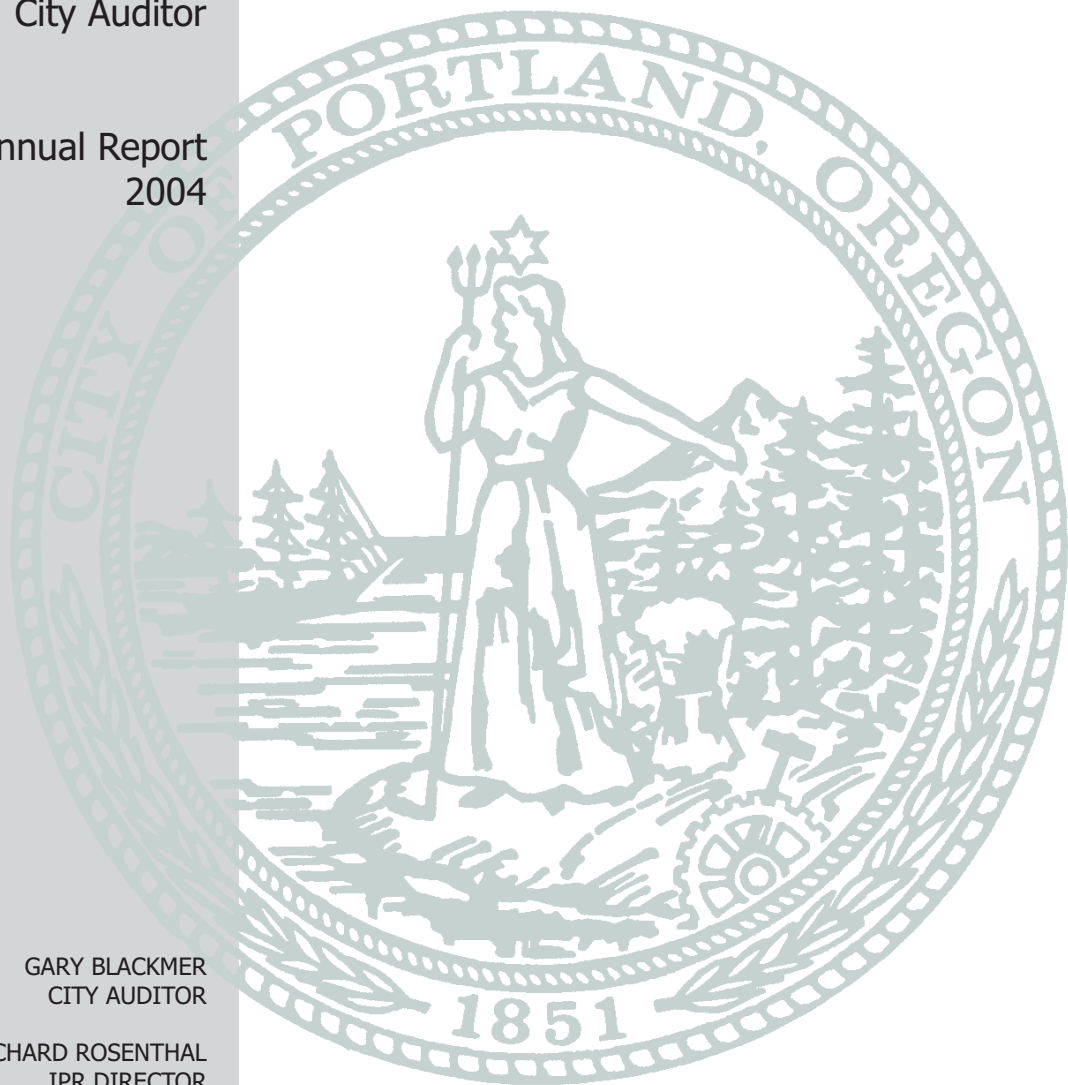


Independent
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2004



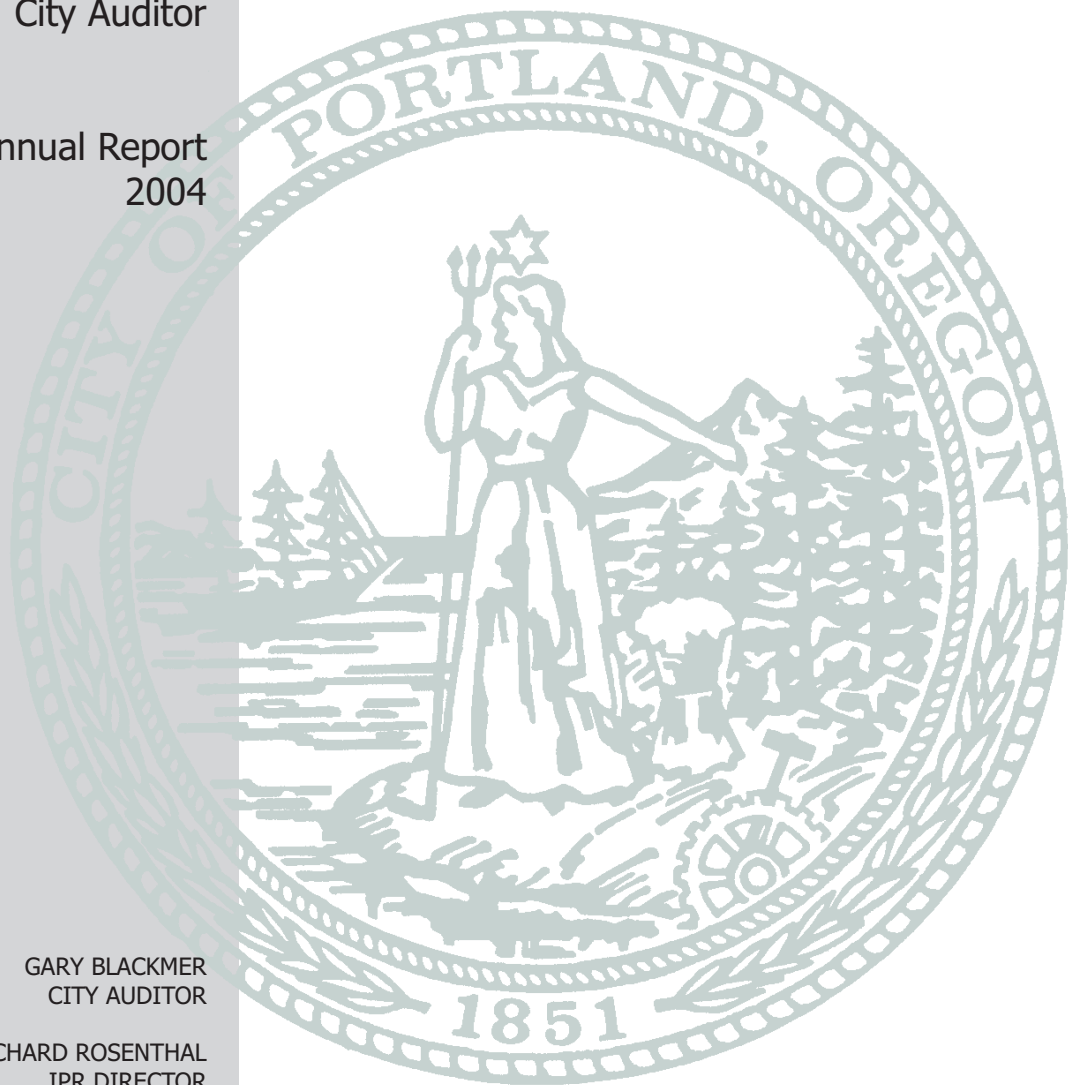
GARY BLACKMER
CITY AUDITOR

RICHARD ROSENTHAL
IPR DIRECTOR

Independent
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City Auditor

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GARY BLACKMER
CITY AUDITOR

RICHARD ROSENTHAL
IPR DIRECTOR

Message from the City Auditor

Gary Blackmer



I have learned that lasting change requires persuasion and perseverance. If we wish to improve police services in Portland we need to reach the 1,400 employees of the Police Bureau in a manner that engages them in the problem and the solution.

The Independent Police Review Division has a wide continuum of strategies of persuasion that we use regularly, because not every complaint merits discipline. Some require only a bit of guidance from a supervisor, and some could be so serious they need criminal prosecution. You'll see the strategies described in detail in this report.

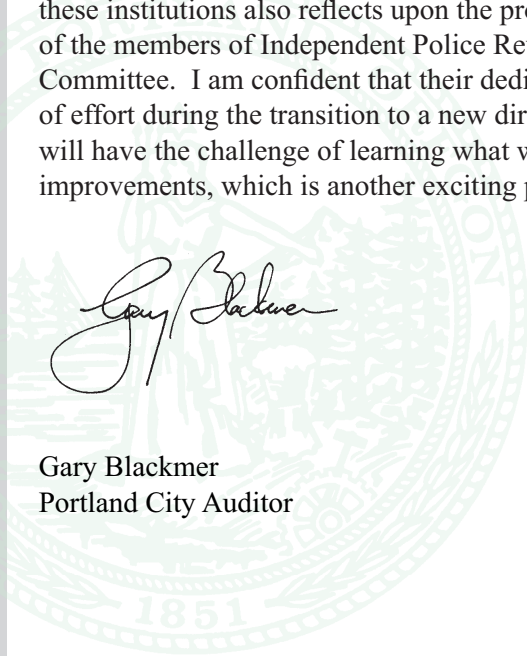
The second aspect, perseverance, comes from institutions. Procedures and judgments are reflected in the daily activities of Independent Police Review staff. The members of the Citizen Review Committee meet regularly; their decisions and actions are based on their insights and personal experiences. After completing three years of effort, it is clear that we have two very successful institutions that can positively influence a much larger institution, the Portland Police Bureau. Part of the credit also goes to the Police Bureau, which has initiated its own reviews of practices, as well as considering alternatives raised by the Independent Police Review and Citizen Review Committee.

We all deserve to boast about our accomplishments in these three years, but we cannot relax. As I write this, we are starting the recruitment effort to replace Richard Rosenthal. Richard was selected by the Mayor of Denver to create a monitoring program for police, sheriff, and fire services. It will be a challenging new venture for him and we wish him and Denver the very best.

Richard will be missed, but he should take pride in his enormous contribution to the creation of these institutions. The resilience of these institutions also reflects upon the professionalism and wisdom of the members of Independent Police Review and the Citizen Review Committee. I am confident that their dedication will sustain the quality of effort during the transition to a new director. The next director will have the challenge of learning what we do, then developing improvements, which is another exciting prospect for us all.

A handwritten signature in black ink that reads "Gary Blackmer".

Gary Blackmer
Portland City Auditor



Message from the Independent Police Review Director

Richard Rosenthal

This is the third annual report for the Independent Police Review Division of the City of Portland, Oregon, Auditor's Office. The Independent Police Review Division 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 Independent Police Review Division also took on the responsibility of compiling and reporting on citizen-initiated and police bureau-initiated commendations relating to Portland Police Bureau employees.

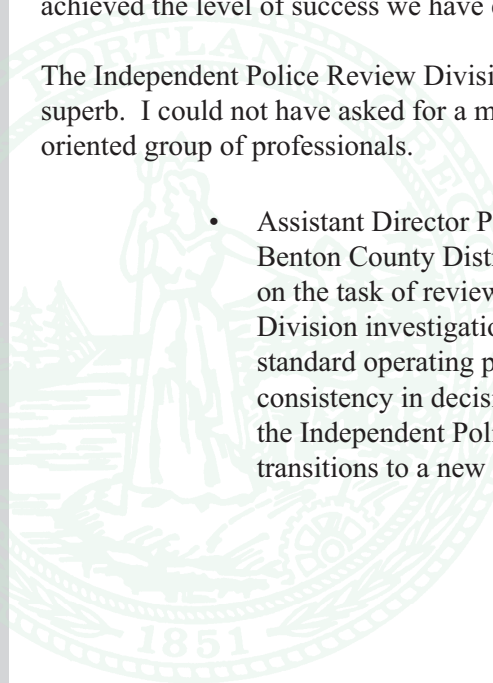
This will be the last report to be published by the Independent Police Review Division under my leadership as its Director. As of July 1, 2005, I am taking the position of Independent Police Monitor for the City and County of Denver, Colorado. Although I look forward to the professional challenge of implementing a second big-city civilian oversight program, I am sad to leave the City of Portland, the Independent Police Review Division staff, the Citizen Review Committee volunteers, and the service of City Auditor Gary Blackmer.

Auditor Blackmer has provided the leadership necessary to make the concept of the Independent Police Review Division a reality. He conceptualized the program and allowed me the opportunity to make it an ongoing effort to improve the services of the Police Bureau. Without Auditor Blackmer's vision, the Independent Police Review Division could not have become the success that it is. Not only is the Independent Police Review Division a national leader, but it is a model that is, in large part, being emulated by the City of Denver.

In addition, the members of the City Council have been extremely helpful and supportive. Without their commitment to the concept of civilian oversight of law enforcement, this program could not have achieved the level of success we have enjoyed over the past three years.

The Independent Police Review Division staff members have all been superb. I could not have asked for a more dedicated and service-oriented group of professionals.

- Assistant Director Pete Sandrock (retired Benton County District Attorney) took on the task of reviewing Internal Affairs Division investigations. He has created standard operating procedures that ensure consistency in decisionmaking, even as the Independent Police Review Division transitions to a new director.

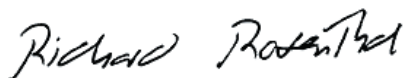


- Deputy Director Dr. Michael Hess staffed the citizen volunteer Police Internal Investigations Auditing Committee before he joined this division. He provided historical knowledge that has been invaluable while working with the Citizen Review Committee volunteers, appeal cases, and intake investigations.
- Management Analyst, Joseph De Angelis and his replacement, Lillian Dote, allowed us to implement one of the best management information systems in civilian oversight and to conduct important policy reviews such as the Police Assessment Resource Center report and the Tort Claim review.
- Intake Investigators Ben Panit and Judy Taylor helped me understand the Portland Police Bureau as an organization. They conducted fair and objective intake investigations upon which I learned to rely.
- Community Outreach Coordinator Lauri Stewart has been the primary contact person for citizen-initiated complainants and also assisted in the creation of one of the nation's leading citizen-police mediation programs.
- Office Manager Carol Kershner got the office up and running while she created work processes, met new staff members' needs, and developed a collaborative working relationship with the Internal Affairs Division administrative staff. With the assistance of our Office Support Specialist Marilyn Shepherd, the division operates smoothly and proficiently.

Each of the members of our current Citizen Review Committee has been supportive, helpful, and will be missed. Special thanks should be given to Chair Hank Miggins for his counsel and support over the past two years.

Finally, Internal Affairs Division staff, the Portland Police Bureau command staff, and the Portland Police unions should be thanked for their professionalism, dedication, and willingness to accept and collaborate with the Independent Police Review program.

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
Director

Message from the Citizen Review Committee Chair

Hank Miggins

The 2004 Annual Report describes the Citizen Review Committee's and Independent Police Review's efforts to enhance police accountability. Again, as in previous years, we restate our resolve to improve citizen's oversight of law enforcement in Portland.

The accomplishments of the Citizen Review Committee included a review of outstanding policy issues, an audit of declines by both the Independent Police Review and the Internal Affairs Division, a review of service complaints, and a review of closed cases. While the Citizen Review Committee continued to keep appeals current in 2004, the list of policy issues which required further review increased. This placed a greater demand on members of the Citizen Review Committee, and on our limited time and resources.

The partnership between the Citizen Review Committee and the Independent Police Review remains a valuable component of the work we do to ensure police accountability. Recognizing that an honest effort on both our parts is paramount to safeguarding the rights of persons and to promoting higher standards of competency, efficiency, and justice in Portland's community policing program, the Citizen Review Committee will continue to work within the structure set forth in the ordinance.

There are several policy issues that will carry over to the next work year, as I am sure, there will almost always be unfinished work. The Citizen Review Committee will seek to become increasingly involved with the community and to learn more of the community's desires. As each year passes, the Citizen Review Committee's workload increases, but we will, as in the past, take the steps necessary to meet the challenge.

As before, we promise to serve all citizens of Portland with objectivity, fairness, and transparency.



Hank Miggins
Chair

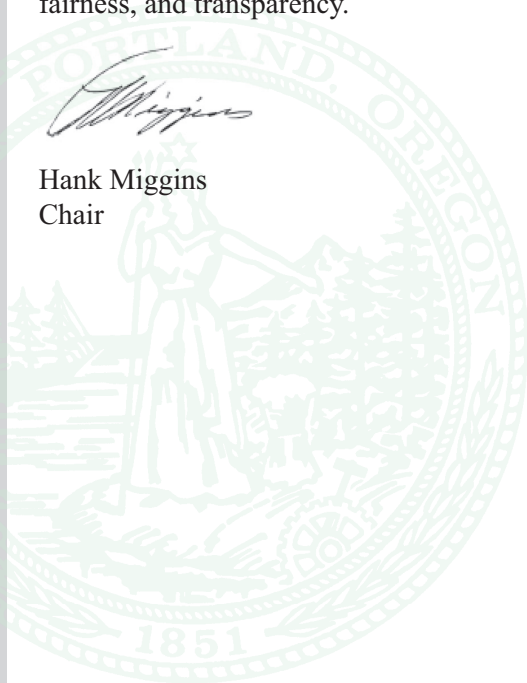


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List of Abbreviations

AIM	Administrative Investigations Management
CAD	Computer-aided Dispatch
CHO	Chief's Office
CIT	Crisis Intervention Team
CRC	Citizen Review Committee
DMV	Department of Motor Vehicles
DVD	Drugs and Vice Division
EIS	Early Intervention System
EMS	Emergency Medical Service
IAD	Internal Affairs Division, Portland Police Bureau
IPR	Independent Police Review, Office of the City Auditor
LEDS	Law Enforcement Data System
NACOLE	National Association for Civilian Oversight of Law Enforcement
NMC	Neighborhood Mediation Center
PARC	Police Assessment Resource Center
PPB	Portland Police Bureau
PPDS	Portland Police Data System
PSD	Planning and Support Division
RRT	Rapid Response Team
RU	Responsibility Unit
SERT	Special Emergency Reaction Team

Executive Summary

The mission of the Independent Police Review Division of the City of Portland's Auditor's Office is to improve police accountability to the public and to provide the opportunity for fair resolution of complaints against the police. The Independent Police Review works with the Citizen Review Committee and the Portland Police Bureau 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.

In pursuit of its mission, the Independent Police Review accomplished the following in 2004:

- Entered into a five-year contract with the Police Assessment Resource Center to review officer-involved shooting investigations, training, and policies on an annual basis;
- Researched, wrote, and published a policy review entitled: *The City of Portland's Handling of Tort Claims Alleging Police Misconduct: A Need for Consistent Referrals to the Internal Affairs Division*;
- Began working with the PPB to create a multi-disciplinary team to review the PPB's *Early Intervention System*;
- Coordinated the sharing of a database with the Chief's Office in order to improve the tracking of discipline and reviews by the Performance Review Board and the Use-of-Force Board;
- Developed and adopted written complaint handling criteria for the Independent Police Review and published these criteria on the Independent Police Review website;
- Fostered and solidified an improved working relationship between the Independent Police Review and the Citizen Review Committee;
- Collaborated with the Citizen Review Committee in order to develop a strategic outreach plan;
- Worked with a Citizen Review Committee workgroup that reviewed all Independent Police Review and Internal Affairs Division decisionmaking processes;
- Developed and adopted the Citizen Review Committee protocols for conducting formal policy reviews;

- Worked with the Citizen Review Committee to prioritize the identification of Portland Police Bureau policies that might warrant formal reviews in the future;
- Developed and presented regular reports to the Portland Police Bureau, Internal Affairs Division, and Training Division on patterns in citizen complaints, workload, and officer histories;
- Worked with the Portland Police Bureau command staff to encourage officer participation in the mediation program, completed 33 mediations, and worked to make the mediation program the largest per capita mediation program in the nation;
- Included a survey question about the City of Portland's efforts to control misconduct in the Auditor's Annual Citizen Survey;
- Developed a new process for handling tort claims alleging police misconduct;
- Monitored the timeliness of and outcomes from the Independent Police Review intakes, Internal Affairs Division assignment decisions, Internal Affairs Division investigations, case review, and decisionmaking by Police Bureau managers;
- Monitored individual complaints on a continuing basis;
- Networked and met informally with individuals and community leaders to build relations with various interest groups, and to better understand their issues and concerns;
- Served as a resource for those working to establish or modify police oversight agencies in other cities and countries, and provided advice and recommendations to representatives from other cities in the United States;
- Received recognition as an innovative program, which resulted in the Independent Police Review being invited to make a presentation at the annual conference for the National Association of Civilian Oversight of Law Enforcement (NACOLE) in Chicago;
- Hosted a Police Auditor Conference in Portland that was sponsored and funded by the University of Nebraska's Police Professionalism Initiative; and
- Met with representatives from countries throughout Europe, Asia, South and Central America, Africa, and the Middle East.

Stages of Complaint Handling

In 2004, the Independent Police Review received 781 new cases and closed 822 cases. This was a minimal increase in the Independent Police Review's workload from 2003. The 781 new complaint cases resulted in 2,704 allegations investigated by IPR.

Of the 751 cases that received intake decisions, 40% were dismissed after the initial Independent Police Review investigation. The most common reason why the Independent Police Review dismissed an allegation was because the complaint did not allege misconduct.

Once a case was referred to PPB for investigation, most cases were either handled as a service complaint or declined by IAD. Of those citizen-initiated complaints investigated by IAD, 16% resulted in one or more *sustained* findings.

Most Common Allegation for Citizen Complaints 2004	
Ten Most Common Allegations Reported to IPR	Number of Complaints that Involved One or More of the Following Allegations
Rude Behavior	249
Excessive Force	225
Unjustified Behavior	174
Failed to Take Appropriate Action	138
Filed False Charges or Citations	116
Harassment	115
Warrantless Search and/or Seizure	79
Unlawfully Detained Complainant	72
Profanity	63
Intimidation	60

IPR Intake Decisions 2004		
Intake Decision	Total	Percent
Referred to IAD	288	38%
Dismissed After Intake Investigation Completed	301	40%
Resolved at Intake	18	2%
Referred to Other Agency	14	2%
Referred to Chief's Office-Policy Review	5	1%
Administrative Referral	85	11%
Pending or Completed Mediation	40	5%
Total	751	100%

In 2004, the Independent Police Review received 9 new citizen appeals, and closed 13 appeals. Only two appeals resulted in the CRC challenging findings made by the PPB.

Mediation

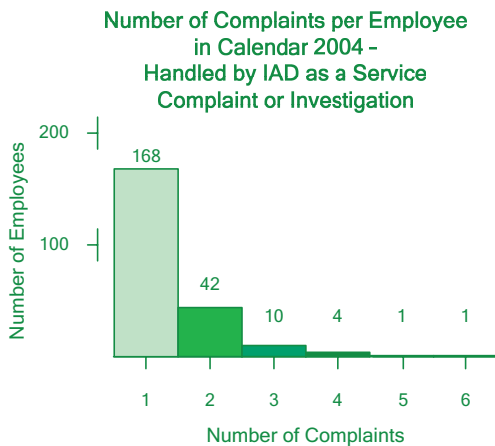
The IPR mediation program continues to expand as a popular and effective alternative to traditional case handling. In 2004, the Independent Police Review successfully completed 33 mediations, making our program one of the largest in the nation. Satisfaction rates with mediation continue to be very high, and almost all participants would recommend mediation to others.

Commendations and Complaints

In 2004 there was a significant increase in the number of commendations submitted to IPR. We received 523 commendations regarding PPB officers.

Many PPB employees receive multiple commendations. In 2004, a large number of PPB employees received no complaints, and

Number of Employees Receiving Only Commendations and/or No Complaints		
Number of Commendations	2004 Number of Complaints	Number of Employees
4	0	12
3	0	22
2	0	56
1	0	119
0	0	519
Total		728



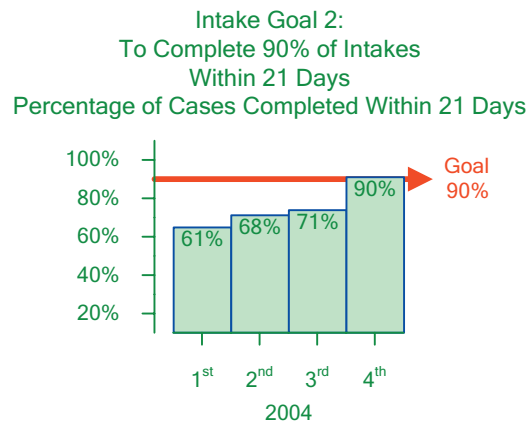
an even greater number of employees received commendations *and* no complaints. There were 209 employees who received commendations and no complaints in 2004. Of those, 90 employees received two or more commendations.

This year, IPR also reports on the number of complaints per employee. In 2004, the number of complaint cases received by individual employees, for those cases that were forwarded to IAD for investigation, ranged from one to six. Of those employees receiving complaints, a majority received only one complaint (74%).

Timeliness

In 2004, both IPR and IAD endeavored to improve the timeliness of case processing. As a result, timeliness in general is improving; however, meeting specific goals remains an issue for both IPR and PPB. Of the three timeliness goals set by IPR, two were met in 2004. Of the six timeliness goals set by IAD, one was met in 2004.

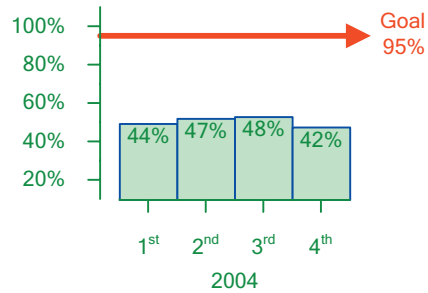
IPR met its performance goal of closing citizen complaints within 150 days, and, for the first time since the creation of IPR in 2002, staff met the intake goal of completing 90% of intakes within 21 days.



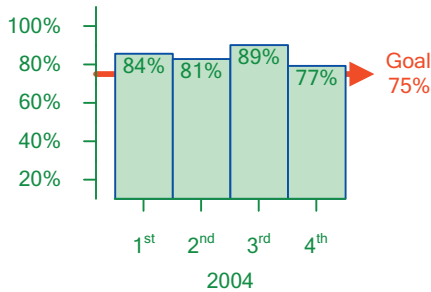
IAD did not reach its goal of completing 95% of cases within 45 days, although the amount of time it takes IAD to decide on whether to decline cases is improving.

For all four quarters of 2004, PPB exceeded its goal of completing 75% of service complaints within 30 days. PPB has consistently exceeded its 30-day goal for completing service complaints since the 3rd quarter of 2003.

IAD Decline Goal 2:
To Complete 95% of Declines
Within 45 Days
Percentage Declined Within 45 Days



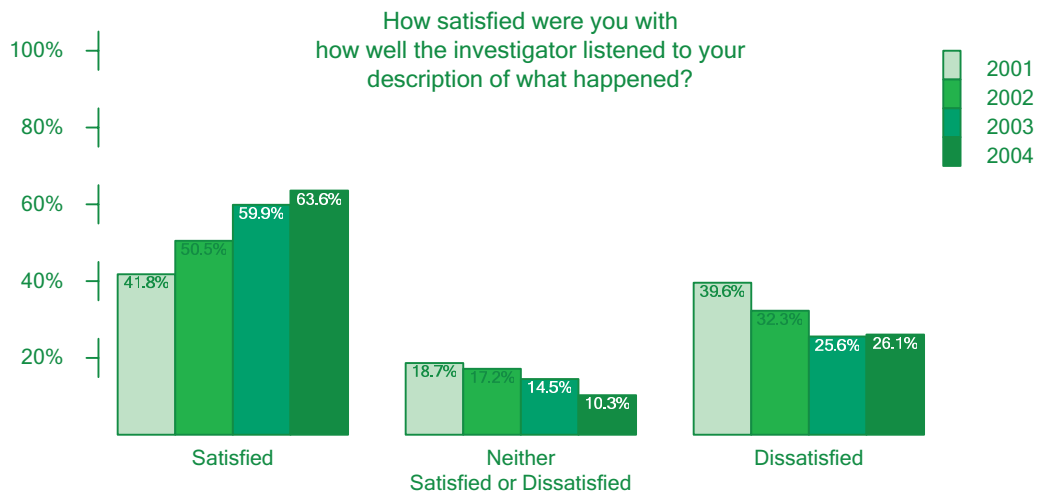
Goal #1:
75% of Service Complaints Within 30 Days
Percentage of Service Complaints
Completed Within 30 Days



IAD did not meet its goal of completing 80% of full investigations within 120 days, nor did it meet its goal of completing 95% of full investigations within 150 days.

Citizen Satisfaction

Almost without exception, the surveys in 2004 indicate that respondents are increasingly satisfied with all aspects of the complaint handling process. Respondents are increasingly satisfied with the quality of the interviews, with explanations about the complaint process, with the quality of communication, and with the thoroughness and efficiency of the process. When compared to 2001 (the baseline year for the citizen satisfaction survey), the improvement in satisfaction rates is dramatic.



Increased Accountability

A fair, thorough, and efficient review of every complaint does not guarantee that each person who complains will be satisfied. Nevertheless, IPR has improved communications with complainants; improved the investigation of complaints; established an open and orderly appeal process; documented and reported on decisionmaking vis-à-vis cases; implemented a powerful case management system; set standards for timely investigations; created a mediation option; developed a constructive working relationship with police management and officers; 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.

To further the City's accountability and responsiveness to its citizens, IPR will continue to seek further improvements in complaint handling and community policing. In addition to maintaining the above accomplishments, IPR will strive to improve the timeliness of case handling; to further investigate citizen satisfaction so that deficits can be mitigated; to expand the use of mediation; to monitor the implementation of recommendations on officer-involved shootings, to expand the use of the complaint tracking database; to formalize standard operating procedures; to improve outreach to the public; and to improve decisionmaking through our monitoring responsibility.

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, 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 to Participate in Investigations	Involvement in significant investigations can improve their transparency, 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, for the next five years, 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.

The Independent Police Review Division and Citizen Review Committee

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 and the Citizen Review Committee 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 City Auditor.

Independent Police Review Division Staff	Richard Rosenthal, Director
	Pete Sandrock, Assistant Director
	Michael Hess, D.D.S., Deputy Director
	Lillian Dote, Management Analyst
	Ben Panit, Intake Investigator
	Judy Taylor, Intake Investigator
	Lauri Stewart, Community Relations Coordinator
Carol Kershner, Office Manager	
Marilyn Shepherd, Office Support Specialist	
Citizen Review Committee Members	Hank Miggins, Chair
	Irma Valdez, Vice Chair
	Lewellyn Robison, Recorder
	Gwenn Baldwin
	Michael Bigham
	Loren Eriksson
	Marcella Red Thunder
	Jerry Spegman
	Robert Ueland



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

Eight and one-half permanent employees staff the IPR office. In addition, Portland State University practicum students supplement our workload. IPR offers special thanks to PSU Professor Annette Jolin (the Chair of the Administration of Justice Division) for her efforts in providing IPR with talented and hard-working students to assist the staff on an ongoing basis.

A special thanks to our previous Management Analyst Joseph De Angelis who worked with IPR for almost three years. He was instrumental in implementing one of the best management information systems in civilian oversight and conducted important policy reviews. He was previously employed as a Research Analyst by the New York City Criminal Justice Agency. Mr. De Angelis received 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 is a Ph.D. candidate in Sociology at New York University.

Director

Richard Rosenthal

is an attorney licensed to practice law in Oregon and California. Mr. Rosenthal received a Bachelor of Arts in History and Economics from the University of California, Berkeley. He has a Juris Doctor from Boalt Hall School of the Law at University of California, 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. Mr. Rosenthal teaches as an adjunct professor at Portland State University.

Assistant Director

Pete Sandrock

served as the elected Benton County District Attorney from 1977 to 1999 and as a senior policy advisor and chief operating officer for Metro, the regional government, from 1999 through 2002. Mr. Sandrock received a Bachelor of Arts in Liberal Arts from Columbia University, New York. He has a Juris Doctor from the University of Oregon. Mr. Sandrock's position with IPR is half-time.

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 received a Bachelor of Arts in Spanish and Pre-Med from the University of Michigan. He has a Doctor of Dental Surgery degree from the University of Michigan and a Master of Public Health degree from Loma Linda University, California. Dr. Hess served as a commissioned officer in the U.S. Public Health Service and retired at the rank of Captain. He was previously employed as a Hillsboro police officer and a child abuse caseworker for the Oregon State Office of Services for Children and Families.

**Management Analyst
Lillian Dote**

is a Ph.D. candidate in Criminal Justice at Temple University in Philadelphia, PA. She has a Master of Science degree in Justice, Law and Society from the American University in Washington, D.C. Ms. Dote has a Bachelor of Arts degree in History from the University of Hawaii at Manoa. She was previously employed as a Research Analyst with the AIDS Activities Coordinating Office of the City of Philadelphia Department of Public Health, and with the Crime and Justice Research Institute in Philadelphia, PA. Ms. Dote has collaborated on research into community prosecution, prison alternative programs, and juror diversity.

**Intake Investigator
Ben Panit**

is a retired Sergeant from the Portland Police Bureau. Mr. Panit was previously an Intake Investigator for the Internal Affairs Division before transferring to the Auditor's Office.

**Intake Investigator
Judy Taylor**

is a retired Sergeant from the Portland Police Bureau. Ms. Taylor was previously an Intake Investigator for the Internal Affairs Division before transferring to the Auditor's Office.

**Community Relations Coordinator
Lauri Stewart**

has a Bachelor of Arts degree in Psychology and Journalism from the University of Alaska and a Master of Communication degree 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.

**Office Manager
Carol Kershner**

was previously employed by the City of Portland's Diversity Development and Affirmative Action Office. Prior to that, she provided comprehensive administrative support to various departments within Portland's Bureau of Risk Management. Ms. Kershner was the co-owner of an interior design and drapery business before her employment with the City of Portland. She received an Associate of Arts degree in Science and an Associate of General Studies degree from Portland Community College.

**Office Support Specialist
Marilyn Shepherd**

worked part-time in IPR for a year before becoming a full-time permanent employee. Ms. Shepherd was previously employed by a large health care system as an Auditing Specialist in Membership Accounting. Prior to that, Ms. Shepherd was an administrative assistant for 16 years on behalf of a family-owned business (a trade school).

Portland State University Interns

Brian Condon Michelle Welch Kathryn Haarberg

Citizen Review Committee Members 2003-2004



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.)

Citizen Review Committee Members 2004-2005



From left to right: Robert Ueland, Marcella Red Thunder, Loren Eriksson, Lewellyn Robison, Hank Miggins, Irma Valdez, Gwenn Baldwin, Jerry Spegman, and Michael Bigham.

Gwenn Baldwin

is president of Baldwin Consulting, LLC, a firm that helps business, government, and nonprofit clients with strategic positioning, government relations, and communications needs. She was previously a principal with Innovation Partners, a civic problem-solving nonprofit, and was executive director of the L.A. Gay & Lesbian Center. She began her professional career working for then-Congressman Ron Wyden and Governor Barbara Roberts. In addition to serving on the CRC, Baldwin is on the Board of Directors of Equity Foundation. She previously served as Secretary of the National Association of Lesbian, Gay, Bisexual, and Transgender Community Centers and the California Attorney General's Commission on Hate Crimes. (Recommended by Mayor Katz.)

Term: February 2005—February 2007

Michael Bigham

is a retired Port of Portland Police Lieutenant, who went on to add a Masters in Fine Arts degree to his Masters in Criminal Justice and Bachelor of Arts in Psychology. He now does extensive volunteer work, including programs for low income housing residents, the homeless community, special needs individuals, and drug treatment programs. He is also a member in the Audubon Society and Sierra Club. He is a resident of Southeast Portland.

Term: February 2005—February 2007

Loren Eriksson

was raised and schooled in outer Southeast Portland. He is the proud father of two grown children. He currently lives in inner Southeast 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.)

Term: December 2003—December 2005

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.)

Term: December 2003—December 2005

Marcella Red Thunder

is a mechanic who is actively involved in her Northeast neighborhood and a variety of organizations and causes, including the City of Portland's Emergency Response Team, the Portland Youth and Elders Council on Poverty Reduction, and the Native American Youth Association. (Recommended by Commissioner Adams.)

Term: February 2005—February 2007

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 Bachelor of Arts from San Francisco State and an Master of Science from National Louis University. She also volunteers with the Multnomah County Library and her homeowners' association.

Term: February 2005—February 2007

Jerry Spegman

is a grants manager for the non-profit Robert Wood Johnson Foundation. Before that he was an attorney in Minnesota and New Hampshire, representing poor, disabled, and socially marginalized clients. He was an administrative hearings officer for cases involving special education, vocational rehabilitation, and state disability benefits. His previous volunteer experience includes serving on the Board of Directors for Portland Metro Residential Services, serving developmentally disabled adults, and the Multnomah County Citizens Task Force on Smokefree Workplaces. He is a resident of Southeast Portland.

Term: February 2005—February 2006

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.

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.)

Term: December 2003—December 2005

Chapter 1

Overview from the IPR Director

Richard Rosenthal

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 Independent Police Review Division works with the Citizen Review Committee and the Portland 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.



Goals for 2005

The year 2005 marks the fourth year of the Independent Police Review's operation. The Independent Police Review has set the following goals for the year:

- Publishing the first follow-up report, by the Police Assessment Resource Center, relating to the Portland Police Bureau officer-involved shooting investigations and deadly force policies;
- Maintaining the Independent Police Review citizen-police mediation program as the largest per-capita program in the nation;
- Assisting the Portland Police Bureau in the implementation of a new *Early Intervention System*;
- Creating an expanded Citizen Advisory Committee to increase the Independent Police Review's outreach to the community; and
- Creating new processes to ensure that tort claims and law suits alleging police misconduct are handled in a fair and consistent manner.

The Independent Police Review looks forward to accomplishing these goals.

Goals for 2004

The primary goals for the year 2004 were to:

- Engage 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.
- Complete and publish a review of Portland Police Bureau's Early Warning System and evaluate the use of Employee Behavior Reviews by Portland Police Bureau managers.
- Expand the use of the Administrative Investigation Management database to the Chief's Office and the Personnel Division.
- Create written criteria to ensure consistency in Independent Police Review Division decisionmaking processes and creating standard operating procedures for the processing of complaints.
- Establish clear work expectations between the Independent Police Review and the Citizen Review Committee, and expand the Citizen Review Committee work to include periodic reviews of the Independent Police Review procedures relating to declinations, mediations, and the use of service complaints in lieu of full Internal Affairs Division investigations.
- Generate information from the Administrative Investigations Management database to assist the Portland Police Bureau's Training Division in identifying the types and timing of training necessary to reduce the incidents leading to citizen- and bureau-initiated complaints.

Status of Goals

In general, the Independent Police Review was able to achieve the aforementioned goals or to make significant progress towards the implementation of these goals.

- The Independent Police Review and the Police Assessment Resource Center entered into a five-year contract to review officer-involved shooting investigations, training, and policies on an annual basis.
- The Independent Police Review Assistant Director began preparations to work with the Portland Police Bureau to create a multi-disciplinary team to review the Portland Police Bureau's Early Intervention System.
- The Administrative Investigations Management database was expanded to include use by IAD command staff and the Police Chief's Discipline Coordinator.
- Written complaint handling criteria were created and adopted by the Independent Police Review with the advice and agreement of the Citizen Review Committee.
- An excellent working relationship between the Independent Police Review and our Citizen Review Committee was fostered and solidified. A Citizen Review Committee workgroup reviewed all Independent Police Review and IAD decisionmaking processes.
- The Independent Police Review analyst continued to provide reports to the Portland Police Bureau and Training Division relating to patterns of citizen complaints.

Independent Police Review Recommendations Implemented

- The Administrative Investigations Management database was adopted by the Chief's Office to track discipline and reviews by the Performance Review Board and the Use-of-Force Board.
- Portland Police Bureau command staff encouraged officers to participate in the mediation program, and the vast majority of officers agreed to mediate upon request.
- A survey question: "How do you rate the City of Portland's efforts to control misconduct by Portland police officers?" was included in the Auditor's Annual Citizen Survey. The question is a permanent part of the survey, enabling the Independent Police Review to report results on an annual basis.
- A new category for handling citizen complaints, entitled: "Administrative Referral to Precinct" was created for those complaints warranting review and handling at the precinct level, but not warranting a service complaint or an investigation.
- The Independent Police Review and IAD case handling criteria were formally adopted and published on the Independent Police Review website.
- A new process for handling tort claims alleging police misconduct was created.
- A five-year contract with the Police Assessment Resource Center was adopted by City Council.

A Report on Activities

During 2004, there were a number of changes, enhancements, and adaptations in work processes involved in complaint-handling.

Expansion of the Administrative Investigation Management (AIM) Database

IPR continues to assist IAD in the implementation of the Administrative Investigation Management database. The adoption of this software by IAD was a recommendation made by IPR shortly after IPR purchased the database for its own use. During the course of the year, the AIM database replaced the prior information system used by IAD. In addition, the IAD command staff started making entries into AIM, further assisting the tracking of complaints on a real-time basis. In the upcoming year, the database is being expanded to allow the tracking of use-of-force cases being reviewed by the Use-of-Force Review Board and cases involving sustained findings through arbitration and/or the actual imposition of discipline.

The AIM database also allowed IPR staff to provide numerous special reports requested by PPB managers. These special reports included a request from Internal Affairs for complaints involving search warrants and the alleged destruction of property, a request from a Precinct Commander wanting complaint statistics for his officers, multiple requests from the City Attorney for reports on officer complaint and commendation histories, and a request from Training Division for complaint statistics relating to traffic stops.

Tort Claim Review

In September 2004, IPR released a policy review entitled: *The City of Portland's Handling of Tort Claims Alleging Police Misconduct: A Need for Consistent Referrals to the Internal Affairs Division*. The report included a recommendation to amend the City Ordinance to allow IPR to review and investigate tort claims that are filed with the City's Risk Management Division. All tort claims alleging police misconduct would be handled in a process similar to citizen-initiated complaints filed with IPR.

On March 31, 2005, the Auditor introduced and the City Council approved ordinance language consistent with the recommendations made in the report.

Annual Shooting Review

On August 23, 2003, IPR published a review of investigation, policy, and training issues relating to officer-involved shootings and in-custody deaths. The report was prepared by the Los Angeles-based Police Assessment Resource Center (PARC). PARC staff reviewed 32 shootings and in-custody deaths that took place between January, 1997 and June, 2000. The PARC report made 89 specific recommendations for improvements in policy and training relating to the cases that were reviewed.

On April 22, 2004, IPR entered into a five-year contract with PARC to prepare follow-up reviews to the original PARC report. IPR staff worked with PARC to obtain the documents necessary to conduct this follow-up review, which includes the review of 12 officer-involved shootings that took place between July, 2000 and December, 2001. In addition, PARC will review the Police Bureau's response to PARC's prior recommendations regarding investigations of officer-involved shootings and changes to the Bureau's use-of-deadly-force policies.

IPR expects to publish this report and present it to City Council by summer 2005.

A Report on Timeliness

Timeliness of Investigations and Continuing Inadequacies in IAD Staffing

Prior to the implementation of the IPR program, one of the issues of greatest concern to citizens, officers, and City Council, was PPB's inability to conduct investigations and make findings in a timely fashion. Since IPR's inception in 2002, we have carefully monitored the timeliness of IPR intakes, IAD assignment decisions, IAD investigations, and case review and decisionmaking by Police Bureau managers.

The timeliness of investigations was sporadic in 2004. Although most investigations were handled in a timely fashion, a significant number of citizen-initiated complaints took more than a year to complete. In the absence of a lack-of-staff explanation, none of these investigations should have taken more than six months to complete. One issue of concern was that IAD received and investigated 35 new Police Bureau-initiated complaints (including two officer-involved shootings) which depleted the IAD resources necessary to conduct citizen-initiated complaints. This was in addition to carryover cases from 2003.

In 2003, after reviewing the staffing levels and workload of IAD investigators from 2000 to 2003, IPR estimated that IAD needed at least 6.5 investigators to conduct adequate and timely investigations. This staffing level, however, was not intended to include the personnel necessary to conduct administrative investigations of officer-involved shootings. (See IPR Report for the First and Second Quarters 2003, page 4.)

By the end of 2004, IAD staffing included a Captain, a Lieutenant, and 6.5 investigators. If the PPB intends to continue to assign officer-involved shootings to IAD, at least one additional investigator needs to be assigned to IAD to maintain the timeliness of investigations.

A Report on the Fairness and Thoroughness of IAD Investigations and Findings

Investigations

In general, IAD investigations continue to be complete and thorough, and when IPR has recommended additional investigation, IAD has actively listened and usually accepted the recommendation. The IPR Director continues to be provided with free and unfettered access to IAD records, as well as to the justifications and thought processes used to make decisions.

IPR requests for additional investigation continue to decline from previous years. 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 IPR and incorporate those recommendations before the investigation is approved.

Findings

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

The Police Bureau findings have been judged reasonable in 2004.

IPR was unable to identify any PPB finding that was clearly unreasonable. Further, of those cases appealed by citizens, the CRC did not identify any complaints where they believed that PPB findings needed to be changed from non-sustained to sustained.

A Report on the Monitoring of Complaints

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, 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 defensible findings.

A Report on the Citizen Review Committee Workload

In 2002, the IPR's first year of operation, 29 appeals of IAD decisions were received, reviewed, and handled by IPR and the CRC. In 2003, the number of appeals dropped to 20. In 2004, the number of appeals dropped to 9.

We believe that there are two reasons for this reduction in appeals. First, IPR and the CRC no longer permit appeals of IAD declination decisions. (See 2003 Annual Report, page 12, for a thorough discussion of the decision to stop appeals of IAD declinations.) Second, as the IPR program has progressed, the quality of IAD disposition letters has improved. This is evidenced by the reduction in the number of comments made by the IPR Director on IAD disposition letters.

The CRC used the decreased workload as an opportunity to create better processes for the reviewing of IPR and IAD decisionmaking processes and to examine PPB policy issues of importance to the community.

In a letter dated April 20, 2004, a CRC workgroup discussed their findings with respect to their review of IPR decisionmaking processes. The workgroup concluded that IPR staff thoroughly reviewed and considered each complaint before making a declination decision. The workgroup also concluded that, overall, IPR's declinations were justified by the facts evident in the files.

In a letter dated December 20, 2004, the same CRC workgroup discussed their findings with respect to their review of IAD decisionmaking processes. The workgroup concluded that IAD decisionmaking on declinations and service complaints were justified by the facts evident in the files. They also concluded that most of the investigations they reviewed were well done. Despite criticisms of two investigations, the workgroup did not find a consistent or systemic problem.

In addition, on September 22, 2004, the CRC adopted a protocol for conducting formal policy reviews and prioritized their work in identifying PPB policies that might warrant formal reviews in the future. The CRC anticipates reviewing issues relating to PPB enforcement actions on protests and issues relating to racially biased policing in the upcoming year.

A Report on 2004 Outreach

IPR ensures that citizens can make police complaints and commendations via phone, mail, fax, the internet, or in person at the Independent Police Review office. Information about the IPR and complaint process is available in multiple languages in many locations throughout the city. In addition, the CRC holds regularly scheduled meetings open to the public.

Strategic Outreach Plan

In June, 2004 a Strategic Outreach Plan was approved by the CRC. The Plan specified the outreach goals for the year.

Regularly Scheduled Outreach Events

Develop a series of regularly scheduled outreach meetings and events rather than random, ad hoc meetings and events. Post this calendar to make the information widely accessible.

As yet the CRC has not yet made a formal decision to adopt a proposed schedule of quarterly forum/public meetings. However, in 2004, IPR sponsored and invited public participation in two forums. The public forums were to discuss the ongoing review of officer-involved shootings with representatives of PARC. A broad range of community organizations and leaders were invited to participate, provide input, and ask questions.

Outreach Partnership Between IPR and the CRC

Encourage each CRC member to organize outreach events with their own professional and community affiliations.

In 2004, three of the community presentations and question-and-answer sessions by the IPR/CRC were with organizations in which CRC members are involved. The CRC members arranged the presentations.

Targeted Outreach for 2004

Approach youth, law enforcement-allied service organizations (e.g. paramedics, hospitals, fire), and ethnic communities.

In 2004, IPR conducted outreach to members of the sexual minority community, the Arab American Advisory Council, and youth and adult groups within the Russian immigrant community. IPR also conducted meetings with two neighborhood coalitions, the Neighborhood Crime Prevention Specialists, and other community organizations.

IPR staff attended community meetings and forums in Northeast Portland to hear community concerns on policing issues such as racial profiling, gang violence, and police shootings.

Recognizing that outreach is an ongoing process, IPR will improve its outreach to agencies affiliated with law enforcement.

Re-contact Organizations

Contact organizations with whom we have 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 director's meetings.

In 2004, a few meetings and presentations were the result of previous outreach to organizations. In 2005, IPR will re-vitalize these contacts.

Pamphlet Distribution Sites

Commit to keeping a limited list of community brochure distribution sites stocked on an ongoing basis (as distinguished from informal sites that have requested IPR information, but are restocked only upon request).

This has been accomplished.

CRC Meetings in the Community

Schedule CRC meetings in the community (outside City Hall) at least twice a year; rotate through different areas of the city.

The CRC held its November, 2004 meeting in Southeast Portland, and adopted a plan to hold one meeting per quarter in a community location. The meetings will rotate throughout the city. The CRC will meet in East Portland in May, 2005, Northeast Portland in August, 2005, and North Portland in November, 2005.

Educational Component for the CRC

Arrange training on police issues and practices, such as CIT, Family Services, RRT, and oversight issues.

The CRC attended presentations by both CIT and Training Division in 2004.

Educational Component for the General Public

Continue efforts to educate the public on the role and limits of the IPR/CRC. We actively promote news stories on topics such as the Portland experience vs. other oversight agencies in the country (and some of the strengths and unique advantages we have), the benefit of mediation in addressing complaints, and other topics.

IPR held two public sessions on the PARC report and officer-involved shootings, created an article on IPR and the complaint process for the Southeast Uplift neighborhood newspaper, and worked on a mediation story with the Oregonian. The story was subsequently published as a front-page article on March 14, 2005.

**Educational Component
for Youth**

Develop a brief curriculum on how to ameliorate police contacts, and how the process works if youth encounter difficulties.

This is a work in progress. IPR is working cooperatively with the Portland Police Bureau, particularly the School Police Division.

**Educational Component
for Police**

Continue to refine our attempts to improve PPB's understanding of IPR and the mediation program, and to develop ways to teach officers how to avoid or reduce preventable complaints.

We continue to meet and network with union representatives, commanders, rank-and-file officers, training staff, and various special units. IPR also makes regular presentations at the advanced academy on IPR and the complaint process, ethical issues, and complaint avoidance techniques. We are currently working on an article on mediation for the police union paper, to be published in 2005.

Outreach to the Public and Community Groups

In addition to making formal presentations, IPR staff network and 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.

A continuing area of outreach has been working directly with individual complainants and appellants to guide them through the complaint and appeals process, and to address their concerns and questions.

IPR also receives many calls from people seeking information or referrals. Often callers have questions about police procedures and policies, and are seeking an independent opinion. Other callers make comments or suggestions, or simply want to voice their frustration or anger. IPR staff assist these callers. In 2004, a little under 1,200 calls did not result in formal complaints.

Outreach to Other Agencies

IPR serves as a resource for those working to establish or to modify police oversight agencies in other cities and countries. IPR was recognized as an innovative program and was specifically asked to make a presentation at the annual conference for the National Association of Civilian Oversight of Law Enforcement (NACOLE) in Chicago.

In September, 2004, IPR hosted a Police Auditor Conference in Portland. The conference was sponsored and funded by the University of Nebraska's Police Professionalism Initiative, and police auditors from around the country attended. Police auditors from Los Angeles, San Jose, Sacramento, Seattle, Boise, Omaha, Washington D.C., Philadelphia, and New York City convened in Portland to discuss police oversight.

The Oregon World Affairs Council routinely features IPR on the agenda of world leaders who have an interest in learning more about best practices in police oversight, in promoting governmental transparency and

accountability, and in dealing with and preventing official corruption. In 2004 IPR met with representatives from Albania, Armenia, Belarus, Belgium, Bolivia, China, Columbia, Croatia, Guatemala, India, Kazakhstan, Latvia, Malaysia, Namibia, Nigeria, Pakistan, Peru, Poland, Serbia, Uganda, Venezuela, Yemen, Zambia, and Zimbabwe.

IPR provided advice and recommendations to representatives from Eugene, Denver, Albany, and Tacoma. These representatives were interested in learning more about the Portland model of civilian oversight. IPR also met with representatives from the Seattle Police Department. Seattle police visited Portland to learn more about the IPR complaint case management system and how to launch a successful citizen-police mediation program.

Special Thanks from the IPR Director to Two PPB Retirees

The year 2004 marked the retirement of two long-time Internal Affairs Division staff. IPR recognizes and thanks them for their contribution.

A Thank You from the Director to Captain Darrel Schenck

Captain Darrel Schenck was assigned to Internal Affairs shortly before the IPR program began operation in 2002. He retired from the Police Bureau on December 31, 2004, but will continue as a private consultant to PPB. He will assist the Bureau in implementing an up-to-date *Early Intervention System*.

**Excerpted from a Retirement Speech for
Captain Schenck by Richard Rosenthal
February 9, 2005**

During Captain Schenck's tenure at IAD, we have seen some great successes: a vigorous and respected citizen-police mediation program, a professional complaint handling process and a management information system with a shared database that allows us to ensure consistent and timely handling of complaints.

Although it would be easy for the IPR to take sole credit for these successes, they could not have been accomplished but for the efforts of Captain Schenck. He made things happen. He was open, accessible, committed to community-oriented policing, and committed to the Bureau's need to have a professional and committed program of civilian oversight.

It should not be said that Captain Schenck did not defend the Bureau's right to manage itself and protect officers when necessary and appropriate. Captain Schenck and I debated, discussed, and sometimes argued. But Captain Schenck, the consummate gentleman, never allowed the debates to get personal and never allowed his emotions to get in the way of rational thought. It was always about the objective facts and the needs of the community, the Bureau, and its officers.

For this, Captain Schenck, I thank you. You left a lasting impression of how to communicate effectively and appropriately. We will miss you but take solace in the fact that you have not gone far and that your work with PPB will continue.

A Thank You from the Director to Ms. Nancy Sturdevant

Ms. Nancy Sturdevant retired on December 31, 2004, after serving much of her career as the Administrative Supervisor of Internal Affairs. Ms. Sturdevant managed the IAD office before the creation of IPR and during the first three years of IPR. Her in-depth knowledge of IAD administrative operations, her professionalism, her affability and patience, and her talent for overcoming obstacles were invaluable in developing and facilitating the numerous administrative processes that a joint effort requires. We will miss our camaraderie, but we wish Ms. Sturdevant well in her retirement.

Chapter 2

Stages of Complaint Handling

Stage One:

A report on the characteristics and disposition of cases received, investigated, and closed by IPR and IAD.

Stage Two:

Cases have been forwarded from the City of Portland Auditor's Office, Independent Police Review Division, to the Portland Police Bureau, Internal Affairs Division.

Stage Three:

The IPR Director reviews every citizen- and bureau-initiated case, and often comments or raises concerns about the case handling.

Stage Four:

IPR offers complainants an opportunity to request an appeal if the Police Bureau does not sustain an allegation.

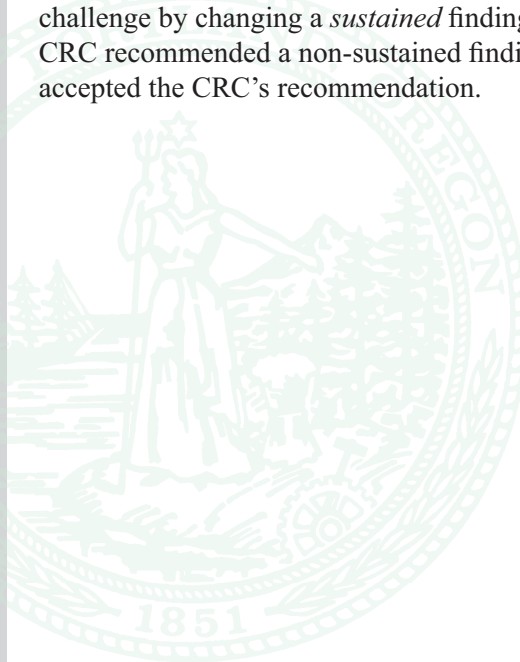
In 2004, IPR received 781 new cases and closed 822 cases. In this chapter of the 2004 Annual Report, we provide details on the characteristics and disposition of these cases. We use the four stages of the IPR complaint process – Intake, Internal Affairs Investigation and Review, Director's Review, and Appeals – to frame the discussion.

Stage 1: Intake. The 781 new complaint cases resulted in 2,704 allegations investigated by IPR. Common allegations included rude or unjustified behavior, excessive use of force, failure to take appropriate action, and the filing of false charges or citations. Forty percent of cases were dismissed by IPR after the initial IPR investigation; thirty eight percent of cases were referred to IAD. The most common reason for dismissing a case was because the complainant did not allege misconduct.

Stage II: PPB Internal Affairs Investigation and Review. In 2004, IAD made assignment decisions on 346 cases. Of these cases, 144 were handled as service complaints and 96 were declined after a preliminary investigation. An officers' excessive use of force was the most common allegation to be fully investigated. Rude behavior was the most common allegation handled as a service complaint.

Stage III: IPR Director's Review and Comment. The IPR Director commented on the timeliness of 20 cases in 2004. There was a decrease in the number of cases with re-categorized allegations, and no cases in which the findings made by Bureau commanders were objectively unreasonable

Stage IV: Appeal. In 2004, IPR received 9 new citizen appeals, and closed 13 appeals. Only two appeals resulted in the CRC challenging findings made by the PPB. For the first, PPB responded to the CRC challenge by changing a *sustained* finding to a service complaint. (The CRC recommended a non-sustained finding.) For the second, PPB accepted the CRC's recommendation.



Introduction

This chapter reports on the workload and outcomes for the four stages of IPR’s 2004 complaint process: Intake, Internal Affairs Investigation and Review, Director’s Review, and Appeals. The four stages are depicted in Figure 2.1 below:

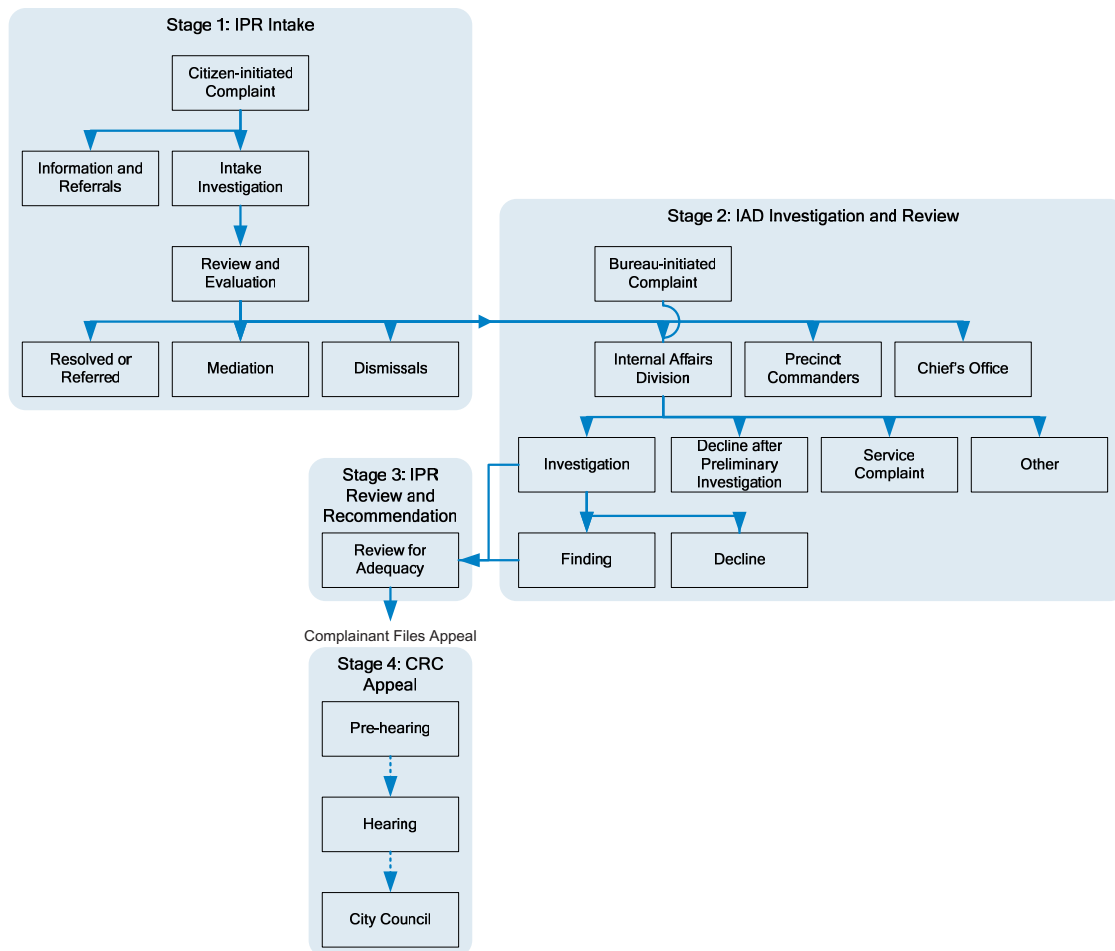


Figure 2.1

We begin by reporting on Stage I: Intake. This section includes a description of the intake process, information about the characteristics of complaints that IPR processed in 2004, and brief case narratives that illustrate the types of complaints received by IPR. Mediation, which is an alternative method for resolving cases, is discussed in a subsequent chapter.

In Section 2, we report on IAD Investigations (Stage II of Figure 2.1). This includes a discussion of IAD dispositions and findings. Service complaints, a disposition that involves an officer debriefing, but not an IAD investigation, are also included in this section. In Section 3, we report on the IPR Director’s comments regarding timeliness, investigations, and case processing (Stage III of Figure 2.1). In Section 4 we report on the dispositions of appeals (Stage IV of Figure 2.1).

Throughout each of the four sections in the chapter we include case narratives to illustrate the breadth of cases received by IPR. All narratives included in this section were randomly selected from actual 2004 cases.

Stage I: Intake

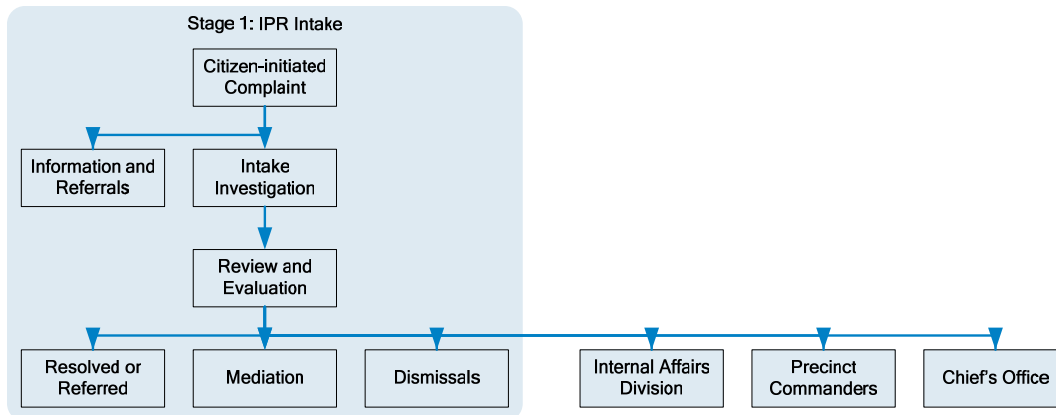


Figure 2.2

Intake is the first stage of the complaint process, and IPR provides citizens with a variety of methods for filing complaints. Complaints may be filed by mail, in person, by telephone, by fax, by e-mail, or through the IPR website at www.portlandonline.com/auditor/ipr. The range of choices is designed so that citizens can select a method that best suits their needs. Complaints may also be filed by mailing a postage-paid complaint form that has been distributed to all five PPB precincts and many community locations. (See Appendix A for locations.)

Often citizens want to speak directly to an IPR employee, and, therefore, most complaints are received via phone. An analysis of complaints received by IPR between July 1, 2004 and December 31, 2004, indicates that more than half of the new complaints (53%) received in the 3rd and 4th quarters originated with a phone call. Because of the prominence of phone calls, every effort is made to ensure that calls are answered promptly, and in person, with due regard for the urgency of phoned complaints. On those rare occasions when IPR staff are unable to answer the phone, callers are asked to leave a message. IPR staff return messages either that same day or within 24 hours.

Table 2.1
Origin of New Complaints Received by IPR
Between 7/1/2004 and 12/31/2004

	Number	Percent
Phone	190	53%
Mail	56	16%
E-mail	42	12%
Inter-office	29	8%
Walk-in	17	5%
Precinct	16	4%
Fax	8	2%

Complaint forms have been translated into several different languages, including Spanish and Russian. IPR is currently in the process of producing additional complaint forms in Vietnamese and Korean. Organizations interested in obtaining a supply of complaint forms should contact IPR at (503) 823-0914.

Other methods for filing complaints include mail and e-mail. Some complainants opt to visit the IPR office. Staff are available during regular City Hall business hours to advise the complainant, provide information about the complaint process, and, if necessary, assist the complainant with filing the complaint. One IPR staff member is fluent in Spanish so he frequently assists Spanish-speaking complainants.

Information and Referrals

Insofar as phone calls are complainants' preferred method of filing complaints, IPR reports on the number of phone calls received. In 2004, IPR intake staff answered 1,975 calls to the IPR primary phone number. Not all these calls became complaints; some were requests for information, complaints against other police agencies, or inquiries about police policy. Sometimes citizens want an opinion that is independent of the police department. IPR provides this service by offering independent advice to citizens about police practices or policies.

In all instances, IPR staff attempt to assist or advise the citizen. Sometimes assistance requires that IPR staff refer the citizen to an organization or agency that is better suited to help or advise the citizen. IPR tallies and reports these calls, but generally no further action is taken because the citizen is not filing a complaint.

Number of Calls Reported by Quarters 2002-2004

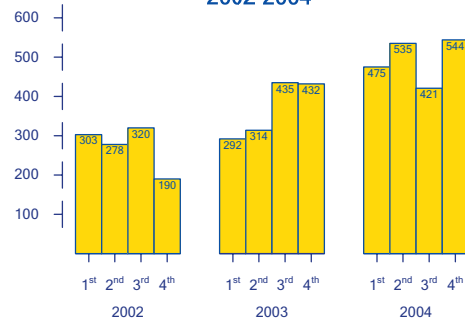


Figure 2.3

Citizen-initiated Complaints

New Complaints Received 2000-2004

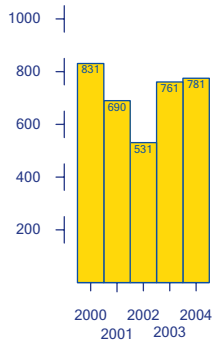


Figure 2.4

Once a complaint has been received by IPR, the complaint is entered into IPR's case management database. In 2004, IPR recorded 781 new complaint cases and closed 822 cases. In comparison, in 2003, IPR recorded 761 new complaint cases and closed 725 cases.

Reporting on the quarterly processing of cases, the 2nd quarter of 2004 was the busiest for IPR. Between April and June 2004, IPR received 232 new cases and closed 251 cases. The 3rd quarter of 2004 was the second busiest quarter for closing cases, which was likely the result, in part, of the large influx of cases in the 2nd quarter. IPR closed 204 cases between July and September of 2004.

It should be noted that 5.8% of the new cases reported in 2004 were the result of a few complainants filing multiple complaints. Ten complainants in 2004 filed 45 separate complaints. One complainant filed 12 complaints in 2004.

New Complaints Received Reported by Quarters 2002-2004

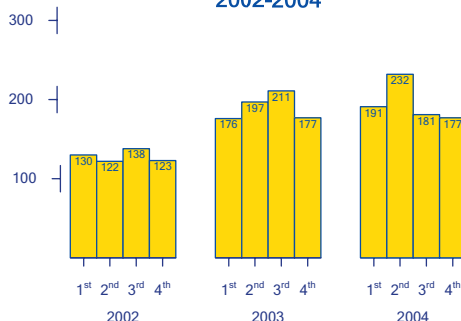


Figure 2.5

Closed Complaints Reported by Quarters 2002-2004

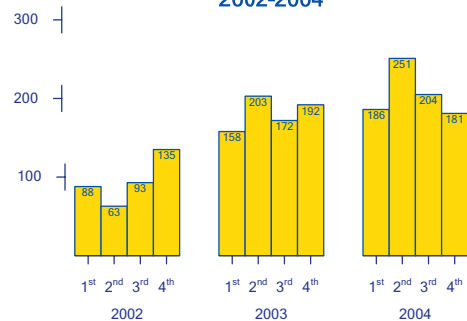


Figure 2.6

In 2004, there was a significant shift in the number of complaints per precinct. As in previous years, the largest proportion of complaints was lodged against officers in Central, Southeast, and East Precinct. Between 2003 and 2004, however, the percent of complaints against Central Precinct officers dropped from 27% to 21%. Southeast Precinct increased its percentage

of complaints from 14% to 16%. East Precinct increased its percentage of complaints from 13% to 18%.

The number of complaint cases in Central Precinct, per 1,000 contacts, decreased from 2.3 in 2003. Southeast, East, Northeast, and North Precincts have experienced a steady increase since 2002.

In 2004, PPB reported 432,930 calls for service. As a result, when calculated for all 2004 complaint cases, .18% of contacts resulted in a complaint. Readers are advised that these calculations are based on self-initiated and dispatched calls for service; if all contacts between officers and citizens were included, it would likely result in a lower percentage of complaints per contacts.

Table 2.2
Complaints by Precinct and Citizen-Police Contacts

PPB Precinct/Division	2002		2003		2004	
	Complaints	Percent	Complaints	Percent	Complaints	Percent
Central	135	26%	206	27%	161	21%
Southeast	87	17%	104	14%	125	16%
East	70	14%	100	13%	137	18%
Northeast	67	13%	83	11%	93	12%
North	28	5%	62	8%	67	9%
Precinct Subtotal	387	75%	555	73%	583	75%
PPB Detectives (Non-Precinct)	15	3%	11	1%	11	1%
PPB Traffic	29	6%	69	9%	64	8%
PPB Tri-Met	11	2%	21	3%	30	4%
PPB Other Division	13	3%	28	4%	33	4%
Unknown or Other Agency	58	11%	77	10%	60	8%
Total	513	100%	761	100%	781	100%

Table 2.3
Complaints by Precinct and Citizen-Police Contacts, per 1,000 Contacts

PPB Precinct/Division	2002	2003	2004
Central	1.54	2.23	1.80
Southeast	0.83	0.98	1.26
East	0.68	0.90	1.27
Northeast	0.79	0.89	1.10
North	0.59	1.35	1.59
Total	0.90	1.24	1.37

Between 2002 and 2004, women continued to increase their proportion of those filing complaints. In 2002, women represented 37.2% of those filing complaints; in 2003, women represented 38.5% of those filing complaints; and in 2004, women represented 42.5% of those filing complaints.

Similarly, the proportion of Whites who filed complaints continued to increase between 2002 and

2004. In 2002, Whites comprised 44.9% of those filing complaints; in 2003, Whites comprised 47.0% of those filing complaints; in 2004, Whites comprised 55.5% of those filing complaints. Caution in interpreting these data is advised, however, due to the large number of cases in which the complainant's race is unknown.

The proportion of complainants who are under 24 and over 65 increased in 2004. For those

under 24, the proportion of those filing complaints increased from 2003, and is slightly higher than its 2002 level. There has also been a steady increase in the proportion of those 65 and over who are filing complaints. As with the race/ethnicity data, caution is advised due to the large number of cases in which the complainant's age is unknown.

Gender, Race, and Age of Complainants	2002		2003		2004		Proportion of Portland's Population in 2000
	Complainants	Percent	Complainants	Percent	Complainants	Percent	
Gender							
Female	194	37.2%	311	38.5%	349	42.5%	50.6%
Male	318	61.0%	495	61.3%	465	56.6%	49.4%
Unknown	9	1.7%	1	0.1%	7	0.9%	
Race							
Hispanic or Latino	21	4.0%	31	3.8%	23	2.8%	6.8%
White	234	44.9%	379	47.0%	456	55.5%	77.9%
Black or African American	80	15.4%	127	15.7%	148	18.0%	6.6%
Native American	9	1.7%	10	1.2%	10	1.2%	1.1%
Asian	8	1.5%	17	2.1%	8	1.0%	6.3%
Native Hawaiian/Other Pacific Islander	1	0.2%	7	0.9%	3	0.4%	0.4%
Two or More Races	3	0.6%	2	0.2%	17	2.1%	4.1%
Other Race/Ethnicity	7	1.3%	4	0.5%	3	0.4%	3.5%
Unknown	158	30.3%	230	28.5%	153	18.6%	-----
Age							
Under 24 Years	86	16.5%	99	12.3%	147	17.9%	31.4%
25-34 Years	117	22.5%	160	19.8%	160	19.5%	18.3%
35-44 Years	122	23.4%	192	23.8%	196	23.9%	16.4%
45-54 Years	81	15.5%	130	16.1%	130	15.8%	14.8%
55-64 Years	32	6.1%	51	6.3%	38	4.6%	7.6%
65 Years and Over	10	1.9%	16	2.0%	32	3.9%	11.5%
Unknown	73	14.0%	159	19.7%	118	14.4%	-----
Total Number of Unique Complainants	521		807		821		

IPR Intake Investigation

Once complaints are received, they are assigned a unique identification number and then forwarded to an IPR intake investigator. Complaints with very serious allegations are forwarded immediately to the IPR Director.

The intake investigator conducts a preliminary investigation into the complaint. The intake investigator retrieves all available documentation related to the case, and then makes an attempt to contact the complainant. By gathering and reviewing relevant documentation, the investigator seeks to identify the involved officers, clarify and classify the complainant's allegations, and begin the process of investigating the allegations. By contacting the complainant, the investigator seeks to obtain a detailed

statement on the events relevant to the complaint, to explain the steps and limitations of the complaint process, to describe the types of outcomes that are potentially available (e.g. mediation, service complaint, full investigation), and to discover the types of outcome the complainant would like to see as a result of their complaint. IPR staff thoroughly describe complaint outcomes in order to foster more realistic expectations by the complainant.

Most intake interviews are conducted over the telephone; therefore, intake investigators often arrange to call complainants at times convenient for the complainant. Other complainants have taken advantage of the opportunity to be interviewed in person at the IPR office.

Conduct is a complaint category that includes, among others, the specific allegations of demeaning behavior or language, unjustified behavior, and threats to use force.

Following the interview, the intake investigator identifies each officer, and each allegation. Allegations are then grouped into one or more of six primary complaint categories. Complaint categories are official designations from the PPB Policy and Procedure Manual, Section 330.00. Allegations are intended to convey a more specific description of the complaint.

Complaint Categories	
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.
Control Techniques	An allegation that a control technique was used unreasonably or improperly. This would include control holds, hobbles, take-downs, and handcuffing.
Courtesy	Allegations relating to rude or discourteous conduct, other than disparate treatment.
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.
Force	An allegation that an officer used excessive or inappropriate physical force.
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.

Complaint cases often have multiple allegations, and it is important to distinguish between a complaint category and an allegation. For example, a 2004 case selected at random had four allegations: failure to file an accurate police report,

discrimination based on race-general, failure to act properly, and selective enforcement. These four allegations are categorized as *procedure*, *disparate treatment*, *procedure*, and *conduct* complaints, respectively. Because there may be multiple allegations,

and therefore multiple complaint categories, IPR reports on the total number of allegations. In 2004, there were 2,704 allegations against PPB officers. This represents a decline from the 2,827 allegations in 2003.

Table 2.5
Complaint Categories Reported for All Citizen
Complaints Received 2004

Complaint Category	Quarters				Total	Percent of All Categories
	First	Second	Third	Fourth		
Conduct	335	440	379	276	1430	53%
Control Technique	32	22	18	40	112	4%
Courtesy	87	121	91	95	394	15%
Disparate Treatment	29	29	35	30	123	5%
Force	65	65	33	62	225	8%
Procedure	93	105	110	112	420	16%
Total	641	782	666	615	2704	101%
Number of Complaints Received	191	232	181	177	781	

In 2004, allegations classified as *conduct* accounted for 53% of all allegations, but when analyzed as a proportion of cases, it represents 71% (see quarterly analysis). For example, of the 232 new complaints reported in the 2nd quarter of 2004, 75%

included one or more allegation classified as *conduct*. *Procedure* and *courtesy* complaints account for 16% and 15%, respectively, of all allegations, but as a proportion of cases, they represent 37% and 38%, respectively. Complaints classified as *force* and *control*

techniques account for 8% and 4%, respectively, of all allegations, but as a proportion of cases, *force* and *control techniques* represent 14% and 8%, respectively.

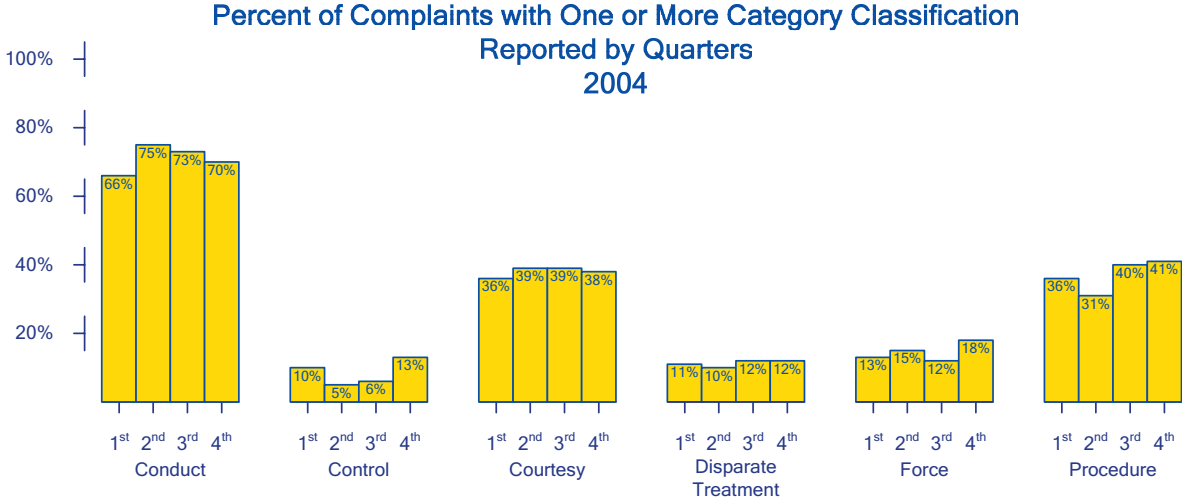


Figure 2.7

As expected, the complaint category *conduct* also includes the allegations that were most frequently cited in 2004. Unjustified behavior, filing false charges or citations, harassment, warrantless search and/or seizure, intimidation, unlawfully detaining complainant, and profanity represent 7 of the top 10 allegations.

Beginning in 2004, IPR will collapse all allegations regarding excessive force into one category called excessive force.

Ten Most Common Allegations Reported to IPR	Number of Complaints that Involved One or More of the Following Allegations
Rude Behavior	249
Excessive Force	225
Unjustified Behavior	174
Failed to Take Appropriate Action	138
Filed False Charges or Citations	116
Harassment	115
Warrantless Search and/or Seizure	79
Unlawfully Detained Complainant	72
Profanity	63
Intimidation	60

Review and Evaluation

At the conclusion of the preliminary investigation, the intake investigator writes 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 reads the investigation report and the accompanying

documents, and makes an intake decision. Under the ordinance creating 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 Intake Decisions	
Dismiss	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 dismiss the complaint, the case is closed and the Director writes a letter to the complainant outlining the reasons why the case was dismissed.
IAD Referral	The Director can refer the case to the Bureau’s Internal Affairs Division (IAD) for their review and handling. The complainant is notified by mail. In addition, the complainant is informed that 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, IPR Director, the Captain of Internal Affairs, and the involved officers. In cases assigned for mediation, IPR arranges for a professional mediator to meet with the complainant(s) 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 of Portland 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.
Administrative Referral	If a complaint relates to issues involving policy, procedure, or training, the concern will be referred to the Chief’s Office, to the appropriate Command Officer, or to the Citizen Review Committee. If it is unlikely that the complaint can be proven and/or there is insufficient reason to believe a formal service complaint is warranted, the complaint will be referred to the officer’s Responsible Unit (RU) Manager for further review to decide whether further action or a formal service complaint is necessary or appropriate.

The intake decision necessitates great care. Each allegation requires a separate decision within the context of the entirety of the case, and sometimes individual allegations within a single case will be handled differently. IPR follows a partial declination policy in which some allegations pertaining to a case may be dismissed, while other allegations are forwarded to IAD

or a precinct supervisor for further review. This policy ensures that complainants understand which elements of their complaint will be investigated. It also conserves and focuses the investigative resources of IAD and the precincts on the portions of citizen complaints that allege misconduct.

Throughout the process, and especially at this decision stage,

the complainant is apprised of the status of his/her case. The IPR Director or Assistant Director personally write all disposition letters. This ensures that the reasoning underlying the intake decision is properly, consistently, and accurately conveyed. Letters are translated for Spanish speakers.

**Table 2.7
IPR Intake Decisions**

Intake Decision	2002		2003		2004	
	Total	Percent	Total	Percent	Total	Percent
Referred to IAD	293	61%	309	45%	288	38%
Dismissed After Intake Investigation Completed	118	25%	258	38%	301	40%
Resolved at Intake	37	8%	19	3%	18	2%
Referred to Other Agency	24	5%	21	3%	14	2%
Referred to Chief's Office-Policy Review	0	0%	29	4%	5	1%
Administrative Referral	5	1%	27	4%	85	11%
Pending or Completed Mediation	3	1%	23	3%	40	5%
Total	480	100%	686	100%	751	100%

In 2004, IPR referred 38% of its cases to the Portland Police Bureau's Internal Affairs Division. Although this represents a decrease in cases referred to IAD, it was accompanied

by a substantial increase in the number of referrals to precinct commanders. Between 2002 and 2004, the number of cases forwarded to precinct commanders for their review and handling increased from 5 to 85. As a proportion of those cases for which there was an intake decision during the year, this represents an increase from 1% to 11%. Precinct referrals are an important management tool because it allows an officer's supervisor to review and evaluate the complaint and determine whether formal action or any incident debriefing is necessary. Precinct referrals are outside of the disciplinary process and used as a tool to allow precinct commanders to determine how to manage their employees. This tool has often used in lieu of an IPR dismissal or an IAD declination, and sometimes in lieu of a formal service complaint, thereby acting as a time saving device for precinct supervisors.

In 2004, IPR dismissed 40% of its cases. This is a minimal increase from 2003.

**Table 2.8
Reasons for IPR Dismissal by Complaint Category
2004**

IPR Dismissal Reason	Conduct	Control Technique	Courtesy	Disparate Treatment	Force	Procedure	Dismissal Total	Dismissal Percent
No Misconduct Alleged	275	13	47	18	3	80	436	36%
Complainant Unavailable	126	9	47	12	47	40	281	23%
False or Trivial	101	0	14	16	12	30	173	14%
Other Judicial Review	133	0	2	3	0	12	150	12%
Unable to Identify Officer	38	2	8	2	3	15	68	6%
Complainant Withdraws Complaint	29	2	12	2	0	17	62	5%
Filing Delay	18	0	4	1	1	2	26	2%
Complaint Previously Adjudicated	1	1	0	0	2	0	4	0%
Complainant Using Another Remedy	1	0	0	0	0	2	3	0%
Allegation Total	722	27	134	54	68	198	1203	100%
Allegation Percent	60%	2%	11%	4%	6%	16%	100%	

IPR dismissed 301 complaints or 40% of the 751 complaints that received a completed intake investigation in 2004. Portland City Code (PCC) 3.21.120 authorizes the Director to dismiss complaints for these reasons:

- 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;
- The complainant delayed too long in filing the complaint to justify present examination;
- Even if all aspects of the complaint were true, no act of misconduct would have occurred;
- The complaint is trivial, frivolous, or not made in good faith;
- Other complaints must take precedence due to limited public resources; and
- The complainant withdraws the complaint or fails to complete necessary complaint steps. (City Ordinance Section 3.21.120.F)

As in previous years, the most common reason for dismissing an allegation was because the complainant did not allege misconduct that would constitute a violation of PPB policies and procedures. This was followed by complainant unavailable, and false or trivial claims. Complainant unavailable is used as a dismissal reason when the intake investigators have made multiple unsuccessful attempts to contact the complainant. As a standard practice, intake investigators make at least two attempts to contact a complainant via phone. If phone calls are unsuccessful, then letters or e-mails are sent urging the complainant to contact the investigator.

A Sample of Cases Dismissed by IPR

The IPR staff used statistical software to randomly select complaints that were dismissed in 2004.

Complainant Withdraws	The complainant alleged that officers failed to take appropriate action on an assault. During the intake interview, the complainant became irate and abruptly hung up the phone.
False/Trivial	<p>The complainant refusing to leave a restaurant alleged that responding officers had an “attitude” and were rude for questioning him and asking for identification.</p> <p>The complainant alleged that a detective who came to his door “breathed on him in a homosexual way.”</p>
Filing Delay	The complainant alleged that, 17 months prior, an officer cited her for careless driving, yanked her car door open, and told her she was going to pay for cutting him off.
No Misconduct	<p>An elderly woman alleged a man in her apartment building was harassing her. Investigating officers determined that the woman was at fault, and told her to stop chasing the man she had accused of harassment.</p> <p>The complainant, who was prohibited by a restraining order from being within 150 feet of his ex-girlfriend’s home, alleged he was falsely arrested after leaving a note at her door.</p> <p>The complainant alleged that officers violated his constitutional rights by stopping him for failure to display a license plate.</p>
Other Judicial Review	The complainant alleged he was falsely charged with possession of a controlled substance.

Other Jurisdiction

The complainant alleged that she was falsely arrested for possession of a controlled substance. The arresting officer was a Port of Portland officer.

Other Remedy

A convicted felon alleged that an officer inappropriately seized his pistol.

Unable to Identify Officer

During an arrest, an officer disclosed that the complainant's brother had turned the complainant in. The complainant did not return intake investigator's calls, making it impossible to identify the involved officer.

Complainant Unavailable

The complainant agreed to mediate with an officer who was allegedly gruff and impolite during a traffic stop. Attempts to reach the complainant by phone and mail were unsuccessful.

Stage II: IAD Investigation and Review

IAD Investigation and Review is the second stage of the complaint process. At this stage, cases have been forwarded from the City of Portland Auditor’s Office, Independent Police Review Division, to the Portland Police Bureau, Internal Affairs Division.

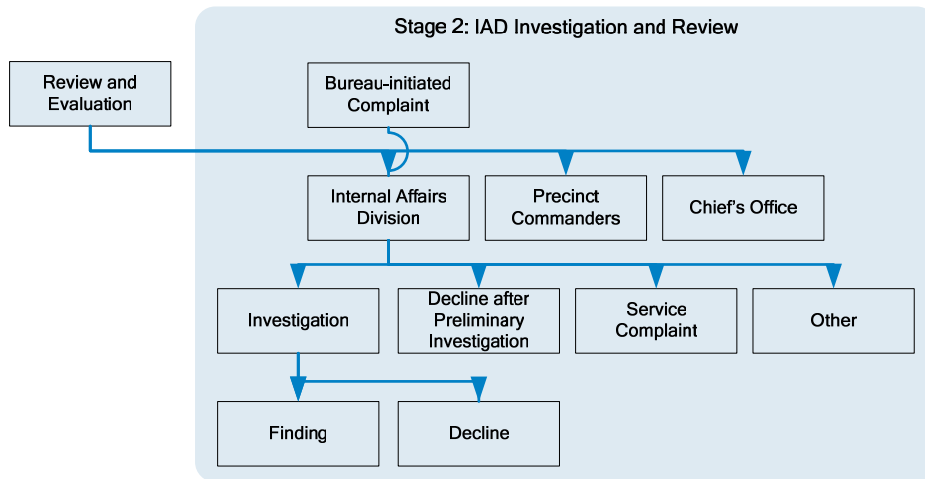


Figure 2.8

Internal Affairs Division

If the IPR Director refers a complaint to IAD, the IAD Captain can choose to decline the case after further review, assign the case to a precinct to be handled as a service complaint, handle the case administratively, or conduct a full investigation of the case.

Table 2.9
Internal Affairs Assignment Decisions for Complaints Referred by IPR

Assignment Decision	2002		2003		2004	
	Total	Percent	Total	Percent	Total	Percent
Declined after Preliminary Investigation	88	31%	94	27%	96	28%
IAD Service Complaint	84	30%	143	41%	144	41%
Precinct Service Complaint	12	4%	49	14%	48	14%
Investigation	86	31%	59	17%	57	16%
Other (Resolved or Suspended)	11	4%	3	1%	4	1%
Total	281	100%	348	100%	349	100%

In 2004, IAD made assignment decisions on 349 cases. Of these cases, 41% were handled as IAD service complaints; 28% were declined; 16% were investigated; and 14% were handled as precinct service complaints.

IAD’s decisions about case disposition remained remarkably stable in 2004; there was very little change in the disposition of cases.

IAD Declines

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.

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.

For 2005, IPR and IAD will be tracking, in greater detail, the specific reason for the IAD declines. These data will be reported in IPR's 2005 Annual Report.

Service Complaint

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*

Intervention 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 and IAD distinguish between two types of service complaints. 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.

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, IPR sends a letter to the complainant advising him/her as to how the complaint was handled by the assigned Portland Police Bureau supervisor.

Rude behavior was the most common allegation disposed as a service complaint. It was followed by profanity, unprofessional behavior, and failure to follow traffic laws.

Table 2.10
Eight Most Common Complaint Allegations Disposed as Service Complaints
2004

Detailed Allegations	Complaints Disposed
Rude Behavior	56
Profanity	19
Unprofessional Behavior	19
Failed to Follow Traffic Law	11
Intimidation	9
Failed to Provide Name or Badge	8
Failed to Take Appropriate Action	8
Unjustified Behavior	8

**A Sample of Citizen
Complaints Handled
as Service Complaints**

An officer, who nearly backed into a woman in a crosswalk, stopped and yelled that she should not have been there while he was reversing. A sergeant counseled the officer on making sure the area behind his vehicle is clear before backing up, and advised the officer that if he had apologized to the complainant, the outcome may have been different.

An officer stopped a woman who was walking home with her infant son, demanded her identification, and questioned her. The woman believed the officer was sarcastic and disrespectful. A sergeant counseled the officer on the PPB policy regarding courtesy.

At a traffic stop, an officer failed to give the complainant his badge number and ignored his request that a supervisor be called to the scene. A sergeant showed the officer the directive that requires an officer to provide written identification or a Bureau identification card upon request. The officer was counseled that it is best to call a supervisor to the scene upon request.

The complainant was distributing religious literature on the sidewalk at the conclusion of the Children's Rose Festival Parade. An officer asked the complainant to move because he was blocking children's access to a bus. After listening to both sides, a supervisor explained to the complainant the difficulty of balancing his freedom of speech with the children's right to freely board a bus.

When the complainant tried to tell an officer about a drug deal he had just observed, the officer told him to mind his own business. A sergeant counseled the officer about being respectful to the complainant's concerns.

Police officers responding to a call at the complainant's house mistakenly told her friend that she had a criminal background and her boyfriend recently committed suicide in her house. After speaking to the officers about the mistaken identity, a sergeant informed the complainant that the officer who made the incorrect statements had apologized.

A sergeant was rude to a woman who called to complain about too many officers at a coffee shop. A lieutenant assured the woman that he would speak to the sergeant about his rudeness. The lieutenant explained how he would handle the woman's original complaint.

Other

Occasionally, complaints will receive a disposition other than investigation, service complaint, or decline. These cases are noted as administratively closed. Only 1% of cases in 2004 were closed administratively.

Administrative Closure	
Referred to the Officer's Commander	A case is 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	A case is suspended when sufficient information cannot be obtained to finish the investigation and make appropriate findings.
Closed	Cases are closed if the officer has resigned or retired before IAD can take action on the complaint. In unusual or particularly serious cases, IAD may finish the investigation and obtain findings from the involved officers' commander.
Referred to Other Police Departments/Agencies	Cases are referred to other police departments or agencies when the complaint involves a non-PPB officer.
Resolved	Cases may be resolved by the IAD investigator during the course of the investigation.

Full Investigations

Cases that are sent for a full IAD investigation are monitored and reviewed by IPR. In 2004, the most common allegation sent for a full investigation was the officers' use of excessive force.

Detailed Allegations	Complaints Disposed
Excessive Force	25
Rude Behavior	22
Profanity	14
Failed to Take Appropriate Action	9
Mishandled Property	9
Unprofessional Behavior	9
Unjustified Behavior	8
Failure to Write or File a Police Report	7

Once the investigation is complete, an investigation file is prepared and forwarded to the Responsibility Unit (RU) Manager for review and finding. RU Managers are typically the officer's precinct or division commander. Concurrently, the investigation summary is forwarded to the IPR Director for review and comment.

The RU Manager reviews both the IAD report on the investigation and the evidence, and then issues a finding for each investigated allegation. 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 may also include a debriefing. A debriefing requires the officer to meet with a supervisor or commander who typically reviews the investigation with the officer and recommends alternative ways to handle the incident.

Not Sustained and Pending

If the Bureau returns a finding of *not sustained*, the complainant is notified by mail. The letter also provides the complainant with information about the option of filing an appeal to the Citizen Review Committee.

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 for a finding. In 2004, the Review Level Committee was composed of the Police Bureau’s three assistant chiefs. 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.

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

Sixty four full investigations of citizen complaints were closed with findings. This represents a slight decline from 2003.

Of the 64 full investigations, 84% were closed with *non-sustained* findings on all of the investigated allegations, while 10 complaints included one or more allegations that resulted in a *sustained* finding.

Completed Investigations	2002		2003		2004	
	Total	Percent	Total	Percent	Total	Percent
Completed Full Investigations with All Non-sustained Findings	30	83%	55	82%	54	84%
Completed Full Investigations Resulting in One or More Sustained Findings	6	17%	12	18%	10	16%
Total	36	100%	67	100%	64	100%

As in previous years, the most common finding from a full investigation was *unfounded*, followed by *exonerated* and *insufficient evidence*. Four percent of the allegations were *sustained*.

	Conduct	Control Technique	Courtesy	Disparate Treatment	Force	Procedure	Total	Total Percent
Sustained	5	0	0	0	0	8	13	4%
Not Sustained								
Unfounded	47	6	33	10	17	25	138	43%
Unfounded with Debriefing	1	1	0	2	0	1	5	2%
Exonerated	26	8	0	1	27	6	68	21%
Exonerated with Debriefing	8	0	1	0	4	5	18	6%
Insufficient Evidence	36	1	15	2	5	4	63	19%
Insufficient Evidence with Debriefing	7	2	0	1	0	9	19	6%
Combined Total	130	18	49	16	53	58	324	100%
Number of Completed Investigations with Findings in 2004							64	

The most common *sustained* allegations were for failure to write or file a police report, mishandled property, and failure to take appropriate action.

Table 2.14
Detailed Citizen-initiated Allegations Subject to Full Investigation 2004

	Not Sustained		Sustained	Total
Failure to Write or File a Police Report	5	4		9
Failed to Take Appropriate Action	9	2		11
Mishandled Property	15	2		17
Failed to Document Use of Force	0	1		1
Stopped for No Reason	4	1		5
Unjustified Behavior	10	1		11
Untruthfulness	2	1		3
Unsatisfactory Work Performance	3	1		4
Other	2	0		2
Excessive Force	53	0		53
Failed to Document Profanity	4	0		4
Unnecessary Threats	1	0		1
Theft of Property	3	0		3
Failed to Provide Medical Attention	3	0		3
False Accusation	4	0		4
Failure to Follow Orders	1	0		1
Threats to Arrest	5	0		5
Discrimination-Other	2	0		2
Inappropriate Sexual Conduct	2	0		2
Threats to Use Force	7	0		7
Did Not Give Reason for Arrest/Stop	2	0		2
Failed to Log Money as Evidence	1	0		1
Incorrect Tow	1	0		1
Incorrect Use of Exclusion	2	0		2
Failed to Investigate	1	0		1
Falsifying a Police Report	3	0		3
Intimidation	6	0		6
Vague Procedure Allegation	1	0		1
Use of Other Control Technique	3	0		3
Failed to Act Properly	2	0		2
Inappropriate Arrest/Charges	4	0		4
Failed to Follow Investigation Procedures	3	0		3
Intentionally Demeaning Language, But Not Profanity	4	0		4
Unprofessional Behavior	14	0		14
Unlawfully Detained Complainant	2	0		2
Discrimination Based on Race-General	7	0		7
Inappropriate Off-duty Behavior	1	0		1
Used Racial Epithets	2	0		2
Filed False Charges/Citations	1	0		1
Failed to Provide Name/Badge	8	0		8
Failed to File an Accurate Police Report	5	0		5
Failed to Follow Traffic Law	3	0		3
Failed to Arrest	1	0		1
Failed to Release Property	1	0		1
Harassment	10	0		10
Handcuffs	8	0		8
Control Holds	2	0		2
Hobbles	3	0		3
Excessively Rough Takedown	2	0		2
Retaliation	3	0		3
Racial Profiling-Non-specific	1	0		1
Discrimination Based on Sexual Orientation	4	0		4
Warrantless Search and/or Seizure	9	0		9
Rude Behavior	36	0		36
Profanity	20	0		20
Total	311	13		324
Percent	96%	4%		100%

A Sample of Citizen Complaints Investigated by IAD

The following examples illustrate investigations that produced at least one of each type of possible finding. IPR staff selected the examples from a random sample of 15 citizen complaints investigated by IAD in 2004.

Finding: Exonerated

The complainant alleged that officers used excessive force when they arrested him on domestic violence charges. He said they forced him face down onto a table and then onto the floor where they struck him several times and put a knee into his back.

The IAD investigation disclosed that officers responded to a 9-1-1 call that the complainant's wife had locked herself in a bedroom, afraid that her husband would injure her. After speaking to the wife through the bedroom window, the officers concluded that she was in danger and pounded on the front door demanding entry. Officers ordered him several times to put his hands behind his head. The complainant resisted and suffered a laceration to his nose that required stitches. As he was being escorted to the patrol car, he went limp and started gasping for breath. Officers transported him to a hospital for medical attention where he was treated and released to the officers' custody on charges of Assault IV, Coercion, and Resisting Arrest.

The precinct commander reviewed the IAD investigation and exonerated the officers for their use of force, concluding that the level of force was within Bureau policy.

Finding: Unfounded

The complainant alleged that an officer used excessive force when the officer arrested him for drinking in a public place. He told IPR that the officer punched him in the face unnecessarily.

The IAD investigation disclosed that officers responded to an interrupted 9-1-1 call from a restaurant about an intoxicated male who had just left the premises. The officers found the complainant several blocks away. When one officer approached, the complainant stood up and told the officer to "keep driving and get out of here." As the officer got closer, the complainant raised a beer bottle as if to use it as a weapon. Using an arm-bar control hold, the officer took the complainant to the ground causing a cut and bruising to the complainant's cheekbone and eye. The officer charged the complainant with Drinking in a Public Place and took him into custody for booking.

The complainant made inconsistent statements regarding the incident to a precinct sergeant and then to IPR.

The precinct commander reviewed the IAD investigation and found that the complainant was not credible.

Finding: Sustained

The complainant made several allegations about an incident in which an officer pepper sprayed him and his companion. In the course of the intake investigation, IPR initiated a separate allegation that the officer failed to write a required report documenting his use of pepper spray.

The IAD investigation disclosed that officers were dispatched to a downtown location on a report that a number of drunken men had attacked a woman and tried to steal her backpack. The first officer on the scene approached two men standing in the bushes. One of the men was the complainant. The officer ordered them out of the bushes. According to the officer, the complainant's companion, who was very drunk, said, "Well, maybe I should just kick your ass; how about you and I go at it and see who wins." The officer pepper sprayed him, explaining that the man was larger than the officer and had "squared up" for a fight. Backup officers were not yet on the scene.

The officer recorded his use of pepper spray in his notebook and notified his lieutenant but did not write a separate report on his use of pepper spray as required by policy.

The precinct commander sustained the IPR-initiated allegation that the officer failed to write a required report.

Finding: Insufficient Evidence

The complainant alleged that officers stole his key and key chain when they arrested him for Interfering with Public Transportation.

At the time of his arrest, one of the officers searched him. The officers also removed his cell phone, a can of sardines, a bag of popcorn, a hairbrush, a bike lock, his bicycle, and miscellaneous papers. He said he recovered all of the items except a key and a key chain that was located in his pocket. The key and key chain were not listed on the property receipt.

According to the investigation, three officers were interviewed and none remembered seeing a key and key chain. All denied stealing.

The precinct commander found that there was insufficient evidence to sustain the allegation.

**Findings: Unfounded with
Debriefing
Insufficient Evidence with
Debriefing**

The complainant, who was employed as an exotic dancer, alleged that a police officer improperly used his official position and authority to contact her repeatedly inside and outside the nightclubs where she worked. Among the allegations identified by IPR was that the officer failed to tow the complainant's car, even though she was driving with a suspended license, because he believed she was "cute."

IAD assigned a lieutenant to investigate. He interviewed the complainant, the officer, three citizen witnesses identified by the complainant, and five other police officers.

Regarding the allegation that officer failed to tow the complainant's car, the officer acknowledged that he did not tow her car but explained that a tow would have caused unusual hardship to the complainant (a single mother) and noted that a licensed driver was available to drive. The officer denied saying that he would not order a tow because the complainant was "cute." Another officer who was present said he did not hear the officer make such a remark. The precinct commander recommended a finding of *unfounded with a debriefing*. In his letter to the complainant, the IAD Captain noted that under Bureau policy the officer was actually required to tow her car as she was driving with a suspended license.

The officer denied making improper comments about the complainant's appearance and employment. There were no other witnesses to corroborate the allegation or the denial. The precinct commander made a finding of *insufficient evidence with a debriefing*. In his letter to the complainant, the IAD Captain explained that the officer was debriefed to "maintain professional standards concerning contacts and statements with persons frequenting various bars and neighborhood clubs in his patrol district." The IAD Captain also invited the complaint to report any future contacts with [the officer] to IPR.

Findings:
Exonerated with Debriefing
Exonerated

The complainant alleged that an officer illegally entered her home without notice and that he used excessive force when he used a Taser on her 15-year-old son inside the family home. IAD interviewed the officer, the complainant and her two sons, a citizen witness, and two backup officers. The investigation disclosed that the citizen witness observed what he initially thought was a gang fight involving six to ten juveniles and noted that one of the juveniles appeared to have been injured. Another person called 9-1-1; police and EMS were dispatched.

By the time the first officer arrived, the injured youth had left the scene. While searching for the area for suspects or victims, the officer came upon a house from which he could hear screaming and yelling.

The witness said he accompanied the officer to the open front door of the house where the officer "knocked on the door and walked in as he announced his presence." He said that within two to three seconds after the officer crossed the threshold, he heard the officer trying to make contact with the residents. He then heard the officer say "put the pipe down, put the pipe down." He said he could hear people yelling obscenities and heard the officer say several times to "drop it," followed

by a “pop” sound from the Taser. He looked inside and saw that the officer had the youth on the floor. The family was screaming at the officer. The custody report listed the involved youth as 6 feet tall and 300 pounds.

The complainant said that one of her sons came home badly beaten about the head. Her other son, who let him in, told the IAD investigator that his brother had been struck in the head with a pipe. The complainant called 9-1-1 for medical and police assistance. Her injured son was screaming. She told her other son to lock up the house; he picked up metal bar to lock the sliding glass door. She was still on the phone with the 9-1-1 dispatcher when she heard the officer say “halt.” She did not hear him knock or announce. She said she heard the bar drop, the officer say “halt,” and saw her son take one or two steps toward her when the officer fired his Taser.

On the allegation that the officer entered without knocking or announcing, the precinct commander made a finding of *exonerated with a debriefing* about waiting for backup to arrive before entering a residence and about taking the witness onto the front porch where he might have been in danger.

On the allegation that the officer used excessive force, the precinct commander made a finding of *exonerated*.

The findings were appealed to the Citizen Review Committee who recommended that two of the *exonerated* findings be changed to *insufficient evidence with a debriefing*. The Bureau agreed to change the findings.

Stage III: IPR Review and Recommendations

The IPR Director reviews every citizen- and bureau-initiated case, and often comments or raises concerns about the case handling.

Comments on Timeliness

In 2004, the IPR Director identified 20 cases in which he had concerns about IAD timeliness. The comments were largely directed at full investigations that took more than 180 days to complete, although several comments were directed at IAD assignment decisions that took an excessive amount of time.

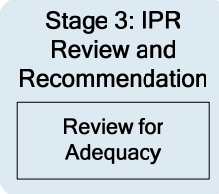


Figure 2.9

Comments on Timeliness	2002	2003	2004
Raised Issues of Timeliness	68	51	20

The 20 comments in 2004 represent a decrease from the 51 comments in 2003. However, the number of cases identified as being untimely will likely increase until all 2004 cases are closed.

Comments on Service Complaints

Fourteen cases filed in 2004 were handled as service complaints over the objection of the complainant. Cases are handled in this manner when the complainant's expectations of the actions the Bureau should take on his or her complaint appear to be unreasonable. For example, in one case, a complainant demanded a lengthy suspension for an officer who acted impatiently during a traffic stop. The complaint was handled as a service complaint over the complainant's objection.

Comments on Service Complaints	2002	2003	2004
Processed Case as a Service Complaint Over Complainant's Objection	8	20	14
Changed Service Complaint to an IPR or IPR/IAD Decline	1	28	12
Changed Investigation/Referral to Service Complaint	0	3	2
Opposed Service Complaint	3	6	1
Commented on the Service Complaint	4	17	6

In some instances, IPR will request that the service complaint process not be used, instead recommending either an investigation or a declination. Complaints are not handled as service complaints unless both the IAD Captain and the IPR Director agree that the case warrants a service complaint.

The IPR Director commented on six service complaint cases in 2004. These comments involved discussions with IAD supervisors or precinct commanders about issues relating to the documentation and handling of the particular service complaint. In a few cases, the IPR Director requested further documentation or debriefing of officers.

Comments on Investigations

IPR has observed a continuing reduction in the number of requests for further investigation. This reflects a trend since 2002. The reduction can be attributed, in part, to an increased understanding among IAD staff of IPR's expectations and role in monitoring complaint investigations. It is important to note, however, that a substantial number of 2004 complaints were still undergoing investigation at the end of 2004. It is possible that additional IPR comments on investigations and findings could be issued as 2004 cases are closed.

Comments on Investigations	2002	2003	2004
Requested Further Investigation	15	8	5
Commented on the Investigation	13	11	6

Thus far, IPR has made comments on six investigations filed in 2004. Comments on investigations involve discussions with IAD supervisors relating to the documentation and handling of a particular investigation. On some occasions, further documentation of the investigation was requested.

Other Comments

Table 2.18				
Other Comments				
Other Comments	2002	2003	2004	
Comments on Allegations				
Commented on the Allegations	17	5	5	
Requested that Allegations be Recategorized	14	7	1	
Comments on Findings				
Opposed Findings	5	2	1	
Commented on the Findings	3	0	1	
Comments on Declines				
Requested Service Complaint not be Declined	2	12	2	
Requested Investigation not be Declined	5	2	0	
Commented on IAD Decline	0	0	1	
Commendations				
Commended for Exceptional Investigation	13	9	3	
Commended Precinct	0	2	1	
Policy and Training Issues				
Identified Policy Issues	1	10	3	
Identified Training Issues	0	5	0	
No Appeal				
Disallowed Appeal on a Service Complaint	0	3	9	
Disallowed Appeal on an IPR/IAD Decline	2	2	21	
Disallowed Appeal on an Investigation	1	1	1	
General				
Investigation not Submitted for Review	11	15	3	
Initiated IPR Inquiry	8	5	5	
Commented on the Documentation	32	40	12	
Commented on the Disposition Letter	15	22	9	
Comments not Categorized	3	3	0	

The number of occasions where IPR has requested that allegations be re-categorized (e.g., from conduct to disparate treatment) has decreased dramatically over the past two years. This reduction can likely be attributed to an increased consensus between IPR and IAD over what kinds of conduct warrant what categorization.

For cases initiated in 2004, IPR identified findings in one case, made by a Bureau commander that IPR believed to be objectively unreasonable. This appears to represent a downward trend since 2002 where IPR has *controverted* a commander's findings with PPB command staff. In reaching these conclusions, IPR uses an appellate standard in determining the reasonableness of a Bureau commander's findings. If IPR concludes that a reasonable person could not make the finding in light of the evidence, whether or not IPR agrees with the finding, that finding will be opposed. The standard of proof has been established by the ordinance that created the IPR program (reference City Ordinance Section 3.21.020.R).

On January 1, 2004, IPR began documenting those occasions when a complainant, after being advised of how the complaint was handled, protested either the declination of the complaint or the assignment of the complaint as a service complaint. As of January 1, 2004, complainants protested three complaints filed in 2002, six complaints filed in 2003, and 31 complaints filed in 2004.

In the early years of the IPR program, clerical errors resulted in IAD investigations not being submitted for IPR review. The number of such errors has declined over the past three years. Due to improvements in the case management system, we anticipate that there will be no further problems in the upcoming year.

IPR documented five IPR inquiries for cases reported in 2004. An IPR inquiry is initiated when a complaint is selected for further review after questions have been raised during the normal review process.

IPR Director Comments on Policy and Training

Policy or training issues are often identified during the course of handling IPR complaints. In 2004, three complaints resulted in PPB actions with respect to policy issues identified by the IPR Director or IAD Captain.

Recovery of Stolen Vehicles

The complainant was upset that an officer did not notify him when his stolen vehicle was recovered. As a result, the complainant incurred towing costs that would otherwise have been unnecessary.

The IAD Captain noted that the involved officer did not violate any PPB policy when he failed to contact the complainant to let him know his car had been recovered. The Captain forwarded the information contained in the complaint to the PPB Planning and Support Division (PSD). The IAD Captain recommended that PSD review and revise the notification procedures so that if a victim wants to be contacted upon recovery of their vehicle, that information will be made available to officers in the field.

According to PSD, feedback from the IAD Captain was shared with command staff. Currently, however, there are no planned revisions for this policy directive.

Off Duty Use of Police Bureau Vehicles

The complainant noted that an off-duty officer drove a Police Bureau vehicle to an athletic event outside of the metro area limits.

Upon referral of the complaint to the Chief's Office, a recommendation was made that the Police Bureau policy authorizing officers to use police vehicles for off-duty activities be more restrictive about the distance that such vehicles may be driven.

According to PSD this policy is under review.

Search Warrant Service Issue Identified

In the 2003 Annual Report, IPR noted numerous complaints resulting from Drug and Vice Division (DVD) search warrants that could not be proven or disproven due to lack of photographic evidence. The DVD Commander agreed to look into increasing the types of photographs taken at search scenes. In 2004, according to the DVD Commander, officers are taking pre- and post-search digital photos in order to establish the condition of the search location at both points in time. In case of actual damage to property (often-times resulting from high risk search warrant entries made by the SERT team), photos are taken and Risk Management is notified.

As the result of additional complaints received in 2004, the IAD Captain notified the Chief's Office that an investigation had been initiated because a complainant alleged damage to his home during a SERT-executed search warrant. The damage was not documented in any police report. The Chief's Office told Internal Affairs that officers would be ordered in the future to take photographs of search warrant locations and ensure that any damage to property as the result of the execution of a search warrant is documented.

Status of Prior Policy Issues

Bureau Tow Policy

The 2003 Annual Report identified a policy issue with the Police Bureau's tow policy. The policy was difficult to understand and appeared to require the towing of vehicles even when circumstances did not warrant such intrusive action on the part of a police officer.

Although the PPB Records Manager and IPR Director agreed to meet and confer in an attempt to rewrite the Directive, the effort is still pending.

Return of Property Directive

A 2003 complaint identified a discrepancy in PPB Directive 660.31 (which deals with the circumstances under which an officer is required to release property) and referred to a City Code section which was rescinded years before.

According to the PPB's Planning and Support Division, this directive has been changed to reflect a revised city code number. The change will become effective when the 2004-05 Manual is published.

**Enforcement of Restraining
and Custody Orders**

The 2003 Annual Report noted that there were no training materials available to advise Bureau members of a change in the circumstances under which a restraining order could be enforced. The issue was referred to the City Attorney's Office and PPB Planning and Support to develop a training bulletin to address the issue.

According to PSD this policy is under review.

Stage IV: Appeals

IPR offers complainants an opportunity to request an appeal if the Police Bureau does not sustain an allegation. All complainants whose cases qualify are informed of this opportunity via written correspondence from IPR. Complainants who wish to file an appeal make their requests to the IPR Director, who reviews the case and its investigation. The IPR Director may then send a case back to IAD for further investigation, deny an untimely appeal, or schedule the case for a pre-hearing before the CRC.

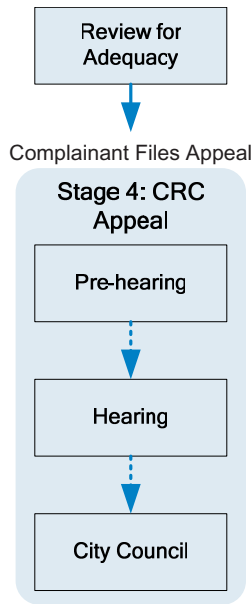


Figure 2.10

If the case is forwarded to the CRC, IPR prepares a summary of the case and schedules the pre-hearing for an upcoming CRC meeting. Both pre-hearings and full hearings are held during the regular business meeting of the CRC and are open to the public.

At least two weeks prior to the meeting, CRC members are advised of the scheduling of a pre-hearing. This ensures that the CRC has adequate time to review the file. All members are given unfettered access to the case materials and are asked to prepare for the pre-hearing by reading the supporting documents.

During the pre-hearing, CRC members discuss whether to hold a full hearing on the case, request further investigation by IAD or IPR, or deny the appeal. The complainant is invited to attend this pre-hearing session, and is given an opportunity to address the CRC at the beginning of the pre-hearing. The CRC also have an opportunity to ask questions of the complainant.

If, by a majority vote, the CRC declines to give the case a full hearing, the appeal will be denied and the case will be closed. If the CRC votes to hold a full hearing, the hearing is scheduled for a subsequent CRC meeting. The parties to the case are informed of the date and time.

At the full hearing, the CRC decides whether the Bureau’s findings were reasonable under the circumstances. As part of the decisionmaking process, the CRC considers statements made by the complainants, the officers, IAD, and the public. Both the complainants and officers have two opportunities to formally address the CRC – once as an opening statement before the CRC discussion and questioning, and once as a rebuttal after the CRC discussion and questioning. Both opportunities occur before the CRC vote. The CRC appeals protocol also allows IAD and the precinct commander to address the CRC in order to describe and justify the investigation and findings.

After reviewing the case, asking questions, 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 is closed and the parties 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 scheduled 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 findings, 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.

**Table 2.19
Appeals Received and Closed
2004**

Appeals	First Quarter	Second Quarter	Third Quarter	Fourth Quarter	Total
New Citizen Appeals Received in 2004	5	1	1	2	9
Citizen Appeals Closed in 2004 (Five appeals carried over from 2003, into 2004)	6	4	1	2	13

In 2004 IPR received nine new appeal requests. Of the nine new requests, three received full CRC hearings, five were declined, and one was open at the end of the year. Of the five declined, one was declined by IPR due to lack of timeliness, one was closed by IPR after returning the case to IAD for additional investigation, and three were declined by the CRC after a pre-hearing. With the exception of the one open appeal, all appeals from 2004 and prior years were completed in 2004.

**Table 2.20
Findings on Appeals by Category**

Category	Affirm	Challenge	Further Invest.	Appeal Declined	Withdrawn	Total	Total Percent
Conduct	1		3	15	6	25	38%
Control Technique				1		1	2%
Courtesy	1	1	2	3		7	11%
Disparate Treatment				2		2	3%
Force		1	1	6	5	13	20%
Procedure	1		3	10	3	17	26%
Total	3	2	9	37	14	65	100%
Percent	5%	3%	14%	57%	22%	100%	

The CRC voted to decline 57% of the allegations for which appeals were filed. Another 5% of the allegations were affirmed by the CRC after the completion of a full hearing. Only 3% of the appeals allegations resulted in findings challenged by the CRC.

**Table 2.21
Types of CRC Challenges and PPB Response to Challenge**

Appeal Number	PPB Finding	CRC Recommendation	Hearing Date	PPB Response	City Council Response
2004-X-0002	Courtesy: Sustained	Changed to Exon. With Debriefing	4/20/2004	Changed to Service Complaint	----
2004-X-0004	Force: Exonerated	Insufficient Evidence	6/15/2004	Accepted	----

A Synopsis of Appealed Cases

- 2004-X-0001** The appellant refused to give the officer permission to search his van on a traffic stop. After determining that the appellant had failed to obtain a valid Oregon driver's license in the time limit required by Oregon law, the officer conducted an inventory search prior to a tow. The appellant alleged the officer stopped him because he was Hispanic and towed the van in retaliation for prior complaints. The Police Bureau *exonerated* the officer. After a pre-hearing, CRC declined the appeal.
- 2004-X-0002** The Police Bureau *sustained* an allegation that an officer used profanity while responding to an unwanted subject at a restaurant. The officer appealed, asserting she used profanity in lieu of physical force. After a full hearing, CRC recommended that the finding be changed to *exonerated with a debriefing*. The Police Bureau agreed to change the finding to a service complaint.
- 2004-X-0003** The appellant alleged that officers used excessive force in arresting him at a non-permitted anti-war protest, arrested him without cause, and wrote a false police report. CRC held a full hearing and recommended that IAD investigate the false arrest and false report allegations in lieu of IAD's decision to decline the allegations. After the follow-up investigation was concluded, the appellant settled a civil lawsuit with the City and waived his right to appeal the revised findings.
- 2004-X-0004** An officer entered the appellant's house after responding to a 9-1-1 call regarding a fight involving multiple youth. The appellant alleged that the officer inappropriately used a Taser on her son, who did not immediately obey the officer's command to drop a metal bar. CRC held a full hearing and recommended changing the finding on this allegation from *exonerated with a debriefing* to *insufficient evidence with a debriefing*. The Police Bureau accepted the recommendation.
- 2004-X-0005** The appellant alleged an officer used excessive force in taking him into custody for drinking in public. The Police Bureau found the use of force to be in-policy. After a pre-hearing, CRC declined the appeal.
- 2004-X-0006** The appellant alleged an officer refused to look in his wallet, where he carried insurance papers, before making a decision to tow his car. After conferring with two CRC members, IPR declined the appeal, which was not filed in a timely manner.

2004-X-0007

The appellant alleged officers used excessive force in arresting her and her companion for interfering with police officers. The CRC held a full hearing and affirmed the Police Bureau's non-sustained findings.

2004-X-0008

The appellant alleged he was inappropriately arrested. IPR added an allegation that the officer failed to write a police report documenting the arrest and handcuffing of the appellant. After reviewing the findings, IPR recommended that IAD conduct further investigation of the complaint. The appeal was closed pending the results of further investigation.

2004-X-0009

The appellant was arrested for domestic violence assault. The appellant alleged that he was falsely arrested and that the officers used excessive force. The Police Bureau found the use of force to be in-policy. The CRC declined the appeal.

Chapter 3

Mediations

“This process gives both sides an opportunity to understand what they did and said and why.”
— a Portland police officer after mediation

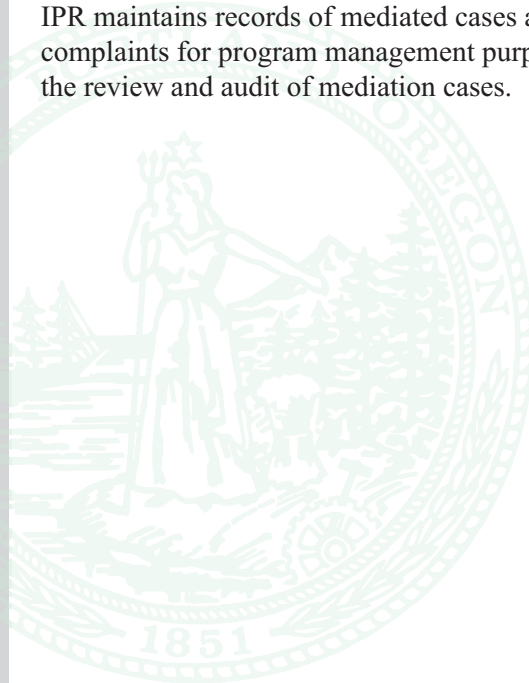
“It’s a peaceful approach to problem solving.”
— a citizen after mediation

In 2004, IPR successfully completed 33 mediations, making IPR one of the largest mediation programs in the nation. The program continues to expand, staff continue their efforts to enhance the experience for participants, and participants continue to express very high satisfaction rates with the experience. In 2004, almost all participants (officers and citizens) felt mediation gave them the opportunity to explain themselves. Almost all would recommend mediation to others.

IPR offers mediation as an alternative to the traditional complaint process because when it comes to resolving complaints against the police, one size does not fit all. Not everyone who has a complaint against a police officer wants to see the officer disciplined. Some believe that taking an adversarial approach is not constructive or ultimately helpful to anyone. Some complainants simply want to understand why an officer took a particular action, or to explain their own actions and perceptions, or to discuss how the incident affected them. Others want to retain control over how the complaint gets handled, rather than turning the complaint entirely over to others for decisions and resolutions.

The IPR mediation program was created as a non-adversarial alternative to the regular complaint-handling process; therefore, if the citizen and officer agree to mediate, there will be no Internal Affairs investigation, no disciplinary action, and no record of the complaint on the officer’s service record. However, supervisors are kept apprised of mediations. Supervisors approve all mediations to ensure that they know about complaints against officers, that they are kept informed of case outcomes, and that they have information to more effectively supervise and manage officers.

IPR maintains records of mediated cases as part of its overall tracking of complaints for program management purposes, for transparency, and for the review and audit of mediation cases.



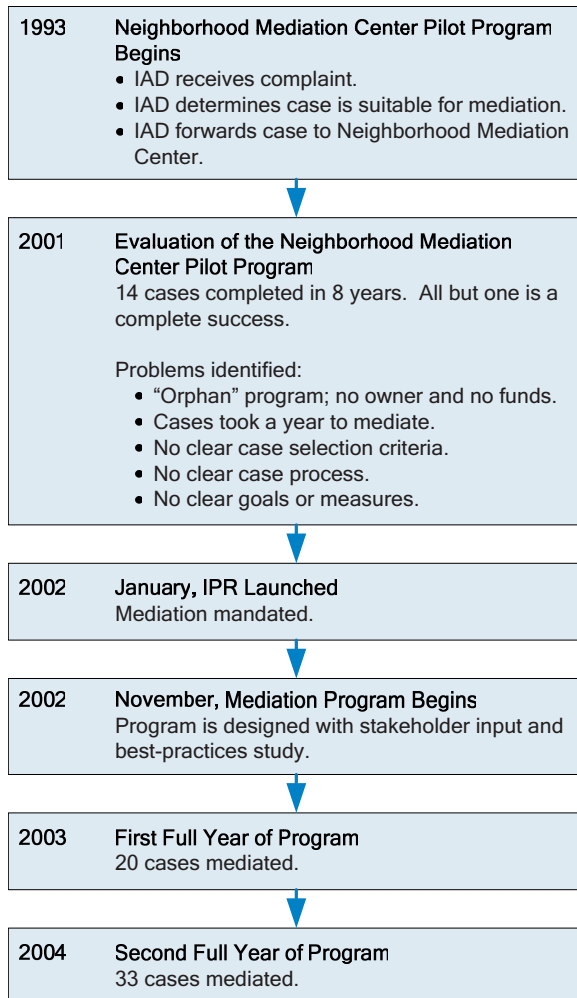
The Historical Context

Mediation of citizen-police disputes began in Portland in 1993, with a pilot program operated by the Neighborhood Mediation Center (NMC). (See Figure 3.1.) The NMC mediated a total of 14 cases between 1993 and 2001, and while nearly all participants were satisfied with their mediation, a 2001 evaluation of the pilot program found significant problems with the program. For example, the evaluation found that cases often took more than a year to mediate, and that the program lacked a clear “owner.”

“The only question about using mediation in citizen oversight is, “Why isn’t there more of it?”
 — Sam Walker,
 NACOLE Conference, September 2003

In 2001, IPR was mandated to revive the police-citizen mediation program. IPR staff solicited and received input from mediation professionals, police managers, police union leaders, and members of the Citizen Review Committee. IPR also researched other mediation programs to identify best practices and to avoid common mistakes. IPR’s objective was to develop a viable and effective mediation program that would be

in the forefront of police-citizen mediation programs across the nation. Today, less than three years after its inception, IPR’s police-citizen mediation program is recognized as one of the most successful programs in the country.



The Selection of Cases

Mediation is offered as an option whenever possible; however, the decision to allow mediation is made after careful consideration of the characteristics of the individual cases. The preference is to provide an opportunity in which citizens and officers decide for themselves whether mediation is an appropriate or desirable way to resolve their differences. Thus, IPR will consider and encourage mediation in a wider range of cases than most citizen-police mediation programs.

For example, in many jurisdictions, programs categorically exclude certain types of cases from mediation as a matter of policy. Ineligible allegations may include the use of force, racial discrimination, or disparate treatment. IPR’s philosophy, however, is that categorical exclusion of cases means losing valuable opportunities for citizens and police to better understand each other’s perspective, to explore how they might prevent similar problems in the future, and to reach a satisfying resolution.

Figure 3.1

Moreover, IPR recognizes the value in using mediation to address the issues underlying citizen complaints. For example, the use of force often results from a failure of communication. Mediation is effective at facilitating communication; therefore, IPR considers mediation appropriate in some use-of-force cases. Similarly, disparate treatment is notoriously difficult to prove; often there is no evidence beyond the complainants' perceptions or suspicions that they were treated a particular way out of bias. A case that cannot be proven often goes unresolved when the traditional

complaint handling process is used. Mediation, however, allows complainants an opportunity to address and resolve their concerns, and for both parties to learn from the open discussion of sensitive issues. It can potentially increase officer sensitivity to those issues and perceptions, allow both sides to deal with each other as individual human beings, and contribute to better relations between police and the individual and their community.

Other jurisdictions exclude from mediation 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 corrective action. But it is an open question as to whether discipline is more likely than mediation to result in improved officer conduct. In fact, there is evidence to suggest that mediation may be more effective.

The only cases categorically excluded by IPR from consideration for mediation are those involving allegations of police corruption, those with evidence of criminal conduct on the part of an involved officer, or where an officer is a witness against a complainant in a pending criminal case.

Because IPR has opted for greater inclusiveness of cases for mediation, all cases are reviewed for mediation suitability as part of the intake process. Two preliminary questions are asked before a case is referred for mediation: 1) is the complainant willing to mediate; and 2) is mediation an appropriate and constructive way to address the complaint? When deciding whether to approve mediation as an alternative, IPR and IAD must consider whether mediation 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 4) contribute to community policing goals of improved citizen-police relations.

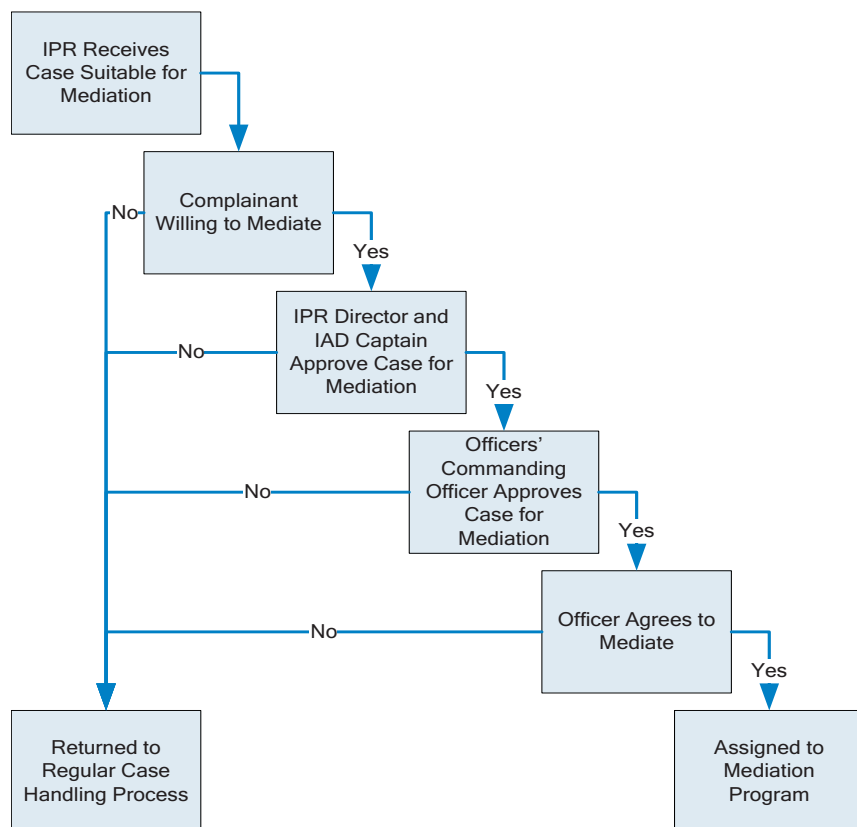


Figure 3.2

Once a case has been approved for mediation, the Community Relations Coordinator shepherds the case through the process. While timeliness is important, mediation cases require flexibility and patience. For example, the timing and location of IPR mediations need to be flexible to accommodate the needs and preferences of the parties. Most mediation sessions are conducted in the IPR office, during officers' duty shifts, including weekends or in the evening. Mediations have also been conducted in community centers, churches, and other community locations.

What Happens During Mediation

The typical mediation session is essentially the participants' analysis of the incident in question, with the assistance and guidance of the mediators. Each party has the opportunity to discuss the incident from their perspective, and to understand the perspective of the other party. The emphasis is on keeping the dialog constructive. (See Figure 3.3.)

Complainant Demographics

Of the 111 complainants whose cases were assigned for mediation in 2004, 61% were male and 39% were female.

More than half the complaints in mediation cases were White/Caucasian (53%). This was followed by African American (24%), Hispanic/Latino (5%), and Other (7%). In 2004, Hispanic complainants represented only 5% of mediation cases, as compared to 15% in 2003. Analysis of this change suggests that most of the 2003 cases with Hispanic complainants involved multiple complainants; for example, couples and families. In 2004, cases with Hispanic complainants usually involved a single complainant.

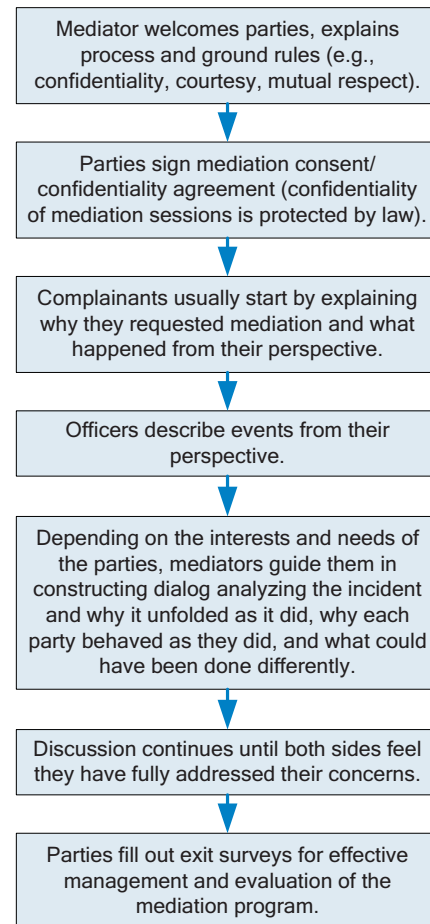


Figure 3.3

Gender and Race/Ethnicity of Complainants	2003		2004		Total	
	Complainants	Percent	Complainants	Percent	Complainants	Percent
Gender						
Female	40	49.4%	43	38.7%	83	43.2%
Male	41	50.6%	68	61.3%	109	56.8%
Race						
Hispanic or Latino	12	14.8%	6	5.9%	18	9.9%
White	43	53.1%	59	58.4%	102	56.0%
Black or African American	19	23.5%	28	27.7%	47	25.8%
Other Race/Ethnicity	7	8.6%	8	7.9%	15	8.2%

Case Outcome

In 2004, IPR mediated 33 cases. Not all cases assigned for mediation are actually mediated. Cases frequently “fall out” before they can be mediated, and it is not uncommon for national mediation fallout rates to average 50%. In 2004, 39 cases were assigned for mediation, but were eventually dismissed. The unavailability of the complainant was the primary reason for dismissing a mediation case. Unavailability usually means the complainant moved and left no forwarding address, was taken into custody, or did not return calls and letters to schedule the case. In a few cases, complaints were dismissed because complainants changed their minds about mediation, officers refused to mediate or were no longer with the Bureau, Internal Affairs declined to assign a complaint to mediation, or the complaint was resolved before a mediation session was conducted.

Of the 93 officers invited to mediate, only 4 declined the invitation. In one case, the officer expressed his reason for declining the mediation as, “if [the mediation] was with anyone else, I would, because I believe in mediation. But not with him.” Another officer gave a similar reason. A third officer told his commander, “I have no confidence in the process.” The fourth gave no reason for declining the invitation.

There were four cases in which a mediation session was arranged and scheduled, and all participants showed up except the complainant. Every effort is made to ensure both parties are very clear of the date, time, and location for the session. As a general practice, both the citizens and the officers receive a written confirmation approximately one week before the mediation

and a final telephone reminder the day before. Generally, if an unexpected event intervenes, and one of the parties is unable to attend, the case is rescheduled. However, in cases where the complainant fails to appear, makes no effort to call in advance, and offers no reasonable explanation for their failure to attend, IPR will decline the complaint. Sometimes the officer specifically requests that IPR make another effort to reschedule the case. IPR accommodates these requests.

Three 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 the other cases, the complaint was addressed by developing a long-term plan to deal with the ongoing neighborhood or professional issues involved.

**Table 3.2
Outcome of All Cases Assigned for Mediation**

Outcome of All Mediation Closed	2002	2003	2004	Total
Successfully Mediated	1	20	33	54
Cases that were Not Mediated	2	21	39	62
Citizen Unavailable	0	8	22	30
Citizen Declined	1	4	6	11
Officer Declined	0	2	4	6
IAD Rejected	0	1	0	1
Officer Retired/Resigned	0	0	2	2
Other Resolution	1	3	1	5
No Show	0	3	4	7
Assigned but not mediated till the following year	9	9	15	
Total number of cases assigned during the year	12	50	87	

Mediation Satisfaction Rates

IPR measures participant satisfaction with the mediation process. It should be noted that IPR uses a different instrument for measuring satisfaction with mediated complaints than for complaints handled through the traditional IPR/IAD process. Also, the mediation survey is filled out by mediation participants immediately after they complete the mediation, while general IPR satisfaction surveys are mailed quarterly. Thus satisfaction rates between those who mediate, and those who do not, cannot be directly compared.

However it is clear from the data that mediation participants, both citizens and officers, report relatively high satisfaction rates. It is highly improbable that an equivalent rate of satisfaction would be reported by complainants in non-mediated cases, even if no data were missing.

Another aspect of reported satisfaction is worth noting. With non-mediated cases, complainants' reported satisfaction with the complaint handling process appears to be directly related

"Talking it out really helped."
— An officer after mediation

to whether they received the outcomes they wanted. However, in mediation cases, even those who were not satisfied with the outcome of their mediation often had positive comments about the mediation process itself.

For example, 87% of officers and 90% of citizens would recommend mediation to others as a way to resolve police-citizen complaints

	2003		2004	
	Citizens	Officers	Citizens	Officers
Was the dispute resolved to your satisfaction?				
Completely	51.6%	70.0%	49.0%	66.0%
Partially	32.3%	15.0%	39.0%	21.0%
Not At All	16.1%	15.0%	12.0%	10.0%
Did you get the opportunity to explain yourself in the mediation process?				
Yes	93.3%	95.5%	88.0%	100.0%
No	6.7%	0.0%	0.0%	0.0%
Missing	0.0%	4.5%	12.0%	0.0%
Was the mediator fair to both sides?				
Yes	100.0%	100.0%	99.0%	100.0%
No	0.0%	0.0%	0.8%	0.0%
Would you recommend mediation to others?				
Yes	96.7%	85.7%	90.0%	87.0%
No	0.0%	4.8%	7.0%	2.0%
Unsure	3.3%	9.5%	4.0%	2.0%

while 66% of officers and 49% of citizens reported that they felt their cases were fully resolved to their satisfaction. This satisfaction is also evident from the open-ended comments in the surveys. Positive comments about the process, case outcome, and other participants greatly outnumber the negative comments. Also, many comments suggest that although participants were not entirely satisfied with

the outcome, they recognized the importance of the interaction. For example, one officer commented, “Nobody was 100% satisfied, but both parties got something out of it.” A citizen commented, “This is just one of those agree to disagree situations.”

Satisfaction rates increased slightly in 2004; complainants reporting that they are “not at all

satisfied” dropped from 16.1% to 12%. 2004 also represents the first full year in which mediators scheduled their own mediation cases directly, rather than having the Community Relations Coordinator schedule all the cases. This new process allowed the mediators to perform case development and become familiar with the case and parties before the mediation.

Comments from Mediation Participants

Fully Satisfied: Citizens 12 of 20 Respondents

I feel this was an excellent process. All issues were addressed. 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.

It was helpful, interesting, informative, an opportunity for growth and understanding.

I understood where the officer was coming from and how that was affected by my actions, which were based on perceptions that I had. I view him in a better light now.

It allows people to see each other outside of normal circumstances and adds humanity to the situations. I saw him in more human light and saw his overall personality, which helped.

I think it helps all parties involved understand. I feel much more comfortable. It is very helpful.

Candid, good conversation. I saw the other side and understood their concerns.

It was an opportunity for me to express myself and show who I am. Everything was so right. I feel better. I would recommend mediation because it...can change how they might feel.

No change (in my view of the situation): I just feel it was useful to air all perspectives.

Change in my view? Yes, he is a very nice guy. We need more just like him.

**Fully Satisfied: Officers
13 of 26 Respondents**

Great communication. I now understand the officer's situation.
Recommend mediation? Yes. It works!

Change in my view? No. I still know I am innocent! (But at least) he was more polite.

It helps you to better understand what's going on. All parties were in favor of the outcome.

(In the future, I will) take more time if feasible to explain some things (to citizens). Recommend mediation? Yes, because you can ask questions and have first hand knowledge of the complaint and why they complained.

Talking it out really helped. I learned some interpersonal communicating ideas. Recommend mediation? Yes, it's a great idea.

It gives the police officer the chance to explain his side.

Yes, I did not know the entire story and thought the other party (was something he was not).

I now understand the original intent of the contact between the citizen and myself. There is a difference between a misunderstanding of a situation and a complaint about a particular action.

Everyone seemed to get their questions answered.

The complainant was more receptive than I'd hoped.

It helped me remember to consider the feelings of others.

This shouldn't have been a complaint.

We were able to voice our concerns and answer the complaint. It enabled me to explain police procedures the other side was not aware of.

Recommend mediation? I would because it works in my opinion. Nobody is 100% satisfied, but both parties get something out of it.

I enjoyed having a chance to speak with him. I actually like him now.

I do not nor did I ever feel he was just being vengeful. I believe he was mediating for the purpose of understanding what had transpired.

**Partially Satisfied: Citizens
9 of 16 Respondents**

It's a neutral corner, so to speak, to air concerns and thoughts – an opportunity not available at the time of the incident.

I am troubled by his arrogance. I don't think he took us very seriously. (But) I now understand the police strategy better. Keep up the good work.

I better understand the miscommunication, (and the) role of police. I am grateful they participated, but one officer...was defensive throughout.

I still have some reservations that the officers didn't totally believe my statements.

It's a peaceful approach to problem solving. I have a better understanding of the issue, and we found a potential solution. Very helpful.

The officer admitted he misunderstood me at the time.

I was encouraged by the forum, but as for the overall outcome...I'll have to be optimistic.

(I learned) the officer was not intentionally picking out anyone; there was valid information he was acting on. You get to know what and how much the police go through on duty and that there are some nice and truthful officers out there.

(One officer) had difficulty being completely open and not defensive. (But) I gained insights into how to improve the work I do with the police. It was helpful, interesting, informative, an opportunity for growth and understanding.

**Partially Satisfied: Officers
5 of 8 Respondents**

There's more to do, but the conversation was very worthwhile.

It gave the citizen a good perspective from the police point of view. I think it is a valuable process – my first time, I would recommend it to others.

There was miscommunication between the two sides (during the incident). Although we may not agree with each other, it feels good to let it out.

Allows open discussion of issues. I understand their frame of reference, but I think the complainant still thinks police have malice for African American citizens.

I believe the complainant had a better understanding of my side. It's a better solution than an investigation.

**Not At All Satisfied: Citizens
5 of 5 Respondents**

I did not get the feeling that the officer took any responsibility or tried to understand why we were here. Change? No. What I got out of it was basically, "I'm the officer, I'm the law and whatever I do or tell you to do must be done." But I would recommend mediation because, in many cases I think this will work.

The officer had an opinion drawn. No change.

He was unable to remove (emotions and) analyze the situation from an objective standpoint. I felt maybe the officer would be able to explain his actions in a way that I would understand his motivations. He did, and now I know that his actions were based on my questioning his authority which insulted his pride. It would have been nice to feel that the officer understood where I was coming from...I could not get him to understand my side and only pissed him off...

There was nothing to be resolved.

This is just one of those agree to disagree situations. I personally think it's best to say how it made you feel and what you think about the situations, rather than leave it up to someone else (as in the regular complaint process). I think it is a great choice for those who choose to do this.

**Not At All Satisfied: Officers
3 of 4 Respondents**

She agreed (the blame was hers) not the police's. Change in my view of the situation? No, I still think she is (what she was accused of being).

It was pretty obvious from the start it was not going to get resolved, no fault of the mediator. We just didn't agree on much of anything.

Change in how I view the complainant? Not really – possibly worse. Not sure anything was resolved in this session, but I would be willing to give it a second chance. I think it is a good option to the complaint process. Not sure how to improve it.

Comparing Portland’s Citizen-Police Mediation Program Nationally

As of 2004, IPR’s mediation program is the second largest and most active mediation program in the United States in terms of total number and largest percentage of mediations completed. Only New York City mediates more cases. In 2004, New York City mediated 120 cases, but they also receive about 20 times more complaints than Portland and they have a much larger police force. Comparative data for the largest police-citizen mediation programs is shown in Table 3.4.

Portland and Washington, D.C. both mediated a similar number of complaints in 2003 and 2004. While Washington’s police force is about three times larger than Portland’s, the population is comparable. The Office of Citizen Complaints in Washington, D.C. is also unique in that it has the power to assign cases for mandatory mediation. In all other programs, including Portland, mediation is voluntary.

**Table 3.4
Comparisons Among Cities**

City	Number of Mediations	
	2003	2004
New York City	70	120
Portland, OR	20	33
Washington, D.C.	21	31
Kansas City, MO	--	8
Berkeley, CA	4	3
San Diego, CA	13	0

Timeliness

Timeliness remains a priority for the IPR mediation program. IPR’s original goal, when launching the program, was to complete mediations within 45 days or less after intake. However, by the end of 2003, with a full year of experience, IPR staff concluded that the 45-day goal was unrealistic. Given 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, staff determined that a more realistic goal would be to try to complete all mediations within 60-90 days after the intake interview is concluded.

The year 2004 also represents the first full year in which mediators schedule their own mediation cases directly, rather than having the Community Relations Coordinator schedule all the cases.

It was a program goal to add more mediators to our roster, as one problem in the scheduling of mediation cases has been the occasional unavailability of mediators to conduct them. This problem continued intermittently through 2004. However, while staff did recruit for additional mediators in 2004, the selection process was not complete as of the end of 2004. Accordingly, we will report the status of the recruitment in 2005.

**Table 3.5
Timeliness of Mediations Completed**

	Less than 60 Days	60-90 Days	90-120 Days	120+ Days	Total
2003 Number of Days to Complete Mediation	5	8	5	2	20
Percent of Cases	25%	40%	25%	10%	
2004 Number of Days to Complete Mediation	10	11	7	5	33
Percent of Cases	30%	33%	21%	15%	

Case Summaries

An officer, responding to a road rage dispute, treated the complainant in an unpleasant and demeaning manner. The officer inappropriately used physical restraint when the complainant tried to cross the road to where her young niece waited alone.

Complainant believed the officer had racially discriminated against her son and was inaccurate in writing a citation. When the complainant spoke to the officer's supervisor about her concerns, she found the supervisor to be rude and dismissive.

The complainant was inappropriately ordered to move his legally parked car. The officer threatened the complainant with a citation if the car was not moved.

An officer singled out, shoved, and knocked down a smaller, older woman while trying to move protestors.

A father saw his son being confronted by a man with a gun. The father intervened, not realizing the man with the gun was a plainclothes officer arresting his son on a warrant.

A woman was ticketed for a traffic offense. She alleged the officer was very disrespectful and called her a liar.

Complainant felt officers did not respond appropriately to a robbery in his home, and alleged it was disparate treatment.

A professional who works with youth felt police did not take appropriate action on a child abuse report.

Police were responding to a call of youths creating a disturbance at a transit stop. An innocent bystander was swept up in the action and wrongly issued a citation. The police did not believe the bystander's claim that she was not involved.

A man felt he was stopped and cited, by an officer who didn't agree with his political views, after he honked in support of gay marriage.

Police arrested a wanted man, leaving his young daughter alone with strangers overnight instead of contacting her mother to come and pick her up.

A father felt police misled him when they asked him to call his adult son, and to tell his son to come home because police just wanted to talk to him. When the son returned home, police arrested him.

An immigrant was assaulted and felt the police response was inadequate. He alleged the officer was rude and threatening, and believed it was disparate treatment.

A complainant was traumatized after police subjected him to a high-risk stop in his driveway. Police had the complainant on his knees, with their guns pointed at him, after his vehicle was mistaken for one driven by a wanted felon.

During a traffic stop, an officer was rude and threatening. The officer incorrectly accused the driver of being drunk and illiterate. The man believed it was disparate treatment.

A driver who was stopped for a traffic violation alleged disparate treatment because an officer screamed, intimidated, and demeaned him (by ordering him to recite a traffic law).

A man entered an area blocked by traffic cones to ask an officer a question. The officer was unnecessarily rude and would not let the man explain what he was trying to do.

The complainant called 9-1-1 to report he was being pursued by a driver in a road rage. Responding officers did not take appropriate action, sided with the other driver in the dispute, and did not listen to the complainant's version of what happened.

A man alleged he was mistaken for a speeding driver by an officer who was rude, would not listen to him, and called him a liar.

A man's car was towed after a traffic stop; he believed he was falsely charged and racially profiled.

A woman said officers responding to a neighbor dispute call unfairly sided with the neighbor and were rude to her.

A man stopped for a very minor traffic violation believed it was a racially motivated pretext stop, and said officers were rude, hostile, threatening, and would not listen to his explanation.

A gas station attendant put extra gasoline in the complainant's car, and then demanded the complainant pay for the extra. Responding police presumed the complainant was guilty and sided with the gas station owner without letting the complainant explain. The complainant believed it was disparate treatment.

An officer endangered a bicyclist by cutting him off with the patrol car. After stopping the bicyclist, the officer was hostile, grabbed and searched the bicyclist, and then followed the bicyclist in a menacing manner.

An officer was rude to and humiliated a mother in front of her family and neighbors when he threatened to remove her children if she did not keep her house cleaner.

A man was detained and cited for jaywalking by an overly aggressive off-duty officer. The man was taken to detox when the officer knew he wasn't drunk.

A protective services worker felt police did not respond properly to a reported crime against a patient at a care facility.

A man believed he was being unfairly harassed by police because he is an ex-con.

A man was trying to exit a driveway blocked by an officer in his patrol car. After waiting for several minutes, the man sounded his horn. The officer then confronted him in a disrespectful manner in front of his family. The man suspected the officer would not have spoken to a White man in that way.

A couple felt an officer responded inappropriately to an accident in front of their home, including not taking the drunk driver into custody.

A man had issues with police response to some longstanding neighborhood problems.

A man felt he was economically profiled for a traffic stop, treated like a criminal, demeaned, and ultimately stranded after his vehicle was towed.

A woman's car was stolen, but the officer would not take a stolen car report. When the car was recovered, the driver was not arrested, the car was impounded, and she had to pay a fee to get it released after she had been told she would not have to.

Chapter 4

Bureau-initiated Complaints

*Complaints from
within the Portland
Police Bureau*

Bureau-initiated complaints originate within the Portland Police Bureau and are not within the original jurisdiction of the IPR; however, IPR reports on the disposition of bureau-initiated complaints because they are often the most serious investigations conducted by IAD. In 2004, there were 35 bureau-initiated complaints. Of the bureau-initiated complaints closed in 2004, 45% resulted in *sustained* findings. Unprofessional behavior was the most common allegation sustained.



Introduction

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. These complaints are known as bureau-initiated complaints.

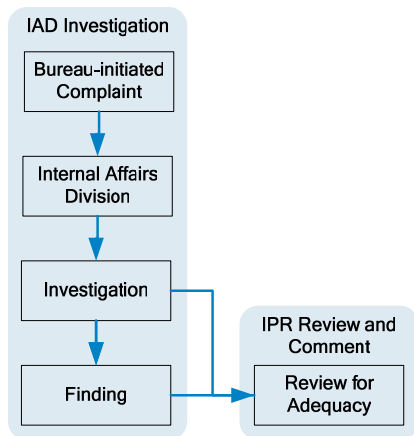


Figure 4.1

Although the IPR Ordinance provides the Director with the right to review all Portland Police Bureau records, the Ordinance does not specifically outline 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. The comments generally identify policy issues, or pertain to documentation or quality of investigations.

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

In 2004, IPR received and reviewed 35 bureau-initiated complaints. This represents a decrease from the 41 bureau-initiated complaints made in 2003.

Due to delayed data entry, two bureau-initiated complaints opened in 2003 were not reported in the 2003 annual report.

As in previous years, allegations categorized as *conduct* accounted for more than half (68%) the bureau-initiated complaints. This was followed by complaints about *procedure, courtesy, disparate treatment, and force*.

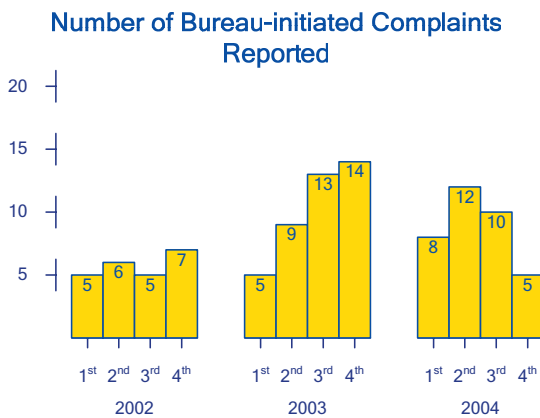


Figure 4.2

Allegation Category	2002		2003		2004	
	Number	Percent	Number	Percent	Number	Percent
Conduct	37	73%	90	75%	54	68%
Control Technique	0	0%	0	0%	0	0%
Courtesy	5	10%	11	9%	5	6%
Disparate Treatment	0	0%	3	3%	5	6%
Force	1	2%	2	2%	4	5%
Procedure	8	16%	14	12%	12	15%
Total Category Classifications	51	100%	120	100%	80	100%
Number of Complaints Received	23		41		35	

Detailed Allegations	2004		Total
	Not Sustained	Sustained	
Unprofessional Behavior	5	10	15
Unsatisfactory Work Performance	9	7	16
Inappropriate Off-duty Behavior	3	5	8
Untruthfulness	1	4	5
Profanity	0	3	3
Unjustified Behavior	16	3	19
Failed to Follow Investigation Procedures	0	3	3
Excessive Force	2	2	4
Failed to File an Accurate Police Report	0	2	2
Failed to Act Properly	1	2	3
Inappropriate Use of LEDS	2	2	4
Other	4	2	6
Mishandled Property	2	1	3
Discrimination Based on Gender	3	1	4
Retaliation	0	1	1
Harassment	1	1	2
Intentionally Demeaning Language, But Not Profanity	1	1	2
Failed to Provide Accurate or Timely Information	0	1	1
Did Not Conform to Laws	3	1	4
Failed to Log Money as Evidence	0	1	1
Improperly Disclosed Confidential Information	2	1	3
Improper Disclosure of Information	1	1	2
Theft of Property	0	1	1
Rude Behavior	1	0	1
Failed to Take Appropriate Action	5	0	5
Incorrect Application of Law	1	0	1
Failed to Follow Traffic Law	2	0	2
Intimidation	2	0	2
Inappropriate Sexual Conduct	1	0	1
Domestic Violence	1	0	1
Total	69	56	125
Percent	55%	45%	100%

In the past, bureau-initiated complaints generally result in a higher percentage of sustained findings. This trend continued in 2004. Of the bureau-initiated allegations closed in 2004, 45% were sustained.

The most common sustained allegations were unprofessional behavior, unsatisfactory work performance, and inappropriate off-duty behavior.

Chapter 5

Commendations

Commendations provide an opportunity for a more balanced view of PPB officers and employees, and in 2004 there was a significant increase in the number of commendations submitted to IPR. We received 523 commendations regarding PPB officers and employees. Of the 523 commendations, 277 were filed by citizens and 246 were filed by PPB/Other Agencies.



Commendations

In the interest of providing a more balanced view of the Police Bureau's service to the community, IPR receives and records commendations regarding PPB officers and employees. Citizen-initiated commendations may be filed via IPR's complaint

form and via the websites of both IPR and PPB. In addition, IPR accepts commendations from staff within PPB and from other government agencies. On occasion, IPR may extend its own commendation to officers.

When recording commendations, IPR does not distinguish between sworn and non-sworn PPB staff; therefore, the information provided in this section pertains to all PPB employees.

Source of Commendations	
PPB-initiated Commendation	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.
Citizen-initiated Commendation	A citizen-initiated commendation is defined as a commendation made by any other person, not acting in an official or governmental capacity.

IPR takes this opportunity to report on the outstanding public service provided by staff of the Portland Police Bureau.

Table 5.1 Number of Commendations Filed that Named One or More PPB Employees		
	2003	2004
Filed by a Community Member	132	277
Filed by PPB/Other Government Agency	142	246
Total	274	523

Table 5.2 Aggregate Number of PPB Employees Named in Citizen and PPB Commendations		
	2003	2004
Filed by a Community Member	189	409
Filed by PPB/Other Government Agency	394	693
Total	583	1102

In 2004, IPR received 523 commendations regarding PPB officers and employees. This represents a significant increase from 2003 in the number of commendations received by IPR.

Of the 523 commendations, 277 were filed by citizens. PPB/Other Agencies filed an additional 246 commendations.

Table 5.3
Number of Employees Receiving Commendations

PPB Precinct/Division	2003 Aggregated Counts			2004 Aggregated Counts			2004 De-duplicated Count of Employees
	Community	PPB/Govt.	Total	Community	PPB/Govt.	Total	
Central	25	48	73	84	95	179	88
East	36	70	106	57	108	165	90
North	5	56	61	37	85	122	57
Northeast	17	21	38	55	89	144	72
Southeast	32	71	103	53	112	165	80
Precinct Subtotal	115	266	381	286	489	775	387
Tactical Operations Division	4	45	49	16	47	63	34
School Police	0	7	7	16	33	49	18
Detectives	9	12	21	24	18	42	32
Tri-Met	4	8	12	5	46	51	28
Drugs and Vice Division	8	7	15	13	5	18	10
Traffic	6	10	16	18	3	21	16
Personnel	0	0	0	1	6	7	2
Training	1	11	12	2	4	6	6
Family Services Division	0	0	0	4	1	5	4
Internal Affairs Division	0	0	0	2	3	5	4
Chief's Office	0	0	0	5	0	5	3
Identification	2	6	8	2	1	3	3
Telephone Reporting Unit	1	4	5	0	3	3	2
Other	39	18	57	15	34	49	32
Total	189	394	583	409	693	1102	581
Number of Commendations	132	142	274	277	246	523	

Officers and staff assigned to Central Precinct received the most total commendations (N=179). They were followed by officers and staff in the Southeast, East, Northeast, and North Precincts, respectively.

Central Precinct officers and staff received the most citizen-initiated commendations. Officers and staff assigned to the Southeast Precinct received the most PPB commendations.

This year IPR reports on the de-duplicated count of employees receiving commendations, categorized according to precinct or division. The de-duplicated count represents the number of officers and staff receiving commendations, with each person counted only once. Reporting in this fashion enables IPR to report on the discrete number of officers and staff that generated the commendations. For example, an officer who received one citizen-

initiated commendation and one PPB-initiated commendation is counted twice in the aggregate, but only once in the de-duplicated count.

In 2004, 581 individual employees were commended for their efforts. Many employees received more than one commendation. As shown in Table 5.4 and Figure 5.1, 286 employees received one commendation; while 295 employees received two or more commendations. Two employees received seven commendations each.

Number of Commendations	Number of Employees
7	2
6	6
5	13
4	37
3	79
2	158
1	286
Total	581

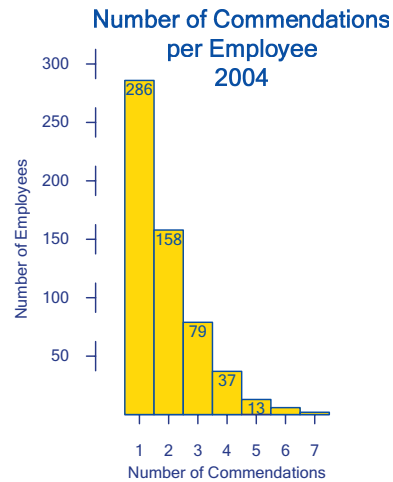


Figure 5.1

Reporting the de-duplicated count illustrates that many PPB employees receive multiple commendations. As shown in Table 5.5, a large number of PPB employees received no complaints in 2004, and an even greater number of employees received commendations *and* no complaints. There were 209 employees who received commendations and no complaints in 2004. Of those, 90 employees received two or more commendations.

Number of Commendations	Number of Complaints	Number of Employees
4	0	12
3	0	22
2	0	56
1	0	119
0	0	519
Total		728

A Sample of Citizen-initiated Commendations

Case Summaries

A stalking victim commended an officer and the Women's Strength self-defense program (sponsored by PPB) for boosting her confidence and safety. The officer worked with the woman to ensure that she felt comfortable and safe at home and at work. The Women's Strength program taught her some practical interventions, including what to do when threatened by a stalker.

Several officers were commended for their response to a suicide: "On Saturday, my father committed suicide. I called 9-1-1 and four officers responded. I would like to compliment everyone for the professionalism and sympathetic manner in which they handled this tragedy. It was and still is a trying time for me and they all made it a little easier to handle. I am deeply grateful."

A Cub Scout leader wrote to express his appreciation when an officer and his canine partner visited his Cub Scout pack: "The officer is quite talented in his ability to talk with kids and patiently answer dozens of questions. We recognize that it takes time from [his] other duties and appreciate [his] time. We appreciate that he recognizes the importance of this sort of public outreach."

A citizen called the police when he discovered a burglar on his property. The burglar fled into the neighborhood, but, "the speed with which the officers responded allowed a tight perimeter to be established and the suspect to be contained." The burglar was ultimately arrested, and the citizen's property returned. The citizen writes, "It is my firm belief that this suspect would not have been apprehended nor my property returned if it were not for the well coordinated efforts of the men and women of the PPB."

A local business wrote to thank an officer for his unremitting efforts to improve neighborhood conditions. "[T]his area is a prime location for drug sales and the officer has disrupted the drug trade [here]. He works the area on foot and makes numerous contacts with drug users and sellers. We are concerned about the future of this area, and his actions have had a direct impact on the business climate and safety of citizens touring the area."

Investigators at a Multnomah County human services agency commended a PPB detective for her “exceptional work in investigating sex crimes against the mentally ill.” The commendation noted that the PPB detective educated herself on mental health issues, and then educated the agency staff on police issues. The commendation continues with, “In the last year and a half of working with the detective, we have not had any repeat reports of abusive behavior on the alleged perpetrators with whom she has been in contact...[O]ur experience with the detective has been that we can [rely] on timely, thoughtful, and effective response[s] to our cases.”

An officer went beyond the call of duty to assist a citizen whose beloved dog had been hit by a car. The officer was “on his way home and noticed me sitting on the steps of an apartment complex holding my injured dog, crying hysterically with my two year old daughter watching from her tricycle. He pulled his cop car over immediately and asked me if I needed help, [and] I told him my dog was hit by a car...and I needed to get him to the hospital but my car was at my house. He told me to pick up my car and he would make sure to get my dog to the vet. The officer stayed by our side and made sure we were okay.”

While the PPB was assisting with security measures for the presidential campaign, a bus carrying senior citizens was involved in an accident. The officer was commended for her kindness in obtaining information from senior citizens on the bus.

A commendation for a dedicated officer who assisted a victim of identity theft: “Last year my purse was stolen at a grocery store and my personal information was then used to open up credit card accounts, forge checks, and alter DMV records. If it had not been for the officer’s tireless efforts, phone calls, and detailed reports, I truly believe that my identity thief would have continued on her rampage. In a time of budget crisis and constant media scrutiny, this experience has given me a positive perspective on how hard our officers work to protect us.”

A husband and wife went to Central Precinct to report an auto theft by fraud. They thought their case would be a low priority, but two days after filing their report, an officer provided them with two sets of mug shots. They were able to make a positive identification. The husband writes, “I cannot state how much I appreciate the superb investigative work conducted...Thank you.”

Two officers were commended for their professionalism. “I was pulled over for a traffic citation that ended up in my vehicle being impounded. However, I was treated fairly and unbiased during the stop and in these times of violence, that meant a great deal to me. I am proud to say that this is the best I have ever felt after dealing with a law enforcement official, moreover, I am confident in the safety and security of my neighborhood.”

An officer was commended for assisting a citizen who fell off her bike. The citizen wrote: “she gave me (and my bike) a ride back to my apartment in the patrol car, and waited with me until my friend arrived...Her kindness and compassion were much appreciated.”

A Sample of Bureau-initiated Commendations

Case Summaries

Three officers were dispatched to a domestic violence call. When the officers arrived, they encountered several hysterical adults, and a male who had just murdered a female. The situation was extraordinarily tense, and decisions had to be made in a split-second, but the officers used teamwork and solid tactical execution to arrest the suspect with the use of non-lethal force.

An officer responded to a call that shots had been fired from a vehicle. Through his quick investigation and interviews, the officer was able to obtain an accurate description of the two suspects and their vehicle. Within an hour, the officer spotted the vehicle. He arranged for a high-risk stop, and successfully arrested the suspects.

In response to a 9-1-1 call, numerous officers began a search for a crime victim. The victim had been kidnapped and raped multiple times, was bound, and was trying to explain her location to the dispatcher while the suspect lay next to her, asleep and armed. With limited information, officers searched the neighborhood and were able to find the caller. When officers arrived, they were able to safely escort the victim away from the scene without waking the suspect. Officers were then able to make the arrest. The officers were commended for the speed in which they executed the call, found and rescued the victim, and arrested the suspect.

Several citizens contacted police when they noticed a man firing random shots near a railroad track. When confronted, the suspect fled and jumped a fence onto school property. Officers secured the perimeter and watched the suspect to ensure he would not enter the school. Once the suspect was a safe distance from the building, officers were able to take the individual into custody without incident. Officers were praised for successfully apprehending a potentially dangerous individual.

An officer was commended for using initiative and perseverance in a traffic stop. While on patrol, the officer noted a suspicious vehicle illegally parked. The officer discovered that the driver was a convicted drug dealer, was on probation, and was in possession of an illegal firearm. The officer arrested the individual and obtained a confession without incident.

Several officers responded to a call about drug dealing at a motel. The officers arrested a drug dealer and then discovered that there was an accomplice still in the room. The accomplice was wanted on an outstanding felony warrant. After making contact with the second person and placing him in custody, officers recovered over four pounds of marijuana and a pistol.

A suicidal individual was on the verge of jumping from an overpass when three officers arrived at the scene. The officers intervened and were able to prevent the suicide.

Two officers were commended for their skill in locating four vandals. During the night, vandals spray-painted two businesses. The officers were able to locate the four suspects and acquire confessions. As a result, the suspects were held accountable for the \$1,300 in damages incurred to the businesses.

Police believed that at least 19 armed robberies were the work of one person. While responding to an armed robbery call, two officers recognized the driver of a passing vehicle as the suspect. The officers pulled the suspect over and safely placed him under arrest. During the search of the suspect's vehicle, the stolen money, a pistol, and clothing used during the robbery were recovered.

A police officer was commended for coordinating the investigation of a “major” heroin-dealing ring. The investigation took eight months, and led to the seizure of nearly 15 pounds of heroin and cocaine, a dozen arrests, and the seizure of assets.

While searching the last reported location of a drug suspect, officers saw evidence of an active methamphetamine lab. They coordinated their efforts with the Drugs and Vice Division and the Hazardous Materials Team, and effectively closed the lab. Multiple chemicals and various drug-related paraphernalia were seized, and “additional contamination from the lab” was averted.

In a joint investigation with other police agencies, two PPB officers assisted in the seizure of 900 pounds of marijuana valued in excess of \$2.5 million.

Neighbors made numerous complaints about suspicious activities occurring in a house on their block. Using a combination of this information and investigative work, an officer was commended for successfully obtaining a search warrant that resulted in the indictment of identity thieves, the seizure of methamphetamine, and the closure of a drug house.

Chapter 6

Complaints

*Complaints per officer,
use of force, and
discipline.*

This is a new section of the IPR Annual Report. In this section, IPR reports on the number of complaints per officer, on the number of excessive force complaints per officer, on managing the use of force, and on the types of discipline imposed.

In 2004, the number of complaint cases received by individual officers, regardless of the case outcome, ranged from one to fourteen. The number of complaint cases received by individual officers, for those cases that were forwarded to IAD as a service complaint or to be investigated, ranged from one to six. (As noted in the previous chapter, over 700 PPB officers received commendations or no complaints at all.)

The number of officers receiving complaints ranged from 285 officers who received one complaint in 2004, to one officer who received 14 complaints. This is regardless of case outcome. When case outcome is considered, the range is 168 officers receiving one complaint, to one officer receiving six complaints. For force complaints, the range is 98 officers receiving one complaint, to one officer receiving eight complaints.

IPR's policy recommendations for the use of force include: 1) capturing all use-of-force reports in the data system that is being designed to support the Bureau's *Early Intervention System*; 2) conducting a formal analysis of the force complaints referred to IAD for the past three years; and 3) making more frequent use of debriefings in circumstances where different tactics or approaches might have reduced the level of force or eliminated the need for it.



Complaints

Beginning in 2004, IPR will report on the number of complaints per officer. The purpose of providing this information is to determine whether the actions of a small number of officers are responsible for a significant portion of citizen complaints received by IPR.

It should be noted that "officer" is used generically. These complaints include both sworn and non-sworn employees of the Portland Police Bureau.

Number of Complaints	Number of Officers		
	2002	2003	2004
1	299	283	285
2	110	143	137
3	46	56	67
4	6	35	41
5	7	23	14
6	2	11	10
7	4	2	7
8	0	3	2
9	0	2	1
10	0	1	0
11	0	0	1
12	1	2	0
13	0	0	0
14	0	0	1
Total	475	561	566

Two tables and their accompanying charts provide information on the number of complaints per officer. The tables and charts are presented separately because it enables an analysis based on case disposition. In the first table and chart (Table 6.1 and Figure 6.1), all citizen-initiated and bureau-initiated complaint

cases are counted, regardless of disposition; therefore, it includes cases that were eventually dismissed by IPR or declined by IAD. The second table and chart (Table 6.2 and Figure 6.2) reports on those cases that were handled by IAD as an investigation or service complaint. This second chart includes investigations that resulted in non-sustained findings. Note that complaint cases sometimes involve more than one officer.

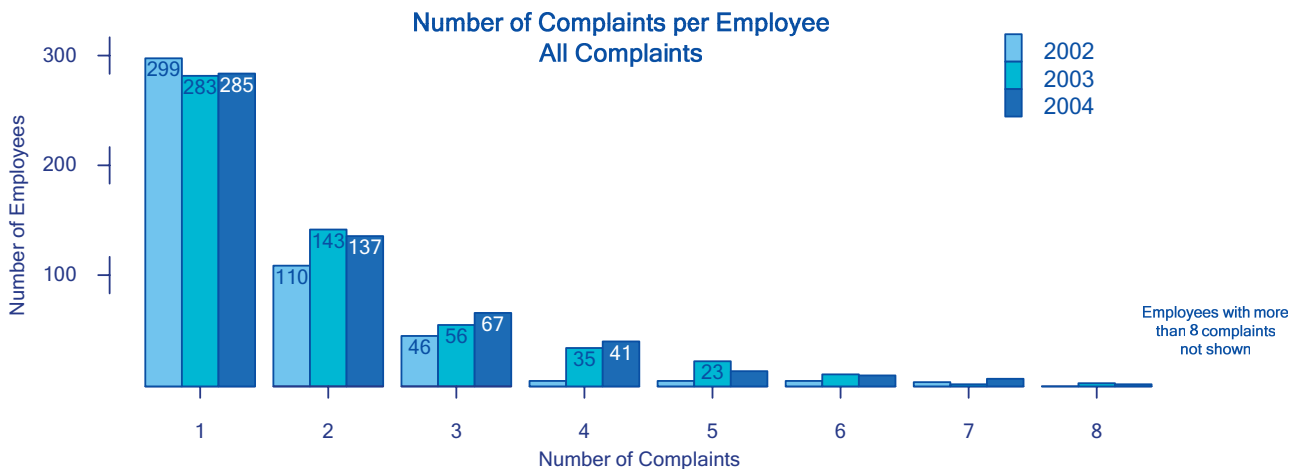


Figure 6.1

In 2004, the number of complaint cases received by individual officers, regardless of case outcome, ranged from zero to fourteen. The number of complaint cases received by individual officers, for those complaints that were handled by IAD as a formal investigation or service complaint, ranged from zero to six.

Table 6.2
Number of Complaints per Employee - Service Complaint or IAD Investigated Complaint

Number of Complaints	Number of Officers		
	2002	2003	2004
1	209	188	168
2	45	50	44
3	10	18	10
4	4	5	4
5	3	4	1
6	0	2	1
7	1	0	0
Total	272	267	228

It is clear, based on these data, that a large majority of officers receiving complaints receive only one complaint each year, and as the number of complaints per officer increases, the number of officers decreases dramatically. At the same time, however, a few officers generate a large number of complaints, regardless of the outcome of the case. For example, 285 officers had one complaint in

2004; however, during the same time period, one officer received 14 complaints. When the case disposition is considered, the range decreases; 168 officers received one IAD investigated complaint, and one officer received six IAD investigated complaints.

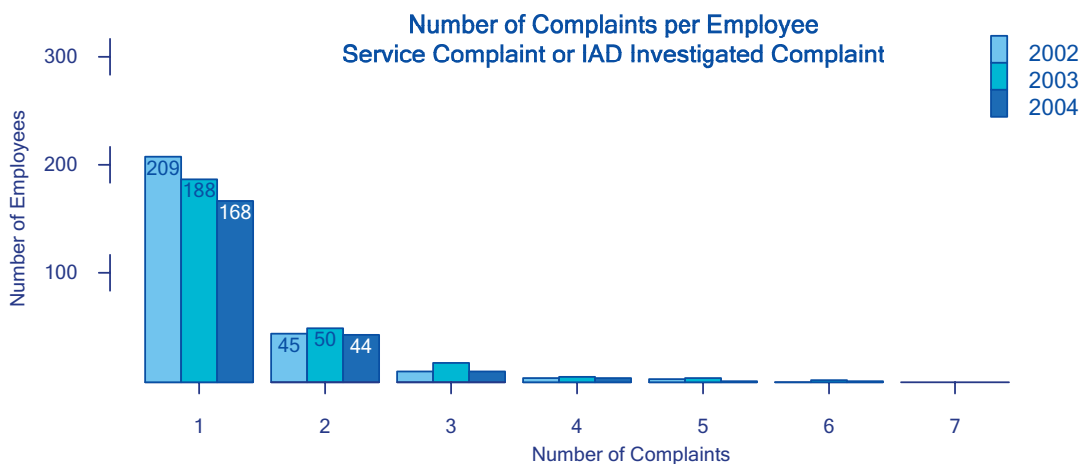


Figure 6.2

Between 2002 and 2004, the percentage of total complaints received by the top-ten complaint producing officers remained fairly stable. In 2002, the top-ten officers were responsible for 67 total complaints – 14% of the total number of complaints received. In 2003, the top-ten officers were responsible for 90 complaints – 16% of the total received. In 2004, the top-ten officers were responsible for 85 complaints – 15% of the total received.

IPR evaluated the top six officers who had complaints handled as either investigations or service complaints in 2004:

Case Summaries

One officer received six IAD assigned complaints during the year. Three complaints were handled as service complaints, two resulted in IAD investigations with non-sustained findings and one complaint was still pending investigation at the end of the year.

Another officer received five IAD assigned complaints during the year. Two complaints were handled as service complaints and three complaints were pending IAD investigation at the end of the year.

Four officers received four IAD assigned complaints during the year. One officer received three service complaints in less than six months; the three others had two IAD numbered complaints in the same category within six months.

Pursuant to PPB policy, each of these six officers should have been flagged by the Bureau's *Early Intervention System* for an Employee Behavioral Review (EBR). An EBR is a "review and/or summary of pertinent information concerning the member's conduct" (PPB Policy and Procedure Section 345.00). A check with the Internal Affairs Division, however, determined that due to turnover and a lack of clerical staffing, four of the six officers did not receive an EBR.

This analysis highlights the need for an effective *Early Intervention System*. The IAD Captain needs to ensure that EBRs are a high priority for IAD and that assignments are made on a timely and continuing basis.

In addition, it should be noted that among those officers highlighted as the top complaint-producing officers in the PPB, not a single *sustained* finding has yet been made with respect to any of the complaints lodged against them. This is often the case for citizen-initiated complaints where the PPB is required to prove misconduct, but where objective corroborative evidence of misconduct is often lacking. As such, it is important that an *Early Intervention System* not be based solely upon citizen complaints and the disciplinary system to identify problematic behavior by officers. Substantial academic and practical literature recommends a system that is more data driven and relies on a wider variety of triggers than that currently in use by the PPB.

IPR looks forward to working in 2005 with a PPB-initiated multi-disciplinary team to implement a new *Early Intervention System* to deal with these important issues.

EBR is the abbreviation for Employee Behavioral Review. An EBR is a "review and/or summary of pertinent information concerning the member's conduct" (PPB Policy and Procedure Section 345.00.)

Excessive Force Complaints

IPR also calculated the number of excessive force complaints received per officer. Table 6.4 provides information on the number of citizen-initiated and bureau-initiated excessive force complaints received by IPR, regardless of complaint disposition (i.e., it includes cases that were eventually dismissed by IPR or declined by IAD). Table 6.5 provides information on the number of citizen- and bureau-initiated excessive force complaints that were handled by IAD either as a complete investigation or formal service complaint. Note that excessive force complaint cases sometimes involve more than one officer.

Table 6.3
Number of Force Complaints per Officer - All Complaints

Number of Force Complaint Cases	Number of Officers		
	2002	2003	2004
1	101	99	98
2	18	14	18
3	3	5	7
4	1	1	1
5	1	2	0
6	0	0	0
7	0	0	0
8	0	0	1
Total	124	121	125

In 2004, the number of excessive force complaint cases received by individual officers, regardless of case outcome, ranged from zero to eight. The number of excessive force complaints received by individual officers, for those cases that were handled by IAD as a formal investigation or service complaint, ranged from zero to four.

Similar to overall complaints, of those officers receiving excessive force complaints a large majority receive only one complaint each

year. As the number of complaints per officer increases, the number of officers decreases dramatically. At the same time, however, a few officers generated a large number of excessive force complaints, regardless of the case outcome. For example, 98 officers had one excessive force complaint in 2004; however, during the same time period, one officer received eight excessive force complaints. When case disposition is considered, the range decreases; 39 officers received one service or IAD investigated force complaint, and one officer received four service or IAD investigated force complaints.

Table 6.4
Number of Force Complaints per Officer - Handled by IAD as a Service Complaint or as an IAD Investigated Complaint

Number of Force Complaint Cases	Number of Officers		
	2002	2003	2004
1	61	45	39
2	7	4	3
3	0	1	0
4	0	1	1
Total	68	51	43

Between 2002 and 2004, the percentage of total complaints received by the top-five complaint producing officers has increased slightly. In 2002, the top-five officers were responsible for 18 total excessive force complaints – 12% of the total number of complaints received. In 2003, the top-five officers were responsible for 20 excessive force complaints – 13% of the total received. In 2004, the top-five officers were responsible for 21 complaints – 13% of the total received.

Managing the Use of Force

Like all police organizations, PPB uses many tools to manage the use of force by its officers. Tools include the screening of recruits, initial and ongoing training, and discipline. PPB recently added new tools when it implemented mandatory use-of-force reports and established a Use-of-Force Review Board, with citizen representatives, to review serious incidents. In a significant new development the Bureau is designing an *Early Intervention System (EIS)* with IPR assistance. The goal of the EIS is to identify emerging behavioral patterns and to help officers correct behaviors before they result in a violation of Bureau policies, procedures, or expectations.

The evidence suggests that the disciplinary process, by itself, is not an effective tool for managing the use of force. It is slow, after-the-fact, and rarely imposed against individual officers. In 2004, citizens filed 112 force complaints. IPR referred 61 to IAD; none were sustained

although officers were debriefed in nine cases. The Bureau initiated four force complaints and IAD sustained two. The low rate of sustained findings is consistent with 2002 and 2003.

The low rate of sustained force complaints may be due, in part, to the nature of use of force policies. They are hard to write and harder to train. They must cover an infinite array of circumstances. Consequently the PPB's Levels of Control training matrix gives officers discretion to use force against very broadly defined levels of resistance. For example, pepper spray or a Taser may be used, subject to certain limitations, against "physical resistance" or "an intent to engage in physical resistance." "Physical resistance" begins when a person tightens his/her muscles or tries to pull away from an officer's grasp.

Whether it is reasonable to use pepper spray or a Taser at the threshold of physical resistance depends on the circumstance.

Absent a clear abuse of discretion or independent evidence that the person did not physically resist, it would be difficult for PPB to sustain a disciplinary action if the level of force was authorized by the Levels of Control matrix. This would be true even if there were a possibility that lesser force might have been sufficient.

IPR reviewed all of IAD's non-sustained findings and determined that they were supported by the evidence, meaning that a "reasonable person could make the finding...whether or not the reviewing body agrees with the finding" (Portland City Code 3.21.020 (R)). IAD's findings and IPR's determinations do not mean, however, that all the officers exercised the best judgment or tactics. In some cases, other officers with different skills may have been able to use less force or none at all. These cases are learning opportunities for the Bureau and for the officers involved.

IPR recommends that the Bureau examine closed force complaints, incorporate the lessons learned into training, and make more extensive use of debriefings in individual cases. More specifically IPR recommends that the Bureau:

- Capture and analyze all use-of-force reports in the data system that is being designed to support the Bureau's Early Intervention System.
- Conduct a formal analysis of the force complaints referred to IAD for the past three years. Identify patterns and lessons learned that could be incorporated into training and policy modifications.
- Make more frequent use of debriefings in circumstances where different tactics or approaches might have reduced the level of force or eliminated the need for it. Precinct commanders should be more explicit in their findings about the content and goals of debriefings in force cases.

Allegations Sustained by the Police Bureau

During the course of the 2004 calendar year, the Police Bureau finalized the imposition of discipline resulting from nine complaints filed in 2002, eleven complaints filed in 2003 and three complaints filed in 2004. The complaints are described below. Cases resulting in terminations are identified.

Complaints Filed in 2002

Citizen-initiated

An officer transported a driving-under-the-influence suspect to a hospital for a blood draw. The nurse requested that the suspect's handcuffs be removed. The officer was unprofessional and discourteous to hospital staff. In addition, the officer's report did not contain information that the suspect was the victim of an assault by the passenger in a vehicle the suspect hit.

A vehicle drove by an officer with music blaring. In order to get the driver's attention, the officer struck the vehicle with his hand and used profanity towards the driver.

Bureau-initiated

An officer used the Department of Motor Vehicles/Law Enforcement Data System for personal purposes.

An officer engaged in rude and unprofessional conduct and provoked a fight while off-duty at a restaurant. Outside law enforcement personnel were called to the scene and the officer behaved unprofessionally while the investigation was being conducted.

An officer returned a firearm to an individual without proof of ownership. The officer also failed to properly handle found marijuana. A report the officer claimed to have written could not be located and there was no notebook entry for the call.

An off-duty officer pursued a hit-and-run driver failing to comply with traffic lights. The officer continued the pursuit until the suspect driver hit another vehicle. The officer was cited by another law enforcement agency for careless driving.

A non-sworn employee was arrested for driving under the influence while off duty.

An officer was involved in a verbal altercation with his girlfriend while off duty. When another law enforcement agency responded, the officer was unprofessional and rude. In addition, the officer attended the same party as the girlfriend and made contact with her in violation of a previously issued restraining order.

An officer responded to a foot pursuit. Although the suspect was already compliant and in custody of two other officers, the officer kicked the suspect in the head out of anger. The officer wrote a misleading report about the incident. The officer was terminated.

Complaints Filed in 2003

Citizen-initiated

An officer made an inappropriate traffic stop, without probable cause and for personal reasons.

Bureau-initiated

(Resulting from a citizen complaint.) During a consent search of a driver's person, an officer found a bag of marijuana. Instead of seizing and booking the marijuana into evidence, he returned it to the suspect.

(Resulting from a citizen complaint.) An officer failed to document the handcuffing of a suspect in his duty notebook and in an appropriate report.

An officer lost his temper and used profanity towards members of his division.

After drinking alcohol, an officer was involved in a traffic collision that caused serious injuries. The officer was convicted of driving under the influence and sentenced to serve time in jail. The officer was terminated.

An off-duty officer was arrested for driving under the influence of alcohol.

A non-sworn supervisor discussed inappropriate subjects with subordinates and made unprofessional and derogatory remarks about command personnel.

An officer vented frustration via e-mail regarding a sports organization not requiring its players to have valid driver's licenses and insurance.

An off-duty officer was socializing with friends and relatives. Officers from another agency observed the officer leaving the parking lot of a convenience store faster than the posted limit. The officer was subsequently cited for driving under the influence of alcohol.

An off-duty officer was arrested for driving under the influence of alcohol after striking cement barriers alongside the road.

An off-duty officer moved abandoned vehicles from a trailer park he owned onto a public right-of-way, instead of paying for a private tow.

Complaints Filed in 2004

Bureau-initiated

Two non-sworn employees forwarded inappropriate e-mails to other individuals.

An officer associated with a subject who was a suspect in a felony investigation. Although the investigator asked the officer not to speak with the suspect about the investigation, the officer advised his friend to seek legal counsel. In addition, the officer admitted to using PPDS and LEDS to provide information to the suspect.

A non-sworn employee, driving a marked vehicle pursuant to his employment, pulled alongside another vehicle and advised the driver that she was driving too fast.

Discipline Imposed in 2004

During the course of 2004, the Police Chief finalized discipline against employees of the Police Bureau as follows:

Discipline	Number of Employees Receiving Discipline	
	Sworn	Non-Sworn
Termination	2	0
Demotion	0	1
Suspension Without Pay		
80 Hours	1	0
40 Hours	4	0
20 Hours	2	0
10 Hours	3	0
9 Hours	0	2
8 Hours	1	1
Letter of Reprimand	4	2

Chapter 7

Timeliness

Monitoring and improving the timeliness of investigations and appeals.

IPR met its performance goal of closing citizen complaints within 150 days. Ninety-four percent of cases reported in 2004 were closed within 150 days.

For the first time since the creation of IPR in 2002, staff met the intake goal of completing 90% of intakes within 21 days. IPR did not reach its goal of completing 60% of intakes within 14 days, although performance on this indicator has improved throughout the year.

The amount of time it takes IAD to decline cases improved and remained remarkably stable in 2004, although IAD was unable to reach its goals. The timeliness of cases declined by IAD within 45 days has been steadily increasing.

IAD continues to improve the timeliness of service complaints. For all four quarters of 2004, PPB exceeded its goal of 75% completed within 30 days. PPB has consistently exceeded its 30-day goal for completing service complaints since the 3rd quarter of 2003.

The timeliness of command review and review level continue to improve dramatically. In 2004, 91% of command reviews were completed within 90 days. This is an increase from 33% in 2002. PPB Discipline Coordinator Darmel Benshoof deserves significant credit for this improvement.



Introduction

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, 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.

Beginning in 2004, IPR will no longer report on the quarterly timeliness of case processing for the year 2002. IPR began

accepting cases in 2002, which raised the timeliness of case processing during the first year of our operation. This was an artifice of not having any carryover cases from previous years. Over the past two years, as IPR has matured, timeliness is more accurately reflected.

Performance Goal for Closing All Citizen Complaints

The percentage of complaints closed within 150 days increased from 80% in 2002, to 94% in 2004.

It is important to note, however, that case timeliness can only be calculated for cases that are closed. As a result, cases that remain open at the end of the year (and carry over to subsequent years) will create variation in timeliness from one year to the next. This was the situation in 2003, when several 2003 cases carried over into 2004. The timeliness on these cases declined, which caused the overall 2003 timeliness to drop.

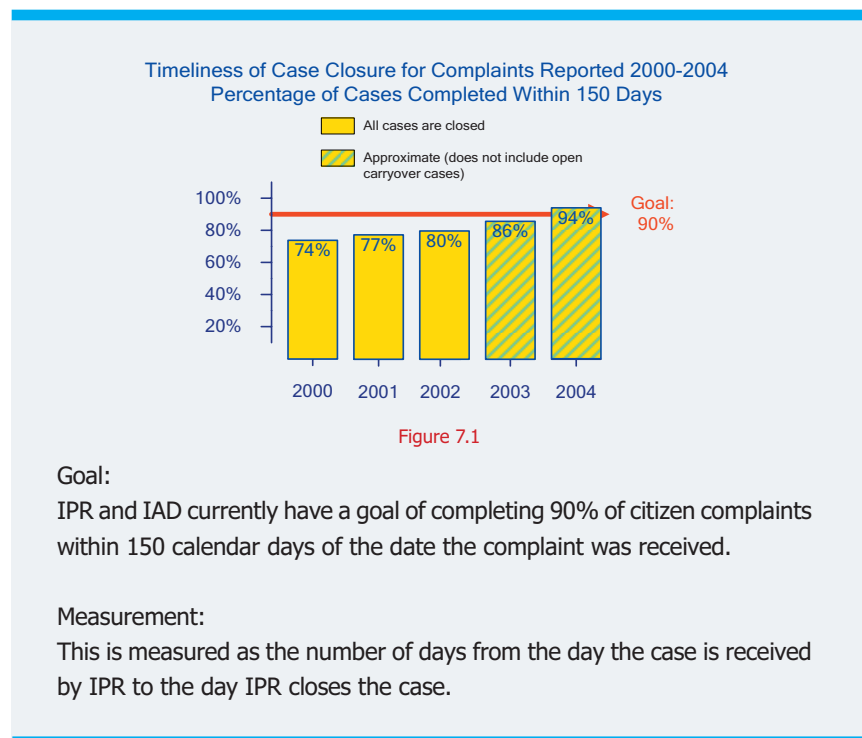
For example, a case reported to IPR in late 2003 was not closed until 2004. As a result, this case could not be included in the 2003 timeliness analysis. Once the case closed, however, IPR included it in the 2003 timeliness analysis. As IPR closes its 2003 cases, the timeliness for those cases will be included in the 2003 calculation.

Beginning with the 2004 Annual Report, IPR will report the

timeliness of case closure as an approximate, whenever there are outstanding cases for the year. This is in recognition of the fact that annual percentages may fluctuate until all cases for the year are closed.

IPR will also report on the number of open cases as of the end of the

year. As of December 31, 2004, 7 cases from 2003, and 121 cases from 2004 remain open. Readers are reminded that IPR will not close a case until the entire process is completed. This may include an intake investigation, IAD investigation, and a request for an additional investigation.



Performance Goal for Intake Investigation

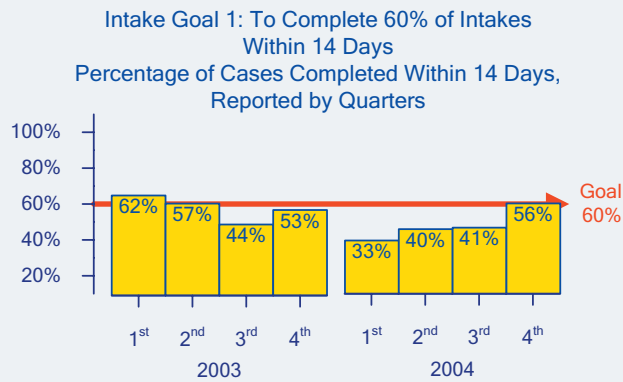


Figure 7.2

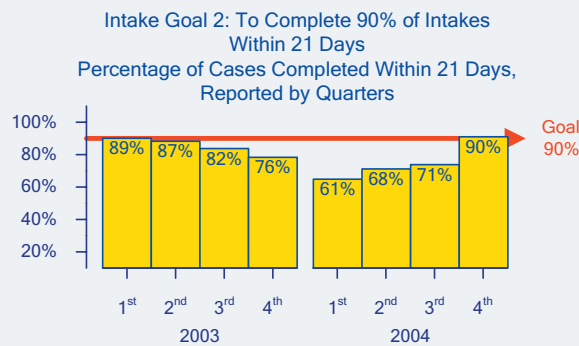


Figure 7.3

Goal:

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.

The percentage of cases completed within 14 and 21 days continued to rise dramatically in 2004. Although IPR did not meet its goal of completing 60% of intakes within 14 days, there was a dramatic increase between the 1st and 4th quarters. During the 1st quarter of 2004, 33% of intakes were completed within 14 days. By the end of the year, 56% of intakes were completed within 14 days.

For the first time since the creation of IPR in 2002, staff met the intake goal of completing 90% of intakes within 21 days.

Performance Goal for IAD Declines

IAD strives to complete 75% of declines with 30 days and 95% of declines within 45 days. In 2004, the timeliness of IAD declines completed within 30 days was fairly stable, but well below the goal of 75%.

The timeliness of IAD declines completed within 45 days has been steadily improving. During all four quarters of 2003, the timeliness of IAD declines within 45 days did not exceed 34%. In 2004, the timeliness of IAD declines within 45 days did not fall below 42%.

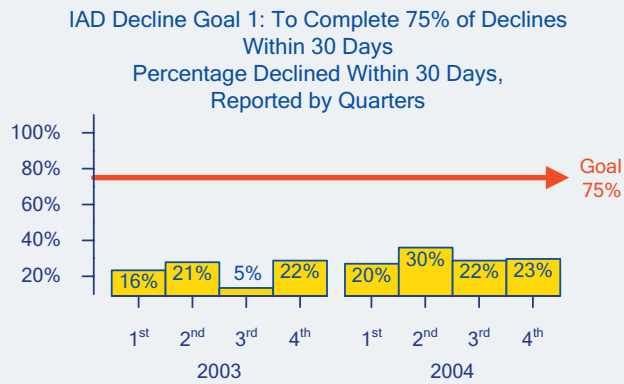


Figure 7.4

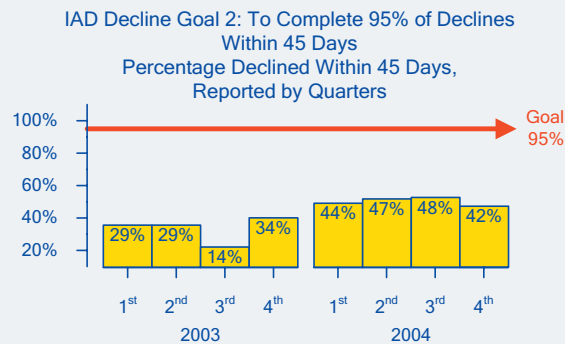


Figure 7.5

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 IPR receives the declined case back from IAD with the declination letter.

IAD's Timeliness in Assigning Cases
 Excluding Cases that were Declined by IAD
 Percentage of IAD Assignments Made Within 14 Days,
 Reported by Quarters

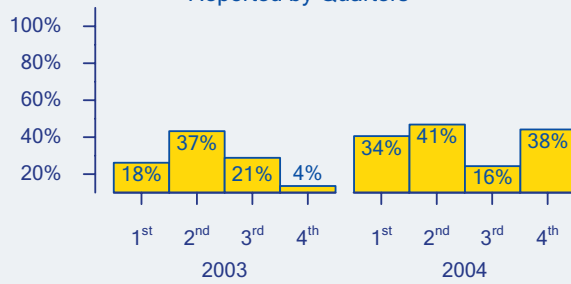


Figure 7.6

Similarly, IAD continued to improve how quickly it assigned cases for investigation or as a service complaint. By the 4th quarter of 2004, 38% of cases were assigned within 14 days and 84% of cases were assigned within 30 days.

IAD's Timeliness in Assigning Cases
 Excluding Cases that were Declined by IAD
 Percentage of IAD Assignments Made Within 30 Days,
 Reported by Quarters

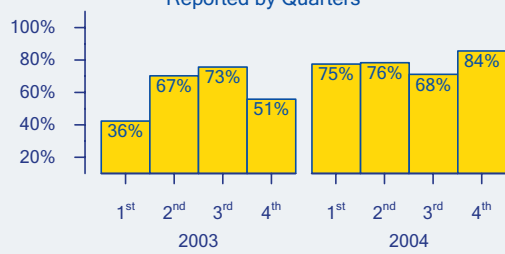


Figure 7.7

Performance Goals for PPB Completion of Service Complaints

PPB continues to improve the timeliness of service complaints. For all four quarters of 2004, PPB exceeded its goal of 75% completed within 30 days. PPB has consistently exceeded its 30-day timeliness goal since the 3rd quarter of 2003.

The percentage of complaints completed within 45 days rose from 91% in the 1st quarter, to 96% in the 4th quarter. Although PPB did not meet its goal of 100% of cases within 45 days, the percentage of cases completed in 2004 did not fall below 91%.

Goal #1: 75% of Service Complaints Within 30 Days
Percentage of Service Complaints Completed Within 30 Days,
Reported by Quarters

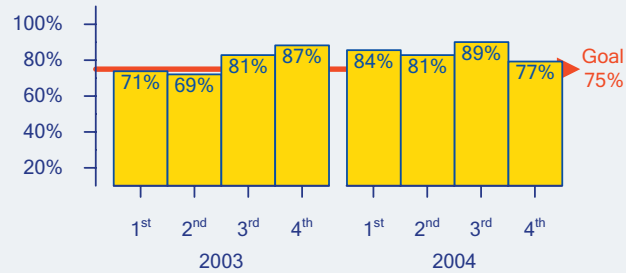


Figure 7.8

Goal #2: 100% of Service Complaints Within 45 Days
Percentage of Service Complaints Completed Within 45 Days,
Reported by Quarters

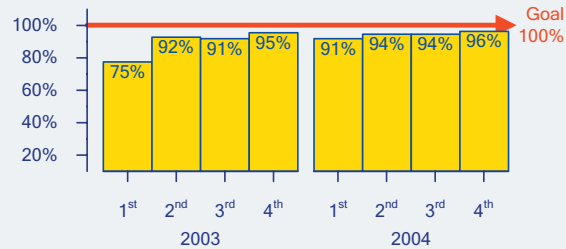


Figure 7.9

Goal:

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

Measurement:

This is measured as the number of days from the day the case is assigned as a service complaint by the IAD Captain, to the day the precinct supervisor completes the service complaint.

Table 7.1
Percentage of Service Complaints Completed Within Timeliness Goals by Precinct

Precinct or Division	2002		2003		2004	
	Number of IAD Service Complaints Completed	Percent Completed Within 30 Days	Number of IAD Service Complaints Completed	Percent Completed Within 30 Days	Number of IAD Service Complaints Completed	Percent Completed Within 30 Days
Central	18	89%	37	84%	23	96%
East	13	46%	18	67%	25	80%
North	4	75%	9	56%	10	60%
Northeast	11	64%	17	71%	17	77%
Southeast	14	100%	23	87%	24	92%
Other Division	16	81%	37	81%	36	75%

The improvement in the timeliness of processing service complaints is reflected in the precinct timeliness. In 2004, Central and Southeast Precincts completed more than 92% of their service complaints within 30 days. Since 2003, North Precinct has had a low percentage of service complaints completed within 30 days, as well as the smallest number of service complaints assigned.

In 2002, East Precinct was completing 46% of its service complaints in 30 days. By 2004, East Precinct increased its 30-day completion rate to 80%.

Performance Goals for PPB Completion of Full Investigations with Findings

IAD is slowly increasing its investigation timeliness, although timeliness is still well below IAD goals. In 2004, IAD completed 5% of its investigations within 120 days and 13% within 150 days.

The challenge of increasing timeliness of investigations and findings should be a top priority for both the new IAD command staff and the PPB command staff.

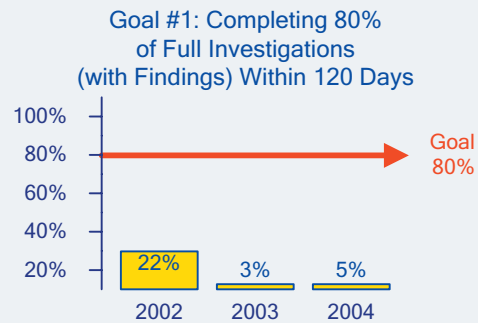


Figure 7.10

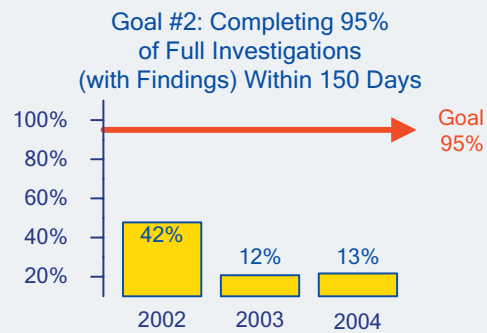


Figure 7.11

Goal:

PPB currently has a goal of completing 80% of all 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.

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).

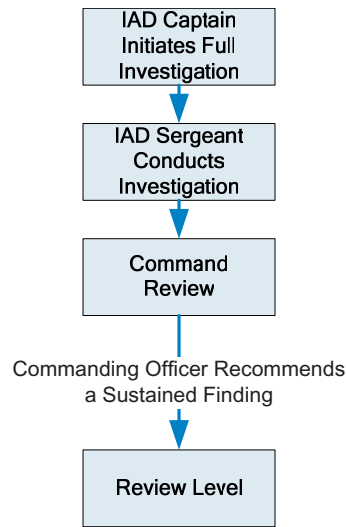


Figure 7.12

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.

The IAD timeliness in completing investigations continues to drop. In 2004, only 21% of investigations were completed within 70 days of assignment. The challenge of increasing timeliness should be a top priority for the new IAD command staff.

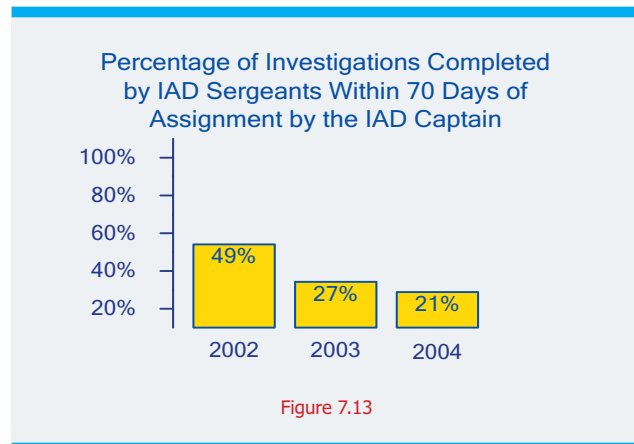
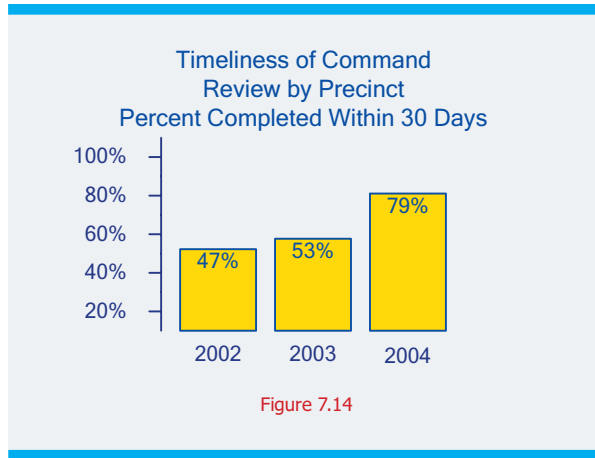


Figure 7.13

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 continues to improve dramatically. In 2004, 79% of command reviews were completed within 30 days. This is an increase from 47% in 2002.

Table 7.2
Timeliness of Command Review by Precinct

Precinct or Division	2002		2003		2004	
	Completed Findings	Percent Completed Within 30 Days	Completed Findings	Percent Completed Within 30 Days	Completed Findings	Percent Completed Within 30 Days
Central	9	67%	20	75%	28	86%
East	4	0%	8	0%	7	57%
North	3	100%	2	100%	3	67%
Northeast	6	33%	8	25%	7	86%
Southeast	8	88%	7	86%	3	67%
Other Division	13	15%	8	38%	18	78%

The improvement in the timeliness of command review is reflected in the precinct timeliness. In 2004, Central and Northeast Precincts completed 86% of their command reviews within 30 days. Both East and Northeast Precincts improved their command review substantially. Southeast and North Precinct’s timeliness decreased significantly over the past year.

Timeliness of Review Level



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

The timeliness of review level continues to improve dramatically. In 2004, 73% of command reviews were completed within 45 days. This is an increase from 17% in 2002.

In 2004, 91% of command reviews were completed within 90 days. This is an increase from 33% in 2002.

Chapter 8

Complainant Satisfaction Survey

*Measuring citizen
satisfaction with the
complaint handling
process.*

In order to gauge the satisfaction of community members who filed complaints against members of the Portland Police Bureau, IPR conducts an annual survey of complainants. The goal of the survey is to see if customer satisfaction with the complaint handling process has improved since the creation of IPR, and to identify areas where IPR can improve its delivery of services.

Almost without exception, the surveys in 2004 indicate that respondents are increasingly satisfied with the complaint handling process. Although the results are not statistically significant between years, it is promising that satisfaction rates have increased on almost all indicators. This reflects a general trend since 2002. When compared to 2001 (the baseline year for the citizen satisfaction survey), the improvement in satisfaction rates is dramatic.

In addition to the citizen satisfaction survey, the Auditor's 14th Annual Citizen Survey asked citizens throughout Portland (i.e., citizens who were not necessarily complainants) how they rated the City of Portland's efforts to control misconduct by Portland police officers. The results indicate respondents are evenly divided between good (35%), neither good nor bad (34%), and bad (31%).



Findings

Since 2001, IPR has surveyed every complainant in order to gauge their satisfaction with the complaint handling process. In the first year of the survey, IPR conducted a baseline study of community members who filed complaints through the pre-IPR complaint handling process. Over the course of 2002, 2003, and 2004, IPR continued to survey every complainant. The surveys are mailed quarterly, to all citizens with a closed IPR case number.

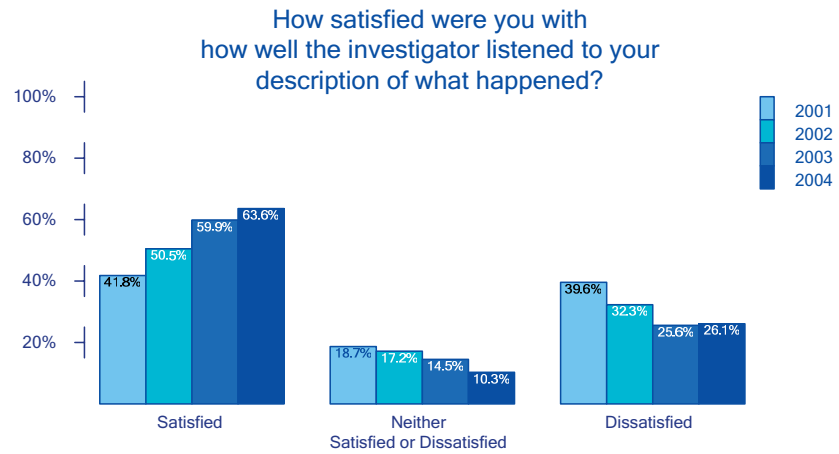


Figure 8.1

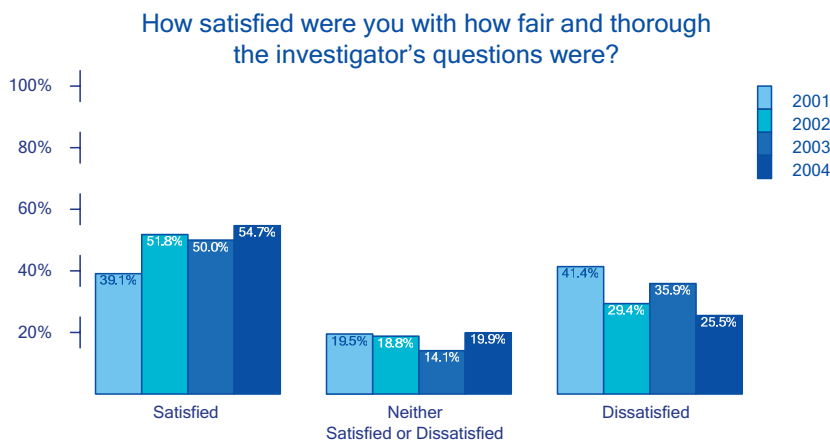


Figure 8.2

The survey measures respondent satisfaction with the quality of the interview, with explanations about the complaint process, with the quality of communication, with the thoroughness and efficiency of the process, and with the overall process. In addition, the survey asks respondents about their satisfaction with the outcome of their complaint. (See Appendix B for tables, and a further discussion of methodology.)

The results indicate that there has been an overall increase in satisfaction rates; a few measures show remarkable increases. For example, when asked about their satisfaction with how well the investigator listened, 64% of respondents reported being satisfied. When asked about the fairness and thoroughness of the questions asked during the investigation, 55% of respondents reported being satisfied. Although there was no statistically significant change in satisfaction, these are the highest satisfaction rates since the inception of the survey. When compared to survey results from 2001, satisfaction with how well the intake investigator listened to the respondent rose from 42% to 64%. Similarly, respondent satisfaction with the fairness and thoroughness of the investigator's questions rose from below 40% in 2001 to 55% in 2004 (see figures 8.1 and 8.2).



Figure 8.3

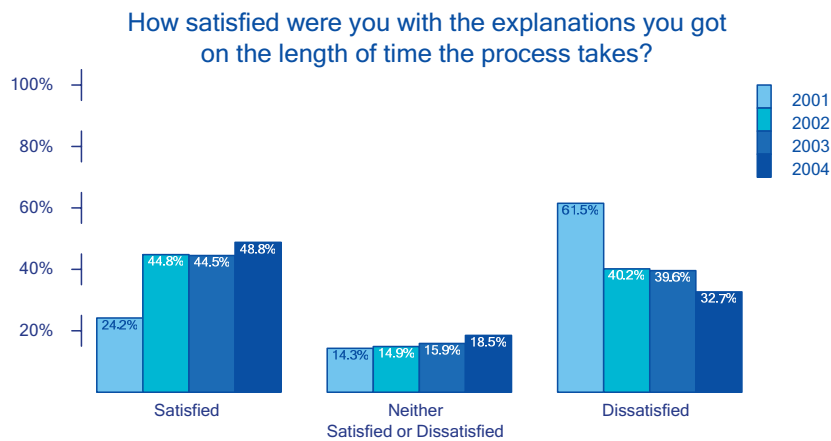


Figure 8.4

Based on these data it is difficult to decipher the exact causal factors underlying respondents' increasing satisfaction with the process; however, it is reasonable to speculate that improvements in the intake process may have contributed. Currently the Deputy Director and Community Relations Coordinator answer all incoming complaint calls. Both have extensive training in interviewing callers and assisting citizens. The Deputy Director has experience with child abuse investigations, AIDS outreach and education, and was the previous support staff for PIIAC. The Community Relations Coordinator has experience in victim-witness interviewing and advocacy, and was a customer service supervisor. Their skill in communicating and empathizing with callers, their respect for citizens, and their emphasis on customer service, may be among the contributing factors to respondent's increased satisfaction with the intake process.

A second contributing factor may be the increased expertise and coordination among IPR staff. As the IPR program has matured, staff have increased their efficiency vis-à-vis case processing, and have improved their knowledge of police policy and procedures. The result is that complainant questions can be answered immediately and accurately. IPR staff continually coordinate efforts so that all aspects of a complaint are handled consistently, fairly, and thoroughly.

Finally, the IPR investigators often attempt to contact the citizen in order to further discuss the complaint. The investigators examine the evidence, and listen to and ask questions of the citizen. Their expertise in investigating cases, combined with their ability to develop rapport, contributes to a thorough interview.

IPR's increasing emphasis on, and commitment to, explaining the process and communicating with complainants may be manifest in respondent's satisfaction with the explanations they received about the complaint process and with explanations about the length of time the process takes (see figures 8.3 and 8.4). In both instances, similar to the quality of the interviews, respondent satisfaction is steadily increasing.

Respondent satisfaction with explanations about how the complaint process works increased between 2002 and 2004. In 2002, only 46% of respondents reported being satisfied with the explanations about the complaint process; in 2004, 52% of respondents reported being satisfied. When compared with the pre-IPR process, however, the increase in satisfaction is dramatic. Between 2001 and 2004, satisfaction with explanations of how the complaint process works increased from 29% to 52%.

Respondent satisfaction with explanations about the length of time the process takes exhibited similar trends. Between 2002 and 2004, satisfaction rates increased from 45% to 49%. Again, the increase in satisfaction is dramatic when compared to the pre-IPR process. Satisfaction with the length of time the process takes increased from 24% in 2002, to 49% in 2004. At the same time, dissatisfaction rates declined from 40% in 2002, to 33% in 2004.

Respondent satisfaction with the quality of communication increased between 2002 and 2004 (see figures 8.5, 8.6, and 8.7). In 2002, 34% of respondents report being satisfied with information about what was happening with their complaint; in 2004, 43% report being satisfied. In 2002, 33% of respondents report being satisfied with the letters they received; in 2004, 44% report being satisfied.

How satisfied were you with the information you got about what was happening with your complaint?

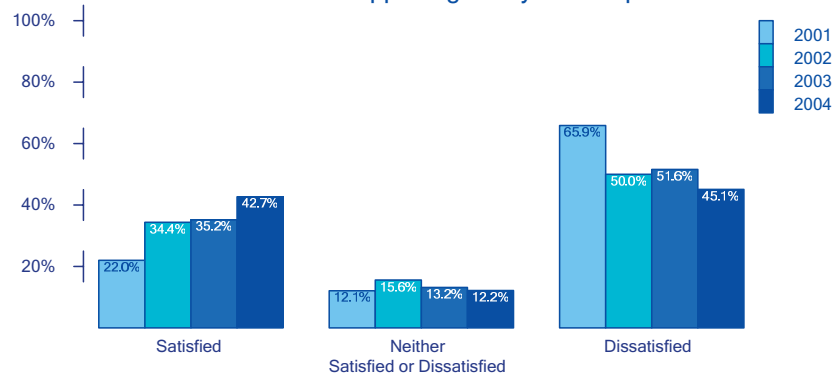


Figure 8.5

How satisfied were you with the information you got in the letters you received?

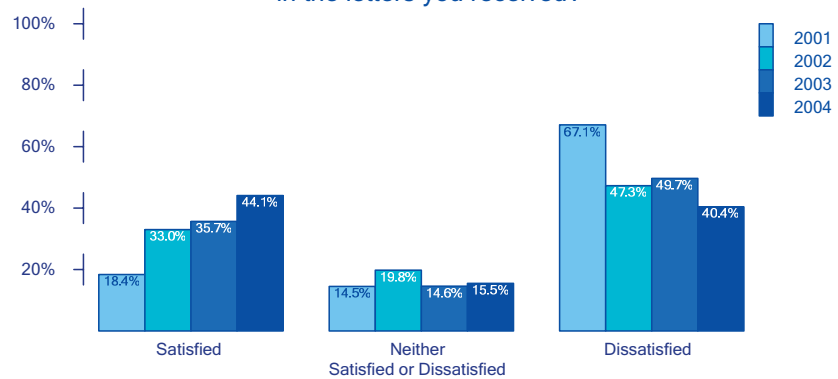


Figure 8.6

How satisfied were you with the information you got about how police are instructed to act during incidents like yours?

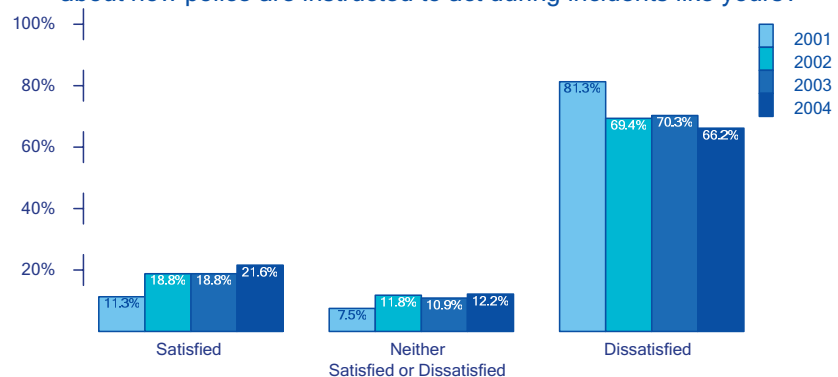


Figure 8.7

Note that this increase in satisfaction is concurrent with an increase in IPR dismissals. In 2002, IPR dismissed 25% of its cases; in 2004, IPR dismissed 40% of its cases. No causality is implied, and the data do not permit further exploration of this relationship.

It is promising that the level of dissatisfaction is steadily decreasing, although dissatisfaction with information about how police are instructed to act in similar situations remains high among respondents. Whereas 69% of 2002 respondents report being dissatisfied with information about how police are instructed to act, in 2004 the level of dissatisfaction dropped to 66%. There was a decrease from 2001, when the level of dissatisfaction was 81%.

Although no causality is implied, it is interesting to note that the increase in satisfaction is concurrent with an increase in IPR dismissals.



Figure 8.8

Satisfaction with the thoroughness of the process increased slightly, although dissatisfaction continues to dominate. Satisfaction with the timeliness of the complaint handling remained fairly stable.

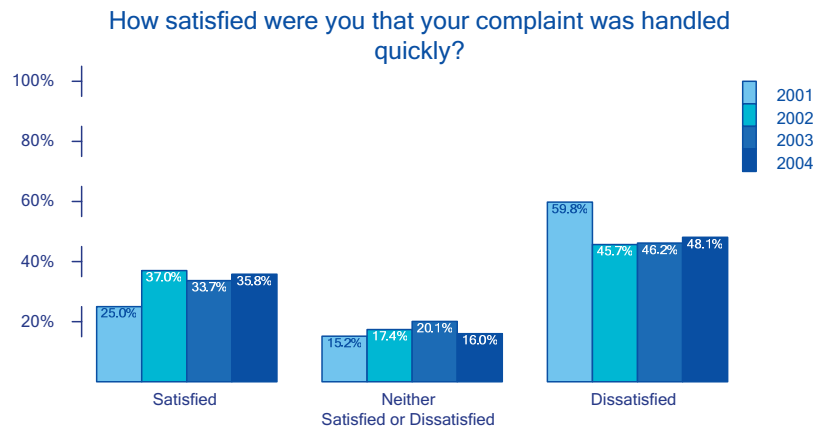


Figure 8.9

When asked about overall satisfaction with the City or Portland’s efforts at prevention, respondents’ continue to express some dissatisfaction (see figure 8.10). In 2002, 21% of respondents indicated they were satisfied with the City of Portland’s efforts to prevent future incidents; in 2004, 28% report being satisfied.

Satisfaction with the fairness of the complaint outcome increased slightly, while dissatisfaction decreased (see figure 8.11). When asked about the police complaint process in general, respondents are increasing satisfied. It is promising that dissatisfaction with the police complaint process in general is decreasing (see figure 8.12).

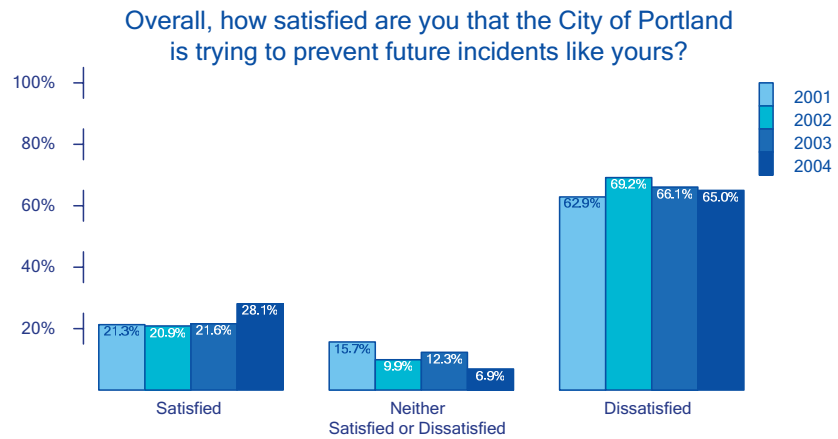


Figure 8.10



Figure 8.11

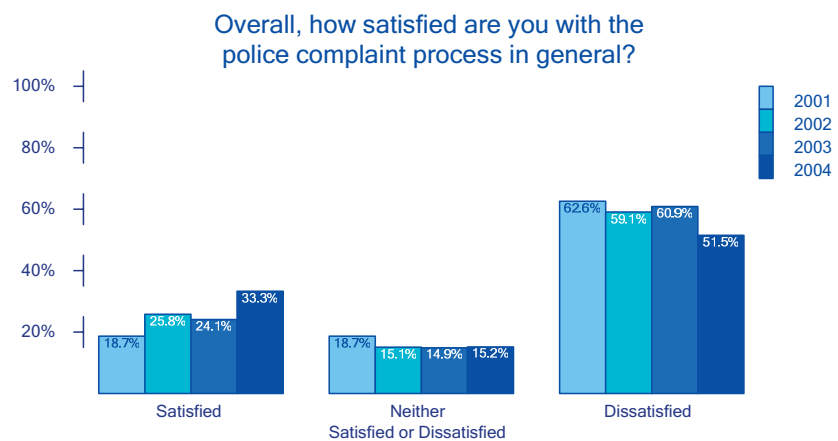


Figure 8.12

Strengths of the Process: Comments from Respondents to the IPR Survey

Comment on Communication

Good communication - verbal and written.
 Good communication, easy to understand, very available.
 Keeping me informed during process.
 Kept in contact with me by mail in a timely manner.
 The person I spoke explained the process to me in the beginning.

Comment on Timeliness

Easy to do online; quick response to call me to see what was the matter.
 I was contacted quickly, initially, by someone who seemed genuinely interested in a fair resolution.
 It seemed to me, being a first time complainant, to have received a timely and quick hearing.
 The independent review process was quick to respond to my complaint.

Comment on Professionalism of Staff

The people at Independent Police Review Office were polite, professional.
 I felt the person taking my complaint over the telephone was very professional and did a good job explaining how the process works. Also, the entire process moved along fairly quick.

Comment on Intake Investigation

Person taking complaint seemed interested in doing a good and thorough job.
 The Independent Review Division is very helpful and does a great job. I felt they were interested in my complaint.
 The investigator on the phone, she was not on my side or the cops, she was neutral, letting me know what my rights were, and what the law states that a cop can do.
 The investigator was clear, honest, and communicated well. My complaint was handled professionally and seemed to be taken seriously.
 The investigator was very friendly and understanding.
 The investigators found out the officer's name without me knowing it. The department also took my complaints seriously.
 The person listened well, asked pertinent questions.
 The person who helped me file the complaint was very helpful and punctual about returning calls.

Comments on Satisfaction that there is a Process

There wasn't a lengthy form to fill out, that was nice. I got a letter saying the investigation was being conducted.

Mainly, I am impressed that there are even avenues available to lodge a complaint. The written follow up was helpful as well.

I'm glad you guys are following up on complaints and hopefully improving officers that do not follow procedures.

The fact that [there is] an Independent Review with the City's Audit Department adds credibility to the process.

The fact that the complaint didn't go unattended was encouraging.

This process made me feel like someone cared about how I was treated and that action would be taken.

Comment on PPB Supervisors' Handling of Complaint

Sgt. was very attentive to the issue and thoroughly reviewed the incident and took even more action than I had expected.

The sergeant that was handling this case was very careful and considerate and was thorough from beginning to end.

The strength was the follow-up from the supervisor/sergeant. I think he was a little set back by the complaint since the officers were on overtime and working for him.

Satisfaction with Outcome

The officers did receive a complaint on their record. IPR was able to set a meeting with the officers to go over what happened.

That many different organizations pooled together information to figure out what happened.

Working directly with the officers involved; letting them know they have a complaint on their record; they are being watched, and you can't break the law to enforce the law.

Comment on Mediation

Mediators were excellent, male and female team was key.

Meeting with officer and finding out full details.

That there is a mediation process available.

The ability to at least be able to speak to the officer without the fear of the officer being in a position of total power over you.

It gave me the opportunity to look the officer in the eye to express my anger. It works well, simple, and to the point.

Weaknesses of the Process: Comments from Respondents

Comment on Communication

Communication was vague and delayed after complaint. Not even positive what I should expect from this point on.

I have no idea what action, if any, was taken against this person I complained about.

I wrote a letter and went down to the police station to speak directly to the officers. I have not received any information on my case or complaint.

It didn't work. My complaint was referred out to an officer to call and explain things to me - she never called. I had to make several calls to finally track her down! The eventual conversation was satisfying, but took months to complete.

More contact to update [me] on situation. [Communication] on what is happening on the other end, such as, is officer aware of what is happening and why the complaint was filed?

No action or explanations given as to what kind of solution will happen or be taken.

Wasn't explained plainly. Until the attitude of police officer's change I will never support any programs that the police are involved in.

Comment on Police Policy or Procedure

I think that we need more patrolling during late evening and early morning hours in residential areas - criminals know that's where their free from the police - cause there isn't any!!! Lots of break-ins and vandalism that would lessen.

Improvement will come when all members of the force handle stops with respect for the citizen and not use their badge as a license to disrespect.

My pack and wallet was searched without my being able to watch. Police policy said that was an acceptable thing, which I disagree with. Your division might want to pressure police to change that policy.

Police did not listen, did not show a search warrant or an ID, treated my children with extreme rudeness.

Comment on Timeliness

It took too long and I don't feel it dealt specifically with the complaint.

Long time to resolve, more than several months.

My case was apparently put on low priority and took two years to get reviewed. The review was a joke - citing inability to prove anything because witnesses I listed were unavailable - yes - they have moved to college!

Comment on Timeliness

The time it took for someone to respond to my complaint was lengthy. Time lapse from complaint to notification of findings.

Comment on the Process

I believe your process is a whitewash, I knew it would go nowhere. The police should not be reviewing their own complaints.

No follow up - Handed off to several people - Way too long response time - Much confusion about details. No resolution occurred.

The whole process is not serious about [making] the police force accountable for their actions. They all work for the city; therefore have a stake in protecting police, and city employees at all public costs. I was humiliated all over again.

Too many channels to go through - taking too much time. Complaints need to be handled quickly, with the least amount of "passing the buck.

You need to have an independent review board, with actual peers of folks - not police - that will decipher what happened and what's to be done about it.

Comment on Investigation

No evidence my complaint was addressed. The person on the telephone was nice and listened; however, I doubt my complaint was ever heard or addressed by police personnel, other than the person on the telephone.

No investigation was undertaken.

Some of the facts were not interpreted as they actually were. Next time face to face.

The process is not set up to fairly investigate complaints. Rather, it is set up to protect the police.

We couldn't find the officer in question.

Comment on IPR

No subpoena power. Not independent from police/city interests. No backbone.

Somehow the Independent Review Division needs [to] educate the police about the need to conduct the community policing idea. I, for one, do not want to hear that the police are afraid they are going to get hurt or killed. I don't want them to get hurt or killed either.

Take the Independent Police Review out of your hands and put it into the hands of the community where it belongs. Community based policing, not thug based. Your office did not work for me and present my case. Worthless.

Comment About Outcome

After seeing the outcome of this process, I see it as a huge waste of time. I was very poorly treated by the Portland Police and nothing was done about it.

Disciplinary action - None in my case although officer lied to me. His supervisor indicated the officer's lack of interest is okay by city.

Hard to know if the officer really understood how inappropriate his conduct was, and how dangerous.

I feel the punishment should have been harsher. Police are in a Position of Power and when officers show that they abuse this they should NOT JUST be spoken to. Obviously this cop got off on belittling civilians.

The letter I received from the officer's supervisor pretty much told me that I was wrong in my opinion of what happened at my traffic stop. Also that I expected too much in my feeling that the officer was not very polite nor very professional in his attitude.

The officer was not punished; got off with a slap on the hand.

The officer was not reprimanded and actions/procedure probably won't change - I feel many people don't follow through with unacceptable police actions/behavior because it feels futile.

The supervisor of the officer I complained about could not answer some important questions about my complaint. He also decides if there was any misconduct or not, and as the supervisor told me he has known the officer many years and tells me he's a good cop.

There was confusion about where/who the person worked for and ultimately he was not accountable. Nothing could be done.

Comment About Mediation

Mediation can't necessarily hold someone accountable who is unwilling/unable to see their mistakes or where they could improve.

We did mediation, however, the attitudes of law enforcement was indicated by their non-verbal encounter - they, of course, "said" the right things. Don't think it impacted their behaviors.

Three people were unable to find a time to meet, suspect someone did not want mediation. Next time! I would push to complete the process.

City of Portland Auditor's 14th Annual Citizen Survey

The City of Portland Auditor's Office conducts an annual survey of Portland's citizens. In 2004, the Independent Police Review added a question about efforts to control misconduct in Portland. The results indicate that citizens are somewhat evenly divided on whether the City of Portland's efforts are good, neither good nor bad, or bad. Among respondents to the survey, 35% felt the City of Portland was doing a good job, 34% felt the City of Portland was doing neither a good nor bad job, and 31% felt the City of Portland was doing a bad job.

This is the first year that a question about efforts to control misconduct has been asked. In future years, IPR will be able to compare responses and changes to this question across time.

Table 8.1
Question from the 14th Annual Report on City Government Performance
How do you rate the City of Portland's efforts to control misconduct by Portland police officers?

	2004						
	SW	NW/Downtown	North	Inner NE	Central NE	SE	East
Very Good	7.70%	7.80%	8.40%	4.00%	8.70%	5.90%	7.60%
Good	31.60%	25.60%	24.10%	20.10%	31.00%	26.60%	36.70%
Neither	35.30%	34.20%	31.40%	34.30%	31.30%	35.70%	33.10%
Bad	18.50%	20.70%	20.30%	24.40%	19.10%	21.60%	16.40%
Very Bad	6.80%	11.80%	15.90%	17.30%	9.90%	10.30%	6.20%
Number	453	348	370	324	403	760	341

Appendix
Distribution Locations



Distribution Locations

Portland Police Bureau Sites

Central Precinct 1111 SW 2 nd Avenue	East Precinct 737 SE 106 th Avenue	Northeast Precinct 449 NE Emerson Street
PPB Old Town 110 NW 3 rd Avenue	North Precinct 7214 N Philadelphia Avenue	Southeast Precinct 4735 E Burnside Street

Community Policing Offices

IRCO - Asian Family Center 4424 NE Glisan Street	Eastport Plaza 3937 SE 91 st Avenue	O'Bryant Square 409 SW 9 th Avenue
Between the Rivers Contact 2011 N McClellan Street	Kenton 8134 N Denver Avenue	Sellwood-Moreland Contract 8220 SE 17 th Avenue
Brentwood-Darlington 7211 SE 62 nd Avenue	Northwest Contact 2330 NW Irving Street	Southwest Community Contact 7688 SW Capital Highway

Neighborhood Crime Prevention (NCP) Offices

Portland Business Alliance 520 SW Yamhill Street, Suite 1000	Neighbors West/Northwest 1819 NW Everett, Room 205	Southeast Uplift Neighborhood Program 3534 SE Main Street
Central Northeast Neighborhood 4415 NE 87 th Avenue	Northeast Neighborhood 4815 NE 7 th Avenue	Southwest Community Contact 7688 SW Capital Highway
East Portland Neighborhood 735 SE 106 th Avenue	North Portland Neighborhood Services 2209 N Scofield	

Other Locations

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

Legal Aid Services
Metropolitan Public Defenders
630 SW 5th Avenue

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

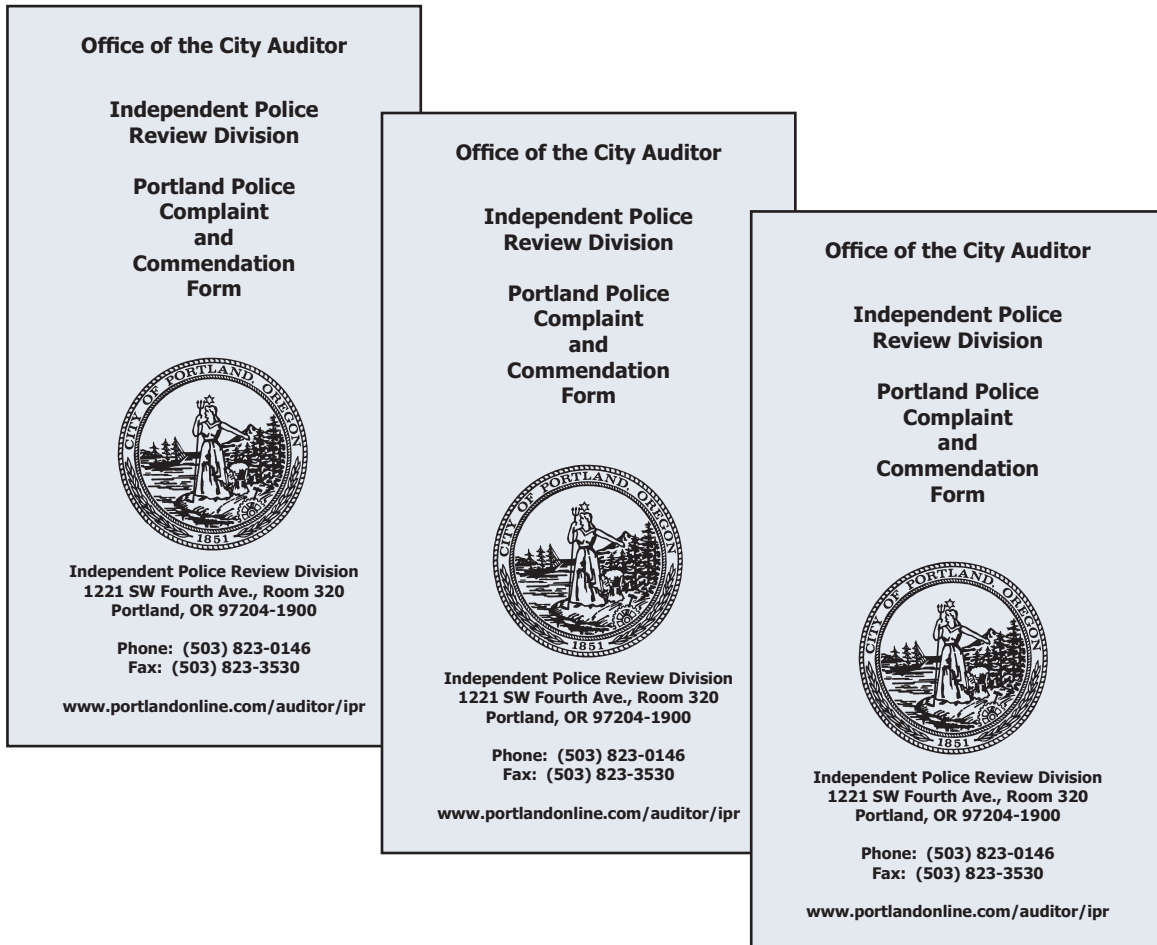
Central City Concern
Hooper Detoxification Center
20 NE Martin Luther King Jr.
Boulevard

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

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

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

Tri-Met Information Office
Pioneer Square



Appendix
Methodology

B

Chapter 2: Complaint Stages

Data for this chapter were obtained from IPR’s Administrative Investigative Management database (AIM). AIM is a real-time database that tracks case processing and outcomes. All data were extracted from AIM and analyzed in the Statistical Package for the Social Sciences (SPSS).

Chapter 8: Citizen Satisfaction

Citizen Satisfaction Survey

In order to gauge the satisfaction of community members who filed complaints against members of the Portland Police Bureau, IPR distributed citizen satisfaction surveys between 2001 and 2004. In the fall of 2001, IPR conducted a baseline survey of community members who filed complaints through the pre-IPR complaint handling process. Over the course of 2002, 2003, and 2004, IPR mailed a satisfaction survey to every complainant with a closed IPR case number.

Survey Instrument

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:

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

2001 Baseline Survey

For the 2001 baseline survey, conducted in December 2001, IPR 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, IPR mailed the same complainants a survey with a cover letter explaining the purposes of the survey and how to complete it. Respondents were instructed to remove the cover letter in order to maintain their anonymity and to return the survey using a business reply envelope. In order to boost the response rate, we re-sent the survey a month later.

2002-2004 Surveys

IPR complainants who had a case closed between 2002 and 2004 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 2002-2004 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 IPR could examine how levels of satisfaction with the complaint process varied in relation to complaint outcomes.

	2001	2002	2003	2004
Number of Surveys Mailed	325	365	718	804
Number of Surveys Returned as Undeliverable	50	38	85	87
Number Completed and Returned	97	96	184	173
Response Rate	35%	29%	29%	24%

Complainants in 2002, 2003, and 2004 did not receive a pre-survey notification letter. The 2002 surveys were mailed in monthly batches. The 2003 and 2004 surveys were mailed in quarterly batches. Each complainant, including those filing multiple complaints, was sent only one survey. Respondents were instructed to remove the cover letter in order to maintain their anonymity and to return the survey using a business reply envelope. Response rates ranged from 35% in 2001, to 24% in 2004.

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.

	2001	2002	2003	2004
Gender				
Female	44	33	80	84
Male	52	62	99	80
Total	96	95	179	164
Race				
Black/African American	11	14	27	22
Hispanic/Latino	1	1	5	9
White/Caucasian	71	66	125	113
Native American	3	4	3	4
Asian	2	5	5	7
Other	3	4	3	0
Total	91	94	168	155
Age				
Under 18	1	0	3	1
18-24	5	12	16	13
25-34	26	23	45	22
35-44	26	25	47	51
45-54	21	18	34	44
55-64	11	9	26	22
65 and over	5	7	10	13
Total	95	94	181	166
Education				
Elementary School		0	0	4
Some High School		3	5	10
High School Graduate		18	16	24
Some College		41	74	65
College Graduate		32	82	61
Total		94	177	164

be middle-aged, White/Caucasian, and to have completed some college. When analyzed by case outcome, respondents were more likely to have had their cases declined by either IPR or IAD. It is interesting that satisfaction rates among respondents is increasing, even as an increasing percentage of respondents report having their cases declined.

Among the survey respondents there was a slightly larger proportion of females, White/Caucasian, and those between the ages of 35-44, than among the 2004 IPR complainant population. As in previous years, this is likely due to the missing data on IPR complainants, rather than an indication of a bias in the survey responses.

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 rates, and resulting small sample sizes, respondent answers to the questions measuring satisfaction were collapsed for statistical analysis. On questions where the respondent reported being very satisfied or satisfied, responses were collapsed into the category satisfied. On questions where respondents reported being dissatisfied or very dissatisfied, responses were collapsed into the category dissatisfied. Blank and “don’t know” responses were omitted from the analysis.

Representativeness of the Respondents

Demographic and case information supplied by the respondents was compared between years. The comparison indicated that respondents in 2004 were more likely to be women. Respondents were also more likely to

Survey Results

Table B.3				
Satisfaction with the Quality of the Interviews				
How satisfied were you with:	2001 Pre-IPR Process	2002	2003	2004
how well the investigator listened to your description of what happened?				
Satisfied	41.8%	50.5%	59.9%	63.6%
Neither satisfied nor dissatisfied	18.7%	17.2%	14.5%	10.3%
Dissatisfied	39.6%	32.3%	25.6%	26.1%
Number	91	93	172	165
how fair and thorough the investigator's questions were?				
Satisfied	39.1%	51.8%	50.0%	54.7%
Neither satisfied nor dissatisfied	19.5%	18.8%	14.1%	19.9%
Dissatisfied	41.4%	29.4%	35.9%	25.5%
Number	87	85	156	161

Table B.4				
Satisfaction with Explanations About the Complaint Process				
How satisfied were you with the explanations you got on:	2001 Pre-IPR Process	2002	2003	2004
how the complaint process works?				
Satisfied	28.6%	45.6%	43.7%	52.1%
Neither satisfied nor dissatisfied	15.4%	22.2%	21.8%	13.6%
Dissatisfied	56.0%	32.2%	34.5%	34.3%
Number	91	90	174	169
the length of time the process takes?				
Satisfied	24.2%	44.8%	44.5%	48.8%
Neither satisfied nor dissatisfied	14.3%	14.9%	15.9%	18.5%
Dissatisfied	61.5%	40.2%	39.6%	32.7%
Number	91	87	164	162

Table B.5
Satisfaction with the Quality of Communication

How satisfied were you with the information you got:	2001 Pre-IPR Process	2002	2003	2004
about what was happening with your complaint?				
Satisfied	22.0%	34.4%	35.2%	42.7%
Neither satisfied nor dissatisfied	12.1%	15.6%	13.2%	12.2%
Dissatisfied	65.9%	50.0%	51.6%	45.1%
Number	91	90	159	164
in the letters you received?				
Satisfied	18.4%	33.0%	35.7%	44.1%
Neither satisfied nor dissatisfied	14.5%	19.8%	14.6%	15.5%
Dissatisfied	67.1%	47.3%	49.7%	40.4%
Number	76	91	157	161
about how police are instructed to act during incidents like yours?				
Satisfied	11.3%	18.8%	18.8%	21.6%
Neither satisfied nor dissatisfied	7.5%	11.8%	10.9%	12.2%
Dissatisfied	81.3%	69.4%	70.3%	66.2%
Number	80	85	165	148

Table B.6
Satisfaction with the Thoroughness and Efficiency of the Process

How satisfied were you that your complaint was handled	2001 Pre-IPR Process	2002	2003	2004
thoroughly?				
Satisfied	19.6%	30.1%	31.4%	34.1%
Neither satisfied nor dissatisfied	13.0%	15.1%	8.6%	13.2%
Dissatisfied	67.4%	54.8%	60.0%	52.7%
Number	92	93	175	167
quickly?				
Satisfied	25.0%	37.0%	33.7%	35.8%
Neither satisfied nor dissatisfied	15.2%	17.4%	20.1%	16.0%
Dissatisfied	59.8%	45.7%	46.2%	48.1%
Number	92	92	169	162

Table B.7				
Satisfaction with Efforts at Prevention, Complaint Outcome, and Overall Process				
Overall, how satisfied are you	2001 Pre-IPR Process	2002	2003	2004
that the City of Portland is trying to prevent future incidents like yours?				
Satisfied	21.3%	20.9%	21.6%	28.1%
Neither satisfied nor dissatisfied	15.7%	9.9%	12.3%	6.9%
Dissatisfied	62.9%	69.2%	66.1%	65.0%
Number	89	91	171	160
with the fairness of your complaint's outcome?				
Satisfied	18.6%	15.9%	16.3%	22.1%
Neither satisfied nor dissatisfied	8.1%	19.3%	16.3%	11.7%
Dissatisfied	73.3%	64.8%	67.4%	66.3%
Number	86	88	172	163
with the police complaint process in general?				
Satisfied	18.7%	25.8%	24.1%	33.3%
Neither satisfied nor dissatisfied	18.7%	15.1%	14.9%	15.2%
Dissatisfied	62.6%	59.1%	60.9%	51.5%
Number	91	93	174	165

Impact of Complaint Outcome on Satisfaction

Table B.8									
Analysis of the Effect of Complaint Outcome on Complainant Satisfaction for Calendar Years 2002-2004									
	Declines			Service Complaints			Other Disposition		
	2002	2003	2004	2002	2003	2004	2002	2003	2004
How satisfied were you with:									
how well the investigator listened to your description of what happened?									
Satisfied	27.3%	48.2%	48.4%	83.3%	66.7%	77.8%	50.0%	55.1%	68.6%
Neither satisfied nor dissatisfied	24.2%	14.3%	10.9%	8.3%	22.2%	8.3%	16.7%	10.2%	9.8%
Dissatisfied	48.5%	37.5%	40.6%	8.3%	11.1%	13.9%	33.3%	34.7%	21.6%
Number	33	56	64	24	54	36	36	49	51
how fair and thorough the investigator's questions were?									
Satisfied	32.3%	35.3%	37.1%	76.2%	59.2%	66.7%	54.5%	45.5%	61.2%
Neither satisfied nor dissatisfied	22.6%	11.8%	21.0%	19.0%	22.4%	22.2%	15.2%	9.1%	18.4%
Dissatisfied	45.2%	52.9%	41.9%	4.8%	18.4%	11.1%	30.3%	45.5%	20.4%
Number	31	51	62	21	49	36	33	44	49

Table B.9									
Analysis of the Effect of Complaint Outcome on Complainant Satisfaction for Calendar Years 2002-2004									
	Declines			Service Complaints			Other Disposition		
	2002	2003	2004	2002	2003	2004	2002	2003	2004
How satisfied were you with the explanations you got on:									
how the complaint process works?									
Satisfied	41.9%	35.6%	36.9%	68.0%	51.9%	75.0%	32.4%	37.5%	54.7%
Neither satisfied nor dissatisfied	16.1%	11.9%	15.4%	28.0%	29.6%	8.3%	23.5%	22.9%	15.1%
Dissatisfied	41.9%	52.5%	47.7%	4.0%	18.5%	16.7%	44.1%	39.6%	30.2%
Number	31	59	65	25	54	36	34	48	53
the length of time the process takes?									
Satisfied	37.9%	35.1%	35.5%	62.5%	54.9%	63.9%	38.2%	38.6%	48.0%
Neither satisfied nor dissatisfied	13.8%	17.5%	17.7%	20.8%	13.7%	22.2%	11.8%	11.4%	20.0%
Dissatisfied	48.3%	47.4%	46.8%	16.7%	31.4%	13.9%	50.0%	50.0%	32.0%
Number	29	57	62	24	51	36	34	44	50

Table B.10
Analysis of the Effect of Complaint Outcome on Complainant Satisfaction for Calendar Years 2002-2004

	Declines			Service Complaints			Other Disposition		
	2002	2003	2004	2002	2003	2004	2002	2003	2004
How satisfied were you with the information you got:									
about what was happening with your complaint?									
Satisfied	12.9%	18.3%	23.8%	62.5%	51.2%	63.6%	34.3%	32.6%	43.4%
Neither satisfied nor dissatisfied	16.1%	18.3%	19.0%	20.8%	9.8%	9.1%	11.4%	10.9%	9.4%
Dissatisfied	71.0%	63.3%	57.1%	16.7%	39.0%	27.3%	54.3%	56.5%	47.2%
Number	31	60	63	24	41	33	35	46	53
in the letters you received?									
Satisfied	6.1%	14.0%	24.6%	58.3%	53.3%	70.3%	41.2%	36.4%	39.6%
Neither satisfied nor dissatisfied	24.2%	14.0%	18.0%	29.2%	17.8%	13.5%	8.8%	11.4%	14.6%
Dissatisfied	69.7%	71.9%	57.4%	12.5%	28.9%	16.2%	50.0%	52.3%	45.8%
Number	33	57	61	24	45	37	34	44	48
about how police are instructed to act during incidents like yours?									
Satisfied	0.0%	6.7%	5.4%	47.8%	36.7%	40.7%	15.6%	15.2%	28.0%
Neither satisfied nor dissatisfied	13.3%	8.3%	7.1%	17.4%	16.3%	25.9%	6.3%	4.3%	10.0%
Dissatisfied	86.7%	85.0%	87.5%	34.8%	46.9%	33.3%	78.1%	80.4%	62.0%
Number	30	60	56	23	49	27	32	46	50

Table B.11
Analysis of the Effect of Complaint Outcome on Complainant Satisfaction for Calendar Years 2002-2004

	Declines			Service Complaints			Other Disposition		
	2002	2003	2004	2002	2003	2004	2002	2003	2004
How satisfied were you that your complaint was handled									
thoroughly?									
Satisfied	18.2%	14.5%	17.7%	52.0%	39.2%	51.4%	25.7%	36.7%	35.8%
Neither satisfied nor dissatisfied	24.2%	6.5%	11.3%	16.0%	15.7%	18.9%	5.7%	4.1%	9.4%
Dissatisfied	57.6%	79.0%	71.0%	32.0%	45.1%	29.7%	68.6%	59.2%	54.7%
Number	33	62	62	25	51	37	35	49	53
quickly?									
Satisfied	16.1%	21.3%	24.6%	65.4%	44.9%	54.1%	34.3%	32.6%	32.0%
Neither satisfied nor dissatisfied	32.3%	23.0%	21.3%	7.7%	20.4%	16.2%	11.4%	19.6%	8.0%
Dissatisfied	51.6%	55.7%	54.1%	26.9%	34.7%	29.7%	54.3%	47.8%	60.0%
Number	31	61	61	26	49	37	35	46	50

Table B.12
Analysis of the Effect of Complaint Outcome on Complainant Satisfaction for Calendar Years 2002-2004

	Declines			Service Complaints			Other Disposition		
	2002	2003	2004	2002	2003	2004	2002	2003	2004
Overall, how satisfied are you									
that the City of Portland is trying to prevent future incidents like yours?									
Satisfied	9.4%	10.0%	13.1%	44.0%	28.0%	37.1%	14.7%	24.5%	32.0%
Neither satisfied nor dissatisfied	0.0%	6.7%	8.2%	24.0%	24.0%	17.1%	8.8%	8.2%	0.0%
Dissatisfied	90.6%	83.3%	78.7%	32.0%	48.0%	45.7%	76.5%	67.3%	68.0%
Number	32	60	61	25	50	35	34	49	50
with the fairness of your complaint's outcome?									
Satisfied	0.0%	3.2%	7.9%	37.5%	23.5%	41.7%	15.2%	21.7%	16.0%
Neither satisfied nor dissatisfied	22.6%	12.9%	11.1%	29.2%	23.5%	11.1%	9.1%	6.5%	12.0%
Dissatisfied	77.4%	83.9%	81.0%	33.3%	52.9%	47.2%	75.8%	71.7%	72.0%
Number	31	62	63	24	51	36	33	46	50
with the police complaint process in general?									
Satisfied	15.2%	8.3%	21.9%	50.0%	41.2%	50.0%	19.4%	22.0%	29.4%
Neither satisfied nor dissatisfied	15.2%	10.0%	15.6%	20.8%	13.7%	19.4%	11.1%	16.0%	11.8%
Dissatisfied	69.7%	81.7%	62.5%	29.2%	45.1%	30.6%	69.4%	62.0%	58.8%
Number	33	60	64	24	51	36	36	50	51

City Auditor’s 14th Annual Citizen Survey

The Auditor’s 14th Annual Citizen Survey is conducted by the Audit Services Division of the City Auditor’s Office. In 2004, the following question was added to the survey “How do you rate the City of Portland’s efforts to control misconduct by police officers?” The results were as follows:

Table B.13 Question from the 14th Annual Report on City Government Performance How do you rate the City of Portland's efforts to control misconduct by Portland police officers?							
	2004						
	SW	NW/ Downtown	North	Inner NE	Central NE	SE	East
Very Good	7.70%	7.80%	8.40%	4.00%	8.70%	5.90%	7.60%
Good	31.60%	25.60%	24.10%	20.10%	31.00%	26.60%	36.70%
Neither	35.30%	34.20%	31.40%	34.30%	31.30%	35.70%	33.10%
Bad	18.50%	20.70%	20.30%	24.40%	19.10%	21.60%	16.40%
Very Bad	6.80%	11.80%	15.90%	17.30%	9.90%	10.30%	6.20%
Number	453	348	370	324	403	760	341

Because this is the first year that this question was asked of citizens, IPR reports on the percentages only. In future years, comparisons may be possible.

To obtain additional results from this survey, as well as information on the methodology, see *City of Portland Service Efforts and Accomplishments: 2003-04* (available at www.portlandonline.com/auditor/auditservices).

Appendix
2004-2005 Budget

C

Independent Police Review Division 2004-2005 Budget

IPR 2004-2005 Budget		
Personnel Costs	\$	632,445.00
External Services	\$	99,020.00
Internal Services	\$	112,370.00
Total Category Classifications	\$	843,835.00

Appendix
CRC Meetings **D**

Citizen Review Committee Public Meetings Schedule and Locations

Main Location

City Hall
1221 SW Fourth Avenue
Portland, Oregon 97204

IPR: (503) 823-0146

Each meeting is held from 5:30 p.m. — 9:00 p.m.

Each meeting is scheduled the third Tuesday of each month.

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

www.portlandonline.com/auditor/ipr

January 18, 2005
City Hall/Lovejoy Room

February 15, 2005
City Hall/Lovejoy Room

March 15, 2005
City Hall/Lovejoy Room

April 19, 2005
City Hall/Lovejoy Room

May 17, 2005
Human Solutions
(2900 SE 122nd)

June 21, 2005
City Hall/Lovejoy Room

July 19, 2005
City Hall/Lovejoy Room

August 16, 2005
Fire Station 12
(8645 NE Sandy Boulevard)

September 20, 2005
City Hall/Lovejoy Room

October 18, 2005
City Hall/Lovejoy Room

November 15, 2005
Matt Dishman Community Center
(77 NE Knott Street)

December 20, 2005
City Hall/Lovejoy Room

Appendix **E**
Response from the Chief of Police



CITY OF
PORTLAND, OREGON
BUREAU OF POLICE

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

Integrity Compassion Accountability Respect Excellence Service

MEMORANDUM

June 3, 2005

Richard Rosenthal, Director
Independent Police Review
B131, Room 320

SUBJ: IPR Audit Report

Dear Mr. Rosenthal:

I appreciate the opportunity to provide background and information to your draft audit report. I believe that we have a good working relationship with the Independent Police Review (IPR) and a mutual respect when responding to citizen complaints. We have listened and received feedback from IPR on a number of policy and procedures concerns, and responded positively in many cases.

It is important to acknowledge the successes we have made during the past year.

- changes to the deadly force and Taser directives have been incorporated
- responded to the Police Assessment Research Center (PARC) recommendations and now responding to PARC 2
- assigned a staff person to research early intervention systems

However, I would like to respond to a few issues that surfaced when reading through the IPR report. We have listed these in section headings:

Timeliness of case processing

The report talks about timeliness of case processing. While the Police Bureau was not able to reach its goal of completing investigations within 10 weeks, I believe it is important to acknowledge the changes that were occurring during that time. From 1997 to 2005, the Police Bureau has lost 106 sworn and 66 non-sworn positions. Reduced staffing levels caused an investigative backlog on all Part I crimes (murder, rape, aggravated assault, robbery, arson, burglary, auto theft and larceny), child abuse, sex offenses, and fraud.

These cuts have also resulted in precinct closures and an increased response time to emergency calls for service. We have failed to meet our goal of giving officers 35% of their time for problem solving. As you are aware, in the current Service Efforts and Accomplishments report, citizens report that they have the greatest level of satisfaction when they have face to face contact with an officer. We try to balance the needs of the entire Bureau while meeting our goal of service to the community.

Community Policing: Making the Difference Together
An Equal Opportunity Employer

Police Information Line 503-823-4636, TTY (for hearing and speech impaired) 503-823-4736, www.portlandpolicebureau.com

Internal Affairs (IA) also took on the responsibility to respond and review all of the officer-involved shootings. I also want to emphasize that Internal Affairs was also responding to the PARC report and community reports with no other resources added to IA.

Patterns of complaints

Currently Internal Affairs meets regularly with the Assistant Chiefs and command staff to discuss any complaint patterns and concerns. They also discuss the best ways to handle specific complaints.

Policy recommendations

While complaints can be the basis for the review of a policy, changes need to be made in a broader context. The Bureau also needs to meet our community standards, our contractual obligations with the bargaining units and federal, state and city statutes and ordinances. Because of that, the Police Bureau thoroughly researches, examines and discusses all our directives before a change is implemented.

Mediation

I agree that informal conversations should take place first in all cases, even before mediation. It is important to address the issue at the lowest level. The goal is to improve communication and courtesy at the time of the contact, or to allow immediate follow up by the member or supervisor. For those contacts that require more formal follow up, mediation is a valuable tool for all parties.

Excessive force complaints

We concur with the three recommendations and are moving toward implementing these. Whenever use of force occurs, it is a concern and we have taken significant steps to address this by implementing the following in 2004:

- In August 2004, a new Use of Force report form became effective.
- We established a new Use of Force Review Board that includes citizen and peer members. This Board will review all officer-involved shootings and use of force that require review level oversight
- Re-instituted 40 hours of in-service, which includes de-escalation techniques.

We also agree that the debriefing memo sent to Personnel should include a copy to Internal Affairs. This would ensure that the briefing took place and the areas of concern were addressed.

We look forward to following up with IPR and the Citizen Review committee on this data and future enhancements to our internal investigations process.

Sincerely,



DERRICK FOXWORTH
Chief of Police

DF/mp

cc: Capt. Rod Beard, IAD

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Portland, Oregon 97204-1900

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

Copies of this report can be accessed online via the Internet.
The web page report version is the same as this printed version.