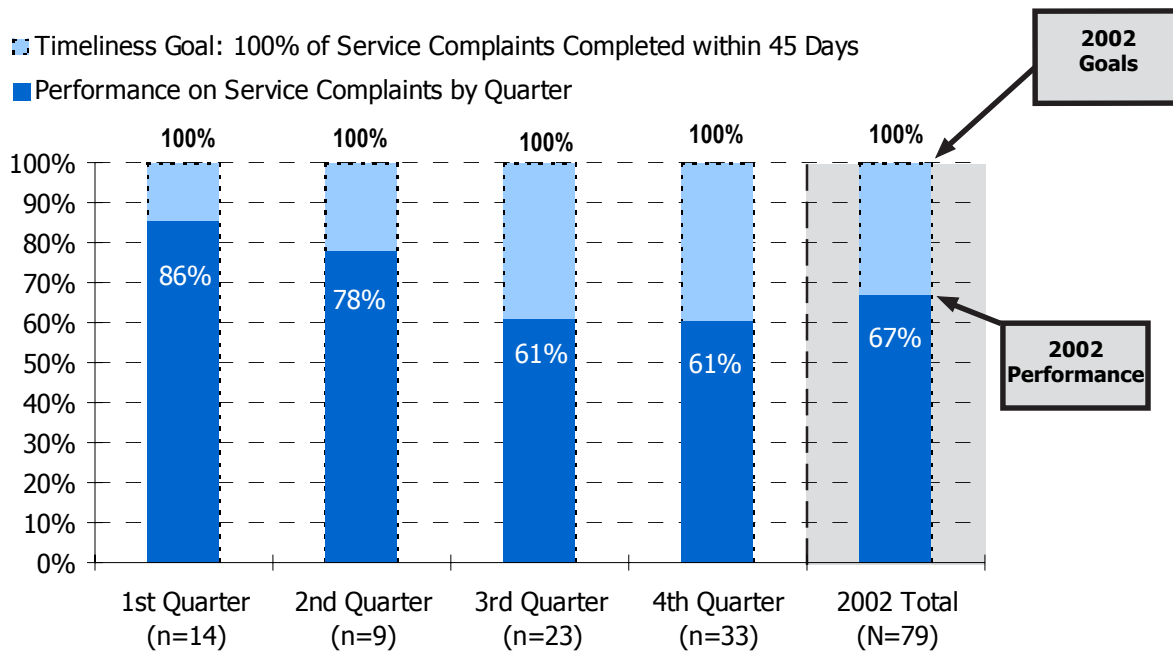
Performance Goals for PPB Completion of Service Complaints

GOAL: IAD currently has a goal of working to ensure that 75% of all precinct action on service complainants is completed within 30 calendar days of date the case was referred to IAD, and 100% within 45 days.

MEASUREMENT: This is measured as the number of days from the day the case is hand-delivered to IAD and ending with the day the precinct supervisor completes the service complaint.

2002 PERFORMANCE: 43% of service complaints were completed within 30 days and 67% were completed within 45 days.

Goal: 100% of service complaints within 45 Days



- The timeliness of service complaints declined between the first and third quarters of 2002, though remained fairly stable in the fourth quarter. With respect to the Bureau's handling of service complaints: it has been determined that on occasion, the inability to contact a complainant to resolve a complaint or the unavailability of an officer to conduct a debriefing (due to vacations or leaves of absence) makes the current goals unrealistic.

Percentage of Service Complaints Completed within Timeliness Goals by Precinct

Precinct	Number of Service Complaints	% Completed Within 30 Days	% Completed Within 45 Days
Central	19	89%	95%
Southeast	14	100%	100%
East	12	42%	50%
Northeast	11	55%	82%
North	5	80%	80%
Traffic	12	58%	58%
Other	6	50%	67%

- There was some variation in the speed with which individual precincts and divisions completed service complaints. For example, Southeast, Central Northeast, and North precincts were the most efficient at processing service complaints, while East Precinct was the least efficient. Special recognition should be given to Southeast Precinct, which completed all 14 of their service complaints within 30 days.

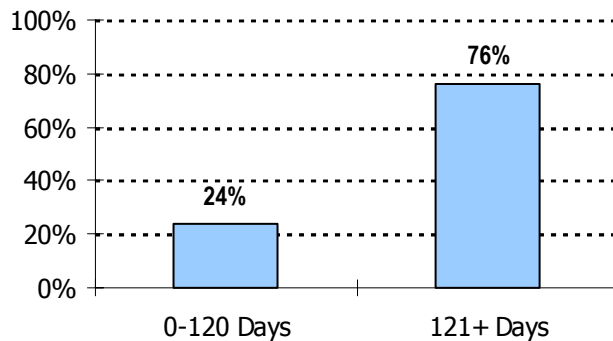
Performance Goals for PPB Completion of Full Investigations

GOAL: IAD currently has a goal of completing 100% of all investigations within 120 calendar days of date the case was referred to IAD.

MEASUREMENT: This is measured as the number of days from the day the case is hand-delivered to IAD to the day the IPR receives the completed case (including findings) from IAD.

2002 PERFORMANCE: 24% of investigations, including findings, were completed within 120 days.

Timeliness of Closed PPB Full Investigations, Including Command Review and Review Level



- Overall, the timeliness of investigations has been a source of concern for both the IPR and IAD. In 2002, roughly three quarters of all closed complaints assigned for full investigation (including findings) took more than 120 days to complete.
- Importantly, 55% (32 out of 58) of the open investigations pending as of December 31, 2002 had already passed the 120-day mark. Thus, it appears that the Police Bureau is having difficulty completing all work on full investigations within 120 days.

Comparison of the Age of Open Full Investigations to Closed Full Investigations for Calendar 2002

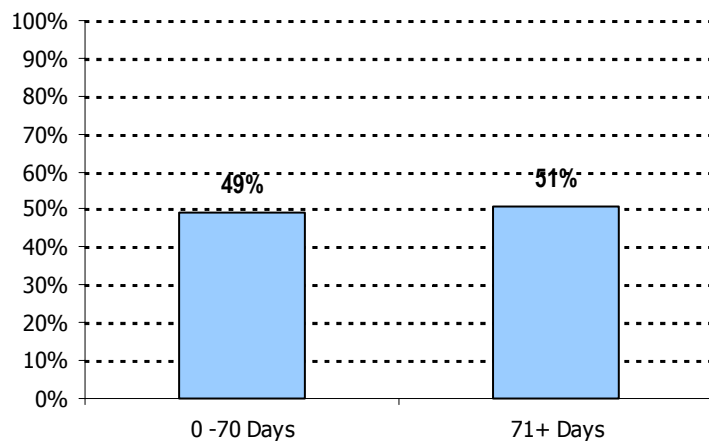
	0-70 Days	71-100 Days	101-120 Days	121+ Days	Total
Age of All Invest. Closed in Calendar 2002	2	5	1	26	34
Age of All Invest. Open as of December 31, 2002	8	8	10	32	58

Timeliness of the Three Stages of Investigation

There are essentially three stages to the PPB investigation process: IAD investigation, command review, and review level (for complaints where the RU Manager recommends a sustained finding). We will now examine the timeliness for each stage.

IAD Investigations

Percentage of IAD/Precinct Investigations Completed within 70 Days of Referral by IPR, Excluding Command Review¹¹ (n=63)



- In 2002, about half of all IAD investigations (49%) were completed within 70 days of the date that the IAD Captain assigned the complaint to an investigator. Currently the PPB's Directive specifies that investigations into citizen complaints should be completed within 10 weeks (70 days) of the receipt of the complaint. If timeliness is measured using these more restrictive criteria, only 40% of investigations are completed within 70 days of the date the complaint was delivered to IAD.
- Importantly, Bureau Directive 330.00 recognizes that some investigations may not be completed within 70 days. In such cases, the investigator is charged with including an explanation for the delay in the case file and for sending the complainant a letter explaining the delay. However, Directive 330.00 implies that this 70-day goal should be exceeded in only exceptional cases. Currently, the length of IAD investigations is a significant contributor to untimeliness in the handling of cases assigned for full investigation.

Timeliness of Command Review Process

After IAD completes the investigation, an investigation report is sent to the officer's RU manager for a recommended finding. PPB Directive 330.00 indicates that a RU Manager should make a finding within two weeks of the date the investigation was forwarded to them. After making a finding the RU Manager is directed to send the investigation case file with their recommended finding to their Branch Manager (an Assistant Chief) for review. If the Branch Manager agrees with the finding, they have one week to forward the case to IAD. If they do not agree with the finding, they have two weeks within which to meet with the RU Manager to resolve the disagreement. If no agreement is made, the Branch Manager is directed to forward the case to IAD for routing to review level. Using the criteria established by Directive 330.00, this command review process should take no more than 30 days.

Timeliness of Command Review by Precinct

Precinct	Completed Findings	% Completed Within 30 Days	% Completed Within 45 Days
Central	9	67%	89%
Southeast	7	86%	86%
Northeast	5	40%	40%
East	3	0%	0%
North	3	100%	100%
Other	12	8%	42%
Overall Timeliness	39	46%	61%

- Measuring from the date that IAD sends the complaint investigation report to the RU Manager for a finding, to the date that the findings are returned to IAD, roughly 46% of all command reviews were completed within 30 days and 61% percent were completed within 45 days.
- Overall, Central, Southeast and North precincts were the most efficient at returning findings on investigations. Special note should be given to North Precinct for their completion of every finding within 30 days. East Precinct failed to complete a single Command Review within the 45-day time period.

Review Level Timeliness

If the RU Manager recommends that a finding be sustained, and the Branch Manager agrees, Internal Affairs forwards the complaint to the Review Level Committee. Currently Directive 330.00 does not articulate timeliness goals for Review Level.

Number of Days to Complete Review Level for IPR Complaints Closed in 2002

	Days
Case #1	10
Case #2	69
Case #3	94
Case #4	101
Case #5	133
Case #6	193
Total	6 Cases

- Review Level processing of cases was very untimely. Of the 6 cases that were reviewed and closed at review level, 5 took more than 69 days to complete. 3 cases were pending at review level for more than 100 days.

- It is anticipated that if the Bureau restructures its discipline process in the manner proposed in this report, the Review Level Committee's workload will be reduced and its timeliness will improve.

Timeliness of Appeals

Comparison of PIIAC and CRC Appeal Timeliness

Number of Days to Complete Appeal	2000 PIIAC Appeals	2002 CRC Appeals
0-50 Days	0%	66%
51-100 Days	0%	24%
101-150 Days	4%	3%
151-365 Days	67%	7%
More than 365 Days	29%	0%
Number of Appeals	28	29

- There was a sharp increase in the timeliness of appeals between 2000 and 2001. For appeals filed in 2000 and handled by PIIAC, 4% were closed within 150 days, 67% were closed within 151 to 365 days, and 29% took more than a year to close. For appeals that were filed with the CRC in 2002, 90% were handled within 100 days.

Potential Strategies for Improving the Timeliness of PPB Handling of Complaints

In order to improve the timeliness of Police Bureau complaint handling, a number of strategies are being recommended in this report or are currently being implemented:

- The Internal Affairs Division will soon be adopting the Administrative Information Management (AIM) database, which will assist IAD staff and the Chief's Office in monitoring the timeliness of their complaint handling.
- A permanent agenda item of the weekly meetings between the IPR Director and the IAD Captain and Lieutenant includes follow-up on investigations, service complaints and pending findings on investigations where timeliness goals have not been met.
- IPR Intake Investigators now directly contact the involved Bureau captains and commanders (RU Managers) to follow-up on service complaints or findings on investigations that are more than 30 days overdue.
- The recommendation to restructure the disciplinary process to allow discipline to be proposed and imposed by an officer's RU Manager should reduce the time delays currently caused by the Review Level Committee process of imposing discipline.
- The addition to IAD of an administrative sergeant position as recommended in this report may allow for the more timely handling of IAD declinations, assignments of investigations and referrals of service complaints to the precincts.

Timeliness Performance Goals for 2003

As the IPR program has matured, we have determined that the performance goals that were previously set regarding timeliness outcomes have been unrealistic and, at times, inappropriate.

For example, the current goal of closing 100% of all action on citizen complaints within 150 calendar days was determined in some cases to be an unacceptable goal. In at least two cases, the allegations were serious and the number of officers involved was significant. In a number of other cases, the complaint first needed to be investigated by Detective Division criminal investigators before the Internal Affairs investigation could even begin. It was more important that the investigations be thorough, fair, and professional than that they be completed within a five-month period.

In addition, the goal of completing 100% of all intake investigations within 21 days creates an inappropriate incentive to close out a complaint intake within 21 days even if another few days of work would resolve the complaint or allow for the complainant to be contacted and interviewed.

These types of timeliness goals can potentially create an incentive to treat serious complaints less thoroughly. Therefore, we have proposed some revised timeliness goals for 2003.

Proposed Timeliness Goals for 2003

Complaint Stage	2002 Goal	2003 Goal
Performance Goal for Closing All Citizen Complaints	100% within 150 calendar days of the date the complaint was received	90% within 150 calendar days of the date the complaint was received
Performance Goal for Intake Investigations	75% of all intake investigations within 14 calendar days of the receipt of the complaint, and 100% within 21 days	60% of all intake investigations within 14 calendar days and 90% within 21 days
Performance Goal for IAD Decline	75% of all declines within 30 calendar days of the date IPR referred the complaint to IAD, and 100% within 45 days	75% of all declines within 30 calendar days of the date IPR referred the complaint to IAD, and 95% within 45 days
Performance Goal for IAD Service Complaints	75% of all precinct action on service complaints is completed within 30 calendar days of the date the case was referred to IAD, and 100% within 45 days	70% of all precinct action on service complaints within 30 days and 100% within 45 days
Performance Goal for IAD Investigations	100% of all investigations within 120 calendar days of the date the case was referred to IAD	80% of all investigations within 120 calendar days and 95% within 150 calendar days

Mediation

One new effort that can potentially improve complainant satisfaction is mediation. IPR contracted with a panel of professional mediators in late September 2002, to begin offering mediation as an option for complaint resolution. This chapter reports on the development and implementation, and underlying philosophy of the IPR's mediation program. Twelve cases were identified for possible mediation, nine were pending at year-end, and one was completed in 2002. Participants complete evaluations at the end of mediation, and we will use them to report on satisfaction and improve our efforts.

The Citizen-Police Mediation Program

What is Mediation?

Mediation is a voluntary, confidential dialog process where the parties with a dispute talk to each other about what happened, under the guidance of neutral, professional mediators. The goal is not one side *winning* over the other, or assigning guilt or blame, but providing an opportunity to be fairly heard, increase mutual understanding, and discuss ways to prevent similar problems in the future.

Police-Citizen Mediation Programs Nationally

Mediation evolved out of a widespread trend to look for alternatives to traditional adversarial methods of conflict resolution, in which parties approach each other as enemies and appeal to some higher authority to sort the matter out. Mediation developed as a way to give control over the conflict resolution process back to the parties most directly involved. The reasoning is that people are more likely to achieve a satisfying resolution (and make peace with each other) through increased mutual understanding and cooperative problem-solving than by approaching each other as enemies, or seeking legal revenge for perceived wrongs.

The trend toward using mediation to resolve disputes has been growing rapidly over the last 30 years in a range of areas, including employee grievances, divorce, small claims, land-use and resource issues, neighborhood disputes, and even in some criminal cases.

Many police complaints seem well suited to resolution through mediation. For example, much citizen-police conflict is based on misunderstandings, which mediation can address better than punishment. While law enforcement agencies worldwide have begun using mediation to resolve some citizen-police conflicts, relatively few citizen-police mediation programs exist in the United States, and they handle only a small number of cases. A national study (by Walker, et al) of citizen-police mediation programs found that as of 2000, out of a total of 17,120 U.S. law enforcement agencies, about 100 had oversight agencies, but only 16 had mediation programs. New York and San Francisco mediated only about 1% of all their complaints. The highest percentage of mediations in any program was Minnesota at 11%.

The complete version the paper is accessible on the web at: www.cops.usdoj.gov. *Mediating Citizen Complaints Against Police Officers: A Guide for Police and Community Leaders*, by Sam Walker, Carol Archbold, and Leigh Herbst, 2002, US Department of Justice, COPS program.

Walker et al identified four main obstacles to mediation:

- Police officer and police union opposition
- Lack of understanding of mediation by both officers and citizens
- Lack of resources for mediation programs
- Lack of incentives to participate for officers and complainants

History of Police/Citizen Mediation in Portland

Portland first began mediating citizen-police disputes in 1993, with a pilot mediation program operated through the Neighborhood Mediation Center (NMC). At that time complaints against police officers went directly to the Internal Affairs Division (IAD), who routed suitable cases to the NMC. The staff of NMC then contacted the parties and scheduled the mediations. The sessions themselves were conducted by volunteer neighborhood mediators.

The pilot project ran from 1993 through 2001, when it was reassigned from the NMC to the newly created Independent Police Review Division. In all the years of the pilot program, however, only 14 total cases were mediated. All but one of these mediations was rated as successful and worthwhile by both the citizens and officers involved.

Why Did the Program End?

The principal reason the pilot program ended was because mediation became part of the IPR's mission when the IPR was created. Among the identified weaknesses of the pilot program, the principal problems were lack of dedicated staff and funding, as well as unclear expectations and performance measurements. There was no clear-cut criteria for selecting cases, and mediation was used rarely enough that the procedure was unclear. The Neighborhood Mediation Center was given the job of performing the mediations, but not given any additional funds or staff to handle it.

As a consequence, timeliness was a problem. Police resistance to mediation, while an issue, did not prove to be the serious problem for Portland that it has been in other cities.

The IPR Police/Citizen Mediation Program

How It Was Created

The ordinance establishing the Independent Police Review Division included a provision for creation of a mediation component. The task of building and managing the program was assigned to the IPR Community Relations Coordinator. The first step involved research into best practices and avoiding the problems other programs have encountered. The IPR Community Relations Coordinator also attended advanced training in police mediation through the Regional Community Policing Institute in San Diego, CA.

A number of key considerations emerged.

A major problem for many citizen-police mediation programs has been opposition by police officers and the unions that represent them. This has been partly because many officers – like many citizens – don't fully understand what mediation is, how it works, and what benefits it offers. In the course of shaping the IPR's new program, some of the more common concerns of officers were identified. These included:

- Concern that they would be compelled to apologize or admit wrongdoing even if they had done nothing wrong. (Not true; as a completely voluntary process, people are not required to say or do anything they don't want to).
- Concern that it couldn't do any good, that the complainant is simply too unpleasant or unreasonable a person for mediation to succeed. (Generally not true; both

citizens and officers often have seen each other at their worst during an incident that generates a complaint. They may see a very different side during mediation. But mediation can succeed even with unpleasant and unreasonable people. That's part of the mediator's role).

- Concern that mediation would do nothing more than provide a complainant with an opportunity to verbally attack officers. (Generally not true; part of the mediator's job is to prevent this).
- Concern on both sides that if they spoke freely, their words might be twisted and used against them in civil or criminal proceedings. (Not true; the content of a mediation session is subject to a legally binding confidentiality agreement).

Another challenge to successful citizen-police mediation programs is the lack of incentives for officers to participate. In order to provide meaningful incentives, the IPR decided to make mediation an alternative to the traditional complaint process. If an officer mediates, there is no Internal Affairs investigation and no further disciplinary action. No record of the complaint will mar the officer's service record; though the IPR keeps record of it. (An officer with too many complaints, or who has failed in the past to demonstrate good faith in mediating, may be barred from mediation). After the mediation, the case is closed and cannot be appealed. Because of this, the

burden is upon the IPR to make certain that serious or chronic misconduct issues are not ignored or inappropriately assigned to mediation.

To address the challenges of police resistance, the IPR engaged in significant outreach efforts within the Police Bureau, to educate officers about mediation, address their concerns, promote mediation as an option, and to encourage police command staff to do likewise. The IPR collaborated with the Internal Affairs Division (IAD) to create and distribute written materials about the mediation program within the Bureau; to produce an informational videotape for presentation at precinct roll calls; and to hold numerous meetings and presentations for command staff, the police union, and others.

It must be noted, however, that resistance on the part of officers is far from universal, nor is it even the norm. Thus far officers have agreed willingly to mediate even when they believe they did nothing wrong, not to *escape discipline* but as a service to the complainant, as a tool of community policing, and as a way to clear up misunderstandings.

Another strategy to ensure the success of the program (and to increase police confidence in the process) was the decision to contract with skilled professionals as mediators. Citizen-police mediation can be unusually challenging. There is the potential for feelings to run deep on both sides, and it is important that the mediator has the skill and experience to make mediation constructive. Mediators were recruited through a

competitive announcement for contractors, advertised in general media as well as within the mediation community, including through the Oregon Mediation Association. Nineteen bids were received, and eight mediators were selected, all of whom are experienced professionals, and prominent, respected members of the Oregon mediation community.

How Mediation Cases Are Selected

The process of determining which cases will be considered for mediation is part of the overall intake process for all complaints received by the IPR. If the case would otherwise be declined by IPR, it is not considered for mediation, either. The only other kind of cases specifically excluded from consideration for mediation are those in which the allegations, if sustained, would result in such serious disciplinary actions as criminal charges against or dismissal of the officer. So, for example, allegations of criminal conduct or excessive force are not eligible for mediation.

Remaining cases are reviewed by the IPR Director for suitability for mediation. The first criterion is whether the complainant indicates an interest in or willingness to consider mediation when asked during the initial intake interview.

The second criterion for mediation is whether the IPR Director, IPR Community Relations Coordinator and Captain of Internal Affairs believe that mediation would be an appropriate and productive way to address the complaint.

Mediation is approved in those cases where IPR and the Police Bureau believe that it is likely to (1) result in greater complainant satisfaction, (2) result in improved officer conduct, and/or (3) contribute to community policing goals of improved citizen-police relations. The goal is to provide opportunities for citizens to learn more about police procedure and perspectives, to sensitize officers to their perspectives and concerns, and for officers to receive feedback on how their conduct appears to citizens

Some complaints, due to the serious nature of the allegations, require full investigation and, potentially, disciplinary action. The IPR will not allow significant issues of misconduct to disappear in the confidential process of mediation. In yet other cases, various features of the case or the individuals involved lead us to believe that mediation would not ultimately be productive for either party.

How the Mediation Occurs

If both the IPR Director and the Captain of the Internal Affairs Division approve a case for mediation, IAD sends a notice to the officer(s) inviting them to participate in mediation of the complaint. If the involved officer(s) agrees to mediation, the complainant is contacted to verify they still wish to participate. The IPR Community Relations Coordinator makes sure complainants understand that if they choose to mediate, there will be no further investigation and no appeal to the IPR or the Citizen Review Committee. If either party declines to participate in the mediation, the case is returned to the IPR

Director for reconsideration as a possible declination or referral to Internal Affairs.

If both parties are willing to proceed, the IPR Community Relations Coordinator then schedules the mediation session with a mediator. The timing and location are flexible to accommodate the needs and preferences of the parties. Generally mediations are held in City Hall, and often are scheduled for weekends and evenings. The understanding between IPR and the Police Bureau is that mediations will be held during the officers' duty shifts. No mediations are held in Police Bureau facilities.

A final confirmation notice is sent to all parties of the time, date, and location of the mediation. Before the mediation begins, the parties are required to sign a *consent to mediate* form, which includes a confidentiality agreement for their signature.

What Happens During Mediation?

At the beginning of the mediation session the mediators introduce themselves and explain the process and ground-rules (confidentiality, courtesy and mutual respect). The complainant is then invited to describe their view of the incident under mediation. The officer(s) also gets to present his/her perspectives. From that point, dialog begins, with the mediators guiding people as needed back to constructive dialog. If things get heated, mediators may call brief breaks. The process continues until both parties feel they have resolved the issue to their satisfaction.

Upon the completion of the mediation, the parties and the mediator(s) are given exit surveys, to permit effective management and evaluation of the mediation program. At that point, the case is closed. No appeal is permitted, although the Citizen Review Committee will audit mediated cases on a regular basis.

Cases Assigned for Mediation Thus Far

Between the commencement of the program in late September 2002 and the end of March 2003, we have conducted four mediations and have an additional seven complaints pending mediation.

The table on the next page shows the result of all cases assigned for mediation that were closed through the end of March 2003. Of the four cases which resulted in mediations, two complaints involved traffic stops and included allegations of disparate treatment.

Results of All Cases Assigned for Mediation and Closed as of March 31, 2003

	Situation	Types of Allegations	Status as of 03/31/03
1	Sidewalk restaurant	Disparate treatment (socio-economic) Abuse of authority, courtesy	CO unavailable
2	Traffic stop/tow	Disparate treatment (racial/ethnic) Courtesy	Mediated
3	Traffic stop/cite	Disparate treatment (racial/ethnic) Courtesy	CO unavailable
4	Parking violation	Rudeness, failure to render assistance	Service Complaint
5	911 call response	Disparate treatment (racial/ethnic) Over-aggressive control techniques	Resolved
6	Demonstration	Over aggressive conduct	Resolved
7	Towing dispute	Disparate treatment (racial/ethnic) Courtesy	CO declined
8	Neighborhood dispute	Abuse of authority Courtesy	Mediated
9	Traffic stop/cite	Disparate treatment (racial/ethnic) Courtesy	CO declined
10	Traffic stop/tow	Disparate treatment (racial/ethnic) Courtesy	CO unavailable
11	Arrest warrant	False arrest	Mediated
12	Traffic stop/tow	Disparate treatment	Mediated

Goals for the New Program

The overall goal of the IPR mediation program is to create a program that citizens and officers alike will use, trust, and find fair and valuable. By doing so, we hope to create a program that will be a national model for citizen-police mediation. Our ultimate goal is to mediate approximately 10% of all cases.

One of our main goals for 2003, is to improve timeliness. This was one of the problems with the pilot mediation program, as well; cases frequently took six months or more before mediations occurred. The goal for the new program is to complete mediations within 45 days or less of intake. However, many cases assigned to mediation in 2002, went well over 45 days. Consequently, the IPR made some procedural changes, including the decision not to wait for the resolution of court cases before proceeding, as that almost inevitably causes delays of several months. Another change was to inform complainants that if they cannot be reached in a reasonable length of time, or fail to respond to repeated phone calls, e-mails or letters, we will be forced to close the case as *complainant unavailable*.

The IPR maintains all mediation cases in our data base system. This, along with the exit surveys distributed to both parties and the mediators after each mediation, allows us to collect and track a variety of data on mediation cases. Since we have completed only four mediations to date, there is not a great deal to report this year. For next year, we will be able to measure and evaluate the overall effec-

tiveness of the program, workload over a full year; timeliness; the level of satisfaction with the process on the part of complainants and officers; whether the mediation resulted in successful resolution of the specific issues; and characteristics of the complaints, complainants, and involved officers.

Outreach

IPR outreach efforts are threefold: (1) to educate the community and police about the IPR, CRC, and complaint process; (2) to facilitate communication between the public and the Police Bureau; and (3) to use public concerns to help identify policy issues and priorities for the CRC and IPR. This chapter reviews outreach efforts in 2002.

Summary of First Year Outreach Activities

In the Independent Police Review's (IPR) first year, the first task of outreach included the immediate production of brochures explaining what the IPR does and how: complaint/commendation forms, web pages, and other explanatory material.

Concurrently, the IPR needed to develop strategies for outreach, including building lists of organizations, individuals, and media outlets for outreach efforts, and starting the process of contacting and networking with those groups.

Three main categories of target audiences were identified:

1. The general public and community groups
2. Other agencies
3. The Portland Police Bureau

Outreach to the Public and Community Groups

The first priority of outreach was to publicize the existence and mission of the IPR, and to correct confusion regarding the distinction between the IPR and its predecessor, the Police Internal Investigations Auditing Committee (PIIAC). Toward this goal, the IPR Director made numerous appearances on local radio and television programs. In addition, he and/or other IPR staff members made various presentations to community groups. These have included neighborhood associations and crime prevention groups all over the city; groups that represent various ethnic communities, and activist and special interest groups .

In addition to formal presentations, the IPR Community Relations Coordinator and other staff members attend community events and meetings on issues of concern to various members of the community that have implications for citizen-police concerns. We also network by meeting informally with individuals and community leaders to build relations with various interest groups.

Another area of outreach has been working directly with individual complainants and appellants by guiding them through the investigation and appeals processes, and addressing their concerns and questions.

In collaboration with the Citizen Review Committee (CRC), the IPR coordinated two public forums in September 2002. One of these was held in Southwest Portland, the other in North Portland. Details of those forums are described in the *Summary of Public Comments* attached as Appendix 1 to this report.

Outreach to Other Agencies

The IPR recognized the need for outreach with relevant agencies to make them aware of our services, and how those services complement their respective organizational missions. For example, the City of Portland's Office for Neighborhood Involvement (ONI) overlaps with the IPR mission, through their involvement with neighborhood and community groups and crime prevention efforts. They were also a valuable resource to us when identifying groups for outreach efforts, and the IPR uses the ONI e-mail

notification system, in addition to a variety of media for public notices and press releases.

Other agencies were identified for outreach effort who share some of the same prospective clientele with the IPR – for example, the Office of Risk Management; City Ombudsman; State Courts; Hooper Detox Center; and Public Defenders and District Attorney's Offices. IPR staff members have developed relationships that will allow us to work collaboratively with them. Some of these agencies have become locations for the distribution of IPR information and brochures.

Another area of outreach activities has been to serve as a resource for those working to establish or modify police oversight agencies in other parts of the country (and world), who have contacted the IPR as a model program. For example, the IPR staff have participated in conferences on topics including citizen-police mediation and the development of early warning systems. We have spoken with people interested in police oversight from places as varied as Seattle, Philadelphia, Korea, Japan, Serbia, Mexico, Indonesia, and Samoa. The IPR is also an active member of the National Association for the Civilian Oversight of Law Enforcement (NACOLE).

Outreach to the Portland Police Bureau

In order to be effective, the IPR must earn and maintain the trust of both citizens and police as a fair and impartial body.

Outreach efforts to the Portland Police Bureau have included numerous meetings with the police unions, commanders, rank and file officers, training staff, and various special units to educate them about IPR and the new complaint process. The IPR Director and staff made roll call presentations at all the Precincts and most of the Divisions. The IPR has also arranged to make presentations at the Police Academy regarding the IPR and complaint process, ethical issues, and how to avoid complaints. With the assistance of the Planning and Support Division of the Police Bureau, we have produced informational videos on the IPR and the citizen-police mediation program.

IPR staff and CRC members have also attended or participated in police training, police citizen forums, and other events. We have gone on ride-alongs with officers, and tried to balance our observation of protests and demonstrations by observing these from both sides of the police lines.

Goals for IPR Outreach Efforts in 2003

In 2003, we will finish production and distribution of the IPR forms in languages other than English (Spanish, Hmong, Korean, Laotian, Russian, Vietnamese, Cambodian, and Chinese), and revise the English-language literature to combine the form and the process information into a single document. Revision of the IPR web pages is also planned, to make them more user-friendly. Additional outreach goals for

the year include continuing and expanding the outreach efforts of the past year in order to increase awareness of the IPR in specific communities within the larger Portland area, and to gather information and suggestions on issues of particular concern to these communities. The emphasis will be on smaller forums for specific communities, including youths, the Latino community, the African American community, and others. The IPR is also participating in a broad partnership between city and community groups to develop city-wide standards for public involvement in city government processes.

Satisfaction Surveys

This chapter reports the results of the satisfaction surveys mailed to both pre- and post-IPR complainants.

Summary of Findings

Complainants are now more satisfied with the quality of intake interviews, explanations about the process, communication regarding the progress of their cases, as well as with the thoroughness and efficiency in the processing of their complaints.

Even though there was an increase in satisfaction with the complaint *process*, there was no statistically significant change in satisfaction with either the fairness of the complaint outcomes or with perceptions that the City of Portland is working to prevent police misconduct.

2001 and 2002 Complainant Satisfaction Survey Results

Introduction

In order to gauge the satisfaction of community members who filed complaints against the Portland Police Bureau, the IPR distributed two sets of customer satisfaction surveys during 2001 and 2002. In the fall of 2001, the IPR conducted a baseline survey of pre-IPR complainants. Over the course of 2002, the IPR mailed a customer satisfaction survey to every complaint with a closed IPR case. In conducting surveys, the IPR had two central goals. First, to see if customer satisfaction with the complaint handling system had improved since the creation of the IPR. Second, to identify areas where the IPR could improve its delivery of its services.

Methodology

The survey instrument was developed in a cooperative effort between John Campbell of Campbell De Long Resources, Inc., staff of the IPR, and Ellen Jean of the City Auditor's Audit Services Division. The questions in the survey were designed to allow us to measure three basic elements:

1. Complainant satisfaction with the complaint *process*;
2. Satisfaction with the *outcomes* of their complaints;
3. Any variation in satisfaction associated with the age, race/ethnicity, or gender of complainants.

2001 Baseline Survey

For the 2001 baseline survey, conducted in December 2001, we first mailed a notification letter from the City Auditor explaining that they would soon be receiving a satisfaction survey asking about their experience with the IAD process. A week later, we mailed the same complainants a survey with a cover letter explaining the purposes of the survey and how to complete it. We asked the respondent to remove the cover letter in order to maintain their anonymity and to mail the survey back to us in a business reply envelope that we provided. In order to boost the response rate, we resent the survey a month later. Of 325 surveys mailed, 97 complainants returned a completed survey and 50 surveys were returned unopened as undeliverable. This gave us a baseline survey response rate of 35%.

2002 IPR Complainant Survey

IPR complainants as well as CRC appellants who had a case closed in 2002 were mailed identical surveys as those used in 2001, with two exceptions. The IPR added a question that asked the respondent about their highest level of education completed. Additionally, the 2002 surveys were marked in a way that identified the outcome of the community member's complaint (e.g. IPR decline, service complaint, full investigation). This

was done so we could examine how levels of satisfaction with the complaint process varied in relation to complaint outcomes. 2002 complainants did not receive a pre-survey notification letter, but were instead mailed a survey with a cover letter from the IPR Director approximately 30 days after their complaint was closed. We asked the respondent to remove the cover letter in order to maintain their anonymity and to mail the survey back to us in a business reply envelope that we provided. In order to boost the response rate, the survey was mailed again to all complainants at the end of 2002. During the course of 2002, 365 surveys were mailed. Of those, 96 surveys were completed and returned, and 38 surveys were returned as undeliverable. This gave us a 2002 survey response rate of 29%.

On both surveys, complainants were asked to respond to a series of closed questions designed to measure their satisfaction with the complaint process and outcomes. The five possible responses were—very satisfied, satisfied, neither satisfied nor dissatisfied, dissatisfied, and very dissatisfied. In addition, complainants were asked about the characteristics of their complaint and their demographic information. At the end of the survey, space was provided for open-ended written comments concerning the strengths and weaknesses of the complaint process. Due to the low response rate for both surveys, and resulting small sample sizes, respondent answers to the questions measuring satisfaction were collapsed in order to allow for statistical analysis. On questions where the respondent reported being very satisfied or satisfied, the answer was coded as satisfied. On questions where respondents reported being dissatisfied or very dissatisfied, responses were collapsed into the category dissatisfied.

The survey accuracy (at a 95% confidence level) for both surveys, with sample sizes of 97 and 96 respectively, is $\pm 9\%$.

Representativeness of the Respondents

Demographic and case information supplied by the respondents was compared between both surveys. The comparison between the 2001 and 2002 surveys indicated that respondents in the 2002 respondents were slightly younger, and had a slightly higher proportion of males and minorities. However, the only statistically significant difference was that respondents in the 2002 survey were somewhat more likely to have filed a complaint involving an allegation of excessive force.

We also compared the demographic and case information for 2002 survey respondents to the population of IPR complainants who had cases closed in 2002. No substantial differences were found along most demographic characteristics, with the exception that there was a larger proportion of Caucasians in the 2002 survey than in the IPR complainant population. However, this is likely due to the missing data on race/ethnicity information for all IPR complainants, rather than an indication of a bias in the 2002 survey responses. When looking at case characteristics, complainants who had their

complaints resolved through the use of service complaints were slightly overrepresented in the 2002 survey sample, while those complainants who had their cases declined were slightly underrepresented. In order to gauge the impact of this fact, we checked on the need to re-weight the data so that the proportions in the 2002 sample matched those in the 2002 IPR population. Our initial analysis showed that re-weighting had no substantial effect. Moreover, since the 2001 baseline survey had no information on respondents' case outcomes, re-weighting would render a comparison between 2001 and 2002 untenable. Therefore, the 2002 survey data were left unweighted.

Comparison of 2001 to 2002 Satisfaction with the Quality of Interviews

	2001 Pre-IPR Process	2002 IPR Process	Change
1) How satisfied were you with:			
how well the investigator listened to your description of what happened?			
Satisfied	41.8%	50.5%	8.7%
Neither satisfied nor dissatisfied	18.7%	17.2%	-1.5%
Dissatisfied	39.6%	32.3%	-7.3%
<i>Number</i>	91	93	
how fair and thorough the investigator's questions were?			
Satisfied	39.1%	51.8%	12.7%
Neither satisfied nor dissatisfied	19.5%	18.8%	-0.7%
Dissatisfied	41.4%	29.4%	-12.0%
<i>Number</i>	87	85	

- There was an improvement in community member satisfaction with the quality of interviews between 2001 and 2002. 51% of complainants surveyed in 2002 versus 42% in 2001 reported that they were satisfied with how well the investigator listened to their description of what happened.
- Likewise, 52% of respondents in 2002 reported satisfaction with the fairness and thoroughness of the investigator's questions as opposed to 39% in 2001.

Satisfaction with Explanations About the Complaint Process

	2001 Pre-IPR Process	2002 IPR Process	Change
2) How satisfied were you with the explanations you got on:			
how the complaint process works?			
Satisfied	28.6%	45.6%	17.0%
Neither satisfied nor dissatisfied	15.4%	22.2%	6.8%
Dissatisfied	56.0%	32.2%	-23.8%
<i>Number</i>	91	90	
the length of time the process takes?			
Satisfied	24.2%	44.8%	20.6%
Neither satisfied nor dissatisfied	14.3%	14.9%	0.6%
Dissatisfied	61.5%	40.2%	-21.3%
<i>Number</i>	91	87	

- Satisfaction with explanations about the complaint process rose significantly between 2001 and 2002. 46% of 2002 respondents reported being satisfied with explanations about how the process works, up from 29% in 2001. Likewise, 45% of 2002 respondents versus 24% of 2001 respondents were satisfied with explanations about the length of time the complaint process takes.

Satisfaction with the Quality of Communication

	2001 Pre-IPR Process	2002 IPR Process	Change
3) How satisfied were you with the information you got:			
about what was happening with your complaint?			
Satisfied	22.0%	34.4%	12.4%
Neither satisfied nor dissatisfied	12.1%	15.6%	3.5%
Dissatisfied	65.9%	50.0%	-15.9%
<i>Number</i>	91	90	
in the letters you received?			
Satisfied	18.4%	33.0%	14.6%
Neither satisfied no dissatis.	14.5%	19.8%	5.3%
Dissatisfied	67.1%	47.3%	-19.8%
<i>Number</i>	76	91	
about how police are instructed to act during incidents like yours?			
Satisfied	11.3%	20.0%	8.7%
Neither satisfied nor dissatisfied	7.5%	11.8%	4.3%
Dissatisfied	81.3%	68.2%	-13.1%
<i>Number</i>	80	85	

- There was an overall improvement between 2001 and 2002 in respondent satisfaction with the quality of communication about their cases. Between 2001 and 2002 there was a noticeable increase in respondent satisfaction with the information they received about the status of their case (to 34% from 22%), and a decrease in the proportion of dissatisfied respondents (from 66% to 50% .
- From 2001 to 2002, there was a significant improvement in respondent satisfaction with information in the letters that they received (to 33% from 18%). The level of dissatisfaction reported dropped by nearly 20% points. In addition there was a 5% increase in the number of respondents reporting that they were neither satisfied nor dissatisfied with information they received in letters relating to their case.
- There was an increase in satisfaction with information provided about police policies and training relating to the complaint incident. However, satisfaction remained low overall, with 11% respondents reporting satisfaction in 2001 and 20% in 2002. A likely explanation is that while complainants are getting better information about police policies, they still do not like the content of that information.

Satisfaction with the Thoroughness and Efficiency of the Process

	2001 Pre-IPR Process	2002 IPR Process	Change
4) How satisfied were you that your complaint was handled:			
thoroughly?			
Satisfied	19.6%	30.1%	10.5%
Neither satisfied nor dissatisfied	13.0%	15.1%	2.1%
Dissatisfied	67.4%	54.8%	-12.6%
<i>Number</i>	92	93	
quickly?			
Satisfied	25.0%	37.0%	12.0%
Neither satisfied nor dissatisfied	15.2%	17.4%	2.2%
Dissatisfied	59.8%	45.7%	-14.1%
<i>Number</i>	92	92	

- Between 2001 and 2002 there was an improvement in satisfaction with the thoroughness of the complaint process. In the 2002, 30% of respondents reported being satisfied with the thoroughness of how the complaint was handled (up from 20% in 2001).
- There was an increase in satisfaction with the speed of the complaint process between 2001 and 2002, from 25% to 37%.

Satisfaction with Efforts at Prevention, Complaint Outcome and the Overall Process

	2001 Pre-IPR Process	2002 IPR Process	Change
5) Overall, how satisfied are you:			
that the City of Portland is trying to prevent future incidents like yours?			
Satisfied	21.3%	20.9%	-0.4%
Neither satisfied nor dissatisfied	15.7%	9.9%	-5.8%
Dissatisfied	62.9%	69.2%	6.3%
<i>Number</i>	89	91	
with the fairness of your complaint's outcome?			
Satisfied	18.6%	15.9%	-2.7%
Neither satisfied nor dissatisfied	8.1%	19.3%	11.2%
Dissatisfied	73.3%	64.8%	-8.5%
<i>Number</i>	86	88	
with the police complaint process in general?			
Satisfied	18.7%	25.8%	7.1%
Neither satisfied nor dissatisfied	18.7%	15.1%	-3.6%
Dissatisfied	62.6%	59.1%	-3.5%
<i>Number</i>	91	93	

- There was no change in respondent satisfaction that the City of Portland was trying to prevent future incidents like the ones that the person complained about. And indeed, dissatisfaction increased from 63% to 69% on this question.
- A majority of respondents in both 2001 and 2002 (73% and 65% respectively) reported being dissatisfied with the fairness of the outcome on their complaint. However, there was an 11% increase in the number of respondents reporting that they were neither satisfied nor dissatisfied with the fairness of their complaints' outcome.
- Overall, while the number of respondents reporting that they were satisfied with the overall complaint process increased in 2002 (26% of respondents, up from 19% in 2001) the majority of respondents for both 2001 and 2002 were still dissatisfied with the overall process (63% versus 59%).

Impact of Complaint Outcome on Satisfaction

The results of the 2002 satisfaction survey indicate that the outcome of a complainant's case was a strong predictor of their satisfaction with the complaint process. In particular, the variation in satisfaction between respondents who received service complaints versus declines was striking.

Respondents to the 2002 survey whose cases were resolved through the use of service complaints were significantly more likely to be satisfied with almost all aspects of the complaint process (See Appendix 3 for the complete results). For respondents who received a service complaint, 83% were satisfied that the investigator listened to them, 76% percent were satisfied with the fairness and thoroughness of the questions they were asked, and roughly 60% were satisfied with the quality of communication about their case.

In comparison, respondents whose cases were declined reported much lower levels of satisfaction with the complaint process. For respondents who received a decline, 27% were satisfied that the investigator listened to them, 32% percent were satisfied with the fairness and thoroughness of the questions they were asked, and less than 10% were satisfied with the quality of communication about their case. Moreover, 70% of those who received service complaints reported being either satisfied or neutral in relation to the overall complaint process, while only 30% of those who received a decline reported being either satisfied or neutral on the same question.

Regardless of whether the respondent received a decline, service complaint, or some other disposition, it is striking that satisfaction with the fairness of outcomes was lower than satisfaction with the process. Even so, respondents who received service complaints were still more satisfied. For those who received service complaints, 38% reported satisfaction with the fairness of the outcome on their case, while 30% reported that they were neither satisfied nor dissatisfied. For respondents who received declines, no respondents reported being satisfied with outcome on their complaint, while 23% reported being neither satisfied nor dissatisfied.

However, it should be noted that the number of respondents in the individual categories for all other outcomes (e.g. investigations, appeals) was too small to be reported separately. Therefore, they were grouped into a category labeled *other*. More importantly, because of the small number of responses to the 2002 survey (96), caution should be used when interpreting the results.

Impact of Gender, Race, and Age on Satisfaction

Gender

- An analysis was conducted to examine whether gender was related to satisfaction with the complaint process and outcomes. For the 2001 survey, there were no statistically significant gender differences.
- However, for the 2002 survey of IPR complainants, women reported significantly higher levels of satisfaction with almost all areas of the complaint process. For example, roughly 60% of female respondents versus 32% for males reported being satisfied or neutral in relation to the complaint process. Additionally, females were more satisfied with the fairness of the outcomes on their complaints: 55% of females versus 25% of males reported being satisfied or neutral in relation to their complaint's outcome.

Race

- Because of the small number of minority respondents in the 2001 and 2002 surveys, it was not possible to determine if satisfaction varied by race or ethnicity.

Age and Education

- Age and education were not significantly related to levels of satisfaction with either the complaint process or complaint outcomes.

Conclusions

Compared to the results of the 2001 survey, the responses to the 2002 survey indicate that creation of the IPR and the subsequent changes in the program have had a positive impact on community member satisfaction with the complaint process. Gains were observed in relation to complainant satisfaction with the quality of intake interviews, explanations about the process, communication about the progress of their cases, as well as perceptions of thoroughness and efficiency of processing of complaints. This quantitative increase in satisfaction with the process was reflected in the respondents' written comments on the survey forms. In 2002 the most common strengths identified by respondents included the quality of intake interviews, good communication, an efficient and thorough process, a perception that the complaints were taken seriously (Please turn to the end of this chapter for examples of the written comments).

Even though there was an increase in satisfaction with the complaint *process*, however, there was no statistically significant change in satisfaction with either the fairness of the

complaint outcomes or with perceptions that the City of Portland is working to prevent police misconduct. And indeed, among the written comments, the most commonly identified weaknesses had to do with the outcomes on the respondent's complaints.

Potential Process Improvements

- Improve the letters or develop other means to communicate complaint outcomes. Even though satisfaction increased with regard to the IPR's communication with complaints, there may be room for further improvements.
- Improve explanations concerning Bureau policies and procedures in cases where the complaint allegations do not identify misconduct.
- Work to increase complainant satisfaction with the fairness of complaint outcomes: Improve communication with complainants whose cases are declined in order to more clearly outline the limits of complaint process.

Future Improvements in Satisfaction Surveys

- In order to improve the amount and quality of qualitative data on complainant satisfaction, the IPR will soon begin conducting follow-up phone interviews with randomly selected complainants.
- In 2003, the IPR will begin using pre-survey notification letters in order to alert complainants that they will be receiving a survey. This may help improve return rate.
- In addition to conducting satisfaction surveys with complainants, the IPR, in conjunction with IAD, will distribute a satisfaction survey to PPB officers who have been through the IPR/IAD process.
- The IPR is also working with the Police Bureau's Planning and Support Division to include questions on the PPB's Community Survey that measures public awareness and satisfaction with the police complaint handling system.

Examples of Responses to Question 14: “What were the strengths of the complaint process— What worked well?”

Theme #1: Comments on the quality of interviews
The people who phoned me were willing to listen and were sympathetic to my complaint.
Well I did hear back from someone. I believe he tried to sympathize and he was courteous but was not taking sides one or the other for or against the complaint.
[The Intake Investigator] was nice and seemed concerned. He listened patiently to my complaints.
[The Intake Investigator] was very nice to talk with, and answered all questions. Thank you!
The people who deal with the initial complaint & the person who interviewed me was very compassionate & understanding.
Everyone I spoke with was friendly, calm, & seemed well informed as to the process.
[The Intake Investigator] was fair, open, non-judgmental, concerned and professional.
Theme #2: Comments on communication
Continuous check ups by telephone and mail and completed with officer filing report.
Good communication between both sides
Quick response. Personable investigator - attentive, interested, helpful. Good follow-up
I was impressed by the efforts to contact me. I was even called on the officer's day off.
Monthly update letters.
Feed back and follow-up
Theme #3: Comments on efficiency and thoroughness
I appreciated speedy return letters and calls.
I was called within a reasonable time for the complaint.
Letting me know in a timely manner what was happening with the complaint.
Truly it was the logical, less emotional technique of the operator that worked to take a report for processing. I am thrilled the response team is as tightly organized as they are!
How fast it was taken care of.
Expediency and thoroughness.
Theme #4: Comments that complaints were taken seriously
I appreciate that the time is taken to listen to our complaints and that the PPD is very responsive to complaints.
IPR personnel were professional and easy to converse with.
It was taken seriously: The IPR division was fair and I felt truly concerned for myself and the officer. Thank you [Intake Investigator].
The strength is that the independent review board takes their job seriously.
Theme #5: Comments on quality of investigations
I appreciated the honest and direct manner of the way the complaint was investigated. The office's supervisor contacted me, only after I had said that would be OK.
The investigator! [The IAD Investigator] was great.

Examples of Responses to Question 15: “What were the weaknesses of the complaint process— What can be improved?”

Theme #1: Filing complaints did not result in a desirable outcome
I feel I got the "run-around" and I highly doubt if the officer himself even got reprimanded.
It seems that the police department was unwilling to acknowledge fault and the 911 center was also unwilling to acknowledge fault. In short a lot of finger pointing went on.
The final letter received did not indicate exactly (or at all!) the officer was dealt with. It still "feels" unfinished to me.
Theme #2: IPR does not have enough power over the police
The police have no over sight/The panel has no power to correct this problem. I have had a lot of contact with the police and there is no excuse for how they acted.
The weakness is that they (IPR) do not have the authority to meet out punishment for police misconduct.
Theme #3: Entire complaint process should be run by civilians
Turn the process over to a entire civilian process board - no police or fire dept. involved. I bet this gets the waste basket.
Having the police investigate complaints against the police. What is the "independence" of the IPR?
Theme #4: Supervisor conducting service complaints did not take their concerns seriously
I don't feel the answer I received from the officer's sergeant was satisfactory and that it was just an excuse for his officer to disobey traffic rules and regulations.
No direct/otherwise apology or explanation from officer involved. No word on whether officer would enter sensitivity training: I felt patronized by the immediate supervisor, but not satisfied (dis-satisfied).
Theme #5: More weight was given to the officer's statement than the complainant's
I felt my complaint wasn't taken seriously. It seems the officer's side of the story was believed no matter what he said. If this practice was carried out in any of my other business transactions, I would cut off ALL ties with that contact.
It seems that the lies of the police officers outweigh the truth of the citizen.
Theme #6: Not enough access to investigation documents
I was never provided a copy of the report, the officer retired so there was no action taken, and there was no evidence that the police department would work to correct future problems of this nature!
IAD and IPR worked to keep police criminal misconduct covered up by not disclosing their reviews of witnesses and evidence given to them.
Theme #7: Felt that there was a cover-up
The police cover-up that was done violated my civil rights. The Bureau of Police told me that I was a liar and that the things I described in my complaint was not true: It should have been more timely, the injury that officers caused was not true.
Everything! I don't believe that his "complaint process" works at all, they are messing with my mail because I made the "complaint." All and all I would have been better off not reporting the assault.
Theme #8: Process was too complicated
Too many people involved in process - some of whom I could not reach and they couldn't reach me because of time constraints otherwise very thorough. Thank you.
I'm afraid the processing of the report required what I call "bureaucratic" hoops which I was unwilling to spend time to do. More reporting by me is redundant. I have only so many stamps and stuff. Over all, great work Portland Police!

Appendices

Appendix 1: A Summary of Public Comments From CRC Public Forums of September 12, 2002 and September 18, 2002

The first forum, in North Portland, was attended by about 80 people, largely those who had participated in the Bush and Critical Mass demonstrations in August, and those associated with the Police Accountability Campaign. The second forum, in Southwest, was attended by about 30 people, about eight of whom were associated with the Bush or Critical Mass demonstrations. There were differences between the verbal comments and the written comments; specifically, the verbal comments were largely critical of the police, where written comments included more individuals who were supportive or neutral toward police. There were at least two people who mentioned they did not feel comfortable speaking at the forums because they felt outnumbered or uncomfortable at expressing views likely to be unpopular in that group.

The following is a brief synopsis of public comment. The language is presented verbatim, when possible, thus the language and views expressed are their own.

The specific issues we were originally inquiring about included use of profanity, and officers identifying themselves and the reasons for stops.

Response was virtually unanimous that police should not use profanity. It was viewed as unprofessional and likely to increase mutual hostility and the “negativity of interactions.” Response was likewise virtually unanimous that police should identify themselves and the

reason for stops. It was viewed as more consistent with community policing, and as many commented, “officers can’t be held accountable if they can’t be identified.” However, even among those expressing disapproval, a number believed that the CRC should “not waste its time on such trivial issues” when there were so many more urgent issues to worry about.

Many of those attending were either participants in the August 2002 demonstrations, or were concerned about what they had seen and heard regarding those incidents.

There were repeated comments regarding the perceived increase in the militarization of police, which several tied to a general erosion of civil liberties since 9/11, and the “criminalization of dissent.” Three people used the Portland Police Bureau (PPB) declaration of a state of emergency as evidence of this. They believed the declaration was issued as an excuse for the “excessive police response.”

The single largest group of comments were complaints about poor planning, poor communication, and poor crowd control tactics on the part of PPB during the demonstrations. Many called for better crowd control policies and training, particularly training in nonviolent tactics and de-escalation techniques. Many felt that what trouble and violence occurred was initiated, caused and/or exacerbated by the police. For example, one individual commented “that riot gear

in advance of any rioting was self-fulfilling prophecy.” A number noted that police “attacked vs. facilitating”. One suggested that “PPB needs reminder, protesting is a Constitutional right, not a crime.” It was observed that the protests had been peaceful and good-natured, and that the police response was “completely unnecessary and inappropriate.” Over a dozen people stated that they believed PPB use of force at the demonstrations “was arbitrary and inappropriate.”

Lastly, relative to the demonstrations, a number of people asked why there was no investigation, hearings, or other form of public response or review of the demonstrations. Three people called for a full, independent IPR review. Several people stated that PPB either lied about the reasons for their behavior, or at least spoke without checking the accuracy of the facts, first (e.g., that pepper spray was only used after people started throwing things and swarming the patrol car, rather than vice versa.)

There were also comments about police use of nonlethal force more generally. Some called for better training and policy regarding the use of nonlethal force; others called for it to be banned altogether.

Aside from the demonstrations, the next largest group of comments concerned the perceived lack of police accountability. For example:

- Currently, there’s nothing to stop cops from abusing their power and authority.

- We need change and accountability.
- Give PPB free reign and they will exploit it, not be accountable unless held to it.
- Stop pretext stops. That authority is being abused.
- Detox sometimes used in a punitive, retaliatory way.

There were also people who voiced concerns about police interactions with specific segments of the community. Specifically:

- Police need to learn how to handle mentally ill better, safer.
- Police need to learn how to treat victims with more sensitivity.
- Complaints of minors are not taken seriously or respectfully.
- Police need sensitivity training in gay issues.
- Police should not harass and act in a retaliatory manner.
- Both sides need to have more respect for the other.
- Police treat homeless very badly.
- Police harass youth, promote mutual hostility.
- Need better follow up after reports, especially with elderly.
- Serious problems of widespread racial profiling.

There were those whose primary concern was increasing community-policing efforts, or regaining lost ground. For example:

- Community policing is being replaced with increasing “adversarialness” and hostility,

which escalates into a cycle of mutual resentment.

- Police need to allocate the resources to build partnerships with community.
- PPB needs to increase their involvement with youth and the various communities.
- We need our Lead Officers back – more community involvement.
- Odd choices about allocation of resources – can't spare the officers for robberies, accidents without injuries, community involvement, but can find officers to harass homeless on sidewalks, kids on bikes, jaywalkers, etc. Appears political.

Lastly, some had specific suggestions on other issues:

- IPR/CRC should hold more forums, do more outreach and public education.
- There should be an independent investigation of police spying. Is it really ended?
- IPR should oversee Joint Terrorism Task Force as well as regular police activities – if PPB is participating.

Appendix 2: Summary of Appeals

CRC Appeal 2001-X-0001

Officers attempted to stop the appellant for a suspected drug deal. The appellant resisted the officers' attempt to detain him. A struggle ensued in which the officers hit the appellant repeatedly on the back of his legs with their ASP batons. The appellant alleged the officers stopped him for no valid reason, used excessive force, inappropriately used a hobble to restrain him, used profanity, and did not loosen his handcuffs when he complained they were too tight. The Police Bureau findings were exonerated with regard to the use of force and control technique, as well as insufficient evidence with regard to use of profanity. A full CRC hearing was held on January 10, 2002. The CRC voted 4-2 to affirm the Police Bureau's findings.

CRC Appeal 2001-X-0002

This appeal involved two separate incidents. In the first incident, the appellant alleged that an officer falsely arrested her for interfering with him while he was attempting to cite her cousin for an open container violation. In the second incident, the appellant alleged that the same officer falsely arrested her for armed robbery and used excessive force by shooting her with a less lethal (bean bag) shotgun. She also alleged the officer was prejudiced against Native Americans and that a second officer broke her wrist after handcuffing her. IAD declined to investigate these complaints due to lack of merit. A full CRC hearing was held on January 4, 2002. The CRC voted unanimously to affirm IAD's declination.

CRC Appeal 2001-X-0003

An officer was dispatched to assist the appellant, who was injured and intoxicated. The appellant alleged that the officer kicked her and pushed her face into a curb, refused to tell her he was taking her to detox, and failed to provide his name and badge number upon request. All allegations were declined by IAD due to lack of merit. A full CRC hearing was held on January 4, 2002. The CRC voted unanimously to affirm IAD's declination.

CRC Appeal 2001-X-0004

The appellant, who was soliciting donations from passersby in downtown Portland, was cited for *offensive physical contact*. The appellant alleged that he was inappropriately cited and that the officer who cited him took this action based on racial profiling. Disparate treatment and procedure allegations were declined by IAD. A full CRC hearing was held on January 29, 2002. The CRC voted 6-1 to affirm IAD's declination.

CRC Appeal 2001-X-0005

The appellant, a police officer of the Portland Police Bureau, filed an EEO complaint based on allegations of sexual harassment. The Captain of the Personnel Division concluded that the incident in question did not constitute unlawful discrimination. Since IAD conducted the EEO investigation, the officer appealed this decision. The officer subsequently agreed to a financial settlement with the City of Portland and withdrew his appeal.

CRC Appeal 2001-X-0006

The appellant, a police officer of the Portland Police Bureau, alleged that a fellow officer filed an untruthful police report accusing the appellant officer of a criminal act. The Police Bureau found that there was insufficient evidence regarding this conduct allegation. The appellant officer subsequently withdrew his appeal.

CRC Appeal 2001-X-0007

Officers responded to a local resident's complaint that the appellant and his father, who parked their trailer-camper in a residential neighborhood, were camping and littering the neighborhood street. The appellant alleged that responding officers used profanity, deliberately shined a flashlight in the eyes of the appellant's father, kicked the appellant's father in the "butt" while putting him in the patrol car, deliberately tightened his handcuffs, searched the camper without permission, confiscated property without a property receipt, and held the appellant and his father at the precinct for an unreasonable amount of time. The officers were exonerated regarding the force allegations. The findings regarding conduct, profanity, and procedure were unfounded. There was found to be insufficient evidence regarding shining the flashlight in the eyes of the appellant's father. A full CRC hearing was held on January 10, 2002. The CRC voted unanimously to affirm the Police Bureau's findings.

CRC Appeal 2001-X-0008

The appellant and his father were stopped for a traffic infraction, and their vehicle was towed because of a suspended driver's license. The appellant alleged that the inventory search conducted by the officers prior to towing the vehicle was illegal. IAD declined this complaint because the appellant did not state facts that would constitute a violation of Police Bureau rules or procedures. IPR declined the appeal for the same reason.

CRC Appeal 2001-X-0009

The appellant was arrested for allegedly selling cocaine to an undercover police officer. He alleged that the arresting officers took his day-planner containing his personal

property and did not return it to him or place it in the property and evidence room. This complaint was handled as an *inquiry* by the Police Bureau, and the allegation was found to be unsubstantiated. A full CRC hearing was held on January 10, 2002. The CRC voted unanimously to affirm the Police Bureau's findings.

CRC Appeal 2001-X-0010

The appellant alleged a man masquerading as a Portland Police officer improperly detained her and used excessive force against her, causing injuries to her bladder, kidney, and neck. This complaint was declined by IAD due to lack of merit. A full CRC hearing was held on January 10, 2002. The CRC voted unanimously to affirm IAD's declination.

CRC Appeal 2001-X-0011

The appellant was assaulted and robbed outside of a residence where she was celebrating the Fourth of July with a group of acquaintances. She alleged that the officers did not respond in a timely manner or properly assist her. This complaint was declined by IAD, concluding that the officers did respond adequately to the incident. A full CRC hearing was held on January 29, 2002. The CRC voted unanimously to affirm IAD's declination.

CRC Appeal 2001-X-0012

The appellant, his pregnant wife, and two friends drove to Portland to visit relatives. The appellant was stopped for speeding. He alleged that the traffic stop was based on racial profiling, that the officer making the stop called him a profane name, and that the officer inappropriately towed the appellant's rental car, stranding him and his pregnant wife 80 miles from home. The appellant further alleged that a back-up officer directed a rude comment at the appellant's wife. The Police Bureau findings on the primary officer were unfounded as to disparate treatment, sustained as to courtesy, and exonerated as to procedure. The Police Bureau finding on the second officer with regard to courtesy was insufficient evidence. A full CRC hearing was held on February 13, 2002. The CRC challenged three of the Police Bureau findings. They recommended changing two of the procedure findings from exonerated to exonerated with debriefing and changing the courtesy finding on the backup officer to sustained. The Policed Bureau subsequently accepted the changes recommended by the CRC.

CRC Appeal 2001-X-0013

The appellant, who had been drinking, approached a group of police officers who were conducting a high-risk traffic stop. A sergeant, after unsuccessfully instructing the appellant to leave the area, took him into protective custody and transported him to

detox. The appellant alleged that the sergeant failed to provide his name and a business card when requested, was rude, and retaliated against him by detaining him and taking him to detox. The Police Bureau finding on all three allegations was exonerated. A full CRC hearing was held on January 10, 2002. The CRC challenged the Police Bureau findings. They recommended changing the first finding on procedure to exonerated with debriefing, the second finding on courtesy to insufficient evidence, and the third finding on conduct to unfounded. The Police Bureau subsequently accepted the changes recommended by the CRC.

CRC Appeal 2001-X-0014

The appellant and two companions were cited for jaywalking. He alleged that the two involved officers based these citations on racial profiling. The PPB finding on disparate treatment was exonerated. A full CRC hearing was held on March 5, 2002. The CRC challenged the Police Bureau findings. They recommended changing the finding on both officers from exonerated to unfounded, based on their belief that racial profiling did not occur. The Police Bureau subsequently accepted the changes recommended by the CRC.

CRC Appeal 2001-X-0015

The appellant alleged that a PPB detective misinterpreted a state ordinance regarding custodial interference and that a commander selectively enforced the criminal code and directed her personnel to do the same. This complaint was declined by IAD due to lack of merit. The IPR declined the appeal as being outside of its purview.

CRC Appeal 2001-X-0016

The appellant alleged that a PPB assistant chief made a false statement to him about his prior arrest for trespassing in a police precinct. The IAD declined to open a new case based on the fact that this complaint related exclusively to a conversation the appellant had with the Assistant Chief about a prior complaint that had already been investigated and appealed. The IPR declined the appeal because the appeal had already been heard by the Police Internal Investigations Auditing Committee (PIIAC), and it would have been inappropriate for the IPR to take any action contrary to the City Council's prior decision.

CRC Appeal 2001-X-0017

An officer approached the appellant, whom he suspected of selling drugs. After the appellant refused to answer the officer's questions, the officer attempted to detain him for throwing a cigarette butt into the street. The appellant alleged that the officer detained and handcuffed him without sufficient cause, grabbed and tore his shirt, used

profanity, and threatened to harass him. The PPB sustained the complaint regarding use of profanity and exonerated the officer on the allegations relating to conduct and use of force. On February 5, 2002, the CRC held a full hearing and affirmed the Police Bureau's findings on improper detention and use of force. The CRC challenged the Police Bureau's finding on the allegation that the officer threatened to harass the appellant, recommending changing the finding from exonerated to insufficient evidence. The Police Bureau subsequently accepted the change recommended by the CRC.

CRC Appeal 2001-X-0018

The appellant was involved in a public demonstration. She alleged that officers falsely arrested and injured her for failing to disperse and that an officer told her that she was ignorant for using her baby as a shield. IAD declined to investigate this case because the appellant waited nearly three years to file a complaint. On February 5, 2002, the CRC held a full hearing and affirmed IAD's declinations of the allegations relating to the arrest and use of force. The CRC challenged the allegation regarding courtesy and recommended that the Police Bureau handle this allegation as a *service complaint*. The Police Bureau accepted this recommended change.

CRC Appeal 2001-X-0019

The appellant, who was driving with her husband, alleged that an officer pulled in front of her car without using a turn signal or overhead lights. The officer then took himself off of the call he was on in order to cite the appellant for sounding her horn and flashing her high beam lights. The appellant alleged the officer "acted like a child having a temper tantrum" and refused to give her his name until she asked him for it repeatedly. The Police Bureau originally handled this complaint as an *inquiry*. The CRC held a full hearing on February 13, 2002, and recommended further investigation by IAD. After further investigation, the findings on the three allegations were changed to exonerated with a debriefing. A supplemental hearing was held on June 18, 2002, at which time the CRC challenged the first two findings, recommending that the first finding be changed to sustained and that the second finding be changed to insufficient evidence with a debriefing. The CRC affirmed the third finding regarding officer identification. The Police Bureau subsequently accepted the recommended changes.

CRC Appeal 2001-X-0020

The appellant was arrested for violation of an exclusion from a Drug Free Zone. He alleged that the officers made demeaning racial remarks about black persons, did not read him his *Miranda* rights, and inappropriately arrested him. IAD declined to investigate the allegation regarding the failure to advise the appellant of his *Miranda* rights, since it was not required under these circumstances. IAD also declined to investigate the allegation of false arrest, as this would be a matter for the courts to decide. On

February 19, 2002, the CRC held a full hearing on this case and unanimously affirmed IAD's declination.

CRC Appeal 2001-X-0021

The appellant's roommate, while operating the appellant's vehicle, was involved in a police chase and subsequent officer-involved shooting. The appellant was detained at the scene as a material witness and his vehicle was impounded. The appellant alleged that the officer who detained him unnecessarily grabbed and twisted his arm and detained him for an excessive amount of time. The Police Bureau concluded that the appellant's allegations were unfounded. The appellant withdrew his appeal before it was scheduled for a hearing.

CRC Appeal 2001-X-0022

A Safeway security guard approached an officer and requested his assistance with the appellant, whom the security guard had asked to leave the store. The officer told the appellant he was not welcome in the store and asked him to leave. After speaking with the appellant, the officer placed him in custody, put him in his patrol car, and transported him off of the store premises. The appellant alleged that the officer would not listen to his explanation with regard to the incident in the store, that the officer used profanity, and that the officer kicked him in the chest for no reason. IAD declined all three allegations due to inconsistencies and contradictory statements made by the appellant. On February 19, 2002, the CRC held a full hearing on this case and unanimously affirmed IAD's declination.

CRC Appeal 2001-X-0023

The appellant was cited for speeding. He alleged that the officer inappropriately cited him and later lied in his courtroom testimony. IAD declined this complaint because the proper venue for this type of grievance is the court system. The IPR declined the appeal for the same reason.

CRC Appeal 2001-X-0024

The appellant was stopped and cited for an unlit license plate. A routine records check revealed that the registered owner of the vehicle had a possible arrest warrant. The officer detained the appellant long enough to determine that he was not the person with a warrant. However, the officer had the vehicle towed because the appellant did not have a valid Oregon driver's license. The appellant alleged the officer had no valid reason for making a traffic stop, used profanity, and performed an inappropriate search of the vehicle. IAD declined the allegations regarding procedural matters due to lack of merit. The Police Bureau concluded that the allegation regarding profanity was un-

founded. On March 5, 2002, the CRC held a full hearing and unanimously affirmed the Police Bureau's findings.

CRC Appeal 2001-X-0025

The appellant had a verbal and physical altercation with another citizen. The appellant alleged that the primary officer who responded to the altercation verbally abused him, failed to write an incident report, and refused to provide his business card when requested. The Police Bureau handled the complaint as an inquiry. On February 13, 2002, the CRC held a full hearing and voted 6-3 to affirm the Police Bureau's handling of this complaint.

CRC Appeal 2001-X-0026

The appellant was arrested and, subsequently, convicted of disorderly conduct in a New Year's Eve disturbance at Pioneer Square in downtown Portland. The appellant alleged that a Multnomah County sheriff's deputy used excessive force in arresting him, that Portland Police officers inappropriately struck him with their batons, and that he was wrongfully arrested. IAD declined to investigate this complaint due to lack of merit. The IPR declined the appeal because the avenue to contest the circumstances and validity of his arrest was provided by the judicial system.

CRC Appeal 2001-X-0027

The appellant was arrested by the Special Emergency Reaction Team (SERT) for aggravated murder. The appellant alleged the officers used profanity and excessive force to arrest him. The Police Bureau findings for use of force were exonerated and the finding for use of profanity was unfounded. On March 19, 2002, the CRC held a pre-hearing and requested that IAD do some follow-up on this investigation by attempting to interview one of the witnesses. Repeated attempts to contact the witness were unsuccessful. On April 2, 2002, in a second pre-hearing, the CRC declined to hold a full hearing and voted unanimously to affirm the Police Bureau's findings.

CRC Appeal 2001-X-0028

The appellant alleged that an officer hit her in the hip while backing up his police car. After reviewing the facts, the IAD declined to conduct further investigation. The IPR declined the appeal because the appellant chose to use another remedy (a tort claim) to obtain satisfaction for the grievance stated in the complaint.

CRC Appeal 2001-X-0029

Appellant was arrested for the manufacture and sale of methamphetamine. The appellant made several allegations relating to the subsequent search of her residence and seizure of property. IAD declined some of the allegations due to lack of merit and concluded that several procedural allegations regarding theft of property and false police reports were unfounded. The IPR declined the appeal because the appeal concerned police reports and police actions that directly related to the appellant's criminal conviction and, given the totality of the circumstances, there was no likelihood that the CRC would challenge the Police Bureau findings.

CRC Appeal 2001-X-0030

The appellant, who was arrested for a probation violation, filed a complaint regarding the circumstances and validity of his arrest and the procedures used by the arresting officers. IAD declined the complaint due to lack of merit. The IPR declined the appeal because the proper avenue of recourse for this grievance was the judicial system.

CRC Appeal 2001-X-0031

The appellant was arrested for an outstanding warrant. In searching the appellant, an officer removed his wallet and inadvertently left it on the hood of his patrol car. The appellant alleged that the officer stole seventy dollars in cash from his wallet. The Police Bureau found the allegation regarding stealing the money to be unfounded, but sustained the allegation regarding improper handling of the appellant's property. On March 19, 2002, the CRC held a full hearing and unanimously affirmed the Police Bureau's findings. The IPR Director offered to intervene with the Office of Risk Management to assist the appellant in recovering his lost money.

CRC Appeal 2001-X-0032

The appellant was arrested and subsequently convicted of burglary. He alleged that the officers who arrested him wrote incorrect reports and gave false and misleading testimony at the Grand Jury. IAD declined this complaint due to lack of timeliness and because the appellant pled no contest, thus waiving his right to a trial, which was the appropriate avenue to contest the charges. The IPR declined the appeal because the proper avenue of recourse for this grievance was the judicial system.

CRC Appeal 2002-X-0001

Officers stopped the appellant's grandson for speeding. The appellant alleged that the officers did not stop her grandson for speeding, as they claimed, but because he was well known to them. The Police Bureau findings were exonerated on procedure and conduct.

The IPR declined the appeal because the complainant was not directly involved in the incident and thus lacked standing to make the appeal.

CRC Appeal 2002-X-0002

The appellant was arrested for selling narcotics and resisting arrest in the Old Town section of downtown Portland. He alleged that the officers engaged in racial profiling and used excessive force in arresting him. The Police Bureau findings on various use of force and control technique allegations were exonerated and unfounded. The Police Bureau concluded that the disparate treatment allegations were unfounded. On April 2, 2002, the CRC held a pre-hearing and unanimously declined a full hearing, thereby affirming the Police Bureau's findings.

CRC Appeal 2002-X-0003

Officers stopped a car for speeding and subsequently arrested the driver on a warrant and had the car towed for no insurance. The appellant, who was a passenger in the car, consented to being searched and then left the scene. The allegations were that an officer injured the appellant's back while searching him, broke his cell phone, stranded him miles from a telephone, and refused to give him his business card. The Police Bureau sustained the allegation regarding the officer failing to identify himself and concluded that the allegations of the officer injuring his back during the search and breaking his cell phone were unfounded. The finding on the allegation of leaving the appellant stranded was exonerated with a debriefing. On March 19, 2002, the CRC held a pre-hearing and unanimously declined a full hearing, thereby affirming the Police Bureau's findings.

CRC Appeal 2002-X-0004

The appellant alleged that an officer improperly enforced traffic laws and engaged in *profiling* by stopping and citing drivers from out of state and that the officer gave perjured testimony in traffic court. The Police Bureau concluded that the allegations were unfounded. The IPR declined the appeal because the appeal had previously been declined by PIIAC, which had advised the appellant that the proper avenue for his grievance was the judicial system.

CRC Appeal 2002-X-0005

The appellant was suspected of car theft and was arrested for resisting arrest after presenting a false driver's license. He alleged that the officers had no right to ask for his identification, used excessive force, failed to read him his *Miranda* rights, stripped him and left him naked on a holding cell floor for over twelve hours, denied him medical

attention, denied him the use of a toilet, denied him food and drink, and would not allow him to speak to an attorney. After conducting a preliminary investigation, IAD declined further investigation due to lack of merit, stating that the documentation surrounding the incident did not support the claims. On March 19, 2002, the CRC held a pre-hearing and unanimously declined a full hearing because the complaint did not appear to have been made in good faith, and the evidence contradicted the allegations.

CRC Appeal 2002-X-0006

Officers came to the appellant's house late at night looking for an assault suspect whose car was parked in the appellant's driveway. The appellant alleged that the officers' action made him feel threatened and harassed. IAD declined this complaint because the appellant did not identify any act of misconduct by the officers. The IPR declined the appeal for the same reason.

CRC Appeal 2002-X-0007

After observing a possible narcotics transaction, officers stopped the appellant for failing to make a complete stop at a stop sign. The appellant alleged that the officer made this stop based on racial profiling, handcuffed and detained him for an unreasonable amount of time, searched his vehicle without his consent, and injured him by shoving him after removing the handcuffs. The Police Bureau concluded that the allegation of disparate treatment was unfounded and exonerated the officers on the remainder of the allegations. On April 2, 2002, the CRC held a pre-hearing and unanimously declined a full hearing, thereby affirming the Police Bureau's findings.

CRC Appeal 2002-X-0008

The appellant, who was convicted of rape, alleged that a detective used improper procedures in preparing the rape kit for trial. IAD declined this complaint because this was the improper avenue for this type of grievance. The IPR declined the appeal for the same reason.

CRC Appeal 2002-X-0009

An officer stopped the appellant and gave him a warning for an incomplete stop at a stop sign. The appellant alleged that the officer was discourteous and that no one at the precinct returned his call. The Police Bureau handled this complaint as an inquiry. The IPR declined the appeal due to untimeliness.

CRC Appeal 2002-X-0010

Officers pursued a young man whom they saw speeding and then turning off his lights while driving in a residential neighborhood. The young man, who was the boyfriend of the appellant's niece, parked in front of the appellant's house, disregarded the officers' command to stop, and ran into the house. After the officers convinced the young man to go back outside, where he was arrested, the appellant went outside with a glass of wine in her hand and confronted the officers. She was subsequently placed into custody and transported to a detoxification center. The appellant alleged that the officers took her into custody and lodged her at the detoxification center without cause, that one of the officers lied to the detoxification center staff about the amount of wine she had consumed, and that the officer put the handcuffs on too tight. The Police Bureau exonerated the officers on procedure, and IAD declined the remaining allegations, stating that there was no indication that the officer left the handcuffs on too tight or lied to detoxification center staff. On May 21, 2002, the CRC held a full hearing and challenged all three findings. They recommended that the finding on procedure (taking the appellant to the detoxification center when she was next door to her residence at the time) be changed to exonerated with debriefing; that the declination of the allegation about the officer lying be changed to insufficient evidence; and that the declination regarding the handcuffs be changed to exonerated. The Police Bureau accepted the recommended findings.

CRC Appeal 2002-X-0011

The appellant ran out of fuel in a freeway interchange area. After he left his vehicle to obtain gasoline, an officer cited the car as a hazard and had it towed. The appellant alleged that the officer lied about his vehicle posing a traffic hazard and intentionally waited for the appellant to leave the area before towing the vehicle. The Police Bureau exonerated the officer regarding both allegations. On May 21, 2002, the CRC held a pre-hearing and unanimously declined a full hearing, thereby affirming the Police Bureau's findings.

CRC Appeal 2002-X-0012

The appellant, who was conducting a personal protest on the sidewalk in front of a downtown business, was arrested for disorderly conduct when he tore up a sidewalk sign that the business had put up. He alleged that the arresting officer threatened him with physical harm, used profanity, and called him derogatory names. The Police Bureau sustained the allegations against the officer for use of profanity and derogatory comments and concluded that the allegation regarding threat of harm was unfounded.

On April 16, 2002, the CRC held a pre-hearing and unanimously declined a full hearing, thereby affirming the Police Bureau's findings.

CRC Appeal 2002-X-0013

The appellant verbally challenged an officer for failing to cite a driver for not stopping for a red light. The officer then cited the appellant for blocking traffic. The appellant alleged that the officer failed to perform his duty as an officer, became angry and out of control when challenged, and issued the citation to the appellant in retaliation for the appellant's verbal challenge. The Police Bureau concluded that the allegations that the officer failed to perform his duty and lost control of his temper were unfounded. The Police Bureau found that there was insufficient evidence to establish that the citation was retaliatory in nature but ruled that the officer should be debriefed. On April 16, 2002, the CRC held a full hearing and challenged the Police Bureau's finding of unfounded regarding the allegation that the officer failed to do his duty, recommending that the finding be changed to exonerated. They also challenged the Police Bureau's finding regarding the allegation that the officer lost his temper, recommending that the finding be changed to insufficient evidence with a debriefing. The Police Bureau accepted the recommended changes.

CRC Appeal 2002-X-0014

The appellant alleged that officers of the Telephone Report Unit committed conspiracy to obstruct justice because they refused to take a report about someone entering her home illegally and disconnecting her caller ID. She also alleged a federal conspiracy in which federal agents were influencing her bank against her. IAD declined this complaint because the complaint lacked substance or details to support the appellant's claims. The IPR declined the appeal for the same reason.

CRC Appeal 2002-X-0015

The appellant alleged that an officer, a sergeant, a lieutenant, and a commander of a precinct did not respond to her telephone messages about a long-standing dispute with her neighbor. After a preliminary investigation, IAD declined the complaint because the appellant did not identify any conduct that would be a violation of the Police Bureau's rules and procedures, stating that the appellant's problem was a civil issue and that the Police Bureau had exhausted all its remedies. The IPR declined the appeal, agreeing with the reasons given by IAD for declining to conduct further investigation.

CRC Appeal 2002-X-0016

The appellant alleged that an officer was discourteous and used an improper procedure in disarming him during a traffic stop. The Police Bureau handled this complaint as a

service complaint, directing the officer's supervisor to discuss the quality of service issues with the appellant and with the officer. The IPR declined the appeal, stating that the Police Bureau had addressed the appellant's concerns appropriately and professionally.

CRC Appeal 2002-X-0017

Officers were dispatched to the appellant's residence to arrest the appellant's half-brother, a domestic violence suspect whose vehicle had been seen in the appellant's driveway. The officers mistakenly arrested the appellant instead of his brother. The appellant alleged that the officers were not justified in mistaking him for his brother and that they used excessive force in arresting him. The Police Bureau finding on the false arrest was exonerated with debriefing, and the finding on use of force was exonerated. IPR, with the agreement of the two assigned CRC members, declined the appeal because the appellant had used another remedy (a tort claim) for his grievance and because he lacked timeliness in filing the initial complaint and in requesting an appeal.

(Note: At a later date, the CRC reopened the appeal and held a full hearing. The CRC recommended changes in the Bureau's findings, some of which were accepted and some declined by the Police Bureau. A hearing is pending before City Council.)

CRC Appeal 2002-X-0018

An officer responded to an altercation between the appellant and his supervisor. The appellant alleged that the officer was not responsive to his side of the story, was verbally and physically aggressive, and made a racist comment toward the appellant. IAD closed this complaint as *miscellaneous*, as the involved officer had retired. The IPR declined the appeal because the appellant could have been expected to use another remedy (i.e., a civil lawsuit) for the grievance stated in the complaint, most of which related to the altercation with his supervisor.

CRC Appeal 2002-X-0019

The appellant's girlfriend called 911 because the appellant came home bleeding and injured after drinking heavily for several hours. The officers who responded restrained the appellant and took him to the detoxification center. The appellant alleged that the officers beat him up and caused injuries to his face, knee, and shoulder. IAD declined the complaint because of inconsistencies and contradictions in statements made by the appellant. The IPR, with the agreement of the two assigned CRC members, declined the

appeal because the complaint did not appear to be made in good faith and the request for appeal was untimely.

CRC Appeal 2002-X-0020

Two officers were dispatched to a county boat ramp to assist Portland fireboat personnel with the appellant, who had been found in a boat that had run out of gas. The officers placed the appellant in protective custody and transported him to the detoxification center. During the transport, the appellant slipped his handcuffs from the back to the front, so upon arrival the officers removed the appellant from the patrol car, placed him in a prone position, and reapplied the handcuffs before lodging him in the detoxification center. The appellant alleged the officers were sarcastic and condescending toward him at the boat ramp, that they left his valuables unprotected in the boat, that they took him to the detoxification center for no reason, and that they injured him when they repositioned the handcuffs. The Police Bureau concluded that the discourtesy allegation was unfounded and exonerated the officers for the allegations regarding taking the appellant to the detoxification center and using force to reposition the handcuffs. The Police Bureau's finding about leaving the appellant's valuables in the boat was exonerated with debriefing. On June 18, 2002, the CRC held a pre-hearing and voted 5-3 to decline a full hearing, thereby affirming the Police Bureau's findings.

CRC Appeal 2002-X-0021

An officer used force while taking into custody a rider of a Tri-Met bus. The appellant, a community activist who read about this incident in the newspaper, alleged that the officers used excessive force and that one of the officers hit the man in the head with her flashlight. After a lengthy investigation, the Police Bureau exonerated the primary officer on use of force and concluded that the allegation regarding the flashlight was unfounded. The IPR, in consultation with two assigned CRC members, declined the appeal due to the appellant's lack of standing and the thoroughness of the investigation.

(Note: At a later date, the CRC re-opened the appeal. A hearing is pending.)

CRC Appeal 2002-X-0022

The appellant was stopped by police officers numerous times for minor traffic infractions. He alleged that one officer harassed him by following him for two miles before pulling him over and that the officer stopped him based on racial profiling. The appellant also alleged that unidentified officers have harassed and intimidated him by pulling him over and asking him questions without issuing him a citation. IAD declined the complaint, stating that there was no evidence that the officer stopped the appellant because of his race and that the actions of the officers did not constitute misconduct. On August 20, 2002, the CRC held a full hearing and challenged IAD's declination,

recommending that the complaint be investigated. The IPR subsequently re-interviewed the appellant and his three sons, resolving some of the issues at the intake level. The Police Bureau then handled the unresolved allegations by means of a service complaint. The case remains open due to the leave-of-service status of the officer.

CRC Appeal 2002-X-0023

The appellant's mother called 911 due to her concern for her son's welfare. Portland Fire Bureau and Emergency Medical Services personnel responded to the call to the appellant's apartment. Fire Bureau members subsequently called dispatch to request police assistance. A police sergeant and an officer responded and assisted the first responders in restraining the appellant and placing him in protective custody. The appellant alleged that the sergeant and the officer placed him in protective custody against his will, that the officer pulled his hair, and that they caused him to suffer back and hip pain as a result of the struggle, and also damaged a medical device belonging to him. The Police Bureau exonerated the sergeant and the officer on all the allegations. On July 16, 2002, the CRC held a pre-hearing and voted 5-1 to decline a full hearing, thereby affirming the Police Bureau's findings.

CRC Appeal 2002-X-0024

Five officers were dispatched to the appellant's apartment on a welfare check based on a report of a disturbing message he had left on a relative's answering machine. The appellant alleged that the officers unlawfully entered his apartment and unlawfully arrested him, that the officers did not read him his *Miranda* rights, they put the handcuffs on too tight, they hid an air pistol belonging to the appellant in one of his closets, they unlawfully searched his apartment, that two of the officers told him to shut up and sit down, and that the officers expected him to get dressed without removing his handcuffs. IAD declined the complaint because the appellant did not state any facts that would constitute a violation of the Police Bureau's rules and procedures. On October 16, 2002, the CRC held a full hearing and voted 5-3 to affirm IAD's declination.

CRC Appeal 2002-X-0025

The appellant was involved in a parking incident in which he slightly scratched another person's car. A week later, this person contacted a precinct sergeant and presented him with an estimate of hundreds of dollars to repair her car. Based on this information, the sergeant cited the appellant for criminal mischief. The appellant alleged that the sergeant cited him in retaliation for previous complaints that the appellant had filed against officers in the sergeant's precinct. IAD declined the complaint, stating that there was no information linking the sergeant to previous complaints that could be construed as retaliatory. The appellant subsequently withdrew his appeal with the

agreement that the IPR would open a new investigation encompassing all of his complaints over the past year regarding sergeants and officers of this precinct.

CRC Appeal 2002-X-0026

The appellant called the police to complain about his neighbor's television being too loud. The same night, an officer responded twice to the noise complaints, but could not hear any noise. The appellant alleged the officer was discourteous, lied about not hearing any noise, and refused to order the neighbor to turn down the television. IAD declined the complaint, stating that the officer's inability to hear the noise and his frustration with being called back did not constitute misconduct. On September 17, 2002, the CRC held a pre-hearing and unanimously declined a full hearing, thereby affirming IAD's declination.

CRC Appeal 2002-X-0027

This appellant was arrested and later convicted of armed robbery. He alleged that arresting officers used excessive force, by shooting him with less lethal ("beanbag") rounds and unnecessarily using pepper spray, and that one officer intentionally stepped on his glasses. On January 18, 2003, the CRC held a pre-hearing and recommended by a vote of 5-4 to send the case back to the IPR for a supplemental intake investigation. The case was resubmitted to the CRC after additional intake. On, February 18, 2003, the CRC held a second pre-hearing and voted unanimously declined a full hearing, thus affirming IAD's declination.

CRC Appeal 2002-X-0028

The appellant was working as a flagger when a car struck and seriously injured him. He alleged that the motorcycle officer, who responded to the accident, failed to conduct a thorough investigation, wrote an inadequate report, and failed to cite the driver of the vehicle that struck the appellant. The Police Bureau exonerated the officer regarding these allegations. The appellant withdrew his appeal when the Police Bureau agreed to change the finding to exonerated with a debriefing.

CRC Appeal 2002-X-0029

The appellant was pulled over for a turn signal violation. He alleged that the officers economically profiled him because of the poor condition of the car he was driving and that they asked him inappropriate questions about his occupation and his cell phone number. On January 18, 2003, the CRC held a pre-hearing and voted unanimously to decline a full hearing, thus affirming IAD's declination.

Appendix 3: Analysis of the Effect of Complaint Outcome on Complainant Satisfaction in Calendar 2002

	Decline	Service Complaint	Other
1) How satisfied were you with:			
how well the investigator listened to your description of what happened?			
Satisfied	27.3%	83.3%	50.0%
Neither satisfied nor dissatisfied	24.2%	8.3%	16.7%
Dissatisfied	48.5%	8.3%	33.3%
<i>Number</i>	33	24	36
how fair and thorough the investigator's questions were?			
Satisfied	32.3%	76.2%	54.5%
Neither satisfied nor dissatisfied	22.6%	19.0%	15.2%
Dissatisfied	45.2%	4.8%	30.3%
<i>Number</i>	31	21	33
2) How satisfied were you with the explanations you got on:			
how the complaint process works?			
Satisfied	41.9%	68.0%	32.4%
Neither satisfied nor dissatisfied	16.1%	28.0%	23.5%
Dissatisfied	41.9%	4.0%	44.4%
<i>Number</i>	31	25	34
the length of time the process takes?			
Satisfied	37.9%	62.5%	38.2%
Neither satisfied nor dissatisfied	13.8%	20.8%	11.8%
Dissatisfied	48.3%	16.7%	50.0%
<i>Number</i>	29	24	34
3) How satisfied were you with the information you got:			
about what was happening with your complaint?			
Satisfied	12.9%	62.5%	34.3%
Neither satisfied nor dissatisfied	16.1%	20.8%	11.4%
Dissatisfied	71.0%	16.7%	54.3%
<i>Number</i>	31	24	35
in the letters you received?			
Satisfied	6.1%	58.3%	41.2%
Neither satisfied no dissatis.	24.2%	29.2%	8.8%
Dissatisfied	69.7%	12.5%	50.0%
<i>Number</i>	33	24	34
about how police are instructed to act during incidents like yours?			
Satisfied	0.0%	47.8%	18.8%
Neither satisfied nor dissatisfied	13.3%	17.4%	6.3%
Dissatisfied	86.7%	34.8%	75.0%
<i>Number</i>	30	23	32

	Decline	Service Complaint	Other
4) How satisfied were you that your complaint was handled:			
thoroughly?			
Satisfied	18.2%	52.0%	25.7%
Neither satisfied nor dissatisfied	24.2%	16.0%	5.7%
Dissatisfied	57.6%	32.0%	68.6%
<i>Number</i>	33	25	35
quickly?			
Satisfied	16.1%	65.4%	34.3%
Neither satisfied nor dissatisfied	32.3%	7.7%	11.4%
Dissatisfied	51.6%	26.9%	54.3%
<i>Number</i>	31	26	35
5) Overall, how satisfied are you:			
that the City of Portland is trying to prevent future incidents like yours?			
Satisfied	9.4%	44.0%	14.7%
Neither satisfied nor dissatisfied	0.0%	24.0%	8.8%
Dissatisfied	90.6%	32.0%	76.5%
<i>Number</i>	32	25	34
with the fairness of your complaint's outcome?			
Satisfied	0.0%	37.5%	15.2%
Neither satisfied nor dissatisfied	22.6%	29.2%	9.1%
Dissatisfied	77.4%	33.3%	75.8%
<i>Number</i>	31	24	33
with the police complaint process in general?			
Satisfied	15.2%	50.0%	19.4%
Neither satisfied nor dissatisfied	15.2%	20.8%	11.1%
Dissatisfied	69.7%	29.2%	69.4%
<i>Number</i>	33	24	36

Appendix 4: Portland's Police Complaint Review System

Background

The Independent Police Review Division (IPR) was created by City Ordinance No. 175652 and enacted by the City Council on June 6, 2001. The effective date of the ordinance was July 1, 2001. The IPR and the Citizen Review Committee (CRC) were created to replace the Police Internal Investigations Auditing Committee (PIIAC).

In May 2000, Mayor Vera Katz appointed a volunteer work group to examine PIIAC's effectiveness. The Office of the Mayor issued the following statement:

"Mayor Vera Katz began the process of reevaluating the Police Internal Investigations Auditing Committee (PIIAC), as she had previously done in 1993. The task was begun by Lisa Botsko, the previous PIIAC Examiner, and has now been assigned to Michael Hess, the current PIIAC Examiner.

"Various community groups and individuals have voiced concerns about the citizen review process in Portland. The Police Accountability Campaign 2000 (PAC 2000) has started an initiative process. The Portland Chapters of the NAACP and the National Lawyers Guild (NLG) have joined with other concerned individuals and groups to propose changes through the Mayor and City Council. On May 1, the leaders of the NAACP/NLG group presented their proposals to Mayor Katz at the City Hall. Mayor Katz received their proposal document and assured them that she would review the proposed changes.

"Mayor Katz has decided to form an ad hoc work group to examine Portland's citizen review process and to propose recommendations that she can take to the City Council. This PIIAC-sponsored work group will optimally consist of representatives of the NAACP/NLG group, PAC-2000, current PIIAC Citizen Advisors, Copwatch, the Police Bureau, the Portland Police Association, the Citizens Crime Commission, the Metropolitan Human Rights Center, a former PIIAC Appellant, former PIIAC Advisors, leaders of minority and underrepresented communities, a representative of the City Attorney's Office, and the PIIAC Examiner."

The charge of the Mayor's PIIAC Work Group was as follows:

1. To examine the strengths and weaknesses of the current PIIAC process.
2. To research "best practices" in citizen review processes of other cities.
 - a. To obtain policies and data from other U.S. cities.
 - b. To study and compare various models of citizen review.
3. To host public meetings to gather community input on improvement options.
4. To evaluate and recommend improvements to PIIAC.

In October 2000, the group produced a Majority Report and a Minority Report of recommendations. Work group members presented the two sets of recommendations to the Mayor and to Council on January 11, 2001.

Responsibility for PIIAC was subsequently transferred from the Mayor's Office to the Auditor's Office effective January 2001.

City Council & City Auditor Proposal

At a January 11, 2001 hearing, the City Council asked the City Auditor to study oversight systems in other cities, review the recommendations of the 2000 PIIAC Work Group, and to propose changes to strengthen Portland's police complaint system.

On March 15, 2001, City Auditor Gary Blackmer issued *Addressing Citizen Complaints about Police: A Proposal for Change*. The Auditor proposed a revised model for handling citizen complaints about police behavior that retained the positive features of the existing PIIAC system while adding new elements to improve legitimacy and integrity, and to facilitate police organizational improvement. The Auditor proposed to create the Division of Independent Police Review (IPR) within the Office of the City Auditor. The IPR would assume a major role in accepting, reviewing, and investigating complaints about police behavior. While the Police Bureau would retain primary authority for investigating complaints, the staff of the IPR would receive initial complaints, review police investigative findings, monitor and report on complaint status, and conduct independent investigations when warranted.

The Auditor proposed that the City Council appoint a Citizen Review Committee to review and decide on

citizen appeals of Portland Police Bureau findings. The Committee would meet regularly to review complaint trends and to advise the Police Bureau on ways to improve practices that contribute to citizen complaints.

On May 11, 2001, Auditor Blackmer proposed an ordinance to create the Independent Police Review Division. The City Council heard testimony regarding the creation of the IPR on May 24, 2001 and June 6, 2001. The IPR/CRC ordinance was unanimously passed by City Council on June 6, 2001. The IPR Director was hired and took office on October 1, 2001. The IPR Director hired staff and the office was open for business to take citizen complaints effective January 2, 2002.

The IPR/CRC Model

Portland's IPR/CRC model is unique within the civilian oversight of law enforcement community. It is a hybrid model, combining the Auditor model of oversight with the police review board model. The IPR is one of only nine police auditors in the United States.¹² The more traditional model of citizen oversight in the United States has been the civilian review board. The Citizen Review Committee includes this method of citizen oversight into the totality of the IPR/CRC program.

The IPR is one of the only truly independent auditors in the country. The IPR Director reports to the elected City Auditor. The Police Bureau reports, through its Chief to the Mayor's Office. As such, the IPR and the Police Bureau

are completely independent of one another. Only the Special Counsel Office and the Office of Independent Review for the Los Angeles County Sheriff's Department have a chain of command that does not include the police department and the oversight agency reporting to the same elected or appointed board or official.

In a forthcoming report on citizen oversight, University of Nebraska Professor Sam Walker, notes that "the auditor model emphasizes organizational change. Instead of focusing on individual citizen complaints, auditors address police department policies and procedures related to both the complaint process and police operations dealing with citizens. The underlying assumption is that changes in policies and procedures will prevent misconduct from occurring in the future." As noted by Professor Walker, "the primary role of the police review board model is the investigation and disposition of individual citizen complaints. In important respects this model is analogous to the criminal process: a fact finding process, governed by strict rules of procedure, for determining guilt or innocence. While the auditor model embraces a preventative role toward police misconduct, the review board model embodies a deterrence role. The underlying assumption is that effective discipline of individual acts of misconduct will have both a specific deterrent effect on the officers in question and a general deterrent effect on other officers, leading to a long-term improvement in the quality of policing."

The IPR/CRC model was able to incorporate many of the recommendations of both the majority and minority reports made by the PIIAC work groups.

Although the IPR and the CRC generally rely on the Police Bureau's Internal Affairs Division to conduct investigations, the power to conduct independent investigations is present and may be used if the Police Bureau's response to any specific case or type of cases is inadequate. As shown by example in this report, when the IPR has strongly recommended an investigation by IAD, the Police Bureau has complied. Each of these investigations has been monitored and determined to be professional and thorough. Therefore, the IPR, in its first year of operation, found no need to conduct any independent investigations.

IPR/CRC Mandate

The mission of the City Auditor's office is to foster open and accountable government by conducting independent and impartial reviews that promote fair, efficient, and quality services. In an effort to improve police accountability to the public, the City of Portland established the Independent Police Review Division (IPR) and the Citizen Review Committee (CRC). Together the IPR and CRC jointly comprise an independent, impartial division that operates under the authority of the Portland City Auditor. The IPR has responsibilities akin to a Police Auditor, a Police Monitor and a Police Ombudsman.

2003 Comparison of Recommendations

Recommendation	PIIAC	Majority Report	Minority Report	PAC 2002 Initiative	2003 IPR/CRC
Citizen members appointed	●	●		●	●
Training for citizen members	[1]	●	●		●
Complaint forms widely available	●	●	●	●	●
File complaints on City web page			●	●	●
Training for volunteers to assist with forms		●	[1]		
City funds for training		●	[1]		●
Public awareness outreach		●	●		●
Office not in City Hall or Police Bureau		●			
Dual intake		●	●	●	[1] ¹
Case management software			●		●
Mediation of some complaints	[1]	●	●	●	●
No sworn statements at intake	●	●	●	●	●
Sworn statement if investigated		●	●		●
Independent investigations		●		●	[1] ²
Complainant choice: IAD/independent investigation		●			
Power to compel testimony	●	●		●	[1] ³
Notify complainant and officer of status	[1]		●	[1]	●
Inform IAD of deficiencies before hearing	[1]		●		●
Review shootings and deaths in custody		●		●	●
Public hearings	●	●		●	●
Citizen/Council decisions on findings are final		●		●	●
Recommend that discipline happens		●		●	
Final say by Chief on discipline	●	●	●	●	●
Feedback from complainant		●	●		●
Policy recommendations	●	●	●	●	●
Public hearings on policy	●	●		●	●
Performance standards for IAD			●		●
Investigations will be timely		●	●		●
One investigator per 100 sworn		●	●		
Minimum qualifications for IAD captain			●		
Actively recruit for IAD positions			●		
Make PIIAC examiner position attractive			●		●
Mayor meet quarterly with PIIAC examiner			●		

● Addressed

[1] Partially Addressed

blank Not Addressed

¹ Intake is removed from PPB, not shared

² Selective independent investigations

³ Council has subpoena power, not
Citizen Review Committee

The Independent Police Review Division has been charged with performing four basic functions:

- To receive all citizen complaints regarding allegations of misconduct involving members of the Portland Police Bureau that cannot be resolved by a PPB officer or supervisor;
- To monitor Police Internal Affairs investigations of complaints against the police;
- To coordinate appeals of Internal Affairs findings to the Citizen Review Committee (CRC); and,
- To recommend policy changes to the City Council and the Police Chief.

Composed of nine citizen volunteers, the Citizen Review Committee was created to strengthen the public's trust in the Police Bureau by providing independent, citizen oversight of investigations of citizen complaints, and the monitoring of police policy and training. The CRC has been charged with:

- Gathering community concerns by holding and participating in public meetings;
- Hearing citizen and Portland Police Bureau officer appeals of complaint investigation findings;
- Monitoring complaints, identifying patterns of problems and recommending policy changes to the City Council and the Police Chief; and,

- Advising the IPR Director on the operation of Portland's police complaint handling system.

As part of its mandate, the IPR has attempted to identify those citizen complaints that need not be handled as disciplinary actions. Alternatives to the discipline process include, officer-citizen mediation, which offers long-term solutions through better communication; the service complaint process, which empowers police managers to better manage their employees through counseling and incident debriefing; IPR resolution of complaints at intake to the satisfaction of the complainant; and finally, through IPR declinations of cases that are not appropriate for IAD review.

Police agencies that have chosen to handle each and every citizen complaint by through the disciplinary system often found their administrative processes overwhelmed.¹³ An Internal Affairs Division that is required to investigate complaints regardless of their legitimacy, timeliness or severity does not have the ability to appropriately investigate those serious cases of misconduct that truly warrant administrative action. The IPR assists the Internal Affairs Division in identifying those cases that need investigation and differentiating them from those that can be handled by other means. The impartiality that the IPR brings to the table should assist the Police Bureau in communicating to the public that cases that are not being investigated are still being handled appropriately and the community is being well served by the process that has been put in place.

Appendix 5: IPR/CRC Model and Police Accountability Tools

“If your only tool is a hammer, then every problem looks like a nail.”

Selecting the appropriate tool will get better results. The City of Portland has a wide array of tools to improve police services. When we receive a complaint, we ask questions to put the person on the best course to resolve the problem. Of all the police accountability agencies in the country, Portland’s system has the best and most tools for problem-solving and service improvement.

Information and Referral

Answering questions about police practices can often resolve complaints. For example, a caller might learn that an officer was not required to read him his rights because he was not questioned. For other complaints we try to find the best tool for each situation, even if it’s elsewhere. For example, if a caller seeks monetary compensation, we would refer him/her to Portland Risk Management, or if the complaint involves another agency, we try to connect the person to the appropriate avenue for appeal.

Best for: *clarifying the specifics of the complaint and the expectations of the complainant.*

Expected results: *greater likelihood that the complaint will be appropriately addressed.*

Performance Standards

Establishing expectations for timeliness, scope, and quality of complaint investigations will improve consistency and credibility of complaint handling. The Inde-

pendent Police Review Division (IPR) monitors complaint handling and reports the results to the public.

Best for: *solving problems of delays or quality of complaint-handling.*

Expected results: *timely, thorough investigations.*

Power to Investigate, Participate in Investigations

Involvement in significant investigations can improve their thoroughness, professionalism, and timeliness. The power to conduct independent investigations helps ensure cooperation.

Best for: *allegations of serious wrongdoing and investigations that need more attention.*

Expected results: *greater public confidence that investigations are thorough and objective.*

Independent Reviews of Police Operations

Detailed analyses of police practices by IPR staff can identify needed improvements. Similar to performance audits, these reports focus on a particular policy or management issue.

Best for: *identifying operational issues that contribute to complaints.*

Expected results: *preventing situations that can cause complaints.*

Analysis of Complaint Patterns

Identifying common causes of complaints can allow more prevention efforts. Better problem definition can develop effective changes in policies, supervision practices, or intervention with particular officers.

Best for: *identifying patterns of problems.*

Expected results: *preventing situations that can cause complaints.*

Policy Reviews

Issues are often identified during appeal hearings. Citizen Review Committee (CRC) members work with IPR staff and student interns to develop recommendations to improve police services. CRC members (who are citizen volunteers) may also examine any closed investigations for issues related to policy, training, or quality of investigation. Work efforts include interviews with Portland Police Bureau (PPB) personnel, data gathering, contacts with other police agencies, and reviews of expert literature.

Best for: *identifying patterns of problems.*

Expected results: *preventing situations that can cause complaints.*

Mediation

Professional mediators can bring an officer and complainant together to resolve many types of issues. Sharing viewpoints can improve officer and complainant understanding and strengthen police-community ties.

Best for: *complaints arising from miscommunications or misunderstandings.*

Expected results: *complainant and officer satisfaction.*

Citizen Review Committee Appeal Hearings

Public hearings provide a structured opportunity for complainants and police to testify on a complaint regarding a violation of Police Bureau procedures, and the findings that resulted from an investigation. The IPR Director and two CRC members review the investigation for thoroughness. Nine CRC members vote to challenge or accept Police Bureau findings.

Best for: *complainants who question the investigation and findings.*

Expected results: *greater assurance that the investigation was adequate and the findings were reasonable.*

City Council Appeal Hearings

When differences in CRC and Police Bureau findings cannot be resolved, a structured hearing is conducted before City Council. Council decisions on findings are final, and the Chief of Police determines discipline.

Best for: *significant complaints that can't be resolved by CRC and the Police Bureau.*

Expected results: *final resolution of findings.*

Public Outreach

Viewpoints, concerns, and feedback from the public can help shape policy issues and priorities for CRC and IPR efforts. In various parts of the community, open forums and CRC meetings can create channels of communication between the public and the Police Bureau.

Best for: *learning about issues of concern to the community and educating the public about police accountability.*

Expected results: *greater public confidence that policing issues are being addressed.*

Expert Review of Officer-Involved Shootings

Every year, IPR contracts with national experts for a review of past officer-involved shootings and deaths in police custody. These reviews apply best practices from around the country to identify policy recommendations to help prevent future occurrences.

Best for: *identifying patterns of problems and recommendations for improving training, supervision, operations, policies, and quality of investigations.*

Expected results: *greater public confidence that significant efforts are being taken to reduce the likelihood of in-custody deaths and use of deadly force.*

Follow-Through

Change takes time and persistence. IPR and CRC members monitor and report on recommendations to ensure that they are

being effectively implemented throughout the Police Bureau.

Best for: *checking recommendations and encouraging improvement.*

Expected results: *greater public understanding about efforts being taken to improve police services.*

Working Relationship with the Portland Police Bureau

Improving police services means changing the thinking and behavior of all 1,400 employees in the Police Bureau. A good working relationship is mandatory for addressing problems, finding solutions, and making the changes. IPR and CRC members regularly communicate with managers, supervisors, and officers in the Police Bureau.

Best for: *more receptive Police Bureau personnel when change is needed.*

Expected results: *better police services.*

**Appendix 6: Independent Police Review Division Appropriations
Budget for Fiscal Year 2002-2003**

	Appropriations
Personnel Costs:	
Salaries and Benefits	\$ 488,871
External Services:	
Office Supplies, Professional Services, Travel, and Maintenance Services	\$ 37,575
Internal Services:	
Fleet Services, Printing, Rent, Communications Services, Insurance, Data Processing Services, and Intra Fund Services	\$ 62,559
Total Appropriations for FY 02-03	\$ 589,005

Appendix 7: Independent Police Review Staff

IPR Staff

Seven full-time employees staff the IPR and a part-time office support worker and two Portland State University practicum students per term supplement our work. Special thanks needs to be given to *PSU Professor Annette Jolin* for her work in providing the IPR with talented and hard-working PSU students to assist our staff on an ongoing basis.

Director Richard Rosenthal:

is an attorney licensed to practice law in Oregon and California. Mr. Rosenthal received a Bachelor of Arts Degree in History and Economics from the University of California, at Berkeley and a Juris Doctor from Boalt Hall School of the Law (also University of California, at Berkeley). Mr. Rosenthal was a 15-year veteran of the Los Angeles County District Attorney's Office and specialized in the prosecution of public corruption and white-collar crime.

Deputy Director Michael Hess:

was the last Examiner for the Police Internal Investigations Auditing Committee (PIIAC) before it was replaced by the Citizen Review Committee. Dr. Hess has a Bachelor of Arts degree from the University of Michigan in Spanish and Pre-Med. He has a Doctor of Dental Surgery (DDS) degree from the University of Michigan and a Master of Public Health from Loma Linda University. Dr. Hess served as a commissioned officer in the U.S. Public Health Service and retired at the rank of Captain. He has worked as a Hillsboro Police Department Officer and as a Child Abuse Investigator for the Oregon State Office of Services for Children and Families.

Management Analyst

Joseph De Angelis:

is a Ph.D. candidate in Sociology at New York University. He has a Master of Arts in Sociology from New York University and a Bachelor of Science in Sociology with a Research Methods Emphasis from Boise State University. He was previously employed as a Research Analyst by the New York City Criminal Justice Agency.

Community Relations

Coordinator Lauri Stewart:

has a Bachelor's degree in Psychology and Journalism from the University of Alaska and a Masters Degree in Communication from the Annenberg School for Communication, University of Pennsylvania. Ms. Stewart was previously a Victim Witness Advocate for the United States Attorney's Office for the District of Oregon.

Intake Investigators

Ben Panit and Judy Taylor:

are retired Sergeants from the Portland Police Bureau. Investigators Panit and Taylor were previously the Intake Investigators for the Internal Affairs Division before transferring over to the Auditor's Office.

Office Manager

Carol Kershner:

was previously employed for the City of Portland's Diversity Development and Affirmative Action Office. Prior to that, Ms. Kershner provided comprehensive administrative support to various departments within Portland's Bureau of Risk Management. Ms. Kershner has over 20 years experience as a co-owner of a family business, and has Associate of Arts degrees in Science and General Studies.

Appendix 8: Citizen Review Committee Meetings

**City Hall
1221 SW Fourth Avenue
Portland, Oregon 97204**

May 6, 2003*	Lovejoy Room/2 nd floor	5:30 p.m.—8:30 p.m.
May 20, 2003	Lovejoy Room/2 nd floor	5:30 p.m.—8:30 p.m.
June 3, 2003*	Lovejoy Room/2 nd floor	5:30 p.m.—8:30 p.m.
June 17, 2003	Lovejoy Room/2 nd floor	5:30 p.m.—8:30 p.m.
July 1, 2003*	Lovejoy Room/2 nd floor	5:30 p.m.—8:30 p.m.
July 15, 2003	Lovejoy Room/2 nd floor	5:30 p.m.—8:30 p.m.
August 5, 2003*	Lovejoy Room/2 nd floor	5:30 p.m.—8:30 p.m.
August 19, 2003	Lovejoy Room/2 nd floor	5:30 p.m.—8:30 p.m.
September 2, 2003*	Lovejoy Room/2 nd floor	5:30 p.m.—8:30 p.m.
September 16, 2003	Lovejoy Room/2 nd floor	5:30 p.m.—8:30 p.m.
October 7, 2003*	Lovejoy Room/2 nd floor	5:30 p.m.—8:30 p.m.
October 21, 2003	Lovejoy Room/2 nd floor	5:30 p.m.—8:30 p.m.
November 4, 2003*	Lovejoy Room/2 nd floor	5:30 p.m.—8:30 p.m.
November 18, 2003	Lovejoy Room/2 nd floor	5:30 p.m.—8:30 p.m.
December 2, 2003*	Lovejoy Room/2 nd floor	5:30 p.m.—8:30 p.m.
December 16, 2003	Lovejoy Room/2 nd floor	5:30 p.m.—8:30 p.m.

***Indicates tentative date: if needed and approved by CRC at prior meeting.**

All dates, times, and/or locations are subject to change.

Endnotes

- 1 Historically, when IAD was first created, its investigators were hand-selected by the Chief of Police and the Lieutenant in charge.
- 2 Due to a *lag effect* in the imposition of discipline, the complaints reviewed constitute only a portion of all of the sustained complaints for complaints made in 2002. A second review of discipline imposed by the Chief will be completed when all 2002 complaints have been closed or by the end of the 2003 calendar year, whichever occurs first.
- 3 The OIS review was originally intended to be completed by April 2003. The process of obtaining the necessary records from the Police Bureau was far slower and more onerous than anticipated. In the future, PARC intends to recommend that copies of all the relevant documents concerning such cases be provided to the IPR at the same time that they are provided to the City's Bureau of Risk Management. Contemporaneous production of the relevant records will not only allow the closed-case reviews to occur more speedily, but will eliminate much of the labor-intensive tasks of tracking down the needed records.
- 4 The number of police-citizen contacts was measured as the sum of dispatched and self-initiated calls for service. Data were taken from CAD reports and courtesy of the PPB Data Processing Division.
- 5 Dispatch and calls for service data are available only for the five precincts.
- 6 For the purposes of identifying and counting the complaints against precincts and division, complaints are charged against the precinct of the officer(s) identified in the complaint. If the officer is attached to a division that is not under a precinct (e.g. Traffic), then that division is charged with the complaint. However, when a complaint involves multiple officers from separate precincts or divisions, then the complaint is charged to the precinct where the alleged incident leading to the complaint occurred. If it is not possible to confirm that the subject officers are members of the PPB, then the complaint is not charged to any precinct and is classified as *unknown*.
- 7 Source: 2000 US Census. Note: The 2000 US Census allowed individuals to report one or more races. Consequently, race percentages sum to more than 100%.
- 8 Because each complaint can involve more than one allegation, individual complaints can be counted more than once on this list. Thus, this table sums to more than the 513 complaints received for 2002.

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- 9 The CRC can take multiple actions on individual appeals. So for example, one appeal declined by the IPR in the second quarter, was reopened by the CRC in the third quarter and is now pending a full hearing. Thus, the number of CRC actions on appeals may not match the number of appeals received.
 - 10 An IAD decline is not considered complete until the Captain's decline letter is received by the IPR for forwarding to the complainant. Thus, 6 IAD declines, which were declined by IAD, were not included in this chart since the IPR had not yet received the decline letter as of the December 31, 2002.
 - 11 There were 29 on-going full investigations as of December 31, 2002.
 - 12 The other eight "Police Auditors" include the Austin Texas Police Monitor, the Boise Idaho Community Ombudsman, the Special Counsel and Office of Independent Review to the Los Angeles County Sheriff's Department, the San Jose California Independent Police Auditor, the Omaha Nebraska Public Safety Auditor, the Philadelphia Pennsylvania Integrity and Accountability Office, the Seattle Office of Police Accountability, and the Tucson Arizona Independent Police Auditor. (These offices have been identified by University of Nebraska Professor Sam Walker in his forthcoming report, "The Auditor Model of Citizen Oversight of the Police.")
 - 13 On March 10, 2003, the *Los Angeles Daily News* reported that the Los Angeles Police Department unveiled a new disciplinary policy which allows station captains, rather than the Internal Affairs Division to handle procedural errors or other non-disciplinary complaints. It also created a fact-finding system designed to resolve minor complaints between residents and officers. Mayor James Hahn was quoted as saying that the prior system, which required internal investigations of all complaints, "had been demoralizing to LAPD. . .the system seemed to have no proportionality. The smallest nuisance complaint, which was probably frivolous, seemed to occupy the same amount of time as serious complaints that need to be investigated."

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