

Independent Police Review Division

City of Portland
Office of the City Auditor

Annual Report 2003



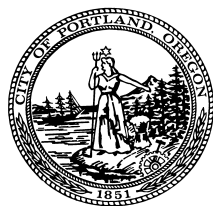
GARY BLACKMER, CITY AUDITOR

RICHARD ROSENTHAL, IPR DIRECTOR

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Message from the City Auditor



Having completed our second year of operation, we offer this detailed report to be accountable, as we hold others accountable. In these two years, the IPR has applied many strategies to build a good system for handling citizen complaints, with the greater goal of improving community policing.

Just as important as accountability is constructive problem-solving. I think it's easy to find problems; the challenge is to find real solutions. This report shows the commitment of my office to find solutions that build a better working relationship between officers and citizens, so complaints don't have to be filed.

In our second year, this report shows a significant increase in our complaint workload, and we have done our best to give adequate attention to every case. We don't think the increase in complaints has been caused by a change in police practices, but by a greater willingness of citizens to file a complaint with our office. We appreciate Council's support of additional staff to handle the increased clerical and monitoring responsibilities, especially in these tight budgetary times.

Portland is the clear leader in police oversight in this country. No other jurisdiction has a program with as much independence or as many effective tools for change. Nonetheless, we think it is time for an outside expert to review our program.

This year I will request that City Council authorize an expert review of the police oversight function in Portland, relative to best practices in the nation. We have been refining our procedures over the past two years and this is a good time to review them. I am confident that a professional evaluator will find an office of dedicated staff, citizens who are committed to improving police services, and a Police Bureau open to improvement. We also hope the expert develops recommendations to further enhance our efforts.

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

Gary Blackmer
Portland City Auditor

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Message from the CRC Chair

The Citizen Review Committee (CRC) completed another stage in our efforts to enhance citizen oversight of law enforcement in Portland. Notwithstanding the resignation of five members of the committee, progress was made in advancing the purpose for which the CRC was appointed.

The CRC Policy Work Group completed important research and analysis of the Portland Police Bureau's (PPB) Use of the Hooper Detoxification Sobering Program and Police Officer Use of Profanity. These studies were completed and published in 2003 and 2004.

While the CRC continued to keep appeals current, the list of policy issues which require further review (that were identified during hearings) has increased. This matter placed greater demand on the CRC and IPR and its limited staff for more time and resources. At year's end, there were a number of policy issues yet to be reviewed, including issues relating to when Portland Police Bureau officers are required to identify themselves.

The CRC is pleased that the number of police officers attending hearings has increased. We compliment them and the Bureau for their presence. We wish to see this continue.

The Committee conducted public hearings on appeals and made a number of recommendations to the PPB based upon the findings of the Committee. With one exception, the Bureau accepted the Committee's recommendations. That case was decided in favor of the Bureau by the City Council and the case was closed.

Recognizing that the IPR and CRC are partners in the effort to safeguard the rights of persons and promote higher standards of competency, efficiency, and justice in the community policing program, we will renew our resolve to continue to work within the structure set forth in the ordinance.

The CRC will seek to become increasingly involved with the community and learn more of its desires. In the coming year, the CRC's work will include the review of outstanding policy issues, auditing of IPR and IAD declines, review of service complaints, and review of closed cases.

We promise to serve all citizens of Portland with objectivity, fairness, and transparency.



Hank Miggins, CRC Chair

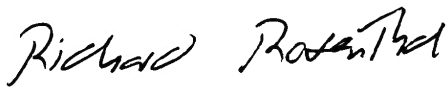
Message from the IPR Director

This is the second annual report of the Independent Police Review Division (IPR) of the Auditor's Office for the City of Portland, Oregon. The IPR opened its doors to the public January 2, 2002, accepting citizen-initiated complaints relating to the conduct of members of the Portland Police Bureau. In 2003, the IPR also took on the responsibility of compiling and reporting on citizen-initiated and Police Bureau-initiated commendations relating to PPB employees.

As in our first year of operation, the members of the Citizen Review Committee (CRC) deserve our appreciation for putting in many long hours of their personal time to assist the IPR in its work. Our staff also deserve recognition for continuing to be a deep resource of energy and professionalism.

The IPR/CRC program is an ongoing effort to improve the services of the Police Bureau, and to improve our own ability to handle issues of concern to the citizens of Portland. Two of our highest priorities in our second year of operation were: (1) to complete a comprehensive review of officer-involved shooting policy and training issues and (2) to expand the use of our information management system in order to better track and report on complaint handling and investigations. We also recognize, however, that our mission requires us to influence many other aspects of the Police Bureau, and we have continued with our work in establishing strong constructive relationships throughout the agency.

I welcome any comments or suggestions about this report. You will find the documents cited in this report as well as other information about our program by accessing our website at: www.portlandonline.com/auditor/ipr.



Richard Rosenthal
IPR Director

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.

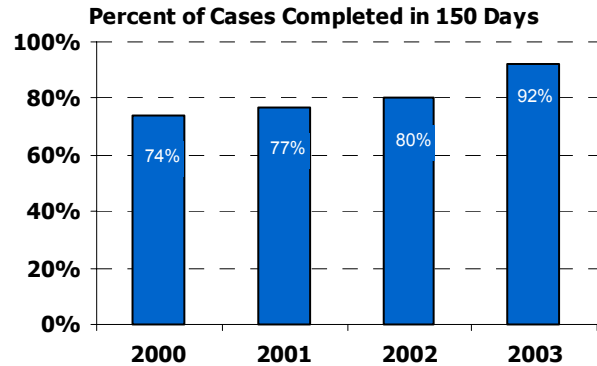
Second Year Progress

Further improvements have been introduced in the second year of operation to achieve this mission:

- Shared complaint tracking database between IPR and Internal Affairs Division (IAD)
- Adopted digital recordings to reduce costs and speed copying of IPR interviews for IAD
- Developed a shared electronic file system between IPR and IAD to reduce copying
- Enhanced the service complaint process to help address the increasing workload
- Prepared statistical reports for presentation to patrol shifts
- Continued to advocate for adequate IAD staffing to handle increasing complaint workload
- Successfully advocated for adequate IPR staffing to handle increasing complaint workload
- Better IAD investigations reduced the need for IPR requests for additional effort
- Increased IPR Director involvement in Review Level meetings to discuss significant cases
- Completed 20 mediations with high level of satisfaction of all participants
- Developed an officer commendation tracking system and recorded 274 commendations
- Presented full-day IPR/IAD training for sworn personnel to reduce complaints
- Worked with City Council to develop and apply new appeal procedures

Timeliness

City Council, complainants, and police officers have been unanimous in demanding more timely resolution of complaints. In 2003, IPR handled 1,473 information calls and initiated 761 complaints, of which 92% were completed within the Police Bureau's stated goal of 150 days.



The overall timeliness in the handling of complaints improved substantially between 2000 and 2003. Precincts have achieved their goal of completing 75% of service complaints within 30 days and nearly achieved the goal of completing 100% within 45 days. Despite gains in timeliness in 2003, 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 2003, and IAD did not achieve its timeliness performance goals for declines 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 allegations of rude behavior. Of the complaints filed in 2003, 45% were referred to the Internal Affairs Division for handling. Of those complaints, 18% were assigned to an IAD investigator for a full investigation, 55% were handled as service complaints, and 26% were declined after review by the IAD Captain.

Ten Most Common Complaints Reported to the IPR	2003 Complaints
Rude behavior	215
Filed false charges/citations	100
Harassment	98
Unjustified behavior	85
Failure to take appropriate action	82
Excessive force involving hands/feet/knees	77
Profanity	63
Warrantless search and/or seizure	50
Unprofessional behavior	50
Intimidation	48

Constant communication between IPR and IAD has improved investigations. The IPR Director has free and unfettered access to Police Bureau records, IAD investigative reports, and the reasoning behind Police Bureau's decisions. The Director was actively involved in several investigations of alleged misconduct. The Director also participated in IAD interviews, as well as discussions with the Police Bureau Review Level Committee regarding recommended findings.

Complainants who are dissatisfied with the results of an investigation may appeal. Of the 20 appeals filed by complainants in 2003, 19 were resolved by year-end. After review of each case, full hearings were conducted on two of the appeals. In two appeals, the CRC voted to challenge 18 findings, and after reconsideration, the PPB accepted 14. The other four challenges (on one case), were appealed to City Council, which upheld the PPB findings.

Complainant Satisfaction

In 2003, a large proportion of respondents continued to be either satisfied or neutral in relation to the intake portion of the complaint process. However, only a relatively small proportion of respondents were satisfied with complaint outcomes.

Overall, there were no statistically significant changes between 2002 and 2003 in satisfaction with either the complaint process or complaint outcomes. 2003 respondent satisfaction with the complaint process remained noticeably higher than was observed with 2001 pre-IPR respondents.

How satisfied were you with:	2001 Pre-IPR Process	2002 IPR Process	2003 IPR Process
how well the investigator listened to your description of what happened?			
Satisfied	41.8%	50.5%	59.9%
Neither satisfied nor dissatisfied	18.7%	17.2%	14.5%
Dissatisfied	39.6%	32.3%	25.6%
Number	91	93	172
how fair and thorough the investigator's questions were?			
Satisfied	39.1%	51.8%	50.0%
Neither satisfied nor dissatisfied	19.5%	18.8%	14.1%
Dissatisfied	41.4%	29.4%	35.9%
Number	87	85	156

The IPR's Tools for Improving Police Services

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 their 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 Police 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-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 saw a substantial increase in workload and continue to seek further improvements in complaint handling and community policing: to increase the use of mediation, track the implementation of recommendations on officer-involved shootings, to expand access to the complaint tracking database to the Chief's Office and Personnel Division, to develop criteria to ensure consistency of IPR complaint decisions, to establish clear and effective work expectations between the IPR and CRC, and to improve our outreach to the public. In addition, we will continue working to achieve timeliness goals while ensuring fair and thorough complaint handling.

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

Citizen Review Committee

Henry C. Miggins, Chair

Donna Oden-Orr, Vice Chair

Lewellyn R. Robison, Recorder

Richard A. Alexander II

Loren D. Eriksson

Sidney Lezak

Tracy M. Smith

Robert M. Ueland

Irma Valdez

Portland State University Quarterly Interns

Chad Lindsly and Clint Lindsly, Winter Term

Richard M. Knipfing, Spring Term

Pono Kaimuloa and Joseph Wild, Summer Term

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 Police Bureau Internal Affairs investigations and conduct independent investigations as necessary;
- ◆ To coordinate appeals of Police Bureau findings to the Citizen Review Committee; and
- ◆ To recommend policy changes to the City Council and the Police Chief.

The CRC is composed of nine citizen volunteers appointed by the City Council. Created to strengthen the public's trust in the Police 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 Police Chief; and
- ◆ Advising the IPR Director on the operation of Portland's police complaint handling system.

Independent Police Review Staff



From left to right: Carol Kershner, Mike Hess, Richard Rosenthal, Joseph De Angelis, Lauri Stewart, Ben Panit, and Judy Taylor.

Seven permanent, full-time employees staff the IPR office. In addition, a temporary, part-time office support person and Portland State University (PSU) practicum students help supplement our workload. Special thanks need to be given to *PSU Professor Annette Jolin* (the Chair of Administration of Justice Division) for her effort in providing the IPR with talented and hard-working students to assist the 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 (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:

served as 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 Master's 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 to the Auditor's Office.

Office Manager

Carol Kershner:

was previously employed by 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 an Associate of Arts degrees in Science and General Studies.

Current Citizen Review Committee Members



From left to right: Lewellyn Robison, Robert Ueland, Hank Miggins, Loren Eriksson, Ric Alexander II, Tracy Smith, Irma Valdez, and Donna Oden-Orr. (Sidney Lezak not shown).

Richard (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).

CURRENT TERM: October 2002—October 2004

Loren Eriksson was raised and schooled in outer SE Portland. He is the proud father of two grown children. He currently lives in inner SE Portland and is happily married. Mr. Eriksson served 25 years as a firefighter, starting in 1978 with Multnomah County Fire District 10 in East County, before it was incorporated into the City of Portland. He retired with the City of Portland Fire Bureau on the Fireboat. Mr. Eriksson has previously served on the Metro Bicycle Advisory Committee and has volunteered with the Muscular Dystrophy Association and Emanuel Burn Center. (Recommended by Commissioner Leonard.)

CURRENT TERM: December 2003—December 2005

Sidney Lezak has worked as a labor and civil rights lawyer, a mediator, and U.S. Attorney. Mr. Lezak has served as a member for the House of Delegates, Diversity Committees of Oregon and Multnomah County Bar, and as the Chair of the Oregon Dispute Resolution Commission Advisory Board. (Recommended by Mayor Katz; due to personal reasons, Mr. Lezak chose to resign his CRC position March 2004.)

CURRENT TERM: December 2003—December 2004

Henry (Hank) Miggins is a returning CRC member from a previous 2001—2003 term. He is a mortgage broker who is the former City Manager of the City of Spokane, Multnomah County Animal Control Director, Deputy Multnomah County Auditor, and Chair of the Multnomah County Commission. He is a past and present member of numerous civic organizations, including the Board of Oregon Radiologic Technology, Oregon State Board of Bar Governors, and the Board of Directors of the Center for Airway Science. (Recommended by Commissioner Saltzman).

CURRENT TERM: December 2003—December 2005

Donna Oden-Orr was a Multnomah County Deputy District Attorney for six years. She states that her experience as a prosecutor will allow her to identify and judge issues in a balanced light and offer creative solutions to improving service to the community. Ms. Oden-Orr has served on the Liberty Board, the Oregon Chapter of the National Bar Association, and the Oregon State Bar's Employment Law and Litigation sections. (Recommended by Commissioner Sten.)

CURRENT TERM: December 2003—December 2004

Lewellyn Robison is retired from the U.S. Customs Service where her duties included hearing complaints, evaluating data, obtaining input from all affected persons and reaching objective decisions. She holds a BA from San Francisco State and an MS from National Louis University. She also volunteers with the Multnomah County Library and her homeowners' association.

CURRENT TERM: December 2003—December 2004

Tracy Smith is an Organizational Development and Training Manager. She has a background in behavioral, personality, organizational, and cultural sensitivity assessments. Ms. Smith has served as a member of the Board of Directors for the Portland Rescue Mission and the Astra Women’s Business Alliance.

CURRENT TERM: December 2003—December 2005

Robert Ueland is a member of the Hollywood Lions Club, Ride Connection Board of Directors, and the OPDR Citizens Oversight Committee. He was the 2002 winner of Multnomah County’s *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.” Mr. Ueland is a returning CRC member from a previous 2001—2003 term.

CURRENT TERM: December 2003—December 2005

Irma Valdez grew up in the inner city of Chicago. Her background has included being a trial lawyer, a foreign language instructor, and a professional interviewer and investigator. She has worked both as an Assistant U.S. Attorney in Washington, D.C., and as an Assistant Corporation Counsel in Chicago, Illinois. Ms. Valdez has served as a member of the Latino Advisory Council for the Hillsboro Chamber of Commerce, a coach for the African-American Alliance for Home Ownership, and an advisory board member at Brown University for ten years. (Recommended by Commissioner Francesconi.)

CURRENT TERM: December 2003—December 2005

Overview from the 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 our Citizen Review Committee and the Police Bureau to ensure that appropriate 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 2003

The primary goals of IPR for the year 2003 were to:

1. Complete and publish a comprehensive report on officer-involved shootings to identify possible improvements related to training and policy.

The first such report, prepared by the Police Assessment Resource Center (PARC) was published by the IPR and presented to City Council on August 26, 2003. A public hearing on the report was conducted by City Council on September 4, 2003.

2. Assist the Internal Affairs Division (IAD) with the installation of the Administrative Information Management (AIM) database.

The AIM database was installed on Internal Affairs Division support staff computers on October 25, 2003. The IPR continues to work with IAD to establish standard operating procedures for the administration and use of this 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.

This review will resume after the completion of this annual report and the publication of the IPR report relating to the Bureau's handling of tort claims alleging misconduct.

4. Review the City'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.

Most of the interviews and data compilation were completed in 2003. The report will be published by September 2004.

5. Conduct analyses of complaint, deployment, and officer data to determine whether any patterns exist that need to be addressed by Bureau managers, or through policy changes.

Periodic reports were prepared by IPR's Management Analyst to assist the Chief's Office, Training Division, and Internal Affairs in addressing potential patterns of conduct.

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.

Translated versions of IPR pamphlets are now available. See Chapter Five of this report for a detailed discussion of the IPR's long-term outreach plan.

7. Increase the use of the IPR's mediation program as an alternative to the discipline process.

The IPR completed 20 citizen-police mediations; more than have ever been accomplished in the City of Portland during a one-year period. We hope to

further increase our use of the mediation program in 2004. See Chapter Four of this report for a detailed discussion of the IPR's mediation program.

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.

See Chapter Five on IPR outreach plans regarding this goal.

9. Review the quality of disposition letters and consider developing other means by which case dispositions can be communicated to complainants.

A part-time complaint examiner was hired in 2004 to review dispositions and disposition letters, and to prepare written criteria for IPR declinations and standard operating procedures. The Complaint Examiner, Pete Sandrock, recently retired after serving 20 years as the elected District Attorney for Benton County, Oregon.

Summary of Goals for 2004

The IPR looks forward to the following goals for the upcoming year:

1. Engaging in a multi-year contract with the Police Assessment Resource Center to establish a process for annual reviews of policy and training issues relating to officer-involved shootings and in-custody deaths.
2. Completing and publishing a review of the Bureau's *Early Warning System* and evaluating the use of Employee Behavior Reviews by Bureau managers.
3. Expanding the use of the AIM database to the Chief's Office and the Personnel Division.
4. Creating written criteria to ensure consistency in IPR decision-making processes and creating standard operating procedures for the processing of complaints.
5. Establishing clear work expectations between the IPR and the Citizen Review Committee, and expanding the CRC work to include periodic reviews of IPR procedures relating to declinations, mediations and the use of *service complaints* in lieu of full Internal Affairs investigations.
6. Generating information from the AIM database to assist Training Division in identifying the type and timing of training necessary to reduce the incidents leading to citizen and bureau initiated complaints.

2003 Activities

During 2003, there were a number of changes, enhancements, and adaptations in work processes involved in complaint-handling.

Police Bureau Adoption of the Administrative Investigation Management (AIM) Database

The IPR continues to assist 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 IPR purchased the database for its own use. The AIM database was installed in the IAD office as of October 25, 2003.

IAD's adoption of AIM has permitted IPR and IAD to track the status of complaints on a *real-time* basis. This process has eliminated many of the communication problems identified early on in the IPR/IAD program. In addition, a shared IPR/IAD network has eliminated the need for copying of IPR intake reports, digital photographs, and digital recordings which are now available to IAD investigators and staff online.

During the course of 2003, the IPR Management Analyst used the AIM system to prepare numerous reports for the police bureau in order to assist IAD, the Chief's Office, Planning and Support, Training Division and the precincts in their work. These reports included:

- ◆ Monthly reports to the IAD Captain outlining timeliness and workload issues;
- ◆ A report for IAD Sergeants to make presentations at each precinct, identifying the number and type of citizen-complaints per precinct over the course of the year; and
- ◆ Reports relating to excessive force complaints, taser complaints, pepper spray complaints, and disparate treatment complaints (at the request of IAD, the Chief's Office and/or the Training Division).

Technological Improvements

The IPR implemented a digital recording process wherein IAD investigators can play-back intake interviews on-line, eliminating the time and expense of making audiotape copies of each IPR interview for use by IAD.

In addition, the IPR Management Analyst implemented a shared file system between the IPR intake investigators and IAD staff. This feature has eliminated much of the clerical paper-

work associated with copying and delivering hard copies of these reports back and forth between the IAD office in the Justice Center and the IPR office in City Hall.

IPR/CRC Policy Reviews

The IPR and CRC issued in 2003, two policy reviews relating to Police Bureau operations.

The first, released on December 19, 2003, was titled: Officer Use of Profanity. That report included a recommendation to clarify the Police Bureau's policy when a police officer is permitted to use profanity. The policy review recommended that officers be permitted to use profanity "in the exceptional circumstances where its use may help avoid the deployment of physical or deadly force." The Police Chief adopted the recommended change that is now the standard under which officer use of profanity is judged.

The second policy review, primarily researched and written in 2003, and released on February 17, 2004, was titled: Officer Use of Hooper Sobering Program. This review found no systematic evidence that PPB officers were taking sober detainees to the City's detoxification facility as a form of punishment. The report urged city officials to increase funding for the Hooper Inebriate Response Service van program, which would allow for additional vans to be purchased or the service hours extended.

Shooting Review

As part of the IPR/CRC ordinance, the City Council requested that the Auditor propose code 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 about policy and training issues. The objectives of the project were:

- (1) to hire an expert to review officer-involved shootings and deaths in-custody over a period of time, and evaluate Portland Police Bureau policies and training 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. PARC staff arrived in Portland in October 2002 to begin their review. PARC staff reviewed 32 shootings and in-custody deaths that took place between January 1997 and June 2000. The PARC report was made public on August 26, 2003. It made 89 specific recommendations for improvements in policy and training relating to the cases that were reviewed.

The Police Chief announced his intent to implement many of the PARC recommendations and to publicly report on the status of the Bureau's decisions regarding the recommendations. The Chief's Office will also be reviewing recommendations made by the Citizen-Police Organizational Review Team (CPORT) created as the result of public concerns relating to a controversial police shooting.

Issues Relating to Timeliness

IAD Staffing

Prior to the implementation of the IPR program, one of the issues of greatest concern to citizens, officers, and Council alike, was the Bureau's inability to conduct investigations and make findings in a timely fashion. Since its inception, the IPR has been monitoring timeliness of IPR intakes, IAD assignment decisions, IAD investigations, and case reviews and decision-making by Police Bureau managers.

In our annual report for 2002, the IPR commented on a troubling trend of IAD caseload increasing every quarter. The IPR continued to monitor this issue, work with IAD to maintain its complement of investigators, and reduce the amount of time necessary to resolve complaints in an effective and appropriate manner.

By the middle of 2003, however, IAD staffing was at an all-time low. Due to retirements and transfers, at one point, IAD had an investigative staff of only 4.5 sergeants. This staffing level was reduced from a high of 10 investigators who were assigned to IAD from 2000 through 2002. (In 2000, the Chief of Police doubled the IAD staff from five to 10 to reduce a significant backlog of investigations.) After reviewing the staffing levels and workload of IAD investigators from 2000 to 2003, IPR estimated that IAD needs at least 6.5 investigators to conduct adequate and timely investigations. This staffing level was not intended to include the person-

nel necessary to conduct administrative investigations of officer-involved shootings. (See IPR Report for the First and Second Quarters 2003, at page 4.)

By the end of 2003, IAD staffing had returned to six investigators. Even so, timeliness of IAD investigation continues to be a problem. Part of this problem relates to the high rate of IAD staff turnover, as well as a substantial increase in the number of bureau-initiated complaints initiated between 2002 and 2003. The IPR is committed to working with IAD to improve their information management techniques so that resources can be focused on eliminating the problems associated with untimely IAD investigations.

Timeliness of IPR Intakes

IPR seeks to complete complaint intakes and IAD referrals in a timely fashion. The current goal is to complete 60% of the complaint intakes within 14 days and 90% within 21 days. In 2002, the most significant impediment to achieving these goals was the inability of the IPR intake investigators to make contact with the complainants to conduct interviews. In many cases, complainants did not return calls or provide enough information for intake investigators to contact them. In 2003, however, the most significant impediment to achieving these goals was inadequate staffing at IPR. Due to a 48% increase in workload, the IPR no longer had adequate staff to complete intake investigations in a timely fashion.

There was a total of 513 citizen complaints received by the IPR in 2002. However, that number increased to 761 in 2003. This number of complaints was more consistent with the complaint numbers reported by IAD in 2000 (831 complaints) and 2001 (690 complaints). It is interesting to note that civilian oversight agencies in other jurisdictions also reported drops in complaint levels in 2002, and it has been suggested that these reductions may have been the result of an increase in sympathy for law enforcement officers as the result of the 9/11 tragedy. Because of intangible forces affecting reporting rates, the number of complaints should not be used as an indicator of public satisfaction with police services.

Due to the increased workload, and the likelihood that this trend will continue (when considering the level of complaints in 2000 and 2001), the Auditor submitted a budget request for an additional full-time clerical staff position and a half-time complaint examiner position to assist IPR intake investigators and the IPR Director in timely complaint-handling. Council approved the request effective July 1, 2004.

Timeliness and Use of Service Complaints

During the course of the year, IAD and IPR attempted to increase the use of the *service complaint* process as an alternative to declination of complaints or investigation of complaints that would likely result in non-sustained findings or sustained findings where no discipline would be imposed. For these kinds of

complaints, past experience has shown that both citizens and officers tend to have negative perceptions of the internal investigation process when it is handled more as a formal adjudication of a case – where there is oftentimes a winner and a loser – as opposed to a personnel management tool wherein a supervisor facilitates a debriefing of the incident with the involved parties.

In order to ensure that service complaints were being handled in a consistent and appropriate manner, the IPR Director and the IAD Captain co-authored a service complaint training bulletin which was distributed bureau-wide. It is hoped that the greater use of service complaints, in conjunction with an increase in citizen-police mediations, will increase complainant and officer satisfaction, while conserving the limited investigative resources available to Internal Affairs.

To ensure that the service complaint tool is not overused, both the IPR Director and IAD Captain must approve its use in lieu of an administrative investigation. If the IPR Director does not agree that a complaint should be handled in that manner, and if IAD declines to conduct a full investigation, the IPR has the statutory power to conduct its own independent investigation. In addition, service complaints now remain on an officer's IAD record for two years, allowing for managerial review of the complaint if an officer's conduct is flagged by the Bureau's *Early Warning System*. In the past, service complaints were eliminated from an officer's IAD record after only six months.

Timeliness of Service Complaint Debriefings and Case Findings

In 2002, the IPR noted significant delays occurring after a case was assigned to a precinct for a service complaint debriefing or for a precinct commander review of an IAD investigation. In the IPR's 2002 Annual Report, we recommended more frequent, informal contact between IAD and the precinct/division commanders to alleviate untimely debriefings and decision-making on their part. That contact has, in fact, taken place. The IPR worked closely with IAD and the Police Bureau's command staff to address this issue. For the most part, the delays of the past have been eliminated and Police Bureau commanders have worked effectively to handle these debriefings and make these findings in a timely fashion. The individual precinct commanders should be commended for their excellent work in this area.

Timeliness for the Imposition of Discipline

In our 2002 Annual Report, we noted that for those cases involving sustained findings, the *Review Level Committee* (made up of the three assistant chiefs) often caused additional delays in the imposition of discipline. This was the result of the inability of the assistant chiefs to meet on a regular basis. In 2003, we saw a significant improvement in the timeliness of review level activities. The Bureau's new Discipline Coordinator Darmel Benshoof, deserves significant credit for improvements in this area.

However, there continues to be substantial delays in the actual imposition of discipline as the result the high case load imposed upon the discipline coordinator, as well as the review of Bureau discipline letters by the City Attorney's Office. This is an area which IPR will be monitoring in the upcoming years.

The IPR endorsed a plan in 2002 to restructure the disciplinary process to increase the timely command review of IAD investigations and encourage the timely imposition of discipline. Since that time, and as the result of recommendations made by the Police Assessment Resource Center (PARC) officer-involved shooting report and recommendations made by the Citizen Police Organizational Review Team (CPORT), the Bureau is planning to move away from the review level model. Instead, it is moving toward a model of disciplinary and use-of-force review boards similar to those of the Phoenix Police Department.

The IPR Director was a member of the Committee created by the Chief to propose a plan to implement the use of such boards. A plan was submitted by the Chair of the Committee (IAD Captain Schenck) to the Chief's Office in December 2003, and is pending implementation.

Timeliness of IAD Assignments and Declinations

There were substantial drops in the timeliness of IAD assignment decisions between 2002 and 2003. Lack of IAD staff and increased demands on the time of the IAD command staff are largely responsible for the inability of IAD to adequately address this issue. We will continue to work with IAD to improve performance in this area.

Fairness and Thoroughness of IAD Investigations and Findings

Investigations

In general, IAD investigations continue to be complete and thorough, and when the IPR has recommended additional investigation, it has been done. The IPR Director continues to be provided with free and unfettered access to IAD records as well as the thought processes used to make decisions. The number of IPR requests for additional investigation was significantly reduced (from 15 to 5) from our first year of operation (2002). This appears to be a direct result of the IAD command staff's review of their own investigations. Before sending an investigation over to IPR for review, IAD supervisors look to past recommendations made by the IPR and incorporate those recommendations before the investigation is approved.

Findings

When reviewing Police Bureau findings, both the IPR and the Citizen Review Committee (CRC) use an *appellate standard* defined by City Code. As such, neither the IPR Director nor the CRC are permitted to substitute their judgment for that of the Police Bureau command staff. Instead, it is the job of the civilian overseers to review Police Bureau findings and determine whether they are *reasonable*. If a reasonable person could have made the finding, then the finding should stand.

The Police Bureau decisions on findings have been judged reasonable in 2003.

During this period of time, the IPR was unable to identify any Police Bureau finding that was clearly unreasonable. Further, of those cases appealed by citizens, the Citizen Review Committee identified only two complaints where they believed that Police Bureau findings needed to be changed from non-sustained to sustained. Regarding one appeal, the PPB accepted the CRC's recommendation. On a second appeal, the Police Bureau rejected the CRC's recommendations and sought a City Council review. After hearing the case, City Council agreed with the Police Bureau's non-sustained findings.

IPR Verifications

The IPR monitors individual complaints on a continuing basis. When an IAD investigation reports that a complainant or witness is unavailable for an interview or failed to provide necessary information, the IPR advises the complainant of that fact and recommends immediate contact with IAD to correct any misperceptions. On a few occasions, complainants have responded (contacting IAD investigators), which has resulted in more complete investigations and more defensive findings.

IPR Participation in Review Level Committee Discussions

At the invitation of the Chief's Office, the IPR Director has actively participated in review level committee meetings to discuss cases of importance to the Police Bureau and the community. In general, the IPR Director is not present when the Assistant Chiefs vote on findings or

discuss what discipline should be imposed. The IPR Director does, at times, offer opinions or raise concerns regarding the discipline to be imposed.

During the course of the review level discussions to which the IPR Director has been privy, the discussions have been candid and thoughtful. The findings of the Assistant Chiefs were reasonable, given the facts of each case.

The cases in which the IPR Director participated, in some part, in review level discussions are summarized as follows:

- ◆ Officers and supervisors investigated for failing to report criminal conduct on the part of two off-duty Central Precinct officers.
- ◆ Officers and supervisors investigated for failing to report domestic violence committed by an officer on another Police Bureau employee.

- ◆ Police supervisor investigated for preparing and submitting receipts for expenses not incurred while on a Bureau approved out-of-state trip.

- ◆ Police officer investigated for unnecessary use of force and preparation of a false report to cover-up the use of force.

In addition, the Chief's Office has requested that the IPR Director participate in all officer-involved shooting review level meetings that have taken place since May 2003.

The Citizen Review Committee and the Appeals Process

During 2003, disagreements arose between some CRC members and the Auditor. Several topics were related to the CRC scope of authority, which they perceived as broader than what the Auditor and the City Attorney believed was granted by City Council. For example, some CRC members believed that IPR staff were, or should be, directed by and accountable to them. Some of the CRC members also believed that they, rather than City Council, should have been responsible for developing hearing protocols for appeals before City Council.

The most significant disagreement was the CRC decision to grant an appeal seven months after the CRC declined the case. The City Attorney advised that there were no provisions in the protocol to allow the CRC to reconsider the appeal seven months later. Acting as a quasi-judicial body, the CRC cannot retroactively change its decisions. They were told that unless changed or challenged within 60 days, the CRC's decisions are final. Several CRC members were not satisfied with the explanation and continued to raise questions and concerns about the issue.

These disagreements, along with others, were not adequately resolved and the frustration of some CRC members grew, despite indications of overall program success and improvements in the Police Bureau. In August, a month before most of their appointed terms ended, five members resigned. However, the selection process was already underway and six new CRC members were subsequently nominated by the Auditor and appointed by City Council. (One additional member had to resign for reasons unrelated to the disagreements.)

In December 2003, the new CRC held an introductory meeting with mediators, the Auditor, and the IPR staff to develop a working agreement and establish expectations and problem-solving methods to avoid similar problems in the future.

In order to better understand Police Bureau policies, practices, and training, the new committee members, as well as three continuing members, received a full day of training at the Police Bureau's training facility at Camp Withycomb. The training included courses in defensive tactics, traffic stops, driving, taser use, less-lethal weaponry, and the use of firearms.

Changes in the Appeals Process

During the course of the year, the prior practice of providing a right to appeal for cases where IAD declined to conduct a full investigation was abandoned. Before the creation of the IPR/CRC, the Police Internal Investigations Auditing Committee (PIIAC) provided appeals for citizens in cases where IAD declined to conduct a full investigation. This practice was continued even though the IPR/CRC ordinance did not provide the CRC or the City Council with the power to require an investigation, even if it was recommended after the completion of an appeal.

Previously, if IAD declined a complaint, there was no form of independent review other than an appeal proffered to PIIAC. With the creation of the IPR, however, all IAD declinations are now reviewed by the IPR Director. If the IPR concludes that a declination does not appear to be reasonable, the Director requests

that IAD reconsider its position. If a disagreement persists, the IPR can conduct its own independent investigation. Therefore, under the current program, IAD decision-making in this regard is reviewed on an ongoing basis. It was also noted that after having reviewed 23 appeals of IAD declinations (over the period from 2002-2003), the CRC disagreed with an IAD decline on only two occasions. In one case, the CRC requested that a service complaint be conducted in lieu of an IAD decline. In a second case, even though the CRC recommended a full investigation, IAD and IPR concluded that the complaint was unfounded.

The IPR concluded that the significant resources necessary to conduct appeals into IAD declines could be better used by the CRC to conduct periodic checks of IPR and IAD declines for purposes of advising the IPR and IAD on the creation of written criteria for such declinations.

IPR Recommendations Implemented in 2003

1. The Administrative Investigation Management (AIM) database was adopted by IAD and a shared database was implemented.
2. The Police Bureau's profanity policy was changed as the result of IPR/CRC research and recommendations.
3. The use of service complaints was expanded and a service complaint training bulletin, co-authored by the IPR Director and the IAD Captain, was distributed Bureau-wide.
4. Police Bureau command staff encouraged officers to participate in the mediation program, and the vast majority of officers agreed to mediate upon request.
5. A full-day combined IPR/IAD training course was added to the advanced academy curriculum. In addition, a half-day combined IPR/IAD training course was added to the curriculum for the Reserve Academy and the Sergeant's Academy.
6. IPR and IAD meet on a weekly basis to confer about case decisions and investigations. Weekly status discussions take place on all complaints that are still pending one year after they were filed.
7. A shared-network folder was created between IPR and IAD, which allows for the sharing of electronic documents.

Complaint Workload and Outcomes

Workload and Outcomes

This chapter reports on the complaint workload and outcomes for the three stages of the 2003 police complaint process: Intake, Internal Affairs review and handling, and appeals. Bureau-initiated complaints are also an important aspect of the IAD process that has, in the past, been omitted from public reporting. Therefore, we have included a section on outcomes for such complaints, which are often among the most serious investigations conducted by IAD. We also report on officer commendations filed by community members and PPB supervisors.

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 website. Additionally, complaints can be filed by mailing back a postage-paid complaint form that has been distributed to all five PPB precincts and many community locations (See Chapter Five).

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. 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 (as detailed by PPB Policy and Procedure Section 330.00).

IPR/IAD Allegation Classification Categories

Force	An allegation that an officer used excessive or inappropriate 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.

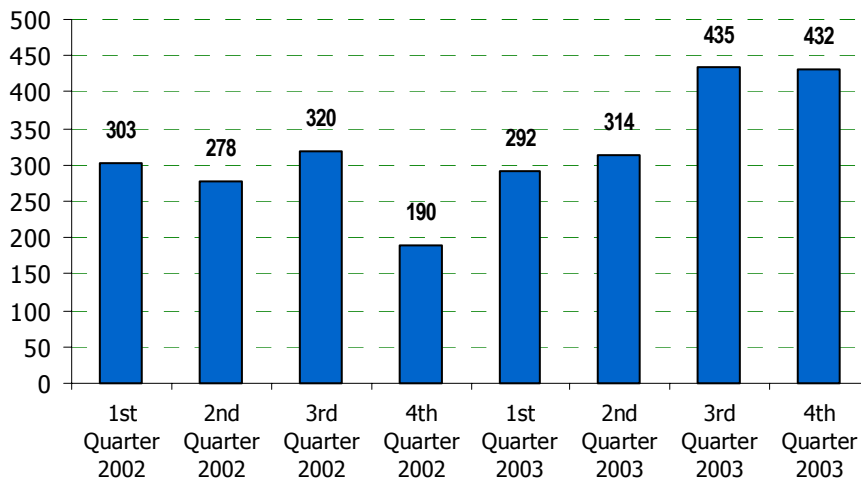
Upon receiving the case file, the Director reviews the investigation report and the accompanying documents, and then makes an intake decision. Under the ordinance creating the IPR (City Code section 3.21.120.F), the Director is granted the discretion to handle citizen complaints in one of five ways:

Possible IPR Director Intake Decisions

Decline	The complaint can be dismissed if the IPR Director concludes that the allegation is without merit, contains no allegations that would constitute misconduct, is untimely, 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 when the status of their complaint changes.
Mediation	A case can be assigned for mediation with the approval of the complainant, the IPR Director, the Captain of Internal Affairs, and the involved officers. 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.
Referral to PPB Command Staff	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.

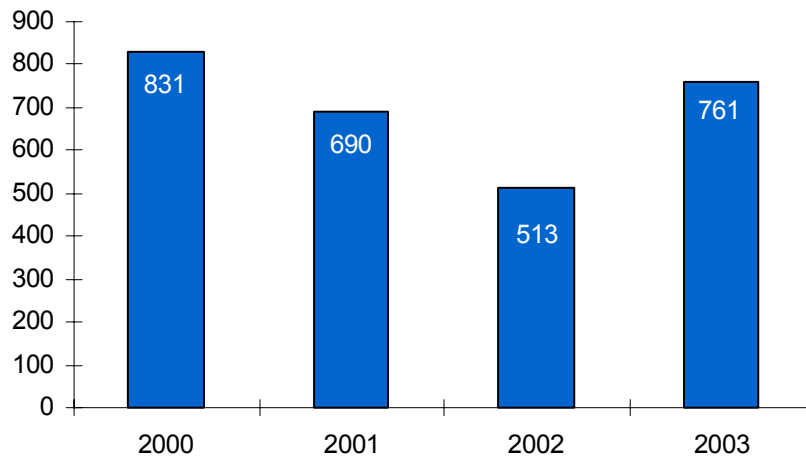
Intake Outcomes

Number of Calls for Information in 2002-2003



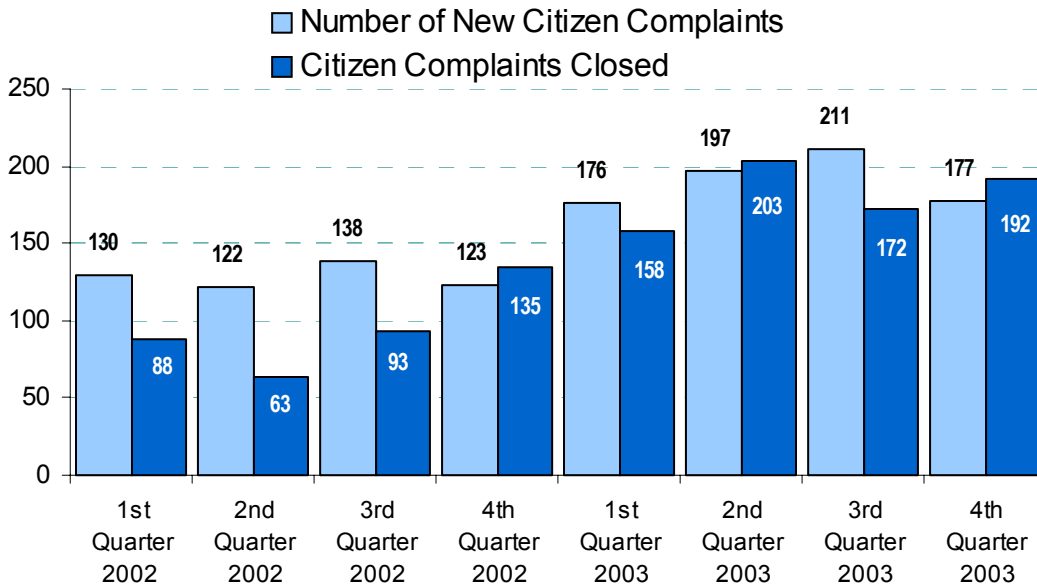
- The number of calls for information and/or referral received by the Independent Police Review Division increased substantially between 2002 and 2003. This increase was driven largely by an increase in calls received in the third and fourth quarters of 2003.

Complaints Received Calendars 2000-2003



- There was a noticeable increase in the number of complaints filed with the IPR in 2003 over 2002 (to 761 from 513), though the number filed in 2003 was still less than the 831 complaints filed in 2000 with IAD.
- The number of complaints received is not necessarily an appropriate measure of the public's satisfaction with the Portland Police Bureau. Many different factors can impact the number of complaints received, including an increase in the public's awareness of the existence and credibility of the IPR program.

New and Closed Complaints by Quarter 2002-2003



- Along with the increase in complaints filed, there was roughly a corresponding increase in the number of complaints closed by the IPR and IAD within the same time period. Of the 1274 complaints filed with the IPR in 2002 and 2003, 1104 complaints were closed. As of December 31, 2003, 170 complaints were still pending at various stages of the complaint process.

Complaints by Precinct and Citizen-Police Contacts

PPB Precinct/Division ¹	2002 Citizen Complaints	2002 Complaint Percent	2003 Citizen Complaints	2003 Complaint Percent	2002 Complaints per 1,000 Contacts ²	2003 Complaints per 1,000 Contacts ²
Central	135	26%	206	27%	1.54	2.23
Southeast	87	17%	104	14%	0.83	0.98
East	70	14%	100	13%	0.68	0.90
Northeast	67	13%	83	11%	0.79	0.89
North	28	5%	62	8%	0.59	1.35
Precinct Subtotal	387	75%	555	73%	0.90	1.24
Detectives (Non-Precinct)	15	3%	11	1%	-	-
Traffic	29	6%	69	9%	-	-
Other Division	24	5%	49	6%	-	-
Unknown or Other Agency	58	11%	77	10%	-	-
Total	513	100%	761	100%	-	-

- Even though there was an increase in the number of complaints filed between 2002 and 2003, the *proportional* distribution of complaints against PPB precincts/divisions remained remarkably stable. Central, Southeast, and East Precincts accounted for the largest proportion of complaints in 2003.

Gender, Race, and Age of Complainants

Gender, Race and Age of Complainants	2002	2002	2003	2003	Proportion of
	Complainants	Percent	Complainants	Percent	Portland's Pop. ³
Gender					
Female	194	37.2%	311	38.5%	50.6%
Male	318	61.0%	495	61.3%	49.4%
Unknown	9	1.7%	1	0.1%	--
Race					
Hispanic or Latino	21	4.0%	31	3.8%	6.8%
White	234	44.9%	379	47.0%	77.9%
Black or African American	80	15.4%	127	15.7%	6.6%
Native American	9	1.7%	10	1.2%	1.1%
Asian	8	1.5%	17	2.1%	6.3%
Native Hawaiian/Other Pacific Islander	1	0.2%	7	0.9%	0.4%
Two or More Races	3	0.6%	2	0.2%	4.1%
Other Race/Ethnicity	7	1.3%	4	0.5%	3.5%
Unknown	158	30.3%	230	28.5%	--
Age					
Under 24 years	86	16.5%	99	12.3%	31.4%
25-34 years	117	22.5%	160	19.8%	18.3%
35-44 years	122	23.4%	192	23.8%	16.4%
45-54 years	81	15.5%	130	16.1%	14.8%
55-64 years	32	6.1%	51	6.3%	7.6%
65 years and over	10	1.9%	16	2.0%	11.5%
Unknown	73	14.0%	159	19.7%	--
Total Number of Unique Complainants	521		807		

- The demographic characteristics of community members who filed complaints in 2002 and 2003 were fairly consistent. In both 2002 and 2003, a majority of the community members who filed complaints were male (roughly 61%).
- Whites accounted for the largest proportion of complainants where a race/ethnicity could be determined, followed by Africans Americans and Hispanic/Latinos. As in 2002, the IPR was not able to determine the race/ethnicity for a large proportion of complaints (29% in 2003 and 30% in 2002).
- Overall, the proportional breakdown of complainants by age remained largely the same between 2002 and 2003, though there was a small drop in 2003 in the proportion of complainants who were under the age of 24.

Allegation Classifications Reported for All Citizen Complaints (by Quarter)

Allegation Classification ⁴	1st Quarter 2003	2nd Quarter 2003	3rd Quarter 2003	4th Quarter 2003	Total Total	Total Percent
Force	70	59	45	37	211	7%
Control Techniques	20	34	36	22	112	4%
Disparate Treatment	36	32	35	28	131	5%
Conduct	339	321	401	348	1409	50%
Courtesy	100	115	108	86	409	14%
Procedure	107	152	179	117	555	20%
Total Classified Allegations	672	713	804	638	2827	100%
Number of Complaints Received	176	197	211	177	761	

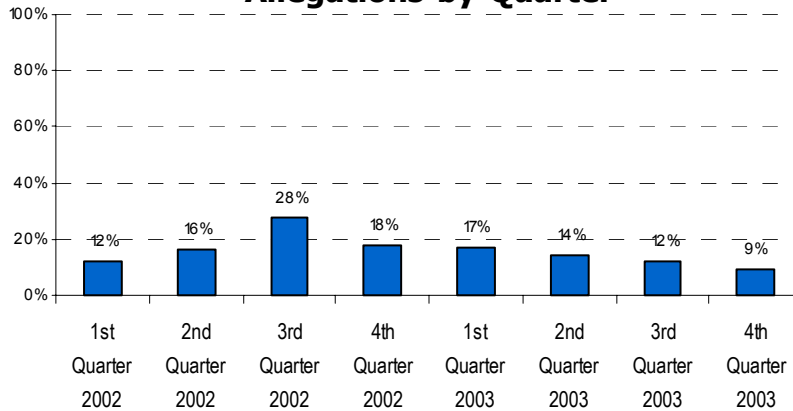
- In terms of classified allegations, unprofessional conduct accounted for 50% of the allegations reported in 2003. Procedure allegations were the second most common allegations reported, followed by courtesy and force. When interpreting these numbers, it is important to bear in mind that a single complaint can include multiple allegations. The result is that the total number of allegations reported for a specific time period will always sum to more than the total number of complaints.

Trends in Citizen Complaints 2002-2003

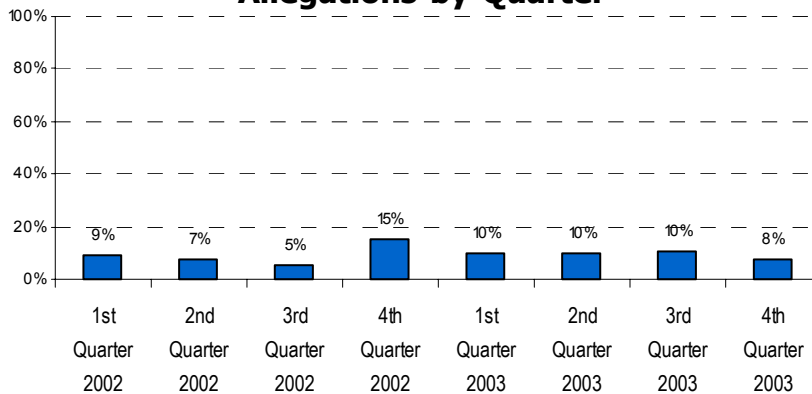
- Even though the number of complaints rose between 2002 and 2003, the actual number of complaints that involved excessive force allegations did not change substantially. In 2002, 96 complaints were filed that included an allegation of excessive force, as compared to 100 complaints in 2003. More importantly, because of a large increase in other categories of complaints (particularly complaints involving conduct allegations), the *proportion* of complaints that included an allegation of excessive force dropped relative to other types of complaints (see the next two pages for illustrative charts). For example, 28% of the complaints filed in the third quarter of 2002 included one or more allegations of excessive force. However, over the next five quarters, the *proportion* of complaints reported that included a force allegation dropped steadily. By the fourth quarter of 2003, only 9% of the complaints reported included one or more allegations of excessive force.
- There was, however, a strong increase between 2002 and 2003 in both the number and the proportion of complaints filed that included an allegation of unprofessional conduct. In the first quarter of 2002, roughly 48% of all complaints filed included a conduct allegation. However, that proportion rose over the next seven quarters. By the fourth quarter of 2003, almost 70% of all complaints filed included one or more allegations of unprofessional conduct.

Trends in Citizen Complaint Allegations

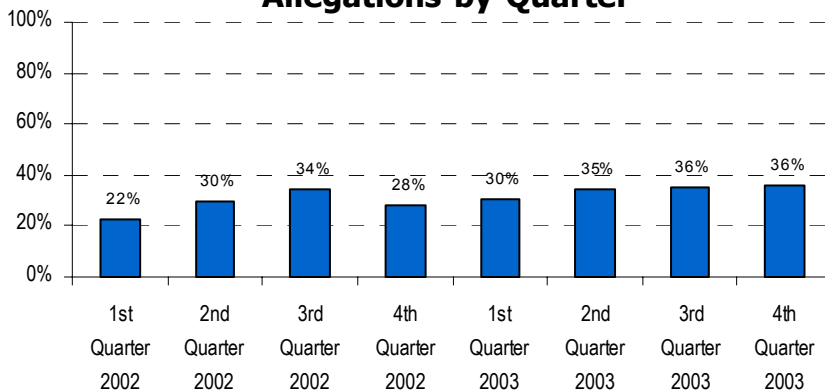
Percent of Complaints with One or More Force Allegations by Quarter



Percent of Complaints with One or More Disparate Treatment Allegations by Quarter

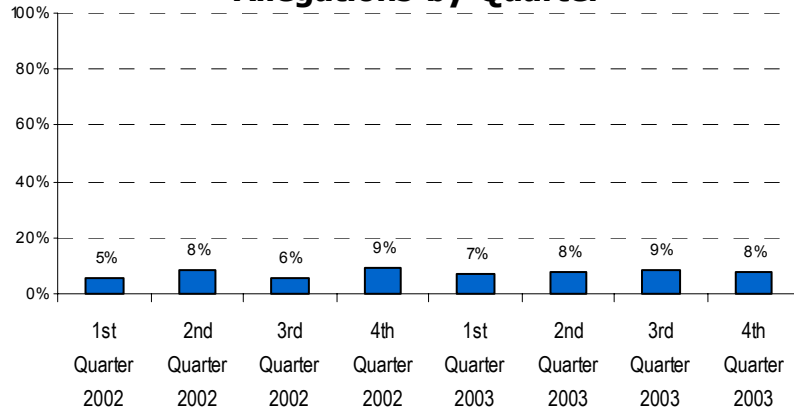


Percent of Complaints with One or More Courtesy Allegations by Quarter

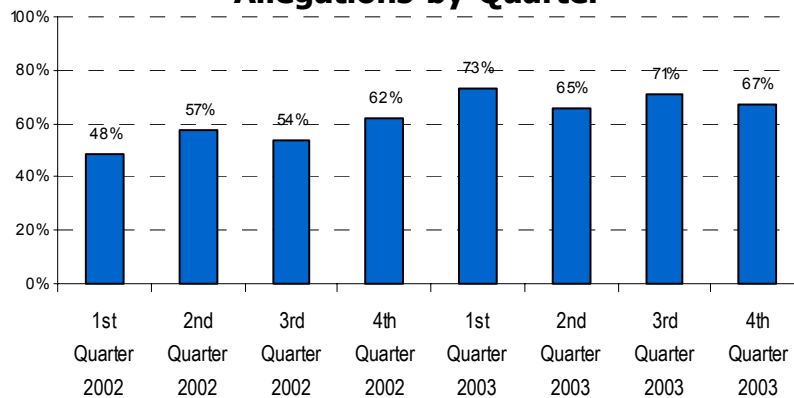


Trends in Citizen Complaint Allegations (cont.)

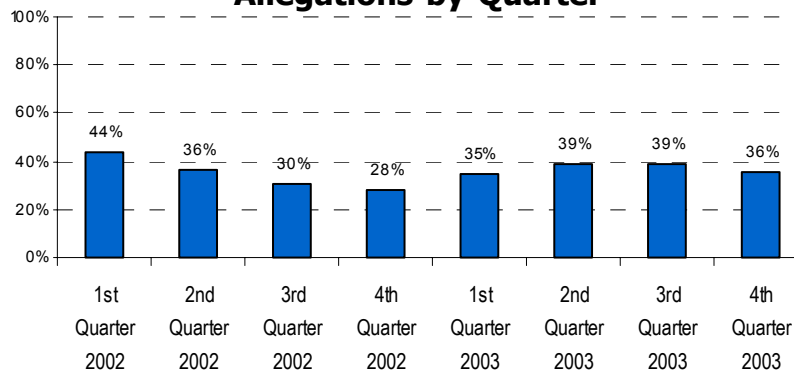
Percent of Complaints with One or More Control Techniques Allegations by Quarter



Percent of Complaints with One or More Conduct Allegations by Quarter



Percent of Complaints with One or More Procedure Allegations by Quarter



Most Common Detailed Allegations for Calendar 2003 Citizen Complaints

Thirty Most Common Allegations Reported to the IPR	Number of 2003 Complaints that Involved One or More of the Following Detailed Allegations
Rude behavior	214
Filed false charges/citations	100
Harassment	98
Unjustified behavior	86
Failure to take appropriate action	83
Excessive force involving hands/feet/knees	77
Profanity	62
Warrantless search and/or seizure	52
Unprofessional behavior	49
Intimidation	48
Failure to write or file a police report	43
Unlawfully detained complainant	39
Discrimination-race-general	37
Fail to provide name/badge	36
Mishandled property	36
Failure to follow traffic law	35
Untruthfulness	35
Failure to follow investigation procedures	34
Unsatisfactory work performance	31
Failure to file an accurate police report	30
Handcuffs	30
Threat to use force	29
Pepper spray	27
Violated constitutional rights	27
Incorrect tow	26
Retaliation	26
Failure to return phone calls	25
Poor service	24
Improper crowd control	23
Failure to act properly	23

- The most common detailed allegations reported to the IPR in 2003 involved rude behavior, followed by false charges/citations, harassment, and unjustified behavior.

Examples of the Most Common Detailed Allegations

The following are sets of randomly selected examples of the five most common detailed allegations received by the IPR. It is important to note that these examples were selected without regard to the outcome of the complaint.

Rude Behavior

Complainants alleged that:

Officers who responded to a noise complaint were rude and would not answer the complainant's questions.

An officer (who responded to a family disturbance involving the complainant and her adult daughter) unjustly blamed the complainant and rudely warned her that she would be in trouble if she hurt her daughter after the police left.

An officer told the complainant to "get lost" after stopping him for riding a bicycle after dark with a nonfunctional front light.

Officers, while transporting the complainant to the Hooper Sobering Station, laughed at the complainant when she told them that she worked for a government agency.

Harassment

Complainants alleged that:

An officer arrested the complainant on a warrant and later threatened to have her motor home towed unless she moved it from the street where it had been parked for an extended time.

An officer harassed the complainant and his girlfriend during a traffic stop by shining a flashlight into their car and treating them as if they were drug dealers.

Officers contacted the complainant for no reason on multiple occasions while he was walking or standing in Portland's Old Town, and officers followed him around and accused him of being drunk.

An officer cited the complainant for spinning his wheels at an intersection and later tried to get his concealed handgun license revoked.

False Charges

Complainants alleged that:

Officers falsely arrested the complainant for an open container violation and disorderly conduct after he “may have said a few superlatives” to a bus driver about buses being late.

An officer falsely cited the complainant for parking more than a foot from the curb.

Officers, relying on the lies of neighbors and not listening to the complainant’s side of the story, falsely arrested the complainant’s husband after a confrontation with a neighbor.

Officers (who responded to a family disturbance call at the complainant’s home) falsely arrested her for interfering with a police officer and assaulting a public safety officer.

Unjustified Behavior

Complainants alleged that:

An officer called the complainant (the Director of a non-profit organization) at her home late in the evening and left a voice mail message stating, “I am tired of being called up here to baby-sit. You need to either get new staff or a new business.”

Officers made the complainant stand barefoot in a puddle at the scene of her arrest and refused to let her put her shoes back on prior to transporting her to her residence.

Officers inappropriately cited the complainant’s brother for failure to maintain a lane after he slid off a freeway on-ramp into the bushes. The complainant believed that the officers should have helped his brother “as a motorist in distress” instead of citing him.

An officer inappropriately asked the complainant for the name of his physician and if he was on medication after the apartment manager told the officer that the complainant, who had made multiple 911 calls regarding perceived theft of his property, suffered from mental illness.

Failure to Take Appropriate Action

Complainants alleged that:

Officers failed to arrest the complainant’s ex-boyfriend even though she called the police several times over the course of two months to report that he was breaking into her house and violating his restraining order.

Officers responding to a theft call inappropriately used the complainant’s 10-year-old daughter as an interpreter.

Officers failed to address the complainant’s multiple complaints about excessive noise from a local bar.

An officer failed to investigate an incident in which the complainant’s foot was struck by a hit-and-run driver.

IPR Intake Decisions 2002-2003

Intake Decision ⁵	2002	2002	2003	2003
	Total	Percent	Total	Percent
Referred to IAD	293	61%	310	45%
Declined after Intake Investigation	118	25%	258	38%
Resolved at Intake	37	8%	19	3%
Referred to Other Agency	24	5%	21	3%
Referred to Chief's Office-Policy Review	0	0%	29	4%
Referred to Precinct Commander	5	1%	27	4%
Pending or Completed Mediation ⁶	3	1%	22	3%
Totals	480	100%	686	100%

- Almost half of all complaints filed with the IPR were referred to the PPB's Internal Affairs Division for further review in 2003. In 2002, 293 complaints (61%) were referred to IAD, while in 2003, 310 complaints (45%) were referred for further review.
- Overall, 38% of complaints were declined by the IPR after the completion of an intake investigation in 2003, up from 25% in 2002.
- In 2004, members of the CRC reviewed a statistical sample of IPR declinations for the last six months of 2003. The CRC members reported back, finding that overall IPR declinations were justified by the facts evident in the files reviewed. This review and its findings will be reported in detail in the annual report for the year 2004.
- Between 2002 and 2003, there was a sharp increase in the number of complaints receiving referrals. This change was brought about in part by an increase in the number of complaints that were referred to a precinct commander or the Chief's Office. Typically, these types of complaints do not state misconduct but rather involve allegations of poor police policy, tactics, training, or enforcement actions. If the complaint relates to a specific precinct/division, then the IPR will refer the complaint to the precinct commander for his/her review and information. However, if a complaint relates to a PPB-wide policy or tactic, then the IPR will refer the complaint to the Chief's Office.
- Almost 10% of all cases declined involved complainants who made three or more complaints to IPR in 2003. The large number of IPR declinations was also the result of IPR's policy of documenting and tracking all complaints regardless of whether they were clearly false or untimely at the time they were received.

War Protest Complaints and Police Tactical Decisions

In our 2002 Annual Report, the IPR noted that 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 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 a result of the *Bush Protest*, nine citizen complaints were filed with the IPR. As a result of the *Critical Mass* ride, nine additional citizen complaints were filed with the IPR. All of the complaints were referred to IAD for their review and handling. As of the end of the 2003 calendar year all of the complaints had been closed by IAD.

Outcomes of Protest-Related Complaints

In March and April 2003, with the outbreak of the Iraq War, a series of protests were held in Portland where protesters did not apply for permitted marches and the Police Bureau response included aggressive enforcement of pedestrian and

Disposition	2002 Bush Protest	2002 Critical Mass Protest	2003 Iraq War Protest
IPR Decline	0	2	7
Mediation	0	0	2
Refer to Chief's Office	0	0	25
Referral to Other Agency	0	0	1
Referral to Precinct Commander	0	1	0
IAD Decline	5	4	12
Service Complaint	2	2	1
Investigation-No Sustained Findings	2	0	1
Investigation On-Going	0	0	1
Totals	9	9	50

traffic laws. As a result of police actions taken in response to these war protests, the IPR received 50 citizen complaints. The IPR determined that about half of these complaints did not state police misconduct, but rather related to citizen concerns with Police Bureau tactics that had been approved by the Mayor's Office and the Chief of Police. These complaints were referred directly to the Chief's Office so that the Chief could be aware of the concerns that had been lodged with the IPR. The IPR mediated two cases, declined another seven of the complaints, referred one to another agency, and referred 15 of the complaints to Internal Affairs for their review and handling. Of those 15 complaints, 12 were declined, one was handled as a service complaint, and two received full investigations.

One of the war protest-related complaint that resulted in a full investigation also resulted in an appeal in 2004 to the Citizen Review Committee. In that case, a protester alleged that he was arrested without cause and that excessive force was used in making the arrest. That protester had also been added as a plaintiff in the pending litigation against the Police Bureau, which was filed as a result of the civil law suit relating to the August 2002 protest against President Bush.

The Police Bureau conducted a full investigation of the complaint (although without the cooperation of the complainant), and exonerated the officer. An appeal of the *exonerated* finding was filed in 2004 and will be reported in the IPR's next annual report.

Another war protest-related complaint resulted in an IPR request for the Police Bureau to review their tactics for making arrests for *interfering with a police officer* in cases involving non-permitted marches. In this case, the complainant-protester was stopped by a police officer for violating an order to comply with traffic control devices (*a walk/ don't walk signal*). The complainant refused to identify himself and the officer took him into custody for *interfering*. Even though the complainant had identification on his person, he was booked at the County Jail and held in custody for over eight hours.

The IPR referred the complaint to IAD for review and handling. IAD declined to conduct a full investigation, finding that the officer was acting according to the general orders of the day issued by the Incident Commander. The complainant's civil attorney later notified the IPR that the City had settled a tort claim filed by the complainant, alleging unlawful arrest, for \$3,500.

This created the appearance of a disconnect between the Police Bureau's decision to engage in the tactic of citing protesters for *interfering* and the Risk Manager's decision to settle the complainant's tort claim.

The IPR learned that the decision to settle the complainant's tort claim was a tactical one. According to the City Attorney's Office, the settlement decision was not driven by the merits of the complainant's legal position. After conferring with legal counsel, the PPB decided to allow officers the discretion to charge protesters with the crime of *interfering* and book them if appropriate. In the complainant's case, it was his refusal to provide the information necessary to even issue a citation that resulted in his arrest. After a thorough discussion, the Chief's Office concluded that the tool of booking individuals who have refused to follow a lawful order is one that is available and lawful for the PPB to use.

In preparation for a war protest marking the first anniversary of the Iraq War, the Police Bureau included the IPR Director in the planning meetings. The IPR Director noted that the planning meetings included a wide variety of personnel from the Mayor's Office, the City and District Attorney's Offices, and regional law enforcement and emergency agencies. The meetings were intended to ensure that the Police Bureau was prepared for all contingencies and that its officers would comply with the law governing crowd control and crowd management. The subsequent protest was held on March 20, 2004, which involved thousands of peaceful protesters and hundreds of police officers. No arrests were made and no violence was reported.

Detailed Reasons for IPR Decline of Citizen Allegations in Calendar 2003

IPR Decline Reason	Force	Control Tech.	Disparate Treatment	Conduct	Courtesy	Procedure	Decline Total	Decline Percent
Complainant Unavailable	24	9	21	109	40	39	242	21%
Complainant Withdraws	2	2	2	19	9	7	41	4%
False or Trivial Claim	8	0	13	97	27	34	179	16%
Filing Delay	2	3	2	44	7	17	75	7%
No Misconduct Alleged	3	18	8	265	32	110	436	38%
Other Jurisdiction	1	0	1	102	1	14	119	10%
Previously Adjudicated	0	0	0	0	0	2	2	0%
Unable to Identify Officer	4	1	2	18	10	10	45	4%
Allegation Total	44	33	49	654	126	233	1139	100%
Allegation Percent	4%	3%	4%	57%	11%	20%		

- The IPR made an important change to its intake policy in 2003. Previously, when the IPR referred a complaint to IAD for further investigation, all of the allegations on that complaint were referred to IAD for review (even if it was determined during the intake investigation that some of the allegations were obviously false or did not identify misconduct). Beginning in 2003, however, the IPR implemented a new policy of performing *partial declinations*. As a result, the IPR may decline some allegations of a complaint while referring the other allegations over to IAD for further review. This policy was adopted for two main reasons. First, to ensure that individual complainants understand which elements of their complaint will be investigated. Second, to conserve and focus the investigative resources of IAD sergeants on the portions of citizen complaints that allege misconduct.
- As a result of these changes, the most common reason the IPR declined citizen allegations in 2003 was because the complaint did not allege conduct that would constitute a violation of PPB policies or procedures. The second most common reason that allegations were declined by the IPR was because 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 provable behavior that could be classified as potential misconduct. False, trivial, and obviously fallacious allegations constituted the third most common category for IPR declines.

A Sample of Citizen Complaints Declined by the IPR in 2003

The IPR declined approximately 258 complaints or 38% of the 686 complaints that received a completed intake investigation in 2003. Portland City Code (PCC) 3.21.120 authorizes the IPR Director to decline (dismiss) complaints for the following reasons:

1. The complainant could reasonably be expected to use, or is using another remedy or channel or tort claim for the grievance stated in the complaint;
 2. The complainant delayed too long in filing the complaint to justify present examination;
 3. Even if all aspects of the complaint were true, no act of misconduct would have occurred;
 4. The complaint is trivial, frivolous, or not made in good faith;
 5. Other complaints must take precedence due to limited public resources; and
 6. The complainant withdraws the complaint or fails to complete necessary complaint steps.
- (City Ordinance Section 3.21.120.F)

The IPR staff used statistical software to randomly select complaints that were declined during the last six months of 2003.

IPR Decline: Complainant Withdraws	<p>The complainant called the IPR after police officers entered his son's apartment, without consent, based upon a call to the Child Abuse Hotline (CAH), reporting that there were children living at the apartment who were being mistreated. Officers arrived at the residence, conducted a cursory search and determined that the address provided by the CAH was incorrect. The complainant's allegation that the officers unlawfully entered the residence was declined by the IPR in that the officers had the authority to enter the residence and conduct a child welfare check based upon the information they had received (even though it was later determined to be incorrect). The complainant's allegation that the officers failed to clearly explain their purpose and authority to enter the residence was referred by IAD to the precinct as a service complaint.</p> <p>After the complainant was contacted by a precinct sergeant and discussed the incident, he stated he wanted to withdraw his complaint. After having an IPR investigator confirm the complainant's desire to withdraw the complaint, the complaint was declined.</p>
IPR Decline: False	<p>The complainant alleged that the Police Bureau had unlawfully refused to release his bicycle after he was arrested for disorderly conduct and interfering with a police officer. The complainant was unable to provide any information as to the date, time, location, or officer involved in the seizure of his bicycle. It was determined that the bicycle was being held as evidence of the crime and his case had been referred to community court with an expedited hearing date. The complaint was declined and the complainant was notified by letter.</p>

<p>IPR Decline: No Misconduct</p>	<p>The complainant alleged that he was being stalked by a co-worker and an officer failed to take appropriate action. He also alleged that unidentified officers had placed “thugs” in a position to try and provoke him into a fight. He also alleged that an unidentified officer had slandered him to his neighbors by telling them he was a sex offender.</p> <p>The IPR checked all police records and could not identify any incident in which the identified officer was dispatched to a call from the complainant. The complainant later acknowledged that he did not remember the month or the day he had contact with the officer. The complainant could not provide any specific information that justified his assertion that officers had conspired against him or slandered his character. The complaint was declined and the complainant was advised that the IPR would notify the identified officer of his concerns.</p>
<p>IPR Decline: Complainant Unavailable</p>	<p>The complainant alleged that officers committed misconduct after they entered her residence in response to an incomplete 911 call and then arrested her husband on a warrant.</p> <p>The complainant refused to speak with the IPR Intake Investigator until she had conferred with an attorney. She declined to identify her attorney, but promised to have the attorney contact the IPR. Neither the complainant or her attorney made further contact with the IPR.</p> <p>The officers wrote a report justifying their actions. After reviewing the reports, the IPR concluded that the officers were required to make entry into the complainant’s house in order to verify that no one was actually in need of assistance. Once they determined her husband had an outstanding warrant for his arrest, they were required to place him under arrest and transport him to jail. The complainant was advised by letter.</p>
<p>IPR Decline: Filing Delay – Other Judicial Review</p>	<p>The complainant was arrested in 1989 for attempted murder, convicted, and sentenced to a lengthy prison term. The complainant alleged that two Portland Police Bureau detectives assisted in wrongfully convicting him of the crime.</p> <p>Both employees have since retired from the Police Bureau. Given that more than 15 years had passed since the alleged misconduct, and that it appeared the complainant was trying to appeal his conviction to the IPR, the complaint was declined.</p>

<p>IPR Decline: Complainant Unavailable</p>	<p>The complainant alleged that an officer used excessive force after arresting him and wrote an incomplete and inaccurate police report.</p> <p>Attempts were made to contact the complainant at the Multnomah County Detention Center where he was incarcerated at the time he made the complaint. The complainant had, however, been released and neither the jail nor his attorney has current information as to his whereabouts. A contact letter was sent to a post office box address he had previously used, but no response was received.</p> <p>The police report relating to the complaint was reviewed. The officer justified his conduct in the report. Prior complaints made by the complainant were also reviewed. Those complaints showed a history of making unfounded complaints against Portland Police Bureau officers.</p> <p>The complainant was advised by a letter, mailed to his last known address, that his complaint was being declined and that for this or future complaints to be referred to Internal Affairs, he would need to present independent, unbiased evidence to establish the truth of any of his allegations.</p>
<p>IPR Decline: No Misconduct</p>	<p>The complainant alleged that an officer investigating a shooting in front of her house inappropriately contacted her employer about the incident. The complainant asserted that she had nothing to do with the shooting and that the call had embarrassed her.</p> <p>The IPR interviewed the complainant's employer who stated that the officer had called her to voice concerns about the complainant's safety because the complainant was not cooperating with the investigation.</p> <p>Police reports were reviewed and it was determined that the officer was investigating shots fired both into and from the complainant's residence. A suspect with a gunshot wound had been arrested. The officer reported that the complainant was uncooperative and would not make herself available for an interview.</p> <p>The IPR declined the complaint as failing to state misconduct. It was concluded that the complainant was not being completely truthful when she asserted that she had no information relating to the shooting. The officer did not violate Police Bureau policy or procedure in contacting the complainant's employer and was instead thoroughly investigating a serious felony. The officer did nothing more than leave a message for the complainant's employer letting her know that she was concerned for the complainant's safety.</p> <p>The complainant was advised by letter of the reasons for the declination.</p>

IPR Decline:
No
Misconduct

The complainant alleged that two Portland Police officers were harassing her daughter by arresting her every time she was driving while suspended. She also alleged that the officers retaliated against her daughter by having another officer come to her residence to arrest her daughter after her daughter bailed out of her car and fled on foot from a traffic stop. She questioned why officers were harassing her daughter about vehicle violations when there were “so many more serious lawbreakers to pursue”.

The IPR declined the complaint as failing to state misconduct. The complainant was advised that officers are expected to enforce traffic laws and that *driving while suspended* is considered to be a serious traffic violation that warrants police action, including the issuance of a citation to the driver and the mandatory towing of the involved vehicle. She was further informed that if the officers observed her daughter driving illegally and failed to take any action, they could be held accountable for their failure to act. In addition, officers are expected to take action against a person who flees from a traffic stop. If the officers failed to act, they would be negligent in the performance of their duties.

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 advising him/her as to how the complaint was handled 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 the complainant that the IPR tracks and reports on patterns of citizen complaints. Complaints are declined by Internal Affairs if the IAD Captain determines that the complaint is without merit, obviously fallacious, or impossible to prove. 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. The category of *Administrative Closure* includes cases that are:

- *Referred to the officer's commander.* (When it is unlikely that misconduct can be proven or there is insufficient cause to believe a formal service complaint should be initiated);
- *Suspended* when sufficient information cannot be obtained to finish the investigation and make appropriate findings;
- *Closed* if the officer has resigned or retired before IAD can take action on the complaint (In unusual or particularly serious cases IAD may decide to finish the investigation and obtain findings from the involved officers' commander);
- *Referred to other police departments or agencies* when the complaint involves a non-PPB officer; and
- *Resolved* by the IAD investigator during the course of the investigation.

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 or division commander) for review and finding. Simultaneously, the investigation summary 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 subcategories: *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 or the IAD Captain contests a non-sustained finding, the case is forwarded to a Review Level Committee composed of the Police Bureau's three 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, reviews recommendations for serious disciplinary actions, such as termination or suspension.

Outcomes for Complaints Referred to IAD

Internal Affairs Assignment Decisions for Complaints Referred by IPR

IAD Assignment Decision	2002	2002	2003	2003
	Total	Percent	Total	Percent
Investigation	86	31%	64	18%
IAD Service Complaint	84	30%	142	41%
Precinct Service Complaint	12	4%	48	14%
Declined after Preliminary Investigation	88	31%	91	26%
Other (Resolved or Suspended)	11	4%	5	1%
Total for Completed Assignments	281	100%	350	100%

- There was a fairly steady increase in the number of cases assigned as service complaints by IAD between 2002 and 2003. Over the same period, there was a drop in the number of complaints assigned for full investigation. Between 2002 and 2003, there was a slight proportional decrease in the number of complaints declined by IAD.
- An *IAD Service Complaint* is a complaint made to the IPR, referred to IAD, and assigned out by the IAD Captain to the precinct to be handled as a service complaint. A *Precinct Service Complaint* occurs when a complainant directly contacts a precinct supervisor and the service complaint is approved by the precinct commander and then forwarded to IAD and IPR for approval.

Ten Most Common Complaint Allegations Disposed as Full Investigations in 2003

Detailed Allegations	Complaints Disposed in 2003
Excessive force involving hands, feet, or knees	30
Rude behavior	21
Profanity	14
Handcuffs	12
Mishandled property	10
Fail to provide name/badge	9
Unjustified behavior	9
Failure to write or file a police report	8
Excessive force involving a baton	5
Inappropriate use of detox	5

- The most common complaints disposed of as full investigation in 2003 involved allegations of excessive force, rude behavior, profanity, and the inappropriate use of handcuffs.

Ten Most Common Complaint Allegations Disposed as Service Complaints in 2003

Detailed Allegations	Complaints Disposed in 2003
Rude behavior	79
Failure to follow traffic law	19
Unjustified behavior	19
Profanity	18
Unprofessional behavior	14
Failure to take appropriate action	12
Harassment	12
Poor service	9
Failure to write or file a police report	8
Intimidation	8

- For complaints disposed of as service complaints, the most common allegations involved rude behavior, the failure to follow traffic law, unjustified behavior, and the use of profanity.

A Sample of Citizen Complaints Handled as Service Complaints

A *service complaint* is a formal process by which a precinct/division supervisor is assigned to contact the complainant and debrief the involved officers about the incident. A *service complaint* is a personnel management tool. It is not discipline and a record of the complaint is not maintained in the officer's personnel file. A record of the service complaint is maintained, however, by IPR/IAD for a period of two years. This record is used as part of the Bureau's *Early Warning System* in order to offer appropriate intervention if it becomes evident that behavior problems exist that are likely to undermine or adversely affect the achievement of Bureau goals. (See PPB Policy and Procedure Sections 345.00 and 330.00).

IPR staff randomly selected seven *service complaint* files to summarize for this report.

<p>Service Complaint: Courtesy— Rude Behavior</p>	<p>The complainant, a driver involved in a minor traffic accident that had occurred nine months earlier, complained to the IPR that the responding officer treated him rudely and failed to investigate the collision. The IPR concluded that the officer was not required by policy to conduct a traffic investigation, but referred the courtesy allegation to IAD, which was assigned to the Precinct as a <i>service complaint</i>.</p> <p>A sergeant interviewed the officer and counseled him on courtesy and demeanor with citizens involved in a traumatic event like a car crash. The sergeant attempted unsuccessfully to call the complainant to explain the actions he had taken. The IPR sent a closing letter to the complainant to advise him as to how his complaint was resolved.</p>
<p>Service Complaint: Courtesy— Rude Behavior</p>	<p>The complainant, cited for speeding on the Glenn Jackson Bridge, alleged that the officer was brusque, rushed, and would not listen to his explanation. The IPR referred the courtesy allegation to IAD, which was assigned to the Precinct as a <i>service complaint</i>.</p> <p>A sergeant called the complainant, discussed the allegation, and told the complainant that he would talk with the officer about the complainant's concerns. The complainant said that the officer was not <i>rude</i> but that he would have appreciated it if the officer had been willing to listen to the complainant's explanation for the traffic violation. He further stated that he appreciated the sergeant's call.</p>

<p>Service Complaint: Procedure— Failure to Obey Traffic Law</p>	<p>The complainant alleged that a patrol car swerved into his lane and sped off without turn signals, lights, or siren. The complainant said he was forced to brake, causing his laptop computer to be damaged when it hit the dash. The IPR gave him the phone number for Risk Management to make a property damage claim and referred the driving allegation to IAD. IAD assigned the complaint to the precinct as a <i>service complaint</i>.</p> <p>A sergeant admonished the officer about safe driving and proper use of emergency lights and siren. He then called the complainant and explained the action he had taken with the officer. The complainant thanked the sergeant for letting him know that the officer had been counseled.</p>
<p>Service Complaint: Courtesy— Profanity</p>	<p>The complainant had been rear-ended by another car in a low-speed non-injury accident on Interstate 5. The complainant said she was in the center lane when she heard a loud voice, looked in her rearview mirror, and saw a motorcycle officer (without lights or siren) pointing at a car in the commuter lane behind her and yelling, "You've got a \$180 ticket in the mail, you son-of-a-bitch." The other car moved into the lane behind her as traffic slowed. She heard the officer shout, "Watch out," just before the other car rear-ended her. The officer continued on without stopping, even though he knew there had been a collision. IPR referred three allegations to IAD: the officer used profanity, violated the law by failing to use lights or siren, and failed to render assistance. IAD initially assigned all the allegations to the Precinct as a <i>service complaint</i>.</p> <p>A lieutenant interviewed the officer. The officer explained that he was enroute to cover another officer who had stopped a wanted person; he activated his siren twice to warn the other driver to move over; the other driver did not respond and was unlawfully occupying a commuter lane during rush hour; when the other vehicle did move over, it collided with the complainant's car; the officer notified dispatch of a non-injury crash and continued on to assist the other officer. The officer did not remember using profanity.</p> <p>A lieutenant interviewed the other driver and the officer. The other driver generally corroborated the complainant's information, including the use of profanity.</p> <p>The lieutenant called the complainant and explained what he had learned. She expressed understanding of the explanation. She was referred to Risk Management regarding the damage to her vehicle.</p> <p>The lieutenant met again with the officer and told him that the other driver had corroborated the use of profanity. He reminded him of his obligation to act professionally at all time.</p> <p>Based on the investigation IPR concluded, with IAD concurrence, the officer did not violate the law regarding use of emergency lights or siren and the officer's call to dispatch was an appropriate response under the totality of circumstances.</p>

Service Complaint: Procedure— Failure to Provide Medical Assistance

The complainant said she was stopped in traffic at the scene of a vehicle accident when she was rear-ended by an inattentive driver. The officer, who was already at the scene of the earlier accident, came over to her and to the other driver, asked if they were all right and told them to exchange insurance information. The complainant said she was dazed and believed the officer should have checked her condition more closely. She was adamant that she did not want to get the officer in trouble, she was not angry, and she just wanted to pass on a “friendly suggestion.” She also stated that she did not want to be contacted about this matter in the future. IPR referred the complaint to IAD and the complaint was assigned to the precinct as a *service complaint*.

A sergeant interviewed the officer who said he understood the complainant’s concerns. He thought the drivers were uninjured and said he would be more careful in the future. In accordance with the complainant’s request, the sergeant did not attempt to contact her.

Service Complaint: Courtesy— Rude Behavior

The complainant, who said she has a disability, asked a suspended driver to drive her home in her car because it was dark, raining, and visibility was poor. Officers stopped the vehicle, searched the occupants, cited the driver for Attempted Possession of a Controlled Substance, and had the car towed for no proof of insurance. The complainant said the officers were rude, unjustifiably frisked her, left her stranded without a ride, and improperly towed her car. Because PPB policy requires an officer to tow a vehicle that has been driven by a suspended driver, the IPR declined the allegation of an improper tow but referred the remaining allegations to IAD. IAD declined the allegations about the frisk and about stranding her, concluding that the officer followed policy in conducting a pat-down search for officer safety and that the complainant was not left in a dangerous position by the officer. IAD assigned the courtesy allegation to the precinct as a *service complaint*.

A lieutenant telephoned the complainant; the complainant said that the only reason she complained was because she felt the officer was getting pleasure out of having her car towed and that he should have treated her more courteously. The lieutenant explained the tow law and said that he would talk to the officer about her complaint. Although at the time of the IPR intake, the complainant demanded a full IAD investigation, she expressed satisfaction that the lieutenant would address her concerns with the officer through the *service complaint* process. The lieutenant then interviewed the officer and recommended that the officer take time in the future to explain the tow law to drivers. The officer agreed.

Service
Complaint:
Unjustified
Behavior

The complainant, an emergency room physician, complained to the precinct that an officer brought an extremely intoxicated person to the emergency room and then left without waiting for a doctor to examine the patient. IAD assigned the complaint to the precinct to be handled as a *service complaint*.

A sergeant spoke with the officer, the physician, the nurse manager, and a security supervisor. The officer explained that he took the intoxicated individual to the emergency room because the Hooper Detoxification Center was closed. The physician explained that the usual procedure is for the officer to wait until a doctor has examined the patient. The physician further explained that it had not been his intention to initiate a formal complaint, only to improve procedures.

The sergeant met again with the officer for the purpose of explaining what she had learned and to emphasize the need for clear communications with hospital staff. The officer became indignant, rejecting the sergeant's advice and reiterating that he had done nothing improper. The sergeant reiterated her advice and notified the officer about minimum work expectations. In her service complaint resolution memo, sent up the chain of command to IAD, the sergeant noted concerns about anger management and a need to closely monitor the officer.

Completed Full Investigations of Citizen Complaints with Findings by Year

Completed Investigations	2002	2002 Percent	2003	2003 Percent
Completed Full Investigations with All Non-Sustained Findings	30	83.3%	58	82.9%
Completed Full Investigations Resulting in One or More Sustained Findings	6	16.7%	12	17.1%
Total	36	100%	70	100%

- In 2003, 70 full investigations of citizen complaints were closed with findings. Of those complaints, 58 (83%) were closed with non-sustained findings on all of the investigated allegations, while 12 complaints included one or more allegations that resulted in a sustained finding.
- The number of investigations closed in 2003 was roughly double that of 2002. This was due to a lag created by the fact that the IPR only started receiving complaints in 2002. Since full investigations can take a substantial amount of time to complete, some cases reported in 2002 were not closed until 2003.

Findings on Classified Citizen Allegations for Investigations Completed in 2003

	Force	Control Techniques	Disparate Treatment	Conduct	Courtesy	Procedure	Total	Total Percent
Sustained	1	0	0	12	6	7	26	10%
Not Sustained								
Unfounded	22	6	5	21	15	18	87	34%
Unfounded w/Debriefing	2	0	0	3	4	3	12	5%
Exonerated	28	15	0	13	1	9	66	26%
Exonerated w/Debriefing	3	0	0	5	2	6	16	6%
Insufficient Evidence	6	0	6	7	10	12	41	16%
Insuff. Evidence w/Debriefing	1	0	0	5	1	2	9	4%
Combined Total	63	21	11	66	39	57	257	100%
Number of Completed Investigations with Findings in 2003							70	

- For individual citizen allegations that resulted in full investigation, the most common finding was unfounded, followed by exonerated, and insufficient evidence.
- In 2003, 26 allegations (on 12 complaints) resulted in a sustained finding. The most common sustained findings were on conduct, procedure, and courtesy allegations. One force allegation resulted in a sustained finding.

Findings on Detailed Citizen-Initiated Allegations Subject to Full Investigation

	Not Sustained	Sustained	Total
Excessive force involving hands, feet, knees	40	0	40
Rude behavior	22	3	25
Profanity	14	3	17
Handcuffs	15	0	15
Failure to provide name/badge	14	0	14
Failure to write or file a police report	10	3	13
Mishandled property	12	1	13
Unjustified behavior	10	2	12
Pepper spray	9	0	9
Unsatisfactory work performance	2	6	8
Unprofessional behavior	8	0	8
Baton	7	0	7
Acting beyond scope of officer's authority	6	0	6
Inappropriate use of detox	6	0	6
Warrantless search and/or seizure	6	0	6
Violated constitutional rights	5	0	5
Excessively rough takedown	4	1	5
Discrimination-race-general	4	0	4
Used racial epithets	4	0	4
Did not give reason for arrest/stop	3	0	3
Harassment	3	0	3
Failure to file an accurate police report	0	2	2
Inappropriate off-duty behavior	0	2	2
Failure to follow investigation procedures	1	1	2
Intimidation	1	1	2
Untruthfulness	1	1	2
Control holds	2	0	2
Failure to arrest	2	0	2
Other control technique	2	0	2
Retaliation	2	0	2
Unidentified force	2	0	2
Other	14	0	14
Total	231	26	257

- The most common sustained allegations were for unsatisfactory work performance, rude behavior, use of profanity, and the failure to file a police report.

A Sample of Citizen Complaints Investigated by IAD

Full investigations include conducting interviews with the involved officers and ordering them to cooperate with the IAD investigation.

IPR staff randomly selected 15 IAD investigation files to be audited by members of the Citizen Review Committee. Several of those investigations are presented below as examples.

Some of the complaints listed below were made in 2002, but the investigations were not completed until 2003.

<p>Finding: Unfounded with Debriefing</p>	<p>The complainant alleged that arresting officers used excessive force when they shot him twice with beanbag guns, pulled him out of a patrol car by his handcuffs, kicked him in the face, and grabbed him by the hair when he was on a gurney and when a nurse was forcibly inserting a catheter.</p> <p>IPR referred the complaint to IAD. On the basis of a preliminary review of the complaint and police reports, IAD found no misconduct in the use of the beanbag guns or use of a hair hold. IAD fully investigated the allegation that the officers pulled the complainant out of a patrol car by his handcuffs and kicked him in the face.</p> <p>The investigation disclosed that officers were dispatched to a shooting that had just occurred outside a nightclub at closing time. The complainant was reported as having shot into a van occupied by a man who had testified against the complainant in a criminal case a decade earlier. While enroute to the nightclub, officers spotted, pursued, and eventually stopped the complainant's vehicle. The complainant, who was walking away from his vehicle, was ordered to the ground multiple times. After being warned several times that he would be shot if he did not get on the ground, two officers shot him with beanbag rounds. Officers called for medical assistance to check the complainant for injuries. According to one of the EMT's, when they arrived, the complainant was in the back seat of the patrol car and resisted efforts to remove him for examination. The EMT said that officers dragged the complainant out by his armpits and that officers caught him and held him when he buckled his legs. Officers arrested the complainant on charges of Attempted Murder, Attempted Assault in the First Degree, and Ex-Felon in Possession of a Firearm.</p> <p>The Precinct Commander concluded the allegations were unfounded but conducted a debriefing with one of the involved officers regarding additional options for removing an uncooperative subject from a patrol car.</p> <p>The IAD investigation took eight months to complete. The complainant filed an appeal with the Citizen Review Committee (CRC) which was declined by the CRC as being without merit.</p>
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<p>Finding: Exonerated with Debriefing</p>	<p>The complainant said an officer stopped him without cause for jaywalking. When he questioned the officer, the officer pulled his baton. The complainant said that he was afraid the officer “was going to hit me,” so he shoved the officer away. According to the complainant, at that point “a stampede of officers” started beating him, twisting his arm, and stretching and tearing the ligaments in his shoulder. After he was handcuffed the complainant said he started speaking in tongues, laughing, and rejoicing because he told them he loved them, and they needed to be saved. The complainant believed the officers mistreated him because he was African American and the officers were white. The IPR investigator photographed bruising on the complainant’s face, ear, and head.</p> <p>IPR referred the complaint and photographs to IAD. IAD conducted a full investigation. After reviewing the investigation, the Precinct Commander found that the officer had legal cause to stop the complainant because the complainant admitted he had jaywalked. The Precinct Commander did not find any objective evidence that the officer made the stop or used force based on the complainant’s race. The officer was exonerated for pulling his baton because it was in response to the complaint shoving the officer and assuming a fighting stance. The involved officers were also exonerated for their actual use of force based on the complainant’s aggressive actions but a debriefing of the incident was ordered to improve future performance.</p> <p>The investigation took three weeks to complete. It took three months for IAD to assign the case for investigation and two additional months for the Commander’s findings to be returned and communicated in a disposition letter to the complainant. The complainant was advised of the findings and no appeal was made.</p>
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<p>Finding: Insufficient Evidence with Debriefing</p>	<p>The complainant alleged that an officer refused to take a stolen vehicle report from him because he could not prove ownership and that the officer failed to put an “alert” on the vehicle as the officer said he would do. The complainant said that he could not provide the title because it was held by his credit union and could not produce the registration because it was in the missing vehicle.</p> <p>IPR referred the case to IAD, which conducted a full investigation.</p> <p>The Precinct Commander made a finding of insufficient evidence, concluding that there was not enough evidence to prove or disprove the allegations. The Precinct Commander noted that the Bureau did not have a specific directive addressing the complainant’s circumstance. The Precinct Commander, however, concluded that the officer could have conducted additional follow-up to confirm whether the complainant owned the vehicle in question. A debriefing of the incident was, therefore, conducted with the officer.</p> <p>The investigation took three months to complete. The complainant was advised of the findings and no appeal was made.</p>
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Findings:
Exonerated;
Insufficient
Evidence with
Debriefing;
Insufficient
Evidence

The complainant alleged that an officer approached him on the sidewalk, accused him of stealing a car, threw him on the ground causing him to strike his head, twisted his arms, and placed a foot in the middle of his back. The IPR intake investigator observed that several of the complainant's front teeth were loose and broken. The complainant said the officer dumped the contents of his bag and pockets onto the street and that he is now missing "something, money or whatever." When asked by the IPR intake investigator, the complainant said he was missing "maybe \$200." The complainant said that a week earlier he had seen the same officer, off-duty and drunk, coming out of a bar and the officer told him at that time, "Get out of here or I will take you to jail, you Asian."

IPR referred the complaint to IAD, which conducted a full investigation. IAD could not locate the complainant for an interview.

The Precinct Commander made a finding of *insufficient evidence* with respect to the off-duty incident. The officer denied the incident and there were no additional witnesses. The Precinct Commander made a finding of *exonerated* with respect to the officer's use-of-force. The officer said he had previously warned the complainant not to loiter in front of bars; that he warned the complainant again this time and told him to remove his hand from his pocket. When the complainant failed to comply, the officer approached him to investigate further. The complainant pulled back, faced the officer, and stuck his hand back into his pocket. Suspecting that the complainant had a weapon or was preparing to fight, the officer struck him in the side of the face, knocking the complainant to the ground. According to the officer, the complainant resisted being handcuffed. Following the struggle, the officer called the Fire Bureau to check the complainant's injuries, conducted a pat down search of complainant's person, and searched a small bag the complainant had dropped. According to the officer, he found and returned an uncounted wad of bills and an uncashed check. Based on this explanation, the Precinct Commander made a finding of *insufficient evidence with debriefing*. Although the Precinct Commander determined there was insufficient evidence to prove that the complainant's money had been taken or mishandled, he ordered a debriefing with the officer about the importance of "proper and careful property handling."

The investigation was completed in five weeks. It took one month for IAD to assign the case for investigation and two additional months for the Commander's findings to be returned and translated into a disposition letter addressed to the complainant. The complainant was advised of the findings and no appeal was made.

Finding:
Insufficient
Evidence

The complainant said that an officer stopped a tractor-trailer on Powell Boulevard, blocking the entrance to the complainant's business. The complainant said he asked the officer to move the vehicles but the officer refused to do so until his business with the truck driver was completed. The complainant said the officer refused to give his name and badge number and alleged that when the vehicle stop was finished, the officer came into his business and yelled at and threatened him.

IPR referred the complaint to IAD, which conducted a full investigation.

Under normal protocol, the IAD investigation is forwarded to the IPR and the Precinct Commander simultaneously. This gives the IPR the opportunity to request further investigation, if necessary, before findings are made. In this case, due to IAD clerical error, the investigative summary was not submitted to the IPR.

The Precinct Commander made a finding of *insufficient evidence*. The Precinct Commander concluded that there was insufficient evidence that the officer screamed and threatened the complainant. The Precinct Commander noted that the officer denied threatening the complainant and said that he raised his voice only to be heard over the noise of shop equipment. In a memorandum justifying his findings, the Precinct Commander represented that the one witness to the interaction that was interviewed told the investigator that the officer spoke loudly but that the witness refused to clarify whether he believed it was louder than necessary to be heard over the shop noise. The Precinct Commander's memo said that the witness heard the officer tell the complainant that the complainant had acted rudely by interfering with police business. Without corroboration of the complainant's representation of the officer's demeanor, the Precinct Commander concluded that the allegation could be neither proven nor disproven.

After the investigation was complete and the findings were made and transmitted to the complainant, the IPR received a copy of the investigative summary. The IPR noted that the investigation was not complete. Specifically, there were four witnesses to the interaction between the officer and the complainant; two employees and two of the complainant's family members. Only one of the employees was interviewed by IAD. The IAD investigator did not attempt to interview a second employee because he no longer worked at the business. The IAD investigator also concluded that it was unnecessary for the two family members to be interviewed because of "1) their familial relationship to the complainant and 2) their statements would not likely add any information that would sway the findings in either direction."

The IPR Director advised the IAD Captain that in the event an appeal was to be filed by the complainant, additional investigation would be requested. But for the IAD clerical error in failing to submit the investigation for IPR review, this investigation request would have been made before findings were made by the Precinct Commander. No appeal was filed by the complainant and the case was closed.

This case was chosen through a random sample for audit by members of the Citizen Review Committee. Upon review of the file, the IPR Director conferred with the IAD Captain who offered to create a new IAD procedure that would ensure that, in the future, all IAD investigations are submitted to IPR when they are sent out to the precinct for findings.

The investigation took six weeks to complete.

Citizen
Complaint
Resulting in
Criminal
Prosecution

The complainant called IPR regarding the conduct of a police officer who successfully evicted a drug dealer from her neighborhood. After completing the assignment, the officer repeatedly stopped by the complainant's house and said she "owed him." On at least two occasions, the officer inappropriately touched the complainant's breasts. After the complainant's husband called the officer to complain, the officer showed up at the complainant's house and told her he wanted her word that "nothing happened."

The complaint was immediately referred to the Detective Division for a criminal investigation. The criminal investigation was completed and criminal charges were filed against the officer who subsequently resigned from the Portland Police Bureau.

IPR Comments on IAD Actions

The IPR Director monitors and reviews all IAD actions for reasonableness and timeliness, and meets with IAD supervisors on a weekly basis. The IPR documents all significant comments and concerns in the AIM database.

Comments on Timeliness

Comments on Timeliness	Cases Reported in 2002	Cases Reported in 2003
Timeliness Issue	66	39

- The IPR Director issued comments regarding IAD timeliness on 66 complaints filed in 2002 and 39 cases filed in 2003. The comments were largely directed at service complaints and full investigations, though several comments were directed at untimely IAD declines. The number of cases identified as being untimely for 2003, however, will likely increase until all 2003 cases are closed.

Comments on Service Complaints

Comment on Service Complaints	Cases Reported in 2002	Cases Reported in 2003
Service Complaint Over Complainant's Objection	7	19
Controvert Service Complaint	3	5
Comment on Service Complaint	4	17
Request Decline not Service Complaint	3	2

- There was an increase between 2002 and 2003 in the number of service complaints completed over the complainant's objection. The increase is likely the result of the fact that this process was in place only for a portion of 2002, while it was permitted and used during the entire 2003 calendar year. In these cases, the IPR Director and the IAD Captain have agreed that a service complaint is the most appropriate disposition for a complaint, even though the complainant would like to see some other type of disposition (typically a full investigation and the imposition of severe discipline).
- The IPR requested that the service complaint process not be used (*controvert service complaint*) on three occasions for cases reported in 2002 and on five occasions for cases reported in 2003. In some cases, an investigation was requested in lieu of a service complaint, in other cases, an IAD declination was more appropriate.
- The IPR made *comments* on service complaints in 17 cases reported in 2003. These comments involved discussions with IAD supervisors or precinct commanders about issues relating to the documentation and handling of the particular service complaint. On some occasions, further documentation or debriefing of officers was requested.

Comments on Investigations

Comments on Investigations	Cases Reported in 2002	Cases Reported in 2003
Request Further Investigation	15	5
Comment on Investigation	10	1

- The IPR made fewer requests for further investigation on complaints reported in 2003 as compared to complaints reported in 2002. This reduction can be attributed in part to increased supervision by IAD and a recognition of the quality of investigations required to satisfy IPR review. Additionally, the IPR did not identify any Bureau findings on cases reported in 2003 that appeared to be unreasonable. It is important to note, however, that a substantial number of 2003 complaints were still undergoing investigation at the end of 2003. So it is possible that additional IPR comments on investigations and findings could be issued as 2003 cases are closed.

Other Comments

Other Comments	Cases Reported in 2002	Cases Reported in 2003
Comments on Allegations		
Controvert Finding	5	0
Comment on Finding	2	0
Comment on Allegations	14	0
Recategorized Allegation	14	7
Comments on Declines		
Request Service Complaint not Decline	2	12
Request Investigation not Decline	5	2
Commendations		
Exceptional Investigation	9	7
Precinct Commendation	0	2
Policy and Training		
Policy Issue Identified	1	6
Training Issue Identified	0	4
General		
Investigation Not Submitted for Review	7	11
IPR Inquiry	7	3
Comment on Documentation	28	32
Comment on Disposition Letter	15	17

- In 2003, the IPR began the process of documenting all policy and training issues identified during the course of the handling of a complaint by IPR and IAD. In 10 cases, the IPR identified either a policy issue or a training issue that needed to be addressed.
- Although IPR and IAD have agreed on a protocol by which all investigative summaries are reviewed by the IPR Director when they are submitted to the Precinct/Divisions for findings, clerical errors have hindered that review process. For cases reported in 2002, seven investigations were not submitted for review. For cases reported in 2003, eleven investigations were not submitted for review. This is an issue that will continue to be addressed with IAD clerical staff.
- The IPR documented seven *IPR Inquiries* for cases reported in 2002 and three for cases reported in 2003. An *IPR Inquiry* is when a case filed is selected for further review after questions have been raised during the normal review process.
- The IPR continues to comment on a regular basis about the documentation contained in IAD files and the disposition letters sent by IAD supervisors to complainants advising them of the results of their complaints. In each of these cases, the IPR either identified an error in IAD documentation of a complaint (usually involving IAD's internal case closure documentation) or requested a change in the disposition letter to be sent out to the complainant.

IPR Comments on Findings

Police Chief
Changes
Sustained
Findings to
Service
Complaint

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 also not paying for parking.

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 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.

After the completion of the investigation, "sustained" findings were made with respect to 21 employees. These findings were reported in the IPR's Report for the First and Second Quarters, 2003, at page 16. Upon further review by the Chief of Police, the decision was made to retain the sustained findings against the two employees whose conduct was determined to be clearly in violation of Police Bureau policy. Both employees received suspensions without pay.

The proposed discipline against the other 19 employees had been "command counseling" wherein the employees were to receive formal letters of instruction that would be placed in their personnel files. The Chief changed the findings on the other 19 employees to *service complaints*. The *service complaint* designation is used in circumstances where an employee has committed a minor rule violation that would not result in the imposition of discipline. See, Policy and Procedure Section 330.00. Each employee was provided with a *letter of instruction* from the Chief expressing concern about the lack of responsibility shown regarding the payment for parking. He noted that "as a Bureau member, it is important that your actions are governed by the reasonable rules of good conduct and behavior whether on duty or off duty." He further noted that he had confidence that in electing to address his concerns through a *letter of instruction* rather than formal discipline, the behavior would not be repeated.

The IPR Director agreed that the Chief's decision in this regard was reasonable and the IPR/IAD records were updated to reflect the change. The number of sustained findings for complaints initiated in 2002, therefore, has been substantially decreased.

Case Examples of IPR Request for Investigation

<p>IPR Requests Investigation in Lieu of IAD Declination: Accepted</p>	<p>The complainant alleged that officers responding to a 911 call arrested him instead of the person he was charged with assaulting. The complainant alleged that the officers observed drugs in the residence of the victim of the assault, but failed to make an arrest. The complainant also alleged that an officer later coached the victim of the assault to deny any knowledge of the drugs if questioned about them in front of the grand jury.</p> <p>IAD initially declined to investigate the allegation based upon the untimeliness of the complaint (it was made eight months after the incident) and lack of credibility of the complainant who was, in fact, convicted of the assault.</p> <p>The IPR requested that IAD investigate the complaint. It was noted that the complainant made his complaint within a month of the conclusion of the criminal proceedings. In addition, the complainant claimed to have independent witnesses who observed an officer “coaching” the victim before he appeared before the grand jury.</p> <p>IAD agreed to investigate the complaint. At the conclusion of the investigation, the Precinct Commander concluded that the allegations were unfounded. The complainant’s witnesses did not provide credible statements and the victim denied the allegations. The officers were debriefed, however, about the need not to summarily dismiss a suspect’s statements at the scene as having no merit.</p> <p>The complainant filed an untimely appeal, which was declined by the IPR in consultation with representatives of the CRC.</p>
<p>IPR Requests Further Investigation: Accepted</p>	<p>The complainant alleged that an officer took him to the Hooper Detoxification Center without cause. The complainant specifically noted that a breathalyzer test administered by Center staff resulted in a 0.00 reading.</p> <p>IAD investigated the case. At the conclusion of the investigation, the investigative summary was submitted to the IPR for review. The IPR requested that further investigation be conducted before findings were made.</p> <p>The IPR noted that an officer who was identified as having been present during the initial contact between the suspect officer and the complainant was not interviewed. In addition, numerous civilian witnesses identified by the complainant’s attorney had not been contacted or interviewed. Finally, there had been no investigation of an allegation that the involved officer was rude to emergency medical staff. IAD agreed to conduct the additional investigation.</p> <p>At the conclusion of the investigation, the case was submitted to the Precinct Commander for findings. The Commander exonerated the officer based upon the statements of civilian witnesses at the scene who believed the complainant was intoxicated and the complainant’s statement that he had taken a prescribed medication that could negatively interact with alcohol.</p> <p>The complainant was advised of his right to appeal, but no appeal was filed.</p>

<p>IPR Requests Further Investigation: Accepted</p>	<p>The complainant alleged that officers used excessive force when officers entered his home, woke him up, and took him into custody.</p> <p>IAD investigated the case. At the conclusion of the investigation, the investigative summary was submitted to the IPR for review. The IPR requested that further investigation be conducted before findings were made.</p> <p>The IPR noted that the investigative summary did not document what efforts were taken to locate and interview the complainant's girlfriend who was present at the time of the incident. In addition, the IPR recommended that IAD interview all family members who were present in the residence at the time of the incident. It had been noted by the officers who were present that some of the family members entered the room during the struggle and tried to persuade the complainant to cooperate with the officers. IAD agreed to conduct the additional investigation.</p> <p>At the conclusion of the investigation, the case was submitted to the Precinct Commander for findings. The Commander exonerated the officers after concluding that the preponderance of the evidence showed that the force used by the officers was reasonable and necessary to overcome the force used by the complainant to resist his arrest.</p> <p>The complainant was advised of his right to appeal, but no appeal was filed.</p>
<p>IPR Recommends Investigation: IAD Declines Case</p>	<p>The complainant alleged that an officer unnecessarily used pepper spray against members of a crowd.</p> <p>After conducting an intake interview of the complainant and reviewing the police reports, the IPR recommended that IAD conduct an investigation into the complaint.</p> <p>IAD declined the complaint based upon the police report that was written by the involved officer. IAD noted that, according to the report, a number of individuals surrounded some motorcycle officers who were attempting to make an arrest. The involved officer then deployed pepper spray to "back-up" the people who were attempting to interfere with the arrest. IAD noted that the purpose of using the pepper spray was to create a safe distance between the crowd that was displaying aggressive intent and the officers.</p> <p>At the time of this declination, appeals were offered on IAD declinations. The IPR notified the complainant of a right to appeal, but no appeal was made. Given the reasons offered by IAD, and the failure of the complainant to file an appeal, IPR declined to conduct an independent investigation.</p>

IPR Director Comments on Policy and Training

Bureau Tow Policy

On December 2, 2002, the complainant was driving his van when he was stopped by an officer for failing to signal a lane change at least 100 feet prior to making the lane change. The complainant was driving with a Washington driver's license, but the officer had probable cause to believe that the complainant was actually a resident of Oregon.

The officer asked permission to search the complainant's vehicle, but the complainant refused. The officer then called a Sergeant with significant experience in traffic issues to determine whether he had cause to tow the complainant's vehicle due to the complainant's failure to obtain an Oregon driver's license. The Sergeant reviewed the Bureau's Policy and Procedure Manual and authorized the tow. The tow was subsequently found to be invalid by the City's Hearings Officer.

The Precinct Commander made a finding of *exonerated with a debriefing*. The Precinct Commander concluded that although the officer acted within policy, the officer would benefit from having a debriefing discussion regarding the values of the PPB and reviewing his options regarding discretion to tow versus giving a warning.

The IPR Director requested additional investigation be conducted by IAD. Specifically, the IPR Director requested that the supervising Sergeant be interviewed to verify that the officer was acting according to the instructions of his supervisor and to determine the reasoning behind the supervisor's instructions to order the tow. Upon the completion of that interview, the IPR Director requested that the supervising Sergeant be included in the debriefing with the involved officer.

The complainant appealed the Commander's finding to the Citizen Review Committee. After reviewing the appeal in public session, the CRC unanimously denied the appeal.

As a result of the IAD investigation, the IPR Director concluded that the policy relating to the towing of vehicles is not widely understood throughout the Police Bureau. Instead, the policy appears to be vague as to its expectations and did not provide adequate assistance to the officer or the Sergeant in deciding whether to order a tow in this case. The IPR Director requested that the Chief's Office initiate a policy review of the policies relating to the towing of vehicles. That policy review was subsequently assigned to the Records Division. The Records Division Manager agreed to meet and confer with the IPR Director in order to attempt to rewrite the Directive.

<p>Officers' Court Conduct Questioned: Training Issue Identified</p>	<p>Within a period of two weeks, two complaints were received by the IPR regarding the conduct of officers assigned to two different Precincts. One complaint was received from members of a criminal jury, another from a criminal courts judge. In both cases, it was disclosed during the criminal trial that witness officers discussed their testimony with one another, while the criminal case was in progress, in the absence of a specific order not to communicate with other officers.</p> <p>In both cases, the presiding judge counseled the officers about the appearance of impropriety and then ordered the officers not to communicate with any other witness about the testimony they provided in the case.</p> <p>The IPR forwarded the judge's comments and the IPR Director's concerns about both complaints to the Police Bureau's Training Division with a request that Training Division consider whether additional officer training was warranted on this issue. The Training Division Commander noted that officers are trained on courthouse etiquette on an ongoing basis. The Precinct Commander debriefed the officers on the complaints and advised them of Police Bureau expectations on the issue. The IPR Director included these complaints and a discussion of appropriate courthouse behavior in a full-day training session for the Bureau's Advanced Academy conducted by the IPR Director and the IAD Captain.</p>
<p>IPR Requests Update of a Bureau Directive: Return of Property</p>	<p>Among other allegations, the complainant stated that an officer improperly failed to return money seized as a result of his arrest for a narcotics offense. The officer was exonerated by his Commander who concluded that the complainant's demand for the return of his money the day after he was arrested was unreasonable and unachievable due to the fact that the money was taken as evidence. The Commander noted, however, that PPB Directive 660.31 (which deals with the circumstances under which an officer is required to release property) referred to a City Code section which was rescinded years before.</p> <p>The IPR notified the PPB's Planning and Support Division, advised them of the discrepancy, and recommended that the Directive be updated. The Manager of Planning and Support agreed to update the Directive as necessary.</p>

<p>Search Warrant Service Issue Identified</p>	<p>The complainant alleged that officers executing a narcotics search warrant on his property <i>vandalized</i> his personal property and caused an unreasonable amount of property damage.</p> <p>The complaint was referred to Internal Affairs for their review and handling and an IAD investigation was initiated. As of the end of the year, that investigation had not yet been completed.</p> <p>In 2003, the IPR received several complaints making similar allegations that excessive property damage resulted from the execution of search warrants relating to the possession and distribution of illegal drugs. As a result of these complaints, the IAD Captain recommended that the Drug and Vice Division (DVD) consider photographing or videotaping scenes of search warrants both before and after the searches have taken place.</p> <p>At the IPR Director's request, the IAD Captain met with the DVD Commander and reviewed the search warrant issue. The DVD Commander conferred with his staff, but declined to videotape search scenes at the current time. The DVD Commander agreed to look into increasing the type of photographs taken at search scenes, but would not commit to videotaping the search scenes before and after a search. He indicated a willingness to improving the system, but was not certain that the use of videotape equipment would do so.</p> <p>The IPR will continue to monitor this issue.</p>
<p>HIV Training Questioned</p>	<p>The complainant alleged that a police officer inappropriately informed a teenage runaway that her companion had a lengthy criminal record and was HIV positive. The IPR referred the complaint to IAD for review and handling. The IAD Captain subsequently assigned the case out as a <i>service complaint</i>.</p> <p>The officer denied telling the runaway about her companion's HIV status and denied even knowing what his HIV status was. Upon being contacted by an IPR Intake Investigator, the runaway's companion voluntarily disclosed that he was not HIV positive.</p> <p>The complainant was advised that it was impossible to prove the validity of his claim and told that no further investigation would be undertaken by either IAD or IPR. He continued to have concerns about whether Police Bureau training was sufficient with respect to the issue of confidentiality of a person's HIV status.</p> <p>The IPR contacted the Training Division and verified that all sworn Police Bureau officers are provided with HIV related training on an annual basis by a registered nurse (RN) employed by the Risk Management Division. This training includes issues relating to HIV confidentiality. The RN agreed to include the alleged facts of this complaint in her training in future courses.</p> <p>The complainant was advised of these findings and the case was closed.</p>

Internal
Affairs
Identified
Policy Issue:
Enforcement
of Restraining
and Custody
Orders

A complainant called for police assistance after he was allegedly assaulted by his estranged wife. He alleged that a Police Bureau officer failed to enforce a restraining order against his estranged wife and failed to transfer custody of his daughters to him at the scene of the assault.

The responding officer advised the complainant that he could not take custody of his children from his wife without a *Writ of Assistance*. The complainant provided the IPR with a copy of the restraining order that awarded custody of the children to the complainant. The IPR referred the complaint to the Internal Affairs Division (IAD) for further review and handling.

The IAD Captain met with members of the District Attorney's Office and the City Attorney's Office and learned that although the requirement that a *Writ of Assistance* be obtained to enforce a court's child custody order had been abandoned, that change had not been communicated throughout the Police Bureau. The IAD Captain contacted the Bureau's Family Services Division and the Training Division and could not find any training materials related to that procedural change in restraining orders. The IAD Captain asked the City Attorney and the Planning and Support Division to research the issue and develop a training bulletin that specifically addresses this issue.

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 CRC. IPR staff will review the appeal request and the IAD investigation.

The case is then set for a CRC pre-hearing. During this pre-hearing, CRC members review the case file and discuss (in public session) 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 full 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 findings 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.

Appeal Outcomes

New Appeals Received and Closed

Appeals	First Quarter 2003	Second Quarter 2003	Third Quarter 2003	Fourth Quarter 2003	Total
New Citizen Appeal Received	10	5	4	1	20
Citizen Appeals Closed	8	5	6	0	19

- Complainants filed 20 appeals with the IPR/CRC. During the same period, 19 appeals were closed.
- Please see Appendix 1 for detailed summaries of all appeals received and their disposition.
- As a result of the IPR Director's decision not to allow appeals of IAD declinations, the number of appeals filed in the third and fourth quarters of 2003 declined significantly.

Findings on Appeal Allegations in 2003

Allegation Classification	Affirm	Challenge	Further Invest.	Appeal Declined	Withdrawn	Total	Total Percent
Force	0	2	0	11	1	14	10%
Control Techniques	0	3	2	6	1	12	9%
Disparate Treatment	2	0	0	30	0	32	24%
Conduct	0	6	1	39	7	53	39%
Courtesy	0	2	2	9	0	13	10%
Procedure	6	5	0	0	1	12	9%
Total	8	18	5	95	10	136	100%
Percent	6%	13%	4%	70%	7%	100%	

- In 2003, 70% (95 of 136) of the appeal allegations reviewed in 2003 were declined by either the IPR or CRC. The CRC voted to challenge 13% (18 of 136) of the PPB's findings they reviewed.
- The majority of CRC challenges occurred on conduct and procedure allegations, though there were also challenges on control techniques, force, and courtesy allegations.

Types of CRC Challenges and PPB Responses

PPB Finding	CRC Recommendation	Hearing Date	PPB Response	City Council Response
Recommend Sustained				
2002-X-0017				
Exonerate w/Debriefing	Sustained	03/04/03	Rejected	Rejected
Exonerate w/Debriefing	Sustained	03/04/03	Rejected	Rejected
Exonerate w/Debriefing	Sustained	03/04/03	Rejected	Rejected
Exonerate w/Debriefing	Sustained	03/04/03	Rejected	Rejected
2003-X-0001				
Insuff Evid w/Debriefing	Sustained	02/18/03	Accepted	--
Recommend less than Sustained				
2002-X-0017				
Exonerate	Insuff. Evid. w/Debriefing	03/04/03	Accepted	--
Exonerate	Insuff. Evid. w/Debriefing	03/04/03	Accepted	--
Exonerate	Insuff. Evid. w/Debriefing	03/04/03	Accepted	--
Exonerate	Insuff. Evid. w/Debriefing	03/04/03	Accepted	--
Exonerate	Insuff. Evid. w/Debriefing	03/04/03	Accepted	--
Exonerate	Insuff. Evid. w/Debriefing	03/04/03	Accepted	--
Exonerate	Insuff. Evid. w/Debriefing	03/04/03	Accepted	--
Exonerate w/Debriefing	Insufficient Evidence	03/04/03	Accepted	--
Exonerate w/Debriefing	Insufficient Evidence	03/04/03	Accepted	--
Exonerate w/Debriefing	Insuff. Evid. w/Debriefing	03/04/03	Accepted	--
Exonerate w/Debriefing	Insuff. Evid. w/Debriefing	03/04/03	Accepted	--
2003-X-0001				
Unfounded	Insufficient Evidence	02/18/03	Accepted	--
2003-X-0008				
Exonerate	Exonerated w/Debriefing	06/17/03	Accepted	--

- Of the 18 challenges made by the CRC in 2003, five involved recommendations that a finding be changed from non-sustained to sustained. Of those, one recommendation was accepted while the other four were rejected by the PPB, and ultimately, by City Council.
- In 13 instances, the CRC voted to recommend that a non-sustained finding be changed to another type of non-sustained finding. The most common recommendations included changing exonerated findings to insufficient evidence, and adding an officer debriefing. The PPB accepted all 13 of these recommendations.

CRC Appeal to City Council

Case Details and History

In September 1999 (more than 16 months before the creation of the IPR), the complainant was arrested by officers for resisting arrest. The complainant was initially contacted by police officers who were seeking to arrest his brother based upon a felony domestic violence call. Five months after his arrest, the complainant was acquitted by a jury of the resisting arrest charge. Seven months after his arrest, the complainant filed a tort claim against the involved officers alleging excessive force and unlawful arrest. One year after filing the tort claim, the complainant made a complaint with the Police Bureau's Internal Affairs Division (IAD) that was eventually investigated by IAD.

The Precinct Commander made a finding of *exonerated* with respect to the officers' actions. The Commander concluded that the complainant was initially misidentified as his brother due to an honest mistake by the involved officers and the complainant's refusal to cooperate with the officers' attempts to identify him. The Precinct Commander concluded that any force that was used was the direct result of the complainant's decision to refuse to follow the officers' lawful orders.

The complainant appealed the non-sustained findings to the IPR. The IPR Director reviewed the appeal as did two assigned members of the CRC. The appeal was declined after the Director and the assigned members conferred and agreed that the Police Bureau's findings were reasonable and noted that the appellant had pursued other remedies through the civil court system, obtaining both a monetary settlement and an agreement from Training Division to conduct additional training relating to the facts underlying the complaint.

At the complainant's request, and upon a motion of a member who had not previously reviewed the appeal, the CRC voted to hear the appeal even though the appeal had been previously declined. The CRC requested additional intake from the IPR and additional findings from the Police Bureau on additional allegations made by the complainant. The IPR identified a total of 10 allegations and the Police Bureau once again made exonerated findings as to the involved officers.

After conducting a full hearing, the CRC voted to change five findings from *exonerated* to *insufficient evidence* and two findings from *exonerated* to *sustained*. The

recommended *sustained* findings related to allegations that the officers acted unreasonably in mistaking the complainant for his brother and that the officers inappropriately failed to interview civilian witnesses at the scene of the complainant's arrest. The Police Bureau, after conferring with the IPR Director, agreed to change all of the findings to *insufficient evidence*. The CRC refused to accept the *insufficient evidence* findings as to the two allegations they recommended be *sustained*. As a result, the case was referred to City Council for a final decision.

It was the responsibility of the City Council to determine whether the Portland Police Bureau findings were *supported by the evidence*. A finding is supported by the evidence *when a reasonable person could make the finding in light of the evidence, whether or not the reviewing body agrees with the finding*. City of Portland Code Section 3.21.020(R).

The City Council conducted a public hearing and after hearing from the complainant, the Police Bureau and CRC-appointed representatives, agreed that the Police Bureau's *insufficient evidence* findings were reasonable. The appeal was closed by the IPR.

Policy and Training Issues

The IPR identified a policy issue relating to the IAD handling of this case. Due to the delay in the appellant's filing of an IAD complaint, the IAD Captain did not assign the case for investigation until more than 19 months after the incident, rendering the IAD investigation untimely. In 2004, the IPR completed a review of the City's policies and procedures with respect to the review of tort claims alleging police misconduct.

As part of the tort claim settlement, the Police Bureau agreed that there will be annual training that will contain a case study/hypothetical of the facts of this case, and all officers will be trained in the facts, circumstances, and decision-making that needs to occur when confronted with the facts as described in this case. Second, all officers will be trained on the effects of an arrest. Third, all officers will be trained in the continuum of force needed to activate and to effect an arrest. The City agreed to draft a bulletin to be sent to all officers outlining the details of how a report is to be written, which will include but not be limited to the need for accuracy in the reports, the need for disclosure of all witnesses (favorable or unfavorable), and to do so in a non-embellishing way.

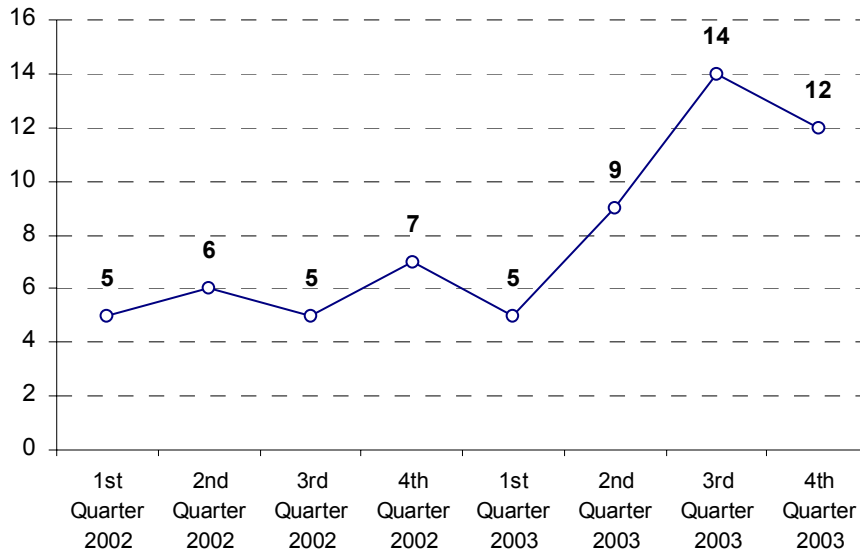
Bureau-Initiated Complaint Process

In some cases, the Internal Affairs Division will self-initiate a complaint against a PPB employee 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 does 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.

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 Investigation Management (AIM) database.

Bureau-Initiated Complaints

Number of Bureau-Initiated Complaints REPORTED by Quarter



- There was an increase in the number of bureau-initiated complaints filed between 2002 and 2003. The PPB initiated 40 complaints in 2003, and 23 complaints in 2002 against its employees.

Bureau-Initiated Allegations REPORTED 2002-2003

Classified Allegations	2002		2003	
	Number	Percent	Number	Percent
Force	1	2%	2	7%
Control Techniques	0	0%	0	0%
Disparate Treatment	0	0%	1	1%
Conduct	37	73%	78	68%
Courtesy	5	10%	4	4%
Procedure	8	16%	29	25%
Total	51	100%	114	105%
Number of Complaints	23		40	

- A majority of the bureau-initiated allegations reported in 2002 and 2003 involved conduct (73% in 2002 and 68% in 2003). The next most common allegations involved procedure and courtesy.

Detailed Bureau-Initiated Allegations CLOSED in 2003

Detailed Allegations	2003		
	Not Sustained	Sustained	Total
Inappropriate off-duty behavior	3	6	9
Unsatisfactory work performance	1	6	7
Mishandled property	0	2	2
Warrantless search and/or seizure	0	2	2
Beyond scope of officer's authority	0	1	1
Failure to appear at court/hearing	0	1	1
Failure to follow orders	0	1	1
Failure to act properly	0	1	1
Failure to follow traffic law	1	1	2
Failure to provide accurate/timely information	0	1	1
Excessive force-hands/feet/knees	0	1	1
Inadequate notebook record-keeping	0	1	1
Profanity	1	1	2
Rude behavior	4	1	5
Unjustified behavior	3	1	4
Untruthfulness	0	1	1
Excessively rough takedown	1	0	1
Failure to take appropriate action	3	0	3
Harassment	1	0	1
Improper disclosure of information	1	0	1
Intimidation	1	0	1
Unprofessional behavior	3	0	3
Other	2	0	2
Total	25	28	53
Percent	47%	53%	100%

- In comparison to citizen-initiated complaints, bureau-initiated complaints involve a relatively high proportion of sustained allegations—53% of the allegations on bureau-initiated complaints closed in 2003 resulted in a sustained finding.
- Of the bureau-initiated complaints closed in 2003, allegations of inappropriate off-duty behavior and unsatisfactory work performance received the highest number sustained findings, followed by mishandled property and warrantless search and/or seizure.

Bureau-Initiated Complaints

Central Precinct Assault Investigation

Two off-duty Portland Police Bureau officers criminally assaulted another patron of a downtown club. Although there was a significant police response to the assault, no reports were written and no referral was made to Internal Affairs or Detective Division for either a criminal or an administrative investigation.

Several weeks after the incident, the Independent Police Review Division (IPR) received an anonymous complaint regarding the assault. An IPR Intake Investigator reviewed the complaint and verified through computer aided dispatch records that an incident did, in fact, take place. A single one-sentence special report was located which referenced the booking into evidence of two polaroid photographs. The photographs contained visual evidence of the victim's substantial injuries.

The IPR forwarded the complaint to the Internal Affairs Division for their review and handling. Upon locating and reviewing the photographs of the victim's injuries, the IAD Captain ordered reports be written by the responding officers. As a result of this order, the first responding officer wrote a detailed report that established a criminal assault had likely been committed. The case was immediately transferred to the Detective Division for a criminal investigation.

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

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. During the course of the criminal investigation, it was discovered that the anonymous letter was written by a Bureau employee.

The IPR Director actively participated in the administrative investigation as a member of a Multi-Disciplinary Team (MDT) created by the Assistant Chief who supervised Internal Affairs. The team was charged with the task of overseeing the internal investigation and recommending what allegations would be investigated. In addition to the IPR Director, 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 and the Detective Division.

At the conclusion of the investigation, the *Review Level Committee* made findings. Under normal circumstances, proposed findings are made by a Bureau Commander and then forwarded to the *Review Level Committee*. Given that there were allegations made against a Bureau Commander and an Assistant Chief, the *Review Level Committee* was given this task. Assisting in the discussion was the IPR Director, a representative of the City Attorney's Office, a representative of the Bureau of Human Resources, the Internal Affairs Captain and his investigators, as well as the Detective Division Commander and his investigators. The *Review Level Committee* subsequently met, without the involvement of the non-voting advisors, and made recommendations to the Chief of Police as to the discipline to be imposed.

On March 6, 2003, former Chief Kroeker announced that he had proposed discipline for seven members of the Police Bureau, including: one Commander, two Lieutenants, three Sergeants, and one Officer. The proposed discipline was announced to range from demotions and suspensions to letters of reprimand. Due process meetings were subsequently conducted by the Chief and the discipline imposed varied slightly from the proposed discipline.

Police Officer Initiated Use-of-Force Investigation

Two police officers were on patrol when they heard a loud noise and drove to investigate. They saw an unknown person walking on the sidewalk who upon observing the patrol car jumped over a fence into the backyard of a residence. Suspecting that this unidentified person had committed a crime, the officers gave chase. Officers ordered the person to stop and engaged in a foot pursuit. After a lengthy foot pursuit the individual finally stopped and got down on his knees into a prone position.

Two officers took control of the individual's arms and began to handcuff him. One officer handcuffed the subject's left hand and began to handcuff the right hand when a third officer arrived at the scene. The third officer, who had rushed to the scene as a result of a radio broadcast indicating that officers were engaged in a pursuit, approached the subject and kicked him in the head with his foot. At the time of the kick, the subject was not resisting. The subject later complained of head and neck pain and asked why he was kicked. The subject refused medical attention.

The two witness officers advised their supervisor of the incident and a special report was written which included their observations relating to the unnecessary kick. The officer who kicked the subject was also ordered to write a report, wherein he wrote that the subject "swung his head into my foot." The police reports were approved by a supervisor and forwarded to the Precinct Commander who forwarded the reports to the Internal Affairs Division.

A Police Bureau IAD investigation was initiated within three weeks of the incident. At this point in time, the subject had not made a complaint with either the IPR or IAD. After the subject was interviewed by the IAD investigator, he contacted the IPR to make a complaint. He was informed by the IPR that a complaint had already been opened and he would be kept advised of the progress of the investigation.

The involved officer was interviewed by Internal Affairs. A *redacted* copy of the investigation (deleting all references to the compelled statement of the officer) was referred to the District Attorney's Office for possible prosecution. The District Attorney's Office declined to pursue charges citing the victim's failure to cooperate and the lack of any provable injury.

The officer was eventually found to be involved in an out-of-policy use of force and found to be in violation of the Police Bureau's policy relating to truthfulness. The IPR Director participated in the Review Level Committee meeting regarding the findings and the proposed discipline. The Chief proposed termination, a due process meeting was held and the officer was terminated.

While the IAD investigation was in progress, the subject obtained civil counsel. Three months after the incident, he filed a tort claim with the City's Risk Management Division. The City eventually agreed to settle the subject's claim for \$17,000.

Television News Program Results in a Bureau-Initiated Use-of-Force Investigation

A local television news program caught footage of a Portland Police officer pushing a juvenile subject (who had just led police on a high-speed pursuit) against the side of his patrol car. The news station footage was unclear, but the news reporter suggested that the amount of force used on the subject might be excessive. In addition, the story was covered by a local newspaper, wherein the subject was interviewed and claimed that the force used was excessive.

After reviewing the news footage and conferring with the IPR Director, the Chief's Office initiated an Internal Affairs investigation. The subject of the use-of-force never filed a complaint with the IPR.

The Internal Affairs investigation included the interview of the subject of the use-of-force, the officer accused of using excessive force and a witness officer who assisted as a cover officer on the incident. In addition, the videotape footage was included in the Internal Affairs investigation. Still photographs were taken of the progression of the video segment so that the video could be viewed frame by frame.

The officer told Internal Affairs that he pushed the subject *very firmly* against the side of the car when the subject started to pull away from him. The officer noted that they were on the freeway and there was a lane of traffic open. The officer stated: "he started to pull, I pushed" and asserted that this action was required in order to regain physical control over the subject.

A finding of *insufficient evidence* was made by the Precinct Commander. The Precinct Commander noted that the statement of the subject of the use-of-force was inconsistent with the testimony of the two involved officers. Although he noted that at least one allegation made by the subject, that his head was slammed against the car, was disproved by the videotape, he noted, however, that he could not determine from viewing the videotape whether the subject or the officer initiated the movement that resulted in the subject being pushed against the officer's car. He noted problems with the quality of the videotape footage in this regard. The IPR asked the complainant if he wanted to be advised of the findings, but he never responded.

Domestic Violence Investigation

An officer was arrested for domestic violence committed against another Bureau employee. The officer was convicted and resigned from the Police Bureau. During the course of the criminal investigation and prosecution, a prior incident of possible domestic violence was uncovered that had gone unreported to Bureau managers.

An Internal Affairs investigation was initiated to determine whether misconduct occurred in the failure to arrest the employee at the time of the prior incident, to report the incident to Bureau managers or in the documentation of the incident in Bureau records.

The investigation disclosed that the responding officer failed to take appropriate action at the scene of the disturbance, that a supervisor failed to advise Bureau managers of the incident and that another supervisor failed to maintain the integrity of the record-keeping process.

The Review Level Committee recommended discipline ranging from a written reprimand to suspension without pay for several employees. Discipline ranging from command counseling to suspension without pay was ultimately imposed.

Police Officer Terminated for Claiming Travel Expenses that were not Incurred

An officer contacted Internal Affairs to report that a superior officer instructed him to submit travel receipts in support of reimbursement for meals that had been paid by another party. An Internal Affairs investigation was initiated.

The IAD investigation disclosed that the supervisor had submitted numerous receipts for reimbursement for meals that had been paid for by the sponsor of the trip. Blank receipts were obtained from a hotel restaurant and then submitted to document expenses that had never been incurred. The amount sought for reimbursement was slightly over \$100.

In addition, the supervisor instructed a subordinate to submit receipts for expenses not incurred.

A Multi-Disciplinary Team (MDT) was convened by an Assistant Chief after the Chief recused himself from consideration of the case due to a personal relationship with the accused officer. After conferring with the MDT (which included the IPR Director, the City Attorney's Office, Personnel Division, and the Investigating Officers) the Assistant Chief recommended termination. Following due process procedures, the officer was terminated.

Bar Fight Investigation

An off-duty officer became involved in an altercation in a restaurant in Washington County. The victim of the altercation called police and alleged that the officer and an associate had assaulted him. Hillsboro Police were called and conducted a criminal investigation. During the course of this investigation, the officer refused to cooperate or make a statement. Hillsboro officers alleged that the officer was sarcastic and discourteous towards the investigating officer.

The Washington County District Attorney declined to prosecute the case based upon insufficient corroboration for the victim's statements. The Bureau initiated an Internal Affairs investigation upon receipt of the Hillsboro police reports.

During the course of the internal investigation, the officer admitted to making disparaging comments to the victim and thereby contributing to inciting a fight with the victim.

The Precinct Commander concluded that there was insufficient evidence to prove that the officer was actually involved in the physical part of the altercation. In addition, the officer was exonerated for leaving the scene as it was determined that the officer was unaware that the police had been called. The officer was also exonerated for failing to cooperate in the criminal investigation, because he had the constitutional right to refuse to do so.

The officer was sustained, however, for helping to incite a fight and acting discourteously towards the Hillsboro Detective. The Chief recommended a suspension without pay, and that was the discipline imposed following a due process meeting.

Commendations

With the creation of the IPR, it became easier for a community member to file a complaint against a member of the Portland Police Bureau. In the interest of providing a more balanced view of the Police Bureau's service to the community, the IPR added the option of filing a commendation regarding a PPB officer to the IPR's complaint form and via the websites of both the IPR and the PPB. In 2003, the IPR began compiling and tracking citizen and Police bureau-initiated commendations. This is the first report where we have had the opportunity to summarize some of the commendations made regarding excellent public service provided by PPB officers.

A *PPB-initiated commendation* is defined as a commendation made by a Police Bureau supervisor or employee, a supervisor or employee of another policing agency or any other governmental official or employee acting in his or her capacity as such. A *citizen-initiated commendation* is defined as a commendation made by any other person, not acting in an official or governmental capacity.

Cases were taken from a list of randomly selected commendations received in 2003.

Number of Commendations Filed in 2003

	Filed by a Community	Filed by PPB/Other Gov. Agency	Total
Number of Commendations Filed that Named One or More PPB Employees	132	142	274
Number of PPB Employees Named in Citizen and PPB Commendations	189	394	583

- In 2003, 274 commendations were filed that named 583 PPB employees. Of those, 132 commendations naming 189 employees were filed by individuals outside of the Portland Police Bureau.

Number of Officers Receiving Commendations in Calendar 2003

Officer Precinct	Filed by Community	Filed by PPB/Other Gov. Agency	2003 Total
East	36	70	106
Southeast	32	71	103
Central	25	48	73
North	5	56	61
Tactical Operations Division	4	45	49
Northeast	17	21	38
Detective	9	12	21
Traffic	6	10	16
Drug and Vice Division	8	7	15
Training Division	1	11	12
Identification	2	6	8
School Police	0	7	7
Tri-Met	4	8	12
Telephone Reporting Unit	1	4	5
PPB General	31	0	31
Other	8	18	26
Total Number of PPB Employees	189	394	583
Number of Commendations	132	142	274

- Overall, officers from East Precinct had the largest number of officers named in commendations filed by community members, while Southeast Precinct officers were named in the largest number of commendations filed by PPB supervisors.

Examples of Commendations Filed by Members of the Community

Filed by a community member who was grateful for the service she received from three officers who were dispatched to a domestic disturbance at her home: "The officers were at my house...for a domestic disturbance. My husband tried to hit me with a metal baseball bat. I was not in a good frame of mind, and not thinking about my safety with clarity. The officer gently and patiently talked with me, for what seemed like a long time and listened to me in a brotherly fashion. It helped me think more clearly and come out of my fearful/confused state of mind...The officer is a very good negotiator, communicator, and officer. The two other officers were serious (as the situation called for) and maintained focus on my safety and distanced [my] husband from me. I am blessed that the three of them arrived quickly and took care of the situation as they did..."

Commending the Police Bureau and the Mayor on their response to the 2003 anti-war protests: "...I would like to compliment the PPB and Mayor Katz for how well they've handled these people, with respect and restraint. I would encourage more of the same. It's a tough job and you are doing it well."

Filed by a husband and wife who commended an officer for the service she provided on a fraud investigation: "We wish to commend the officer for the expert job she did on our check frauds that we were faced with. We can't thank the police enough for having people like her on the force."

Filed by a community member who was pleased with the arrest of an individual who had stolen mail (including an income tax return) from his mailbox. The officer was also complimented on how quickly he was able to get the stolen mail returned to the victim.

Filed by a community member for the service provided by an officer after her son died unexpectedly: "I wish to commend the officer for his calm, humane demeanor and actions when my son died suddenly last month. He took the time to talk to us and to our grandson in a friendly, simple and kind manner, and to relate personal things which applied. We were very grieved, shocked and distraught and his thoughtfulness was very appreciated."

Filed for an officer who participated in a summer program for young men: "The officer has a quiet, concerned yet firm manner, which helped to encourage the young men to ask questions. The questions led to discussions, which assisted youth, volunteers and staff to develop better understandings and different perspective[s] regarding the challenges of not only youth but also police officers. Some of the discussions included understanding the law, the rights of youth and appropriate behavior if stopped by the police....We truly appreciate the work done by the officer and we wanted you to know."

A local professional association filed this commendation thanking an officer for giving a presentation during one of their monthly luncheons.

Filed by a community member who came into contact with officers after being robbed and assaulted: "I wanted to write and thank the officers who were very nice to me...the night I was robbed and assaulted by three men...The officers were very nice and professional and they made an awful experience a little better."

Community Commendations (cont.)

Commending an officer for his efforts to have a public nuisance removed from her neighborhood: "I'm writing this in appreciation of the work that the officer has done to eliminate a public nuisance in my neighborhood. A covered stairwell...was attracting people who gathered to drink and use drugs. The officer's work in my neighborhood is community policing at its best."

Filed by a community member who was pleased with an officer's helpfulness: "Called 911, saw elderly man laying on sidewalk, stressed, bleeding from the knee area, and would not respond when spoken to. Officer was compassionate, businesslike and great."

Filed by a community member who is grateful to the officer who responded to an accident involving the death of her dog: "Sad accident, car hit my dog as she was going across the street, and the officer was kind, compassionate, and well trained."

Filed by a community member to commend the officer who assisted her in writing a report to recover personal property that had been stolen from her son: "The officer made the report, and was so calm that it calmed me down. This is a difficult time for police in Portland, and I wanted to say thank you to one very fine gentleman."

Regarding the investigations department of the PPB: "I have closely monitored a number of high-profile investigations that have been handled by the officer. I have been particularly impressed by the officer's by-the-book investigations and her uncompromising sense of ethics and propriety."

Filed for an officer who has taken charge of creating community collaborations with the Boys & Girls Clubs, and took the lead in a program named "Shop with a Cop" which enables low-income youth to shop on Saturday mornings with local law officials.

Examples of Commendations Filed by Police Bureau Supervisors

For an officer who observed a person matching the description of an armed robbery suspect: the officer successfully held the suspect at gunpoint until cover officers arrived, where he was peacefully taken into custody. The suspect was later identified as the perpetrator by the victim, and the stolen goods and money were successfully recovered.

For an officer who, while responding to a report of shots fired observed a vehicle matching the description of the suspect vehicle. The officer conducted a traffic stop and developed probable cause to arrest the occupants for narcotics violations. The suspects were successfully taken into custody.

Complimenting an officer for using less lethal force to disarm a suicidal woman armed with a kitchen knife: this officer, along with several others, was conducting a welfare check on a suicidal woman who had told a social worker over the phone that she had taken pills, stabbed herself in the stomach, and cut her wrists and feet. When officers arrived at the apartment, the women confronted them with a large kitchen knife. She did not respond to commands to drop the weapon and advanced within six feet of the officers. This officer, using a bean bag shotgun, shot the women twice in the leg, causing her to drop the knife. The women was then successfully taken into custody and transported to a local hospital and psychiatric facility with only minor cuts.

For multiple officers who were part of an arrest team that successfully arrested a suspected bank robber: the officers were praised for the quick and decisive way in which they made a forced entry into a vacant apartment where the suspect was staying. The suspect fled through the front door and was quickly taken into custody.

Naming four officers who successfully arrested a subject who was wanted for numerous warrants, credit card fraud, and vehicle theft: the officers determined that the suspect, who had eluded capture following a foot chase on a previous occasion, would likely be at a specific residence. They made contact with the owner of the residence and persuaded him to allow the officers to search the house. The officers discovered the suspect in sleeping in an upstairs bedroom. The officers took him into custody and recovered stolen wallets, cell phones, drugs, and other property.

Commending an officer who had been dispatched to a residence after it was reported that armed men were attempting to gain entry unlawfully: once the officer arrived at the residence, he interviewed the owner and discovered that the "real reason" the men were attempting to gain entry involved drugs and large amounts of money. The officer convinced the owner of the residence to allow a search of the house. During the search, a "medium size" amount of drugs and drug manufacturing equipment was discovered. The officer was also able to obtain statements from the residence owners that substantiated drug use and sales, which resulted in two felony arrests and the removal of dangerous chemicals.

PPB Commendations (cont.)

Naming six officers who were part of an arrest team that successfully arrested an armed suspect who was also a violent felon with past convictions.

For an officer who, during a traffic stop, seized a multitude of controlled substances, and led to the arrest of two mid-level drug dealers.

For an officer who responded to a series of reports that a registered sex-offender was pursuing a minor child via the Internet. The unusual relationship was discovered by the parents monitoring the minor's computer activities. After the interview with the minor, enough information was gained to violate the suspect's parole. The suspect was arrested and his computer seized.

Timeliness of Complaint Handling

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

There was an overall increase in efficiency in the processing of citizen complaints. In particular, there were improvements in the speed of intake, service complaints, command review, and review level.

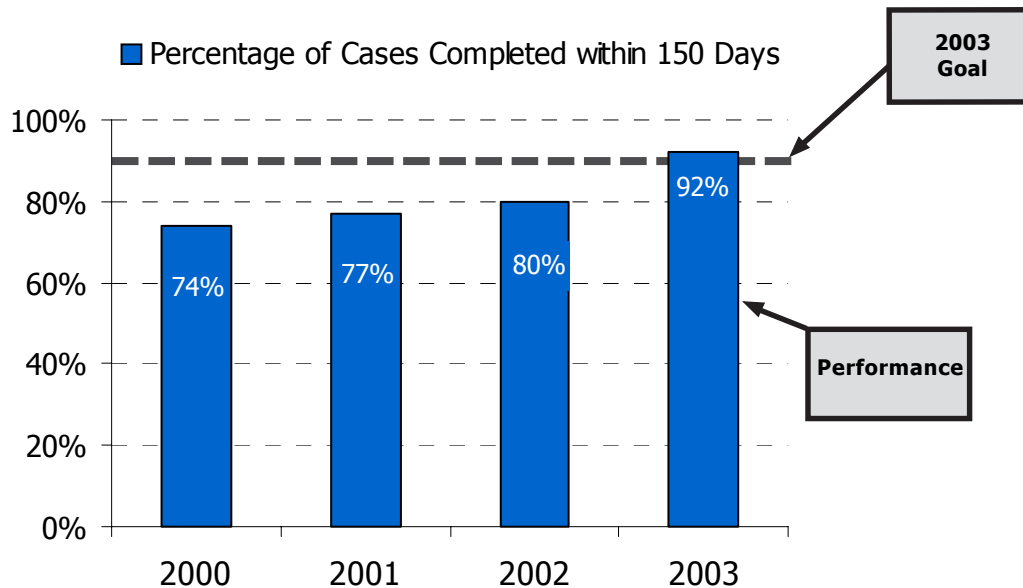
However, there were profound drops in the timeliness of IAD declines, assignments, and investigations. This drop in timeliness is likely the result of a reduction in IAD staffing in the course of the year and high turnover as a result of retirements and transfers from IAD. In addition, there was an increase in IAD workload as a result of a higher number of bureau-initiated complaints. In order to improve IAD timeliness, the IPR has worked with IAD staff to implement a shared case-tracking database. Using this database, IAD staff now have the ability to run routine reports that show how long each open case has been pending at any particular stage in the complaint process. These reports should allow IAD staff to more easily identify and act on cases that are likely to reduce IAD's ability to achieve its timeliness goals.

Performance Goal for Closing All Citizen Complaints

GOAL: The IPR and IAD currently have a goal of completing 90% 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.

**Timeliness of Case Closure for
Complaints Reported 2000-2003⁷**



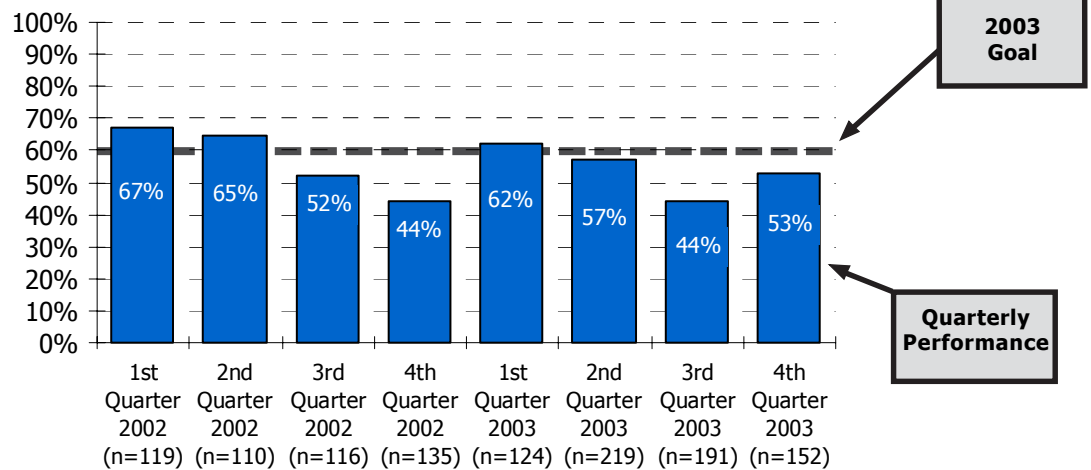
- The percentage of complaints closed within 150 days increased from 80% in 2002 to 92% in 2003.
- This increase in timeliness was likely driven by several factors. First, there was an improvement in the timeliness of PPB service complaints. In addition, the increase in the number of IPR declines, which are typically completed within 21 days, was also a factor in improving performance in this area.

Performance Goal for Intake Investigations

GOAL: The IPR currently has a goal of completing 60% of all intake investigations within 14 calendar days of the receipt of the complaint, and 90% within 21 days.

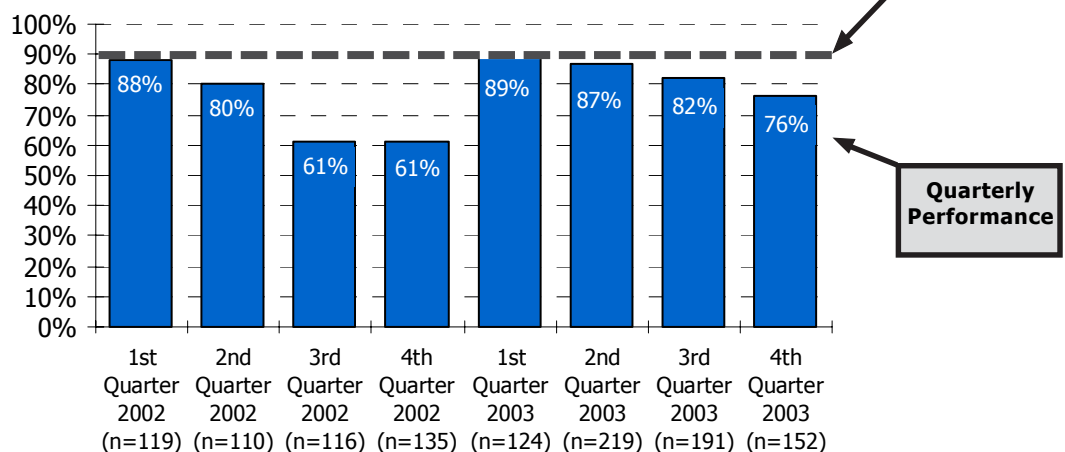
MEASUREMENT: This is measured as the number of days from the date the IPR receives the complaint to the date the IPR Director makes an intake decision.

Intake Goal #1: 60% of Intakes within 14 Days



- There was a significant increase in the timeliness of intake investigations between the fourth quarter of 2002 and the first quarter of 2003. However, with the exception of the first quarter 2003, the IPR was unable to achieve either its goal of completing intake investigations within 14 days or 21 days.

Intake Goal #2: 90% of Intakes within 21 Days



IPR Strategies for Improved Timeliness

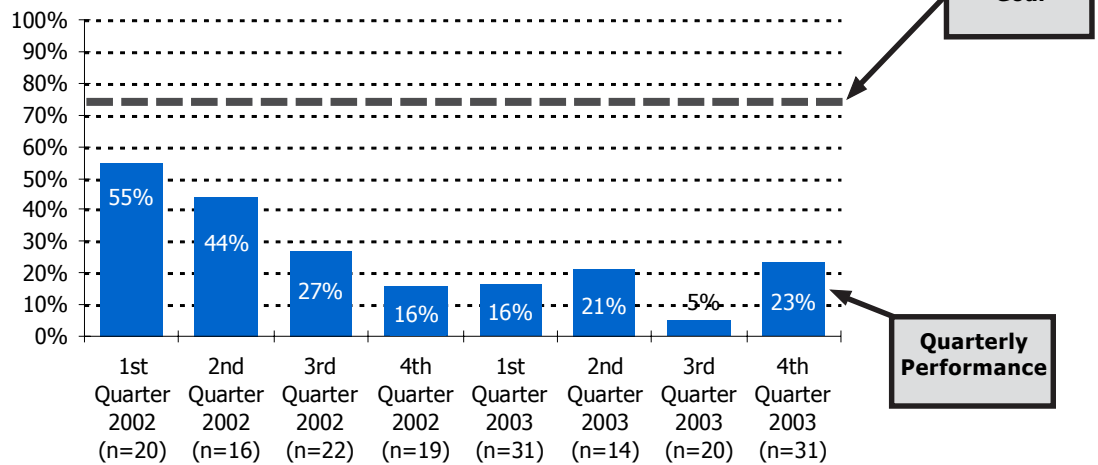
- Several factors contributed to the increase in intake timeliness at the beginning of 2003. First, the IPR's Deputy Director began conducting intake investigations at the end of 2002 on an almost full-time basis. Even though this strategy reduced the ability of the Deputy Director to participate in other areas of the IPR program (e.g. appeals, policy reviews, public outreach), the addition of a third intake investigator brought about a relatively quick increase in intake timeliness. The second strategy the IPR employed was to begin sending contact letters to difficult-to-reach complainants immediately after the second unsuccessful attempt at phone contact (previously, investigators gave complainants a week or more to respond to phone messages before they sent out contact letters). These letters inform the complainant that they need to contact the investigator within seven days of the date they receive the letter (the IPR previously told complainants they had 21 days to respond). The use of *7-day* contact letters has produced a noticeable improvement in the responsiveness of some complainants. The third strategy involved the development of weekly database reports (at the end of 2002) that are distributed to each of the intake investigators. These reports list all complaints assigned to each investigator and the number of days they have been at intake. This has helped the investigators prioritize their workload and ensure that most intake investigations are completed in a more timely fashion.
- Even with these strategies, timeliness dropped over the course of 2003, mostly due to a very large increase in workload. In 2002, the IPR completed 492 intake investigations. In 2003, the IPR intake investigators completed 735 intake investigations. In addition, in the last quarter of 2003, staff vacations and medical leaves reduced the number of hours available to conduct intake investigations.
- In order to improve the timeliness of intake in 2004, the IPR has begun the process of having IPR clerical staff produce some of the routine correspondence that the intake investigators currently send to complainants (e.g. complaint acknowledgment and status letters). Reducing the amount of time that IPR investigators spend on routine correspondence should allow them to focus more of their time on completing intake investigations. In addition, in those cases where a written complaint is received and there is sufficient information in the complaint to make an intake decision, no intake interview will be conducted. The IPR will instead send a letter to the complainant advising how the complaint has been handled.

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 95% within 45 days.

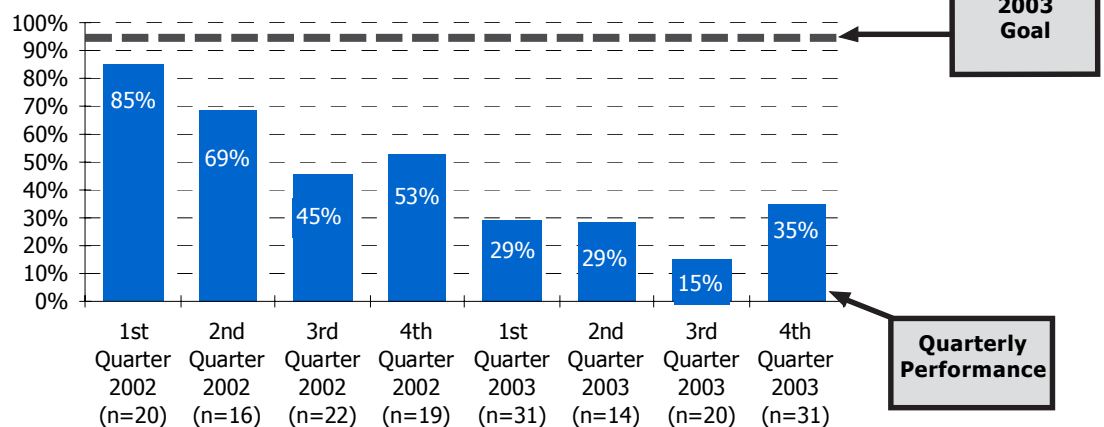
MEASUREMENT: This is measured as the number of days from the day the case is hand-delivered to IAD to the day the IPR receives the declined case back from IAD with the declination letter.

Decline Goal #1: 75% of Declines within 30 Days



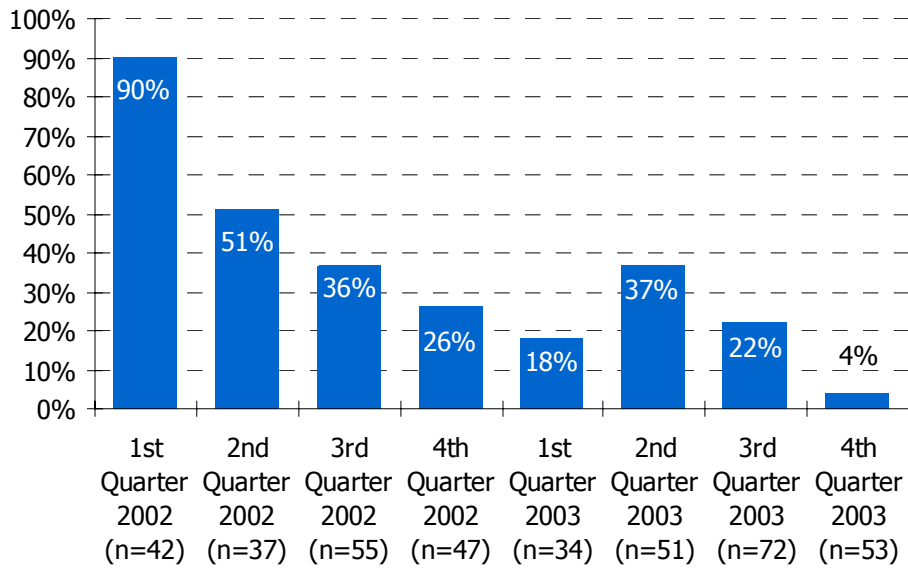
- The timeliness of IAD declines dropped dramatically throughout most of 2002 and 2003. There was, however, an increase in timeliness in the fourth quarter of 2003.

Decline Goal #2: 95% of Declines within 45 Days



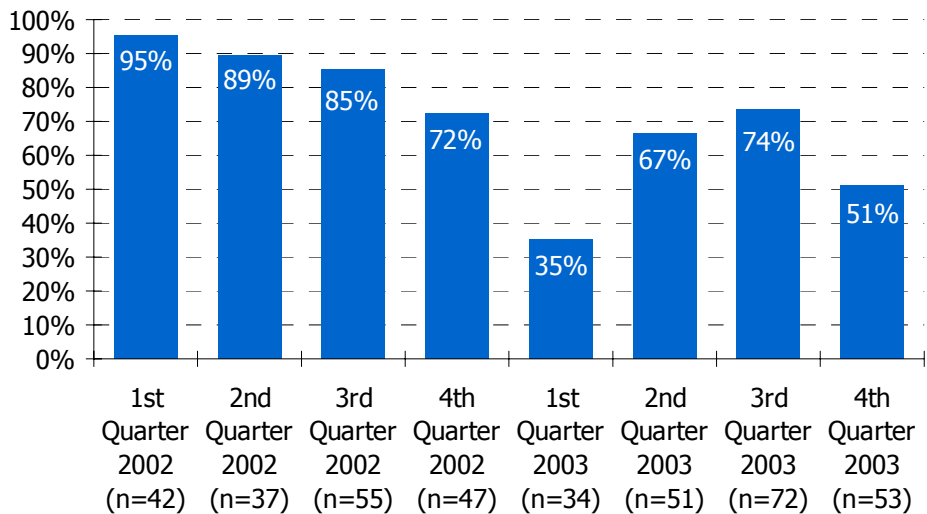
Timeliness on IAD Case Assignments, Excluding Declines

■ Percentage of IAD Assignment Completed within 14 Days



- Like declines, the timeliness with which IAD assigned cases for investigation or service complaints declined between 2002 and 2003.

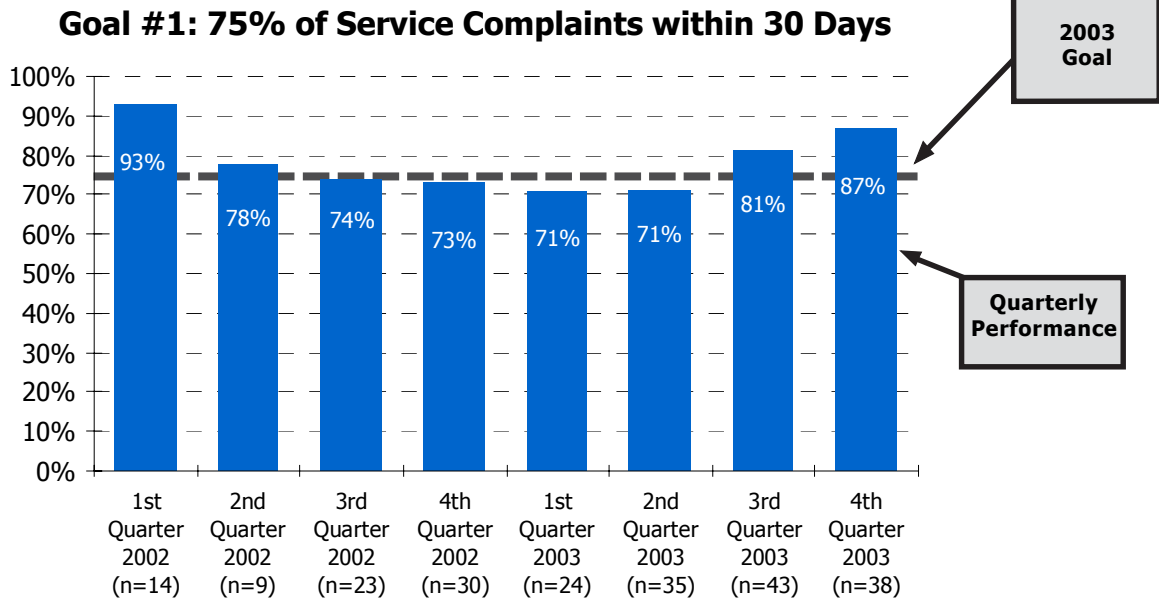
■ Percentage of IAD Assignment Completed within 30 Days



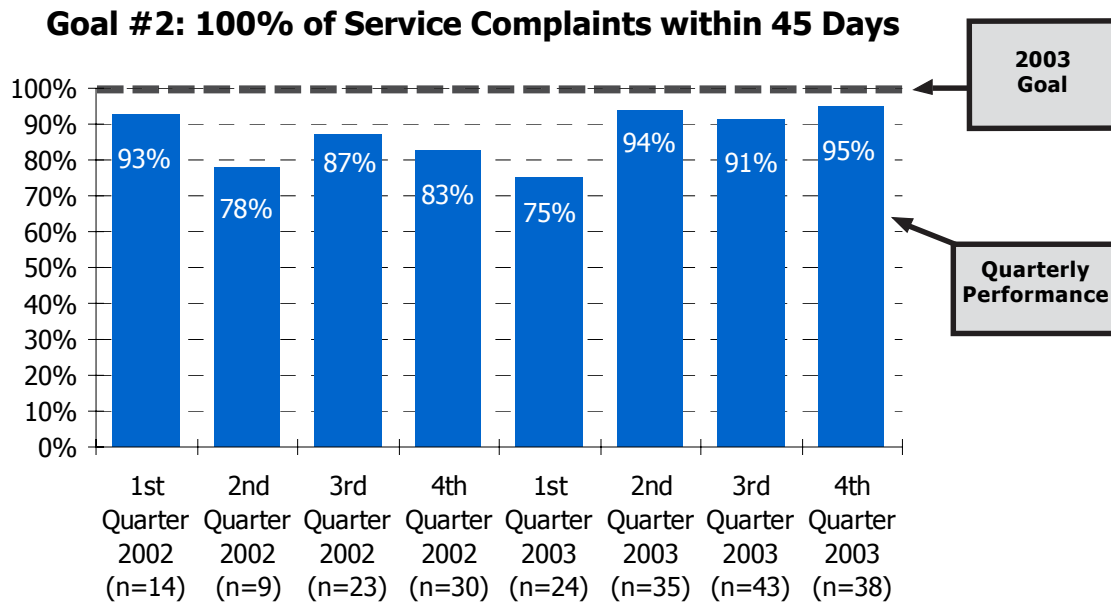
Performance Goals for PPB Completion of Service Complaints

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 assigned as a service complaint by the IAD Captain and ending with the day the precinct supervisor completes the service complaint.



- There was an improvement in the second half of 2003 in the timeliness of service complaints. IAD achieved its first goal of completing 75% of service complaints within 30 days in all four quarters of 2003.



- Even though IAD did not achieve its goal of ensuring that 100% of service complaints were completed within 45 days, there was noticeable improvement in the last three quarters of 2003 in the percentage of service complaints completed within 45 days.

Percentage of Service Complaints Completed within Timeliness Goals by Precinct

Precinct	Number of IAD Service Complaints Completed in 2002	Number of IAD Service Complaints Completed in 2003	Percent Completed Within 30 Days in 2002	Percent Completed Within 30 Days in 2003
Central	18	37	89%	84%
Southeast	14	23	100%	87%
East	13	17	46%	71%
Northeast	11	17	64%	71%
North	4	9	75%	56%
Other Division	16	37	81%	81%

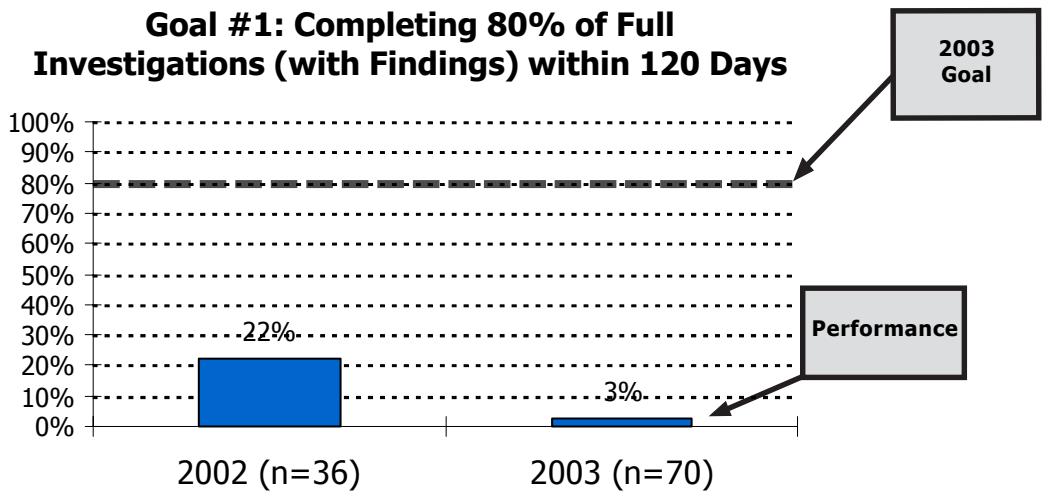
- Overall, Central and Southeast Precincts were the most efficient at completing service complaints in 2003, while North Precinct was the least efficient.

Performance Goals for PPB Completion of Full Investigations with Findings

GOAL: PPB currently has a goal of completing 80% of all work on investigations within 120 calendar days of the date the case was referred to IAD, and 95% within 150 days.

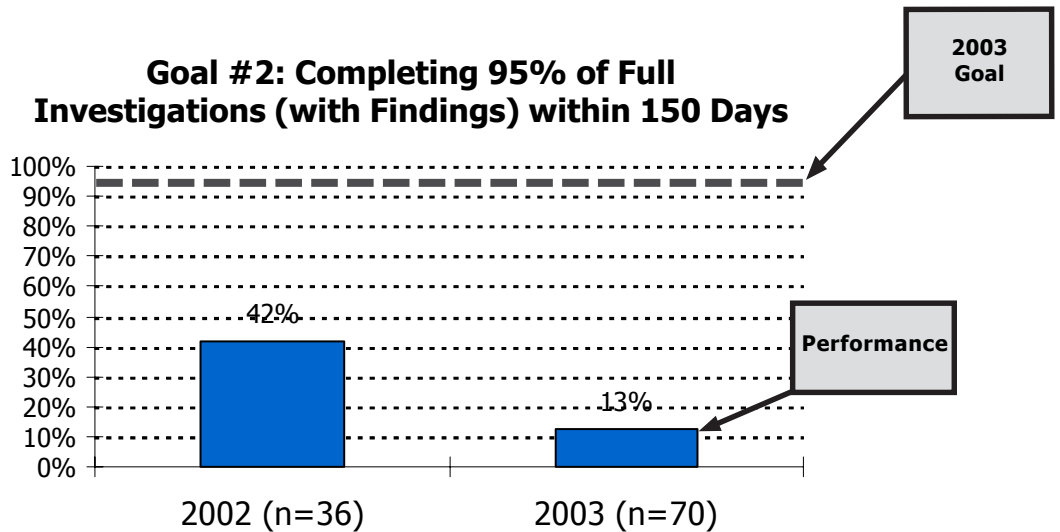
MEASUREMENT: This is measured as the number of days from the day the case is hand-delivered to IAD to the day the IPR receives the completed case (including findings) from IAD.

Goal #1: Completing 80% of Full Investigations (with Findings) within 120 Days



- There was a strong drop in the timeliness of full investigations between 2002 and 2003. In 2002, roughly 22% of full investigations were completed within 120 days and 42% were completed within 150 days. However, in 2003, only 3% of full investigations were completed within 120 days and 13% were completed within 150 days.

Goal #2: Completing 95% of Full Investigations (with Findings) within 150 Days



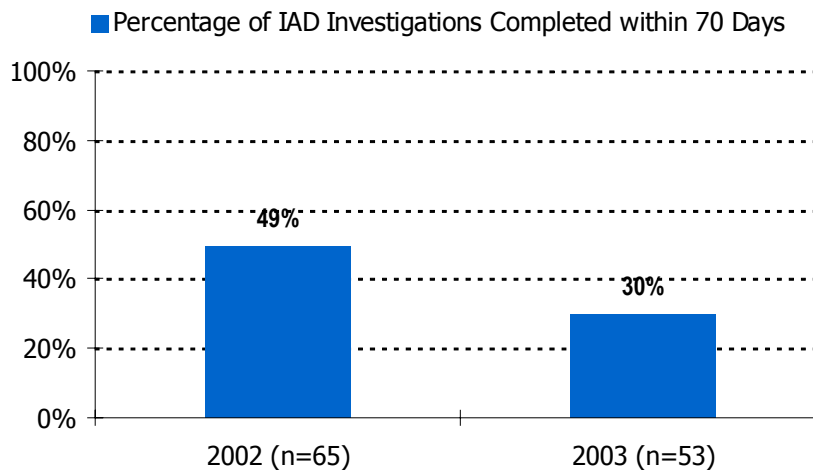
Timeliness of the Three Stages of Investigation

There are essentially three stages to the PPB investigation process: IAD investigation, command review, and review level (for complaints where a commanding officer recommends a sustained finding).

IAD Investigations

If the IAD Captain decides to initiate a full investigation of a complaint, then the case is assigned to an IAD sergeant for investigation.

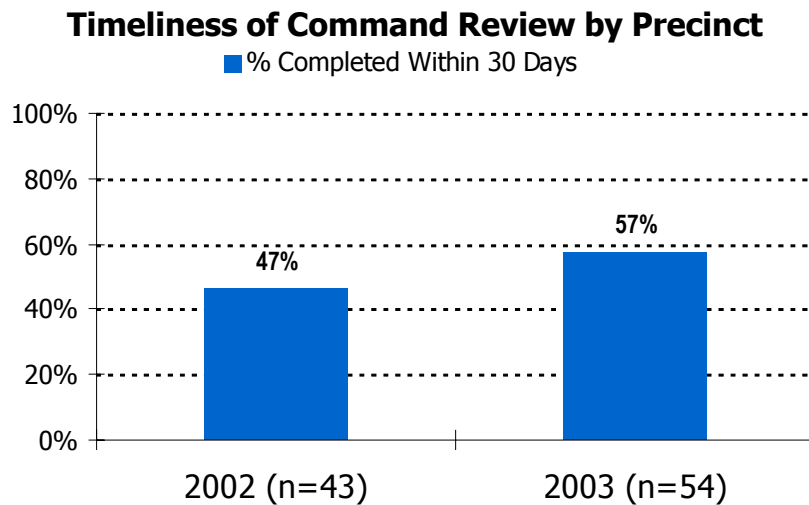
Percentage of Investigations Completed by IAD Sergeants within 70 Days of Assignment by the IAD Captain



- There was a decline between 2002 and 2003 in the timeliness of IAD investigations. The untimeliness of IAD investigations into citizen-initiated allegations is the main contributor to the overall untimeliness of the full investigation process.

Timeliness of Command Review Process

After IAD completes the investigation, an investigation report is sent to the officer's commander for a recommended finding. PPB Directive 330.00 indicates that a commanding officer should make a finding within two weeks of receiving an investigation. After making the findings, the commanding officer is directed to send the investigation case file with recommended findings to the Branch Manager (an Assistant Chief) for review. Using the criteria established by Directive 330.00, this command review process should take no more than 30 days.



- The timeliness of command review improved in 2003. In 2002, 47% of command reviews were completed within 30 days. In 2003, 57% of command reviews were completed within 30 days.
- Southeast, North, and Central Precincts were the most efficient at completing command review. East Precinct was the least efficient.

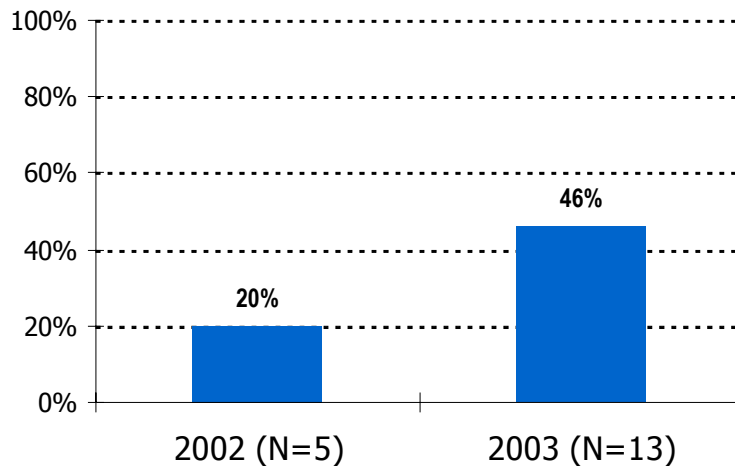
Timeliness of Command Review by Precinct and Year⁸

Precinct	Completed Findings in 2002	Completed Findings in 2003	Percent Completed Within 30 Days in 2002	Percent Completed Within 30 Days in 2003
Central	9	21	67%	76%
Southeast	8	6	88%	83%
Northeast	6	9	33%	44%
East	4	8	0%	0%
North	3	2	100%	100%
Other	13	8	15%	50%
Overall Timeliness	43	54	47%	57%

Review Level Timeliness

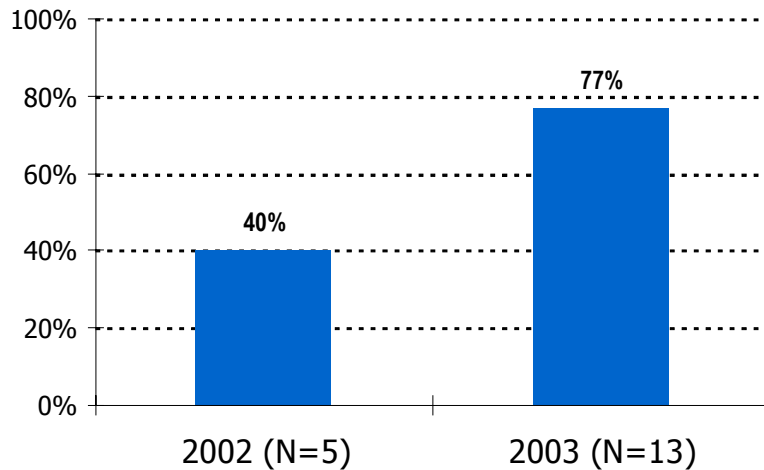
If a commanding officer recommends that a finding be sustained, and the Branch Manager agrees, Internal Affairs forwards the complaint to the *Review Level Committee*. Currently Directive 330.00 does not articulate timeliness goals for Review Level.

Percentage of Review Level Findings Issued within 45 Days



- The efficiency of review level increased in 2003. In 2002, only 20% of Review Level findings on IPR citizen complaints were issued within 45 days. In 2003, 46% of Review Level findings were issued within 45 days.

Percentage of Review Level Findings Issued within 90 Days



Mediation

“It’s a chance to hear what the other really has to say and clear up misunderstandings.”

— a Portland police officer after mediation

“... I think any opportunity to speak our differences rather than simply punishing or complaining is vital if we are to have peace in our community. “

— a citizen after mediation

Not everyone who has a complaint against a police officer wants to see the officer punished. The goals of some complainants are simply to understand why an officer took a particular action, or to be able to explain their own actions. Others want to retain some control over how the complaint gets handled, rather than turning the complaint entirely over to others for decisions and resolutions. Some believe that taking an adversarial approach is not constructive or ultimately helpful to anyone. When it comes to how to resolve complaints against the police, one size does not fit all, and that is why the IPR offers mediation as an alternative to the traditional complaint process.

The IPR began offering mediation as an alternative means of resolving complaints against police officers in the last quarter of 2002. By the end of 2002, only one case had been mediated. As a consequence, our report on the mediation program in the 2002 Annual Report focused primarily on how the program had been designed and developed. We are pleased to report now on the first full year of the IPR’s citizen-police mediation program, which has quickly established itself as one of the most active and successful programs in the country.

The Citizen-Police Mediation Program

The Historical Context

The past 30 years has seen significant growth in mediation as an alternative means of resolving disputes in many fields, including neighborhood and employee grievances, public resource issues, small claims, and family and criminal court cases. Mediation of citizen-police disputes has lagged behind, however. Few citizen-police mediation programs exist in the United States, and most handle only a very small number of cases. This is ironic since by their nature, many citizen complaints against police are particularly well suited to mediation.

According to a national study of citizen-police mediation programs (Walker et al, 2002), out of a total of more than 17,000 U.S. law enforcement agencies, only 16 jurisdictions had mediation programs for citizen complaints as of 2000, and most of those mediated only one or two cases per year.

Mediation of citizen-police disputes first began in Portland in 1993, with a pilot program operated through the Neighborhood Mediation Center (NMC). If the Internal Affairs Division of the Police Bureau believed one of the complaints they were investigating was suitable for mediation, they sent it to the NMC. The staff of NMC then contacted the parties and scheduled the mediations with volunteer neighborhood mediators.

The pilot project ran from 1993 through 2001. Although only 14 cases were mediated during all those years, nearly all participants reported that they were pleased with the process, and felt

mediation was valuable and worthwhile. An evaluation of the pilot program in 2001 identified the need for dedicated staff and funding, clear-cut case selection criteria, case-handling procedures, and performance measurements. The Neighborhood Mediation Center was assigned to conduct the mediations but not given any additional funds or staff to do so. Additionally, it often took some time before IAD routed cases to mediation in the first place. As a consequence, timeliness was a serious problem: cases often took up to a year to be mediated.

A strong mediation program was a priority issue in the development of the Independent Police Review Division in 2001. The ordinance creating the IPR included a provision for citizen-police mediations.

The task of building and managing the mediation program was assigned to the Community Relations Coordinator. The IPR citizen-police mediation program was developed after careful consideration and discussion with mediation professionals, police managers, union leaders, the Citizen Review Committee, and after researching existing and past mediation programs to identify best practices and avoid common mistakes.

The IPR engaged in significant outreach efforts to educate officers about mediation and address their concerns. In order to provide meaningful incentives for officers, the IPR mediation program is offered as an alternative to the traditional complaint process. If an officer mediates, there is no Internal Affairs investigation, no disciplinary action, and

no record of the complaint on the officer's service record. (The IPR does keep records of mediated cases, however, as part of our overall tracking of complaint cases, for program management purposes, and for purposes of evaluating case assignments.) After the mediation is completed, the case is closed and cannot be appealed.

The IPR contracted with professional mediators to ensure they would have the skill and experience to make the mediation sessions constructive. Excluding IPR staff time, the cost associated with achieving 20 successful mediations in 2003 was roughly \$160 per mediation.

How Mediation Cases are Selected

Case selection for mediation is part of the intake process for all complaints received by the IPR. The only cases categorically excluded from the mediation process are those involving allegations of police corruption, where there is evidence of criminal conduct on the part of an involved officer, where an officer is a witness against a complainant in a pending criminal case, or where an allegation, if sustained, would result in the imposition of serious discipline such as termination, demotion, or a lengthy suspension.

Cases are reviewed by the IPR for suitability for mediation. The first concern is whether the complainant is willing to mediate. The second concern is whether the IPR and the Captain of the

Internal Affairs Division (IAD) believe mediation would be an appropriate and constructive way to address the complaint. Mediation is approved in those cases where the IPR and IAD believe that it is likely to (1) result in greater complainant satisfaction, (2) improve citizen understanding of police procedures and actions, (3) result in improved officer conduct, and/or (4) contribute to community policing goals of improved citizen-police relations.

Portland has adopted much more inclusive case selection criteria than most citizen-police mediation programs. Some programs categorically exclude certain types of cases from mediation as a matter of policy. For example, some programs exclude all cases alleging use-of-force, reasoning that inappropriate use of force is too serious an issue for mediation. However, in most cases the use-of-force by officers is determined *not* to have been inappropriate. In addition, the use-of-force by officers is often the result of failures in communication. Categorical exclusion of use of force cases means losing valuable opportunities for citizens and police to better understand each other's perspective, explore how they might prevent similar problems in the future, and for citizens to come to a satisfying resolution of their complaint.

Some programs exclude all cases involving allegations of racial discrimination or disparate treatment. Again, the reasoning is that such allegations – if true – are too serious for mediation. Although the IPR will not assign a case involving racial slurs or objective proof of discrimination for mediation, such allegations are often

impossible to prove; there is often no evidence beyond the complainants' perceptions or suspicions that they were treated a particular way based solely upon their race. An allegation that cannot be proven generally leaves the complainant's concerns unresolved. Mediation allows complainants an opportunity to address and resolve their concerns, it can help to increase officer sensitivity to those issues and perceptions, and help to repair the harm the incident may have caused in the relationship between police and the individual and their community.

Some programs exclude any officer who has received more than a certain number of complaints in a specific time period. The reasoning is that such officers may require aggressive action in the form of management intervention or the imposition of discipline. We have observed, however, that the number of complaints an officer may get is sometimes the result of the nature of their assignment. In addition, we are not convinced that the disciplinary system is in a better position to improve officer conduct than referrals to mediation. If we learn that a particular officer is not amenable to mediation, however, that officer will not be invited to participate in future mediations.

The decision to allow mediation is made after careful consideration of the characteristics of the individual cases. As much as possible, however, we make mediation available as an option in order to allow the involved parties to decide for themselves whether mediation is an appropriate or desirable way to resolve their concerns.

The Process

After the complainant indicates a desire to mediate, and if the IPR Director and the IAD Captain approve the case for mediation, IAD invites the involved officer(s) to mediate the complaint. If the officer(s) agrees, the complainant is contacted in order to verify that there is still a desire to participate. The case is then assigned to a mediator who schedules the mediation session. If the involved officers decline to participate, the case is returned to the normal complaint handling process.

The timing and location of IPR mediations are flexible to accommodate the needs and preferences of the parties. Most mediations are conducted in the IPR office, during officers' duty shifts; they are often scheduled for weekends and evenings. Mediations may also be conducted in community centers, churches, and other community locations.

Before the mediation begins, the parties are required to sign a consent-to-mediate form, which includes a confidentiality agreement. Upon the completion of the mediation, the parties and the mediator are given exit surveys, to permit effective management and evaluation of the mediation program. The IPR maintains a database of all complaints, including mediated cases, in order to collect and track a variety of data about complaints, complainant demographics, and involved officers.

To allow all parties to speak freely, the confidentiality of the content of mediation sessions is protected by law.

The typical mediation session is essentially a thorough analysis of the incident in question by the participants, with the assistance and direction of the mediators. The mediators begin by explaining the process and ground-rules, the primary of which are confidentiality, courtesy, and mutual respect. Each party is given the opportunity to describe their perspective of the incident. The mediators guide the discussion as needed to maintain a constructive dialog. The process continues until the parties believe that their concerns have been

Characteristics of Complainants in Cases Assigned for Mediation

As the table below shows, of the 86 people whose complaints were assigned to mediation in 2003, complainants were very evenly divided between males and females, although overall, the IPR receives more complaints from males than from females. Forty-three (53%) of the community members who participated in mediation were white, 19 were African-American (23%), 12 were Hispanic (15%), and 7 (9%) were of another ethnicity.

Gender and race/ethnicity of complainants assigned to mediation	Total Number as of 12/31/03
Gender	
Male	41
Female	40
Total	81
Race/Ethnicity	
White	43
African American	19
Hispanic	12
Asian	5
Other minority	2
Total	81

Cases Assigned for Mediation

Nine cases assigned to mediation in 2002 were still pending in January, 2003, and 41 cases were assigned for mediation in 2003. Out of those 50 cases, 20 were mediated by the end of the year, nine cases were still pending and 21 cases were closed without mediation.

Outcome of all mediation cases opened or closed in 2003	Number of Cases
Successfully mediated	20
Unsuccessful attempts at mediation	
Citizen unavailable	8
Citizen declined to mediate	4
Officer declined to mediate	2
IAD rejects mediation	1
Case resolved without mediation	3
Citizen did not appear for scheduled mediation	3
Subtotal	21
Pending at the end of 2003	9
Totals	50

The most common cause of cases failing to be successfully mediated is due to the unavailability of the complainant, either because the complainant has moved and did not leave a forwarding address, or because they stop returning phone calls or letters to schedule the case. The second most common cause of cases failing to be successfully mediated is due to the complainant changing his or her mind about mediation.

In only two cases did officers decline to mediate. In the first case, the officer was insulted by the fact that the complainant (who was cited for speeding) made a disparate treatment allegation and believed the complainant was too unreasonable to mediate successfully. In the second case, the officer believed that the complainant seriously misrepresented the facts of the call (which related to a child custody dispute) and was concerned that a mediation session could interfere with an on-going investigation.

There were three *no show* cases in 2003, in which a mediation was arranged and scheduled, and everyone showed up except the complainant. In these cases, due to the officer's willingness and availability to mediate and the complainant's failure to appear, even after having received notification of the correct time and place, the IPR declined the complaint.

Four cases were initially assigned for mediation, but were ultimately resolved in other ways. In one case, the officer was able to resolve the complainant's concerns after an informal conversation. In other cases, the complaints were handled through the *service complaint* process or by a referral to a precinct or special unit.

Mediation Satisfaction Rates

“I was angry before. Now, I’m not. I think we all worked it out. It really helps to see both sides.”

— a citizen after mediation

The table on the next page shows complainant satisfaction rates for mediated cases. It must be noted that the IPR uses a special instrument for measuring satisfaction rates for mediated complaints above and beyond that which is used to measure satisfaction for all citizen complainants. The instruments are administered differently, and have different return rates. For example, the special mediation survey is filled out by mediation participants immediately after they complete the mediation (which result in almost a 100% response rate), while general IPR satisfaction surveys are mailed out in quarterly batches (this results in roughly a 30% response rate). As such, it is not possible to directly compare the satisfaction rate for mediated cases with other complaints at this point in time. The sample size of complainants who have participated in mediation and also completed and returned a general IPR survey is still too small to effectively compare the satisfaction of complainants who went through the mediation process to complainants who had their complaints disposed through some other mechanism (e.g. service complaint, investigation).

Despite the short-term difficulties in comparing satisfaction rates between cases that are mediated and those that are resolved in other ways, the special mediation satisfaction survey demonstrates that a relatively high satisfaction rate exists for both complainants and officers who participated in mediation. Even people who were not satisfied with the outcome of their mediations reported satisfaction with the mediation process itself. Specifically, 97% of all complainants and 86% of officers who participated in mediation reported they would recommend mediation to others as a way to resolve citizen-police complaints. Four respondents (one citizen and three officers) said they were not sure if they would recommend mediation to others, that it would depend upon the case in question. Only one person (an officer) who participated in mediation in 2003 said he would not recommend mediation as a means of resolving complaints.

This is quite different from IPR satisfaction rates for non-mediated cases, where complainants’ reported satisfaction with the complaint handling process appears to be directly related to whether or not they received the outcomes they wanted.

Mediation Participant Satisfaction

	Complainants	Officers
Was the dispute resolved to your satisfaction?		
Completely	51.6%	70.0%
Partially	32.3%	15.0%
Not at all	16.1%	15.0%
<i>Number</i>	31	20
Did you get the opportunity to explain yourself in the mediation process?		
Yes	93.3%	95.5%
No	6.7%	0.0%
Other	0.0%	4.5%
<i>Number</i>	30	22
Did you feel that the mediators were fair to both sides?		
Yes	100.0%	100.0%
No	0.0%	0.0%
Other	0.0%	0.0%
<i>Number</i>	30	21
Would you recommend the mediation process to others?		
Yes	96.7%	85.7%
No	0.0%	4.8%
Unsure	3.3%	9.5%
<i>Number</i>	30	21

CITIZEN Comments Concerning Mediation

Was the dispute resolved to your satisfaction?

STRENGTHS
I have let go of anger toward the individuals involved.
You guys rock!
Everyone seems happy with the outcome. [The mediator was] very helpful and understanding. I think we worked it out. It really helps to see both sides.
We came to an understanding of each other, respecting each other... I had very negative thoughts coming in, going out I have a more positive relationship.
I now have a much better understanding of why the event happened.
We did get to be human in the same room at the same time. Impressive. [Mediation] creates a greater sense of common humanity. I feel that the opportunity to do this instead of the formal complaint process is very important and needs to continue to be available to the public.
I think it has a more positive outcome [than other means of resolving complaints].
The facilitation was very helpful.
Good conversation and movement toward mutual understanding.... [I have] better understanding for the officers' point of view.

WEAKNESSES
I believe the officer has an anger issue that needs to be addressed in some way.
He just couldn't admit he could have done it better. So righteous.
I still feel the same. I don't like cops.
Good communication. Keep up the good work...I now understand the police strategy better. [However,] I feel the officer remains quite arrogant. I don't think he took me very seriously.
People who actually did the [illegal act] are not held accountable/ fined for their action. Still, [mediation] provides a way to resolve a situation without additional costs.
We still disagree on the issue.

OFFICER Comments Concerning Mediation

Are you satisfied with the mediation?

STRENGTHS
Instead of just hearing what the sergeant or IA tell you about some complaint, we get to understand what the complainant's concerns really were – and they get to really hear and understand our side.
I felt the line of communication opened up.
We all learned something.
The citizen and I got to explain our actions in a friendly manner. I was able to see both sides of the situation and see how it escalated.
What brought us here was misunderstandings. We cleared those up.
This process gives both sides an opportunity to understand what they did/said and why.
I was able to ask questions of the other side that I was not able to ask at the time of the incident. I could feel for the situation they were in as maybe they were also victims...[I would change] the way the original situation was handled.
The process worked well and the mediators did a good job at leading the discussion and defusing some hostilities that arose.

WEAKNESSES
They never would admit what they said to me that day. That was what I wanted.
Not sure it's worth it – it would depend. This was kind of a waste of time – no offense.
He's kind of a jerk.
The mediators were talented. They did their very best. But no matter how skilled or motivated... you can't squeeze blood out of a turnip! I got to explain myself in more ways that I thought possible. The complainant still didn't get it.
Even if I did not agree with everything said by the other party, I did hear it... Maybe emphasize at the beginning (a bit more) that all portions of this conflict or disagreement may not be resolved. Although I was disappointed by the lack of courtesy I was given at the incident, I had nothing personal or professional against them. I still don't.
My only issue is that a fair amount of resources and time were spent to clarify his assumptions.
If this is worth that clarification then I'm all for it.

Comparing Portland's Citizen-Police Mediation Program Nationally

As of 2003, Portland has one of the largest and most active citizen-police mediation programs in the United States, along with New York City, San Diego, and Washington, D.C.

City (and date of most recent data)	Approximate# of mediations
New York City (2002)	70
Washington DC (2003)	21
Portland OR (2003)	20
San Diego (2003)	13
Berkeley (2003)	4

Although the New York City mediation program conducted nearly twice as many mediations last year as the Portland IPR's program, New York City is 16 times larger than Portland and has a police force more than 40 times the size of the Portland Police Bureau (PPB).

Portland and Washington, D.C. both mediated a similar number of complaints in 2003. While Washington's police force is about seven times larger than Portland's, the population is comparable. The Office of Citizen Complaints in Washington, D.C. is also unique in the citizen-police mediation community in that it has the power to assign cases for mandatory mediation. In all other programs, including Portland's, mediation is voluntary.

Minneapolis, with a police force which is similar in size to Portland's, holds the record for the largest number and percentage of complaints mediated: 11% of all complaints in 2001, the last year of operation before the program became a casualty of budget shortfalls. Although the Minneapolis program has since been at least partially reinstated, no further information or statistics were available at the time of this writing.

Timeliness

One of our main goals for 2003 was to improve timeliness. This was one of the problems with the pilot mediation program, as well; cases frequently took eight months or more before mediations took place. Our original goal was to complete mediations within 45 days or less after intake. In 2002, many cases assigned for mediation went well over 45 days. Common sources of scheduling delays included working around the personal and business schedules of the complainants, officers, and mediators.

Timeliness was still a problem in 2003, although it has improved. We concluded that the 45-day goal was unrealistic after reviewing the time it takes to confer with Internal Affairs about the appropriateness of mediation, obtain the consent of the involved officer to mediate, assign a case to a professional mediator, and then schedule a mediation at a time that is agreeable to all the participants. As such, we now try to complete all mediations within 60-90 days after the intake interview is concluded.

To improve timeliness, in November 2003 we started assigning cases directly to the mediators for scheduling rather than requiring the Community Relations Coordinator to complete this task. As the case load increased, it became increasingly time-consuming for one person to schedule all the mediations and serve as a go-between when the mediators could more easily complete this task themselves. This also allows mediators to perform case development, which can make quite a difference in how productive and successful mediation will be. More than once, parties commented in their exit surveys that they thought it would have helped if the mediators were better acquainted with the parties and the cases in advance of the mediation.

Another strategy for 2004, will be to add mediators to our roster. One problem in the scheduling of mediation cases has been the occasional unavailability of mediators to conduct them. Furthermore, for those cases that involved issues of disparate treatment or non-English speaking complainants, there is a need to increase the diversity of the mediator pool. Accordingly, we intend to recruit additional mediators at the beginning of the 2004-2005 fiscal year.

Timeliness of Mediation Completed in 2003

	<60 Days	60-90 Days	90-120 Days	120+ Days	Total
Number of Days to Complete Mediation	5	8	5	2	20

A Brief Portrait of Cases Mediated in 2003

As described by complainants before mediation:

- ◆ An off-duty officer had an angry, threatening confrontation with young neighbors.
- ◆ An African-American woman reported being disrespected and handled with unnecessary force during a traffic stop.
- ◆ A woman was arrested on an outstanding warrant for her sister.
- ◆ A man coming out of traffic court had a confrontation with the witness officer, and felt the officer was excessively volatile and abusive.
- ◆ A woman felt an officer improperly took sides in an ongoing neighbor dispute, and was insensitive to her health condition and age.
- ◆ A man stopped for a minor pedestrian violation during a protest felt the officers responded with excessive harshness, which aggravated a recent shoulder injury.
- ◆ Some individuals felt that officers were insensitive and disrespectful of their religious beliefs as they conducted a ceremony in a park.
- ◆ A visitor reported that officers belittled and cited him instead of helping him when he got lost and went the wrong way down a one-way street.
- ◆ While stopped for a traffic citation, a man left his car to retrieve his mail across the street. The officer cuffed him and put him in the patrol car, publicly humiliating him.
- ◆ A woman was very frightened when awakened by someone pounding on her door and threatening her if she didn't open it. It was an officer serving a warrant on someone who had lived at that address before the current resident.
- ◆ A woman and her teenagers were trying to get into their locked car when a hostile officer approached with his gun drawn, frightening them and escalating the contact.
- ◆ A woman was greatly offended when she was stopped by officers on suspicion of prostitution while walking home from the store at night.

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- ◆ Three African-American college students stopped for a minor traffic violation alleged the officer was rude, used profanity, called them *stupid*, and tried to provoke a fight.
 - ◆ A non-white immigrant family felt an officer responding to a case of illegal dumping unreasonably sided with (white) accusers and ignored the evidence of their innocence.
 - ◆ A man reporting an assault found the responding officer dismissive, unwilling to investigate further or to write a report.
 - ◆ An older, non-English-speaking couple were alarmed and reminded of police from their home country when police searched their home, and they did not understand why.
 - ◆ A woman was hit by an uninsured driver who admitted responsibility, but the responding officer would not take any information or write a report, saying it was too hot.
 - ◆ A man was assaulted by a drunk woman stranger. The responding officer assumed he was the aggressor, arrested him, and let the woman drive away.
 - ◆ A young man said he was arrested and taken to detox in retaliation for a confrontation he had with an officer who swore at him.
 - ◆ An Hispanic family felt the officer unfairly took the side of a white neighbor in a dispute, resulting in the arrest of a family member.

Outreach

Outreach

IPR outreach efforts are threefold:

- To educate the community and the police about the Independent Police Review, Citizen Review Committee, and the complaint process:
- To facilitate communication between the public and the Portland Police Bureau;
and
- To use public concerns to help identify policy issues and priorities for the IPR and the CRC.

Summary of 2003 Outreach Activities

Outreach to the Public and Community Groups

The IPR continues to educate the public about the work of civilian oversight of police in Portland. The IPR Director provides interviews upon request to all media outlets including radio, television, and newspaper organizations. Additionally, the IPR Director gives presentations to community groups.

In addition to formal presentations, the IPR Community Relations Coordinator and other staff members have participated in community events and meetings on issues that relate to citizen-police relationships. We also seek opportunities to meet informally with individuals and community leaders to build relations with various interest groups, and to better understand the issues of concern to those groups. It should be noted that there were fewer community presentations and meetings in 2003 from the previous year, due to our intense effort in 2002 to introduce the new organization to a public that was largely unaware of our work.

A continuing emphasis of outreach has been working directly with individual complainants and appellants to guide them through the complaint and appeals processes, and to address their concerns and questions. In 2003, the IPR received more than 1,400 calls for information or referral. Callers asked questions about police procedures and

policies, made comments or suggestions, or simply voiced frustration or anger about incidents involving the police. Approximately 48% of all calls did not result in formal complaints but instead were resolved by this information and referral process.

Another priority has been to improve complainant satisfaction with the IPR process. These efforts have included assigning the Community Relations Coordinator to answer the main phone line during normal office hours in order to immediately respond to calls for information and referral, as well as calls relating to formal complaints. The Community Relations Coordinator attended the 40 hours of Crisis Intervention Team (CIT) training to learn how to deal more constructively with difficult complainants and members of the public who suffer from mental illness. In addition, the IPR Deputy Director attended City-sponsored training on how to deal with difficult clients.

IPR materials are available to any agency upon request, and over 150 agencies have received materials for their own use and for distribution to their affected communities. In 2003, we developed a listing of formally designated sites for distribution of IPR complaint/commendation forms (see list at the end of this chapter).

We revised the IPR's English-language brochures to combine the form and the process information into a single docu-

ment. We also rewrote the Spanish-language brochure to match the format of the new IPR complaint/commendation forms, and finished production and distribution of IPR forms in Russian. These forms were first introduced in presentations to the Hispanic and Russian communities, and they are available at most of the IPR distribution sites.

Over the past two years, additional foreign language versions have been translated, but not fully approved and, therefore, not distributed. Due to limitations in staffing and support, this project was put on hold. We believe that the distribution of IPR/CRC information in non-English formats would be of value to various non-English speaking communities. However, we are also aware that prior efforts by the Portland Police Bureau to translate their complaint forms into several other languages did not result in the submission of complaints in any languages other than English or Spanish. Before investing resources in more translations, we plan to examine other methods of reaching out to non-English speaking communities.

The IPR website was also revised to make it more user-friendly, and to allow for the submission of a complaint, commendation, or comment through the website. Since the website came online, we have received a growing volume of e-mail inquiries, information requests, and comments and concerns from the public. The IPR website link has also been included in the Portland Police Bureau's homepage.

Outreach to Other Cities and Countries

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 other parts of the world.

For example, the IPR staff has been invited to make presentations on the Police Assessment Resource Center (PARC) officer-involved shooting policy review and our citizen-police mediation program at the 2003 conference for the National Association of Civilian Oversight of Law Enforcement (NACOLE).

The IPR Director also attended the first Police Auditor's Conference sponsored by the University of Nebraska at Omaha, meeting for three days with police auditors from Austin, Boise, Los Angeles, Omaha, Philadelphia, Sacramento, San Jose, Seattle, and Tucson.

The IPR also hosted visitors from the Modesto, California Police Department who were interested in creating their own citizen-police mediation program.

Finally, the International Leadership Training Program of the World Affairs Council of Oregon has routinely featured the IPR on the agenda for visiting international leaders with an interest in learning more about best practices in police oversight and accountability, transparency in government, and dealing with and preventing official corruption.

In 2003, the IPR staff met with visitors from Azerbaijan, Bosnia, Burkino Faso, Cameroon, Columbia, Congo, Costa Rica, Cote D'Ivoire, Egypt, Nigeria, Rwanda, and Senegal.

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. To address on-going police concerns about the fairness and impartiality of the civilians who oversee them, we also conduct outreach to the Portland Police Bureau, in order to inform officers about the complaint process, the mediation program, IPR policy reviews, and the appeals process.

Outreach efforts to the Portland Police Bureau have included regular meetings with the Police Chief's Command staff, Police Commanders, Police Union leadership, Internal Affairs and Training Division staff, and incoming police officers as part of the Bureau's Advanced Academy training curriculum. The IPR Director and the IAD Captain have created a full-day training program in police ethics, the IAD/IPR/CRC process, and complaint avoidance, which is now a regular part of the Advanced Academy program.

IPR staff and CRC members have also attended or participated in various forms of police training, including ride-alongs with patrol officers in each police precinct.

2004 Strategic Outreach Plan

In cooperation with the CRC, the IPR has created and adopted a long-term strategic outreach plan. It is recognized that we cannot achieve all of these goals in the upcoming year, but will need to prioritize and implement this plan over the next several years, as workload and staffing permits.

The outreach plan includes the following goals:

- Regularly scheduled outreach events: Begin developing a series of regularly scheduled outreach meetings and events rather than random, ad hoc meetings and events. Create a master calendar of outreach events to be posted on the web and distributed among relevant segments of the community.
- Outreach partnership between the IPR and CRC: Encourage each CRC member to organize one outreach event, using their own professional or neighborhood connections to arrange a combined presentation/forum or round table meeting.
- Targeted 2004 outreach for: Youth, law enforcement-allied service organizations (e.g. paramedics, hospitals, fire), and minority communities. The goal would be to network with leaders/representatives of each

community or agency and make presentations to at least two organizations for each of those, averaging one per month over the year.

- Recontact organizations with whom we've already made initial contacts, and offer to provide updates on the IPR/CRC. These would include the neighborhood associations, and a presentation at one of their combined quarterly directors meetings.
- Pamphlet distribution sites: Commit to keeping specific sites stocked with brochures on an ongoing basis (as distinguished from other sites, that have requested IPR information but are restocked only when requested.)
- CRC meetings in the community: Hold CRC meetings outside of City Hall in the communities at least twice a year, rotating through different areas of the city.
- Educational component for the CRC: Arrange continuing training on police issues and practices, such as CIT, Family Services, RRT, and oversight issues.
- Educational component for the general public: Continue efforts to educate the public on the role and limits of the IPR/CRC. Actively promote news stories on topics such as the police-citizen mediation program, the complaint, complaint investigation, and appeals process, and discussing realistic versus unrealistic expectations for civilian oversight of law enforcement in our community.
- Educational component for youth: Develop a brief curriculum for how to minimize difficulties with police contacts, and how the process works if they do have difficulties.
- Educational component for police: Continue to refine our attempts to improve PPB's understanding of the IPR, the mediation program, and to develop ways to teach officers what they can do to avoid or reduce *preventable* complaints.

Portland Distribution List

Office of the City Auditor

Independent Police Review Division

Portland Police Complaint and Commendation Form



Independent Police Review Division
1221 SW Fourth Ave., Room 320
Portland, OR 97204-1900

Phone: (503) 823-0146
Fax: (503) 823-3530

www.portlandonline.com/auditor/ipr

Community Policing Offices

IRCO - Asian Family Center
4424 NE Glisan Street

Between the Rivers Contact
2011 N McClellan Street

Brentwood-Darlington
7211 SE 62nd Avenue

Eastport Plaza
3937 SE 91st Avenue

Kenton
8134 N Denver Avenue

Northwest Contact
2330 NW Irving Street

O'Bryant Square
409 SW 9th Avenue

Sellwood-Moreland Contract
8220 SE 17th Avenue

Southwest Community Contact
7688 SW Capital Highway

Portland Police Bureau Sites

Central Precinct
1111 SW 2nd Avenue

PPB Old Town
110 NW 3rd Avenue

East Precinct
737 SE 106th Avenue

North Precinct
7214 N Philadelphia Avenue

Northeast Precinct
449 NE Emerson Street

Southeast Precinct
4735 E Burnside Street

Neighborhood Crime Prevention (NCP) Offices

Portland Business Alliance
520 SW Yamhill Street, Suite 1000

Central Northeast
Neighborhood
4415 NE 87th Avenue

East Portland Neighborhood
735 SE 106th Avenue

Neighbors West/Northwest
1819 NW Everett, Room 205

Northeast Neighborhood
4815 NE 7th Avenue

North Portland Neighborhood
Services
2209 N Scofield

Southeast Uplift Neighborhood
Program
3534 SE Main Street

Southwest Community
Contact
7688 SW Capital Highway

Multnomah County District Attorney
1021 SW 4th Avenue, Room 600

Multnomah County Libraries
801 SW 10th Avenue

Multnomah County Sheriff
Indigent Defense office
421 SW 5th Avenue, 3rd Floor

Multnomah Defenders, Inc.
522 SW 5th Avenue, Suite 1500

American Civil Liberties Union of Oregon
PO Box 40585

Central City Concern
Hooper Detoxification Center
20 NE Martin Luther King Jr. Boulevard

City of Portland
Risk Management
1120 SW 5th Avenue, Room 709

City of Portland
Tow Hearings
1900 SW 4th Avenue, Room 3200

Other Locations

Janus Youth Program/NAFY/Outside In
707 NE Couch Street

Legal Aid Services
Metropolitan Public Defenders
630 SW 5th Avenue

Resolutions Northwest
(Neighborhood Mediation Center)
4815 NE 7th Avenue

Tri-Met Information Office
Pioneer Square

Complainant Satisfaction Survey

Satisfaction Surveys

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

Summary of Findings

In 2003, a large proportion of respondents continued to be either satisfied or neutral in relation to the intake portion of the complaint process. However, only a relatively small proportion of respondents were satisfied with complaint outcomes.

Overall, there were no statistically significant change between 2002 and 2003 in satisfaction with either the complaint process or complaint outcomes. 2003 respondent satisfaction with the complaint process remained noticeably higher than was observed with 2001 pre-IPR respondents.

Complainant Satisfaction Survey Results from 2001 to 2003

Introduction

In order to gauge the satisfaction of community members who filed complaints against members of the Portland Police Bureau, the IPR distributed customer satisfaction surveys to complainants in 2001, 2002, and 2003. In the fall of 2001, the IPR conducted a baseline survey of community members who filed complaints through the pre-IPR complaint handling process. Over the course of 2002 and 2003, the IPR mailed a customer satisfaction survey to every complaint with a closed IPR case number. In conducting the 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 services.

Methodology

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

1. Complainant satisfaction with the complaint *process*;
2. Satisfaction with the *outcomes* of their complaints; and
3. Variation in satisfaction by age, race/ethnicity, gender, or education-level of complainants.

2001 Baseline Survey of IAD Complainants

For the 2001 baseline survey, conducted in December 2001, we first mailed a notification letter from the City Auditor explaining that the complainant 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 was provided. In order to boost the response rate, we re-sent 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 and 2003 IPR Complainant Surveys

IPR complainants who had a case closed in 2002 and 2003 were mailed identical surveys to 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 2002-2003 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. Complainants in 2002 and 2003 did not receive a pre-survey notification letter. The 2002 surveys were mailed out in monthly batches and 2003 surveys were mailed out in quarterly batches. We asked the respondents 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. 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%. In 2003, 718 surveys were mailed, of which 85 were returned as undeliverable and 184 were completed. This gave us a 2003 response rate of 29%.

On all three sets of surveys, complainants were asked to respond to a series of 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 2001 and 2002 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.

Representativeness of the Respondents

Demographic and case information supplied by the respondents was compared between years. The comparison between the 2001, 2002, and 2003 surveys indicated that respondents in the 2001 survey were slightly older and were slightly less likely to have filed a force complaint than respondents in later years. The 2002 and 2003 respondents were remarkably similar in both demographic and case characteristics. The only noticeable differences was that 2003 complainants had a slightly higher proportion of female respondents and were more likely to have completed a college degree.

We also compared the demographic and case information for 2002-2003 survey respondents to the population of IPR complainants who had cases closed in 2002-2003. There were no substantial differences between the survey respondents and the overall population of IPR complainants. For the 2003 surveys, there was a slightly larger proportion of females found among the survey respondents than among the 2003 IPR complainant population. Both the 2002 and 2003 surveys possibly included a higher proportion of whites than the total 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 2002-2003 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, and declines were slightly underrepresented in both 2002 and 2003. However, the small number of survey responses in 2002 and the magnitude of the variation was too slight to require reweighting the survey data.

Satisfaction with the Quality of Communication

	2001 Pre-IPR Process	2002 IPR Process	2003 IPR Process
3) How satisfied were you with the information you got:			
about what was happening with your complaint?			
Satisfied	22.0%	34.4%	35.2%
Neither satisfied nor dissatisfied	12.1%	15.6%	13.2%
Dissatisfied	65.9%	50.0%	51.6%
<i>Number</i>	91	90	159
in the letters you received?			
Satisfied	18.4%	33.0%	35.7%
Neither satisfied no dissatis.	14.5%	19.8%	14.6%
Dissatisfied	67.1%	47.3%	49.7%
<i>Number</i>	76	91	157
about how police are instructed to act during incidents like yours?			
Satisfied	11.3%	20.0%	18.8%
Neither satisfied nor dissatisfied	7.5%	11.8%	10.9%
Dissatisfied	81.3%	68.2%	70.3%
<i>Number</i>	80	85	165

- There was no substantial change between 2002 and 2003 in respondent satisfaction with the information they received about their complaints, in the letters they received, or in explanations they received about police policy.

Satisfaction with the Thoroughness and Efficiency of the Process

	2001 Pre-IPR Process	2002 IPR Process	2003 IPR Process
4) How satisfied were you that your complaint was handled:			
thoroughly?			
Satisfied	19.6%	30.1%	31.4%
Neither satisfied nor dissatisfied	13.0%	15.1%	8.6%
Dissatisfied	67.4%	54.8%	60.0%
<i>Number</i>	92	93	175
quickly?			
Satisfied	25.0%	37.0%	33.7%
Neither satisfied nor dissatisfied	15.2%	17.4%	20.1%
Dissatisfied	59.8%	45.7%	46.2%
<i>Number</i>	92	92	169

- There was no substantial change between 2002 and 2003 in respondent satisfaction with how thoroughly complaints were handled, though there was a small increase in the proportion of respondents reporting dissatisfaction on this question.
- There was a slight decline between 2002 and 2003 in satisfaction with how quickly complaints were handled.

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

	2001 Pre-IPR Process	2002 IPR Process	2003 IPR Process
5) Overall, how satisfied are you:			
that the City of Portland is trying to prevent future incidents like yours?			
Satisfied	21.3%	20.9%	21.6%
Neither satisfied nor dissatisfied	15.7%	9.9%	12.3%
Dissatisfied	62.9%	69.2%	66.1%
<i>Number</i>	89	91	171
with the fairness of your complaint's outcome?			
Satisfied	18.6%	15.9%	16.3%
Neither satisfied nor dissatisfied	8.1%	19.3%	16.3%
Dissatisfied	73.3%	64.8%	67.4%
<i>Number</i>	86	88	172
with the police complaint process in general?			
Satisfied	18.7%	25.8%	24.1%
Neither satisfied nor dissatisfied	18.7%	15.1%	14.9%
Dissatisfied	62.6%	59.1%	60.9%
<i>Number</i>	91	93	174

- Between 2002 and 2003, there was no substantial change on questions targeting respondent satisfaction with the City of Portland's efforts at prevention, the fairness of complaint outcomes, or the complaint process in general.

Impact of Complaint Outcome on Satisfaction

In the 2002 Annual Report, it was observed that the creation of the IPR program successfully improved satisfaction with almost all areas of the complaint process (e.g. satisfaction with intake investigators, efficiency, and quality of communication noticeably improved). However, the IPR was not successful in increasing satisfaction with complaint outcomes. Respondents who went through the IPR complaint process were, on average, no more satisfied with the fairness of complaint outcomes than complainants who went through the previous IAD complaint process. It was noted, however, that complainants who received service complaints tended to be much more satisfied with both the complaint process and outcomes, than complainants who received other types of dispositions.

As a result, the IPR sought to improve satisfaction with outcomes by expanding the range of tools available for handling complaints—for example, the IPR promoted the expanded use of service complaints and pushed forward with the implementation of a mediation program. The IPR also attempted in 2003 to increase satisfaction by improving communication with complainants about possible complaint outcomes. For example, the IPR adopted the policy of having the investigators talk in detail with complainants about the types of outcomes that are potentially available (e.g. mediation, service complaint, full investigation), the types of outcome the complainant would like to see as a result of their complaint, and the limits of the complaint process. In addition, the IPR has sought to improve its overall customer service, particularly at the point of first contact with the complainant. To achieve this, the IPR assigned its Community Relations Coordinator in 2003 the job of conducting the initial interview with complainants. She was assigned this job because of her strong background and training in victim-witness interviewing, and to facilitate the early identification of cases that would be good candidates for the IPR's mediation program.

Even though the IPR redoubled its efforts to improve satisfaction with complaint outcomes, there was no substantial improvement in satisfaction with outcomes between 2002 and 2003. However, the same pattern that was observed in 2002 persisted in 2003—complaint disposition was the best predictor of complainant satisfaction with both the complaint process and outcomes. For instance, in both 2002 and 2003, those respondents who received service complaints reported much higher levels of satisfaction with all aspects of the complaint process than those who received other types of dispositions (See Appendix 2 for the complete results). For example, of the 2003 respondents who received a service complaint, 89% were either satisfied or neutral that the investigator listened to them, 82% percent were satisfied or neutral with explanations about how the complaint process works, and roughly 47% were satisfied or neutral concerning the fairness of the outcome on their complaint. In comparison, complainants who received either an IPR or IAD decline were much less satisfied. For example, of the

2003 respondents who received an IPR or IAD decline, 63% were either satisfied or neutral that the investigator listened to them, 48% percent were satisfied or neutral with explanations about how the complaint process works, and 16% were satisfied or neutral concerning the fairness of the outcome on their complaint. It should be noted that the number of respondents for all other outcomes (e.g. mediations, investigations, appeals) were too small to be compared quantitatively. Therefore, they were grouped into a category labeled *other*. Hopefully, by the end of 2004 enough surveys will be returned by complainants who went through the mediation program to quantitatively examine the effectiveness of mediation at improving complainant satisfaction.

Even though respondents who received a service complaint in 2003 were more satisfied than respondents who received a decline, there were a few notable changes between 2002 and 2003 within each of those categories. Between 2002 and 2003, there was an increase in satisfaction on several process-related questions among those who received declines. In particular, there was a strong increase in respondent satisfaction with how well the investigator listened to the respondent's complaint (from 27.3% to 48.2%). However, for those who received service complaints, there was roughly a 10-15% drop in respondent satisfaction on most process and outcome questions between 2002 and 2003.

Overall, it is very difficult to explain these changes and it cannot be determined whether they constitute a trend. However, it is possible that the increase in satisfaction among those who received declines may have been the result of having the Community Relations Coordinator conduct the initial interviews. It is also possible that the decrease in satisfaction among those who received service complaints was brought about two changes. First, prior to 2003, if a complainant was not satisfied with the outcome on the service complaint, then that case would be sent for a full investigation or declined by IAD. However, under the changes enacted in 2003, the IPR and IAD instituted a policy of allowing service complaints to be conducted over the objections of complainants. Typically, such complainants desire a different outcome and are not satisfied with the use of a service complaint to resolve their case (they usually desire a full investigation and discipline). The second change involved noticeable expansion of the use of service complaints that was promoted by the IPR and implemented by IAD. It will take several years of data to evaluate whether the expansion in the use of the service complaint reduces its effectiveness at satisfying IPR complainants.

Impact of Gender, Race, and Age on Satisfaction

Gender

- Female respondents reported higher levels of satisfaction with the complaint process than males in 2002. This pattern reversed in 2003, with males being slightly more satisfied than females. It is not entirely clear why this would have occurred. It may be that these patterns are the result of random chance or the result of a decrease in 2003 in the proportion of female survey respondents who received service complaints.

Race

- Because of the small number of minority respondents in 2002-2003, it was not possible to determine if satisfaction varied by race or ethnicity.

Age and Education

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

Future Improvements in Satisfaction Surveys

- In order to understand more fully the dynamics that underlie the quantitative patterns in complainant satisfaction, the IPR had planned conducting in-depth follow-up phone interviews in 2003 with randomly selected complainants. However, this project was not completed due to resource limitations. This project is tentatively set to begin in early 2005.
- The IPR, in conjunction with IAD, is also planning on distributing satisfaction surveys to PPB officers who have been through the IPR/IAD process in the fall of 2004.

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

Comments on mediation
Having the opportunity to confront Ofc. [A] & Ofc. [B] in a safe & neutral space was a VERY important aspect of the process. Great mediator.
The people who work for IPR are great. Mediation is an excellent forum for a nonviolent complaint like mine.
The mediation process was very good in my judgement. We all make mistakes, and I hope that it helped the policeman to realize his error of judgement.
PPB supervisors conducting service complaints listen well
The second call from the supervisor. He listened and took responsibility for resolving the issue.
The lieutenant who came to ask questions did a good job and I was very satisfied.
The officer at Central Precinct was quite good and professional. He did act quickly.
Sergeant was pleasant to speak with, seemed to value my INPUT.
The supervisor was very professional and skilled.
Comments on efficiency of the process
The quickness that was taken in response to my complaint by phone.
When I first called I left a message. I received a response the next day. I voiced my opinion & was very satisfied with the whole process.
Comments on the quality of communication
Explanations of the complaint process.
Very thorough and timely letters.
Good communication about the process. Professional staff conduct. Timely service, done when told it would be done.
Internet access to complaint forms. Easy to understand.
The pamphlet given to me when I first filed my complaint listed in steps the process my complaint would receive. It asked me how I wanted to resolve the problem with a multiple choice option. I liked knowing my option in this process.
That a complaint was taken & was even followed up on. I believe I received 3 calls from police regarding progress. These people were very professional.
The communication was good. I was either receiving phone calls or receiving mail. So, props on that.
Quality of intake interviewers
The officers responding to my complaint were very professional, courteous, and gave me the impression that they cared.
The IPR Board responded quickly to my complaint and effectively explained both the law as it applied to the incident and where my complaint fell therein, I felt that the Board took my complaint seriously and was interested in acting on it.
The investigator took my complaint seriously. There was an offer of at least two means of handling the complaint process.
The gentleman handling my complaint, seemed sincerely concerned w/my problem and seemed as if he were honestly doing what was necessary - he was kind spoken and sounded genuine.
Intake investigator was wonderful. He made the process as easy for me. He's very thorough, sincere.
Explanations about police policy
An officer called to respond to my letter. He was polite and explained their side of the situation diplomatically.
Communicating complainant concerns to officers
The supervisor was timely & gave a thorough explanation & promised to talk to the officer involved & to place a written reprimand in his record.
They took care of my complaint fairly well - By them keeping this on the officer's record for a few years this will help them remember how people should be treated - Everybody fairly

Examples of Responses to Question 15:

“What were the weaknesses of the complaint process—What can be improved?”

Did not like complaint outcome
At the end of the process the officer was not held responsible for his physical and disrespectful action. You need a whole new force!!
My complaint was not taken because it contradicted the police report. - Take complaints more seriously.
Investigators were not independent or objective
A citizen's complaint needs to be reviewed and investigated entirely without police involvement - anything else will result in a situation which will inherently be influenced by the self- interest of police
The "investigating" officers were rude & unprofessional - insulting - at every opportunity. - BIASED - Did not believe complaint and made it obvious!!
Supervisor making excuses for why officer might react inappropriately. Tiredness-tough day-etc. An officer carrying a gun, in control of every situation can not afford to act unprofessionally.
The Sergeant that I spoke with didn't seem to take my concerns too seriously. He seemed to talk from a cookie cutter script, not seeming to care about community policing.
I felt the "investigation" was not investigative and nothing was done to address the actual complaint. I do not trust the process, nor do I trust the police department to do the right thing in a similar situation.
Speaking w/ the officer's superior was very frustrating-I felt he'd already made a determination that the complaint was without merit.
Complaint process is ineffective
Review board should have independent power to discipline officers. No one contacted me.
No weaknesses. I only feel that the fact that I complained will not help me or anyone else who is in the same situation I was in. And that will forever bug me.
I don't think the complaint process does anything. I think the police officers just overlook complaints and go on doing whatever THEY want. This country wasn't built on communism.
It seems hopeless to file a complaint because these officers are gonna continue to violate citizens rights & no one can stop them
This is just a political tool to make some people happy. In my case this was a waste of time and money.
Police did an end run around IPRD - Your work was for naught - officer never confronted or disciplined - a complete whitewash - and you wonder why the police are distrusted??
Process took too long
It did take a long time to complete.
The length of the whole process.
It took a couple/few days to get back to me after the initial complaint.
Believed communication could be improved
I wrote a letter of complaint to the police department in general. A few weeks later a sergeant called to basically say the officer was in the right. End of story. No one called or wrote to follow up on my letter before that. Not much satisfaction there.
The above officer called 2x, but I was not home. I returned the 1st call & suggested a call back time, which was missed. Following up with a letter would've been nice.
Connection between police & police review division. Police need to listen to concerns of citizens to improve their connection with Citizens
Officer did not apologize or acknowledge mistakes
The police officer refused to acknowledge her wrong doing.
No possibility of receiving an apology from officers.

Appendices

Appendix 1: Summary of Appeals Filed in 2003

CRC Appeal 2003-X-0001

An officer responded to a 911 call to the appellant's apartment to check on the welfare of the appellant. The appellant alleged that the officer was rude to her and to her apartment manager, forced her to go to the hospital against her will, and failed to secure her apartment. The Police Bureau's finding on lack of courtesy to the appellant was *Insufficient Evidence with a Debriefing*. The finding on lack of courtesy to the apartment manager was *Unfounded*. The findings on the remaining two allegations were *Exonerated*. The CRC challenged both courtesy findings, recommending a *Sustained* finding for lack of courtesy to the appellant and an *Insufficient Evidence* finding for lack of courtesy to the apartment manager. The Police Bureau accepted the CRC's recommendations.

CRC Appeal 2003-X-0002

The appellant called for police assistance in a domestic violence incident involving two brothers who were friends of the appellant. The appellant alleged that the responding officers failed to arrest one of the brothers, who allegedly threatened the other brother with a knife, and that the officers inappropriately returned the knife to the alleged aggressor. The appellant also alleged that the officers did not advise him on whether or not a knife had been found, that the officers left the scene without recontacting the appellant or the family members, and that the accused brother claimed he had *made a deal* with the police. The Police Bureau's finding on the officers failing to arrest the alleged aggressor was *Exonerated*. The finding on returning the knife to the alleged aggressor was *Insufficient Evidence*. IAD declined the remainder of the allegations. The CRC voted to decline the appeal.

CRC Appeal 2003-X-0003

The appellant, who was arrested for allegedly stealing a neighbor's cat, alleged that the officer arrested her without cause, twisted the handcuffs behind her back, and called her a *mental case*. IAD declined all three allegations. The CRC declined the first two allegations and recommended that the third allegation be handled as a *service complaint*, thus requiring that the officer's supervisor be instructed to discuss the allegation with the officer. The Police Bureau accepted the CRC's recommendation.

CRC Appeal 2003-X-0004

The appellant husband and wife were involved in an ongoing property dispute with their neighbors to which officers responded on a number of occasions. The appellants made numerous conduct and courtesy allegations against several of the officers who responded to the disturbances, including failure to listen to their side of the story,

failure to write a report in a timely manner, lack of courtesy, and falsely arresting the husband for a stalking order violation. IAD declined to investigate and the CRC declined the appeal.

CRC Appeal 2003-X-0005

Officers responded to the appellant's residence on a *welfare check* when the appellant called 911 and requested a lethal injection. They took her to the hospital for a mental evaluation, where she was held for several days. The appellant's allegations that the officers entered her residence without her consent and took her to the hospital against her will were declined by IPR. Her allegation that officers used excessive force by twisting her arms was declined by IAD. The complainant filed an untimely appeal which was declined by IPR.

CRC Appeal 2003-X-0006

An officer arrested the appellant when she refused to leave her boyfriend's residence after having been asked to do so. The appellant alleged the officer was rude toward her and that he failed to lock her car after assuring her that it would be done, resulting in property being stolen from the car. The Police Bureau's finding on the first allegation was *Unfounded* and on the second allegation was *Exonerated*. The CRC voted to decline the appeal.

CRC Appeal 2003-X-0007

The appellant called 911 numerous times in less than two hours regarding a neighborhood disturbance, and officers responded each time. The last time the officers responded, they arrested the appellant for improper use of 911. The appellant alleged that the officers falsely arrested her and failed to take appropriate action by not arresting her neighbors. IPR declined these allegations as they were better addressed through the judicial process. The appellant also alleged the officers put the handcuffs on too tight, treated her badly and laughed at her, and that a sergeant failed to return phone calls. IAD declined these allegations. On April 15, 2003, the CRC voted to recommend that IAD or IPR conduct a full investigation of the entire complaint. After a *service complaint* investigation was conducted by a precinct supervisor, both IAD and IPR agreed that there was insufficient cause to conduct a full investigation because there was no reason to believe that the officers engaged in any misconduct.

CRC Appeal 2003-X-0008

The appellant, while flagging traffic, was struck by a car and seriously injured. He alleged that the responding officer failed to conduct a thorough investigation and

failed to cite the driver. The Bureau's finding for the first allegation was *Exonerated with a Debriefing*. The findings for the remainder of the allegations were *Exonerated*. The CRC conducted a full hearing of the appeal. The CRC recommended that a *debriefing* be added to the finding on the allegation that the officer failed to cite the driver of the vehicle which struck the appellant. The Commander of the Traffic Division accepted the CRC recommendation for a *debriefing*.

CRC Appeal 2003-X-0009

An officer detained the appellant and transported him to the detoxification center, which was full. The officer then took the appellant to a temporary booking facility and booked him for resisting arrest. The appellant made numerous allegations against the officer, two of which were declined by IAD (that the officer lied about why he stopped the appellant and why he arrested him). The remaining allegations and the Police Bureau's findings were the following: the officer took the appellant to the detoxification center without cause (*Exonerated*); the officer arrested the appellant without cause (*Exonerated*); the officer threatened to beat the appellant (*Unfounded*); the officer punched the appellant above the eye (*Exonerated*); the officer drove erratically (*Unfounded*); the officer reapplied the handcuffs too tightly (*Unfounded*); the officer lost the appellant's Visa card (*Insufficient Evidence*); and the officer logged in only seven of the twelve dollars the appellant believed he had (*Unfounded*). The appellant withdrew the appeal on the day it was set for a full-hearing.

CRC Appeal 2003-X-0010

The appellant and her fiancé pulled into a parking lot to fix the heater on their truck. A Multnomah County Sheriff's Deputy contacted them and arrested the appellant's fiancé for DUII and ordered the vehicle to be towed. The appellant alleged that a Portland Police Bureau officer threatened to arrest her if she did not leave the area, refused to allow her to remove her personal papers from the truck prior to the tow, and acted unsafely by grabbing her dog and pulling it out of the truck without requesting her assistance. IAD declined all the allegations. The IPR declined the appeal as untimely.

CRC Appeal 2003-X-0011

The appellant, who was intoxicated, was involved in an altercation on a bus. When the appellant got off the bus and was uncooperative with an officer at the scene, the officer took him to the ground with an *arm-bar takedown*, breaking the appellant's nose when he landed on the pavement. The appellant alleged that the officer used excessive force and retaliated against him for a previous incident in which he had assaulted a police officer. The Bureau findings for excessive use of force and retaliation were *Exonerated*. The CRC voted to decline the appeal.

CRC Appeal 2003-X-0012

The appellant was arrested for domestic violence. He alleged he was falsely arrested, the officers lied in their police reports, the officers failed to arrest a witness who allegedly assaulted the appellant, the officers failed to advise him of his rights, the officers bullied his wife into filing a complaint, the officers transported him to the Justice Center without a seatbelt, one of the officers laughed at a comment made by the other officer, and the officers discriminated against the appellant's wife because she is female. IAD declined all allegations. The CRC voted to decline the appeal.

CRC Appeal 2003-X-0013

The Portland Police conducted a search warrant of the appellant's home, resulting in multiple arrests. The appellant made numerous allegations against the officers who conducted the search, including an improper search warrant, excessive use of force, rudeness and profanity, failure to call for medical assistance, destruction of property, and taking cash from persons without providing a receipt. IAD declined all allegations. The IPR declined the appeal as untimely.

CRC Appeal 2003-X-0014

Two officers responded to a disturbance call at the appellant's apartment. The appellant alleged that one of the officers made a racist statement to him, the other officer threatened to take his stereo or arrest him if he did not turn it down, both officers entered his apartment without a warrant and without his permission, and the officers humiliated him and his wife in front of their friends. The Police Bureau's findings for disparate treatment, entering the apartment without a warrant, and humiliating the appellant and his wife were *Unfounded*. The finding for threatening to take the stereo or arrest the appellant was *Exonerated*. The CRC voted to decline the appeal.

CRC Appeal 2003-X-0015

An officer assigned to the Transit Division stopped the appellant for riding her bicycle in a *bus only lane* and disobeying a stop sign. When the officer asked her for her name and birth date, she showed him an Oregon State Police identification card with her name on it, but refused to give him her birth date. She alleged the officer and a cover officer used excessive and unnecessary force by handcuffing her and putting her in the back seat of a police car, the first officer attempted to intimidate her and threatened to take her to jail, and the officer failed to communicate effectively with her that her Oregon State Police identification was not sufficient. She also alleged that the officer's supervisors failed to respond in writing to her written complaint. IAD declined the complaint because the appellant did not articulate facts that would indicate a violation of Police Bureau rules

or procedures. The IPR declined the appeal, concluding that the IAD declination decision was reasonable.

CRC Appeal 2003-X-0016

The appellant was arrested for assault and burglary. The Police Bureau's finding on the allegation that the arresting officers ignored the appellant's statements (that the victim of the assault was a drug dealer) was *Exonerated*. The findings on the allegation that officers saw drugs in the victim's motor home and failed to take appropriate action, and officers later coached the victim to deny any knowledge of the drugs if questioned during the Grand Jury were *Unfounded*. The appellant also alleged that a sergeant failed to ensure that the officers follow up on the allegation about the victim being a drug dealer. This allegation was declined by IPR. The IPR declined the appeal as untimely.

CRC Appeal 2003-X-0017

The appellant was pepper sprayed by two officers at a war protest march. The appellant filed a complaint with the IPR as well as a civil lawsuit. After a preliminary review, IAD declined to conduct further investigation. On August 23, 2003, IPR declined the appeal because the CRC does not have the authority to order the Police Bureau to conduct an investigation in the face of an IAD declination and IPR is not authorized to conduct an independent investigation when litigation is pending.

CRC Appeal 2003-X-0018

The appellant was approached by an officer who observed him driving around in the early morning hours in a high-prostitution, high-drug area. The officer noticed a baseball bat in the appellant's car, plus the appellant told him he was looking for a man who had previously assaulted him. IPR declined the appellant's allegation that the officer inappropriately stopped the appellant and that a cover officer threatened to cite him if he did not leave the area. The appellant also alleged that the cover officer used profanity, grabbed his hand and twisted it, and failed to give him his name when requested. The Police Bureau's findings were *Unfounded* on the profanity allegation, *Exonerated* on grabbing the appellant's hand, and *Insufficient Evidence* on the officer failing to give his name. The CRC voted to decline the appeal.

CRC Appeal 2003-X-0019

The appellant was arrested as the suspect in a shooting. IAD declined the allegations that officers inappropriately shot him with less lethal (beanbag) guns, an officer held the appellant down while a nurse inserted a catheter into him, an officer grabbed the appellant by the hair and yanked his head when he was on a gurney, and officers tried to

cover up for each other. The Police Bureau's finding on an allegation that an officer pulled the appellant out of a police car by his handcuffs and kicked him in the face was *Unfounded with a Debriefing*. The CRC voted to decline the appeal.

CRC Appeal 2003-X-0020

A Police Bureau officer made allegations of false statements against members of the Bureau's command staff. The complaint was investigated after a partial declination by IAD. The findings were *Unfounded*. The IPR declined the request for appeal because the CRC does not have the jurisdiction to hear an employee's appeal of a bureau-initiated complaint.

Appendix 3: 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 and 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 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 has 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, has thus far, 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.

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
Case management software			●		●
Mediation of some complaints	☐ ¹	●	●	●	●
No sworn statements at intake	●	●	●	●	●
Sworn statement if investigated		●	●		●
Independent investigations		●		●	☐ ²
Complainant choice: IAD/independent investigation		●			
Power to compel testimony	●	●		●	☐ 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 through the disciplinary system often found their administrative processes overwhelmed. 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 that the community is being well served by the process that has been put in place.

Appendix 4: 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 Independent 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 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 5: Independent Police Review Division Appropriations Budget for Fiscal Years 2003-2004 and 2004-2005

	FY03-04 Appropriations	FY04-05 Proposed
Personnel Costs:		
Salaries and Benefits	\$ 527,352	\$ 632,445
External Services:		
Office Supplies, Professional Services, Travel, and Maintenance Services	\$ 45,866	\$ 99,020
Internal Services:		
Fleet Services, Printing, Rent, Communications Services, Insurance, Data Processing Services, and Intra Fund Services	\$ 92,582	\$ 112,370
Totals	\$ 665,800	\$ 843,835

- There was an increase in the IPR's annual budget of \$178,035 between the fiscal years of 2003/2004 to 2004/2005. The increase in the personnel costs portion of the budget was associated with City Council's approval of the addition of a full-time office support worker and a part-time complaint examiner to the IPR's 2004/2005 budget. Additional personnel cost increases are attributable to cost of living adjustments and merit pay increases. The increase in the external services portion of the budget is mainly attributable to City Council's decision to fund the officer-involved shooting policy review from the IPR budget, instead of the City's Risk Management budget.

Appendix 6: Citizen Review Committee Meetings

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

2004

September 21, 2004	Lovejoy Room/2 nd floor	5:30 p.m.—9:00 p.m.
October 19, 2004	Lovejoy Room/2 nd floor	5:30 p.m.—9:00 p.m.
November 16, 2004	Lovejoy Room/2 nd floor	5:30 p.m.—9:00 p.m.
December 21, 2004	Lovejoy Room/2 nd floor	5:30 p.m.—9:00 p.m.

2005

January 18, 2005	Lovejoy Room/2 nd floor	5:30 p.m.—9:00 p.m.
February 15, 2005	Lovejoy Room/2 nd floor	5:30 p.m.—9:00 p.m.
March 15, 2005	Lovejoy Room/2 nd floor	5:30 p.m.—9:00 p.m.
April 19, 2005	Lovejoy Room/2 nd floor	5:30 p.m.—9:00 p.m.
May 17, 2005	Lovejoy Room/2 nd floor	5:30 p.m.—9:00 p.m.
June 21, 2005	Lovejoy Room/2 nd floor	5:30 p.m.—9:00 p.m.

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

<http://www.portlandonline.com/auditor/ipr>

Endnotes

- 1 For the purposes of identifying and counting the complaints against precincts and divisions, complaints are charged against the precinct/division of the officer(s) identified in the complaint. 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*. This value can occasionally change over the life of a complaint (usually in response to information uncovered during intake or investigation). As a result, the numbers associated with complaints against individual precincts in 2002-2003 will fluctuate slightly until all complaints for 2002-2003 are closed.
- 2 Source: Monthly CAD reports, PPB Data Processing Division. Citizen-police contacts are measured as the sum of dispatched and self-initiated calls for service. Dispatch and calls for service data are available for only the five precincts.
- 3 Source: 2000 US Census. The 2000 US Census allowed individuals to report one or more races. Consequently, race percentages sum to more than 100%.
- 4 Beginning January 2, 2003, the IPR changed the way in which it electronically tracks complainant allegations. Previously, the IPR reported on only the primary allegation classification. Thus, if a complainant had two allegations classified as courtesy, two allegations classified as conduct, and two allegations classified as force, the IPR would group those allegations under their primary classification, and thus report one courtesy allegation, one conduct allegation, and one force allegation. However, starting in 2003, the IPR began electronically tracking each discreet allegation. This change has resulted in a large artificial increase in the number of allegations reported in 2003 over 2002, which precludes comparison of allegation classifications between 2002 and 2003.
- 5 It is important to note that case processing decisions can be revised over the life of a case (e.g. decisions about intake classification, IAD assignment, types of allegation classifications). For example, cases that are assigned as investigations are sometimes changed to service complaints. As a result, aggregate numbers associated with case processing decisions will fluctuate slightly until all cases for that specific reporting period are closed.

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- 6 This category counts the number of complaints referred for mediation by the IPR Director in 2003 that were either completed or pending as of May 12, 2004. Note that 20 of these mediations were completed in 2003, while the other two were completed in 2004. A much larger number of complaints were initially slated for mediation, but were reclassified (e.g. as IPR declines) as they fell out of the mediation process (e.g. after the complainant or officer declined to participate).
 - 7 On rare occasions, closed cases can be re-opened. When this occurs, it can change the timeliness figures slightly for previous years.
 - 8 The paperwork for four command reviews was forwarded to the IPR after the data collection for the 2002 Annual Report was completed. Thus, this table includes four command reviews completed in 2002 that were not counted in the 2002 Annual Report.

**CHIEF'S RESPONSE TO THE IPR'S
REPORT FOR THE FIRST AND SECOND
QUARTERS 2003**



CITY OF
PORTLAND, OREGON
BUREAU OF POLICE

VERA KATZ, MAYOR
Derrick Foxworth, Chief of Police
1111 S.W. 2nd Avenue
Portland, Oregon 97204

Service Compassion Integrity Excellence Respect

MEMORANDUM

October 15, 2003

TO: Gary Blackmer
City Auditor

SUBJ: Response to Independent Police Review Report, First and Second Quarters, 2003

The Independent Police Review published its First and Second Quarters Report regarding citizen complaints against the Portland Police Bureau. This memorandum is the Bureau's response to the recommendation made by IPR on page four.

IPR recommendation: The PPB should maintain at least a 1:150 ratio of IAD investigators to active sworn personnel to conduct internal administrative investigations. This ratio is not intended to include the personnel necessary to conduct investigations of officer-involved shootings.

Response:

The Portland Police Bureau agrees with the recommendation made by IPR regarding staffing levels in IAD. While there is no national standard in setting the staffing levels in internal affairs investigation units because of the diversity of their duties and responsibilities in investigations, there is some consensus among larger police agencies in staffing at approximately one investigator per 100 officers. These guidelines have been shared in discussions with other agencies during various training seminars and in a telephone conversation with Lou Reiter, retired Los Angeles captain who is currently a national trainer for the Public Agency Training Council and an expert in internal affairs and discipline investigations. For our Division, the ratio of 1:100 has been adjusted as a result of discussions within IAD, the Chief's Office and with IPR to at least 1:150. This was due to the fact that IPR has responsibility for conducting the initial intake investigations of citizen complaints that reduced some of the workload in IAD.

As of October 2003, IAD has six full time investigators assigned to this Division. IAD has posted a vacancy notice for one additional investigator to bring the total assigned to IAD to seven. The seventh investigator position is expected to be filled by November. Since October of 2002, nine investigators have either retired or transferred from IAD. IAD is continuing its efforts to re-staff at its authorized strength of eight full time investigators.

The authorized, or budgeted, strength is the optimum staffing level for each unit or division in the Bureau. A variety of factors will impact our ability to maintain our authorized staffing levels in all Bureau divisions, including IAD. These factors include: retirements, transfers, promotions, successes in hiring and recruiting, and in establishing priorities for staffing, determined through crime analysis studies and through community and member input. For example, ensuring adequate supervisor staffing in the precincts is a high priority and critical to effective response to emergency calls for service and in ensuring officer safety. We also recognize that adequate field supervision will have a positive impact in reducing citizen complaints. These, and other considerations, are evaluated in balancing the staffing levels throughout the Bureau especially in times of budget cutbacks and shortages in sergeants. During the first and second quarters of this calendar year, supervisor staffing levels in each of the precincts have been below authorized strength: Central Precinct at 80%, East Precinct at 91%, SE Precinct at 84%, NE Precinct at 82% and North at 91%

At this time, our goal will be to staff IAD at seven investigators and work towards achieving authorized strength in IAD, as we are able. IAD will continually assess and update its workload so that optimum staffing levels may be identified. Additionally, as a formal model for internal investigation and review of officer-involved shootings is developed, IAD will be staffed accordingly so as not to reduce its effectiveness in addressing citizen complaints.



DERRICK FOXWORTH
Chief of Police

DF/DS

C: Mayor Katz
Commissioner Francesconi
Commissioner Leonard
Commissioner Saltzman
Commissioner Sten

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