

# ANNUAL REPORT 2005–2006

## INDEPENDENT POLICE REVIEW DIVISION

Office of the City Auditor  
Portland, Oregon



Gary Blackmer  
City Auditor

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IPR Director



# MESSAGE FROM THE INDEPENDENT POLICE REVIEW DIRECTOR

*Leslie Stevens*

This is the fourth annual report of the Independent Police Review Division (IPR) of the City of Portland, Oregon. This report covers activities from the years 2005 and 2006.

I took over as the IPR Director in mid-July 2005. Since then, I have focused on expanding the role of IPR in complaint investigations, increasing our oversight of investigations conducted by the Portland Police Bureau's (PPB or Bureau) Internal Affairs Division (IAD), and working with PPB on changes and improvements to reduce citizen complaints. I am proud to report that the quality of IPR and IAD investigations has improved.

It has been challenging and rewarding. I take seriously IPR's responsibility to provide a high level of professional service to the people of the City of Portland and have worked hard to improve police services through:

- Careful and objective reviews of citizen complaints;
- Thoughtful and thorough complaint analysis and policy reviews;
- Identification of policy issues and patterns of complaints; and
- Responsiveness to the community.

I would like to express my deep and heart-felt appreciation to the professional IPR staff members and the outstanding volunteers of the Citizen Review Committee (CRC) for their dedication and hard work. I would also like to express my respect and gratitude to the members of the Bureau for their acceptance of civilian oversight generally and willingness to work together to improve police services. The many accomplishments and continuing improvement efforts would simply not be possible without everyone working together.



Leslie Stevens  
Director



MESSAGE  
FROM THE  
CITIZEN  
REVIEW  
COMMITTEE  
CHAIR

*Hank Miggins*

It has been my pleasure to be a part of Portland's oversight system since 2001, and I have enjoyed being the Chair of the Citizen Review Committee (CRC) since 2003. In partnership with the Independent Police Review (IPR), the CRC does important work for the community.

In 2005 and 2006, CRC members were very busy working on CRC and IPR procedures, Portland Police Bureau policy issues, community outreach, and hearing citizen complaints. The CRC continues to promote the highest standards of competency, efficiency, and impartiality in the City's community-policing efforts.

As always, the CRC members promise to serve all citizens of Portland with objectivity, fairness, and transparency. I look forward to continuing to serve.



Hank Miggins

Chair



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## CHAPTER 1

### HISTORY AND OVERVIEW

## HISTORY

Citizen oversight of the police in Portland began in 1982 with the creation of the Police Internal Investigations Auditing Committee (PIIAC). In 2001, PIIAC was replaced with the current Independent Police Review Division (IPR) and Citizen Review Committee (CRC).

The first IPR Director was sworn in October 1, 2001 and two days later, on October 3, 2001, the original members of the CRC were appointed by Portland City Council (Council, or City Council). IPR began receiving citizen complaints on January 2, 2002.

Additional IPR and CRC background information is available by accessing the website at <http://www.portlandonline.com/auditor/ipr>.

## OVERVIEW

### INDEPENDENT POLICE REVIEW DIVISION

City Council created IPR to help improve police accountability, promote higher standards of police services, and increase public confidence. IPR is an independent, impartial oversight agency under the authority of the independently-elected City Auditor and has five primary responsibilities:

- Receive all citizen complaints alleging misconduct by Portland Police Bureau (PPB or Bureau) police officers that cannot be resolved by PPB supervisors.
- Monitor the investigations conducted by the Bureau's Internal Affairs Division (IAD) and conduct joint or independent investigations, if necessary.
- Report on complaint and investigation activities and recommend policy changes to prevent future complaints.
- Hire a qualified expert to review closed investigations of officer-involved shootings and in-custody deaths, and report on policy and quality of investigation issues.
- Coordinate the appeals filed by citizens and officers with the CRC and City Council.

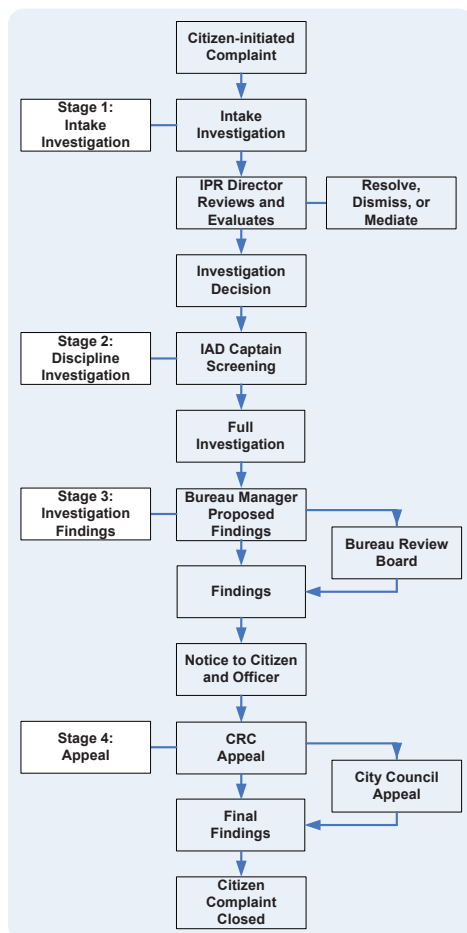
Additionally, IPR:

- Receives commendations from citizens complimenting services received from PPB employees.
- Coordinates citizen-police mediations.

## CITIZEN REVIEW COMMITTEE

CRC is made up of nine citizen volunteers appointed by City Council, each serving two-year terms. CRC holds public meetings on the third Tuesday of every month. Council has charged CRC with four primary responsibilities:

- Gather community concerns about police services through public meetings and other outreach activities.
- Help the IPR Director develop policy recommendations to address patterns of complaints with police services and conduct.
- Review IPR's and IAD's methods for handling complaints and provide advice on criteria for dismissal, mediation, and investigation.
- Hear appeals from citizens and officers and publicly report findings, conclusions, and recommendations.



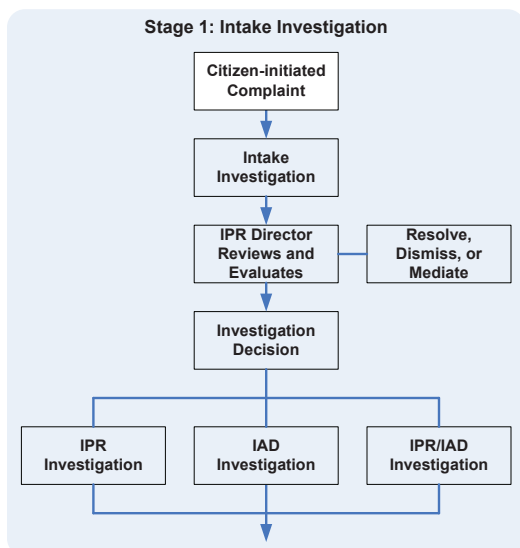
## CITIZEN COMPLAINT HANDLING DESCRIPTION

One of the unique features of Portland's oversight system is that every citizen complaint is received, counted, and reviewed by IPR. This gives IPR the ability to identify patterns in complaints. Not all concerns raised by citizens amount to violations of policy or procedure. In fact, the conduct may be exactly what the Police Bureau is training or encouraging officers to do. By identifying patterns and trends in complaints, IPR is able to recommend changes in policies or training to help reduce complaints.

Complaints from citizens about the conduct of members of PPB are generally handled in four stages: Intake Investigation, Discipline Investigation, Investigation Findings, and Appeal.

### INTAKE INVESTIGATION (STAGE 1)

Intake is the first stage of the citizen complaint process. IPR provides citizens with a variety of methods of filing complaints. Complaints may be filed in person, by telephone, fax, mail, e-mail, or through the IPR website.



Historically, most complaints are received as phone calls. Every effort is made to ensure that calls are answered promptly. When staff members are unable to answer the phone, callers are asked to leave a message. Under normal circumstances, staff members return calls within 24 hours.

Postage-paid IPR complaint forms are also provided for free public distribution to PPB precincts and many community locations. These complaint forms are available in English, Russian, Spanish, Chinese, and Korean. The forms may be mailed, faxed or hand delivered to the IPR office.

Spanish-speaking complainants are served by a staff member fluent in the language. Other language preferences are accommodated through the City of Portland's Language Bank network or through some other means.

Many citizen calls or visits to the IPR office are not to file a complaint about the actions of Portland police. Some just want to find the right government office to pursue a matter of interest; some involve questions about police practices; while other citizens are unhappy with the actions of security guards or non-Portland police officers. IPR personnel attempt to advise or assist inquiring citizens, providing information and referrals to other offices and organizations.

Once a citizen complaint has been received by IPR, the complaint is entered into IPR's case management database and assigned a unique case identification number. Sometimes, IPR staff members are able to resolve a complaint during initial intake. For example, a citizen may be unhappy that they have been unable to contact a PPB member. IPR staff may be able to assist the citizen by contacting the Bureau member or the member's supervisor.

Beginning in 2005, the IPR Director delegated to IPR investigators limited authority to dismiss certain types of complaints upon receipt. For example, minor complaints made by someone who did not witness the incident or courtesy complaints filed more than 60 days after the incident may be dismissed. Complaints with very serious allegations are forwarded immediately to the IPR Director.

A complaint that is not resolved, dismissed, or immediately forwarded to the Director is assigned to an IPR intake investigator to conduct a preliminary investigation. The investigator retrieves available documentation related to the case and may contact the citizen and other witnesses. Intake interviews may be conducted over the phone or in person, usually occurring at the IPR office.

The intake investigator makes sure each allegation is identified. Each allegation is classified as one of six complaint categories.

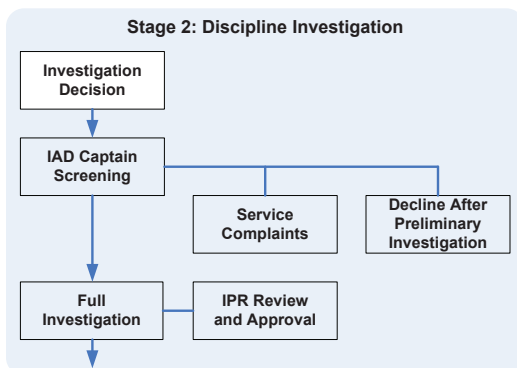
Complaint Categories	
Conduct	An allegation that tends to bring reproach or discredit upon the Police Bureau or City of Portland. It involves behavior by a Bureau member that is unprofessional, unjustified, beyond the scope of their authority, or unsatisfactory work performance.
Control Technique	An allegation that a control technique was used unreasonably or improperly. This would include control holds, hobble, aerosol restraints, take-downs, and handcuffing.
Courtesy	An allegation relating to rude or discourteous conduct, other than disparate treatment.
Disparate Treatment	An allegation of a specific action or statement which indicates 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 or religious beliefs, mental or physical disability, etc.
Force	An allegation of use of excessive or inappropriate physical force.
Procedure	An allegation that an administrative or procedural requirement was not met. This would normally include the failure of an officer to follow general policies and procedures that relate to identification, report writing, notebook entries, and property/evidence handling.

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

Possible IPR Intake Decisions	
Mediation	A case can be assigned for mediation with the approval of the complainant(s), IPR Director, Captain of IAD, the officer's supervisor, and the involved officer(s). In cases assigned for mediation, IPR arranges for a professional mediator to facilitate an informal and non-confrontational discussion of the incident between complainant(s) and involved officer(s).
Investigation	The Director can choose to forward the complaint to IAD for an investigation. The Director may also conclude that an IAD investigation should involve IPR personnel. If the Director concludes that IAD has not done an adequate job of investigating complaints against a particular PPB member, has not done an adequate job investigating a particular category of complaints, or that IAD has not completed its investigations in a timely manner, the Director may determine that IPR should investigate some complaints.
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 Director will forward the complaint and the appropriate documentation to that department. If a case is referred, the complainant will be notified of the referral.
Dismissal	The complaint can be dismissed if the 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 complainant is notified of the reason(s) the case was dismissed.

The Director makes an intake decision. Under Portland City Code the IPR Director is granted the discretion to handle citizen complaints in one of four ways:

Each allegation receives a separate decision and individual allegations within a single case may be handled differently. Some allegations within a case may be dismissed, while other allegations may be processed further. This practice helps to conserve investigative resources for the most meritorious portions of citizen complaints. IPR explains dismissed decisions in writing to citizen complainants.

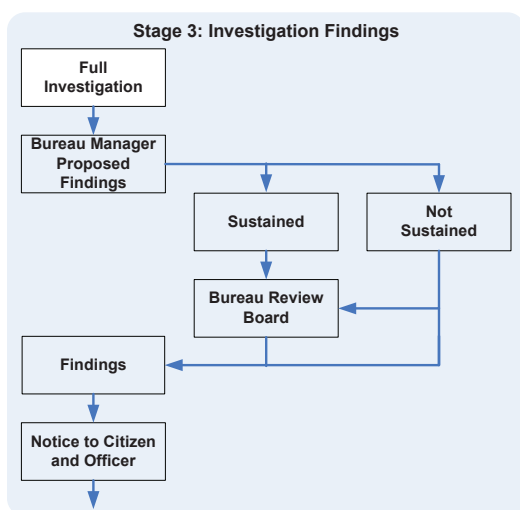


## DISCIPLINE INVESTIGATION (STAGE 2)

At the second stage of case handling, IPR works with IAD to determine whether a complaint should be subject to a full investigation. The IPR Director may choose to independently investigate a case if the Director determines that the Bureau has not done an adequate job investigating certain cases or IPR may

choose to do a joint investigation with IAD. The Director may also choose to refer the case to the Bureau's IAD for investigation with IPR oversight.

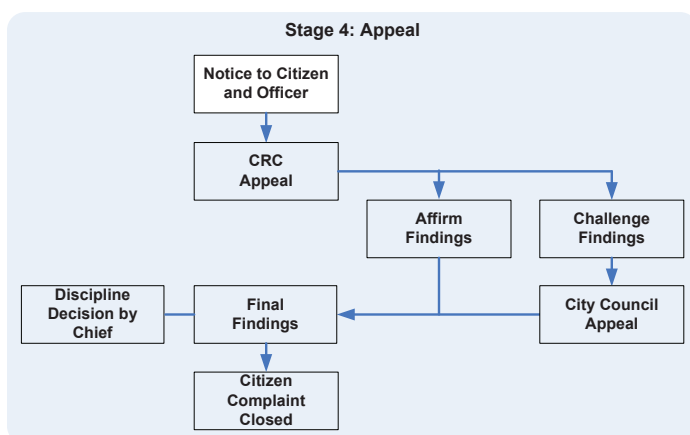
If IPR refers a complaint to IAD, the IAD Captain will review the case and may do some additional intake investigation. The IAD Captain may choose to decline to investigate the case after further review, assign the case to a precinct to be handled as a service complaint, resolve the case administratively, or conduct a full investigation of the case. The Captain makes these decisions using criteria developed with IPR and CRC, and IPR reviews each decision. IPR reviews the Bureau's handling of every citizen-initiated case, and may comment, raise concerns about the case handling, or recommend additional or alternative ways to handle a case.



### INVESTIGATION FINDINGS (STAGE 3)

IPR reviews the investigation summary for every case fully investigated and may seek additional information, review all or any portion the investigative file, or request additional investigation. Once IPR has approved the investigation, the case is sent to the manager of the officer's unit, usually a Precinct Commander to determine whether the officer violated Bureau policy or procedure and if so, what discipline would be appropriate. The Commander's decision is reviewed by the Commander's Assistant Chief, IAD, and IPR. If the Commander finds that the officer violated policy and recommends discipline that includes a suspension, or if the IAD Captain or IPR Director disagree with the Commander's finding, then the

case is referred to the Bureau's Performance Review Board. The Review Board includes Bureau command staff, a peer officer, and a citizen. Although not a voting member, the IPR Director attends these Boards. The Review Board hears the case and makes a final recommendation to the Chief of Police.



### APPEAL (STAGE 4)

Citizens may request an appeal if the Bureau does not sustain an allegation after a full investigation. PPB officers may request an appeal if an allegation is sustained. There are no appeals from IPR dismissals, IAD declinations, service complaints, or mediations. IPR provides written notice of a right to appeal to all citizens whose cases qualify for an appeal. The Bureau notifies PPB members of their

right to appeal. Requests for appeals are made in writing to the IPR Director. The IPR Director may then refer the case for a CRC hearing, conduct further investigation, or refer the case back to IAD for further investigation, or deny the appeal if the request is untimely.

If a hearing is held by CRC, IPR prepares a summary of the case, which all CRC members are given full access to all case materials. CRC may recommend further investigation, challenge the Bureau's findings, or affirm that the findings were reasonable under the circumstances.

If CRC agrees that the Bureau findings were reasonable, the case is closed. If CRC concludes that any of the findings are unreasonable, and PPB does not accept CRC's recommendation to change a finding, a conference between PPB and CRC is held. If consensus is not reached, a hearing is scheduled before City Council. City Council then makes the final decision as to whether or not the findings should be changed. If City Council does not change the findings, the case is closed. If City Council changes the findings, the Chief of Police is required to adopt the Council's findings and determine what discipline, if any, should be imposed.

## CHAPTER 2

# INDEPENDENT POLICE REVIEW

## CITIZEN COMPLAINTS

### NOTEWORTHY CHANGES AND TRENDS

The Independent Police Review (IPR) changed several procedures during 2005 and 2006 that resulted in significantly different outcomes.

- IPR expanded the scope of its investigations.
- IPR intake investigators were authorized to make dismissal decisions under limited circumstances.
- IPR increased its oversight of Internal Affairs Division (IAD) investigations.
- The IPR Director took a more active role reviewing precinct commanders' recommended findings.
- IPR began using post-dismissal *precinct referrals* to keep precinct commanders better informed about citizens' concerns and to help them manage more effectively.

As the changes took effect, several noteworthy trends emerged. IPR dismissed more complaints and referred fewer to IAD than ever before. IAD, however, declined to investigate fewer complaints and assigned for investigation more citizen complaints than anytime since 2002.

Commanders also recommended *sustained* findings in more investigations than at anytime in IPR's history.

## OVERVIEW OF COMPLAINTS

### NUMBER OF COMPLAINTS

IPR opens a complaint every time a citizen accuses a sworn Portland Police Bureau (PPB or Bureau) officer of misconduct. A complaint will be opened even if it is apparent from the first call that the officer's actions, as described by the citizen, do not constitute misconduct. A complaint will be opened even if the citizen cannot provide enough information for IPR or IAD to ever identify the subject officer. IPR does not open a case if it is immediately clear that the officer was employed by some other law enforcement agency.

Complaints Received 2002-2006

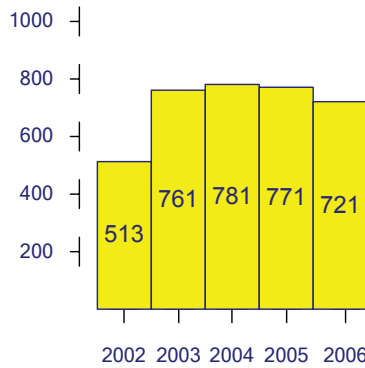


Figure 2.1

IPR opened 771 citizen-initiated complaints in 2005 and 721 in 2006.

IPR closed 771 citizen-initiated complaints in 2005 and 693 in 2006.

Complaints Closed 2002-2006

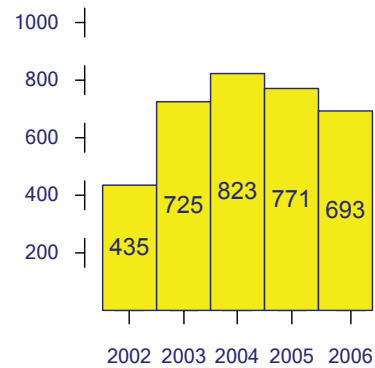


Figure 2.2

The number of contacts between officers and citizens, as measured by calls for service (both dispatched and self initiated), declined from 2004 to 2006. However, there was relatively little change in the number of complaints received per contact.

**Table 2.1**  
Complaints Per 1,000 Citizen-Police Contacts

PPB Precinct/Division	2004	2005	2006
Central	1.80	1.81	1.61
Southeast	1.26	1.38	1.30
East	1.27	1.11	1.24
Northeast	1.10	1.09	1.13
North	1.59	1.53	1.25
<b>Total</b>	<b>1.37</b>	<b>1.35</b>	<b>1.30</b>

\* Source for contacts per precinct: PPB Planning & Support Division

The majority of complaints, not surprisingly, continue to be filed against officers in the five precincts. The number and percentage of complaints assigned against Central Precinct officers has declined slightly. These numbers should be viewed cautiously as each complaint is assigned to only one precinct. IPR generally assigns a complaint to a precinct based on the assignment of the officer who is the primary subject of the complaint. This is not always possible. For example, there are complaints that involve

multiple officers from various precincts or complaints against officers who are not in their precincts at the time of the citizen contact, as well as various other combinations of possibilities.

**Table 2.2**  
Complaints by Precinct

PPB Precinct/Division	2004		2005		2006	
	Complaints	Percent	Complaints	Percent	Complaints	Percent
Central	161	21%	157	20%	125	17%
Southeast	125	16%	129	17%	113	16%
East	137	18%	122	16%	128	18%
Northeast	93	12%	91	12%	94	13%
North	67	9%	62	8%	53	7%
<b>Precinct Subtotal</b>	<b>583</b>	<b>75%</b>	<b>561</b>	<b>73%</b>	<b>513</b>	<b>71%</b>
PPB Detectives (Non-precinct)	11	1%	16	2%	15	2%
PPB Traffic	64	8%	55	7%	43	6%
PPB Tri-Met	30	4%	40	5%	28	4%
PPB Other Division	33	4%	34	4%	44	6%
Unknown or Other Agency	60	8%	65	8%	78	11%
<b>Total</b>	<b>781</b>		<b>771</b>		<b>721</b>	

## METHODS FOR FILING COMPLAINTS

Citizens filed most of their complaints by telephone. However, citizens may also file by mail, fax, email, in person, or through the IPR website. Complaints filed at any of PPB's five precincts or at any other City office are sent to IPR.



**Table 2.3**  
Sources of Citizen Complaints Received by IPR

	2005		2006	
	Number	Percent	Number	Percent
Phone	443	51%	412	52%
E-mail	101	12%	132	17%
Mail	102	12%	84	11%
Walk-in	93	11%	56	7%
Precinct	50	6%	51	6%
Inter-office	19	2%	33	4%
Fax	16	2%	14	2%
Unknown/Other	37	4%	10	1%

Note: Complainant contact counts are shown. Because multiple complainants can be named on any given complaint, this count will tend to be larger than the annual citizen-initiated complaint count.

## REASONS FOR FILING COMPLAINTS

Citizens consistently complain most frequently about rudeness and excessive force.

A single complaint may contain multiple allegations. For example, a citizen might complain that he was stopped without cause, treated rudely, and subjected to excessive force. IPR uses nearly 150 different allegations covering a wide range of behaviors. For convenience, the allegations are grouped into six large categories. The Force category, for example, includes allegations such as *Dog Bite* and

*Excessively Rough Takedown*. The Disparate Treatment category includes separate allegations for discrimination by race, disability, gender, and political views among others. Courtesy includes failure to return phone calls, poor service, as well as rude behavior or language. Over time, the distribution of allegations within the categories has remained relatively constant.

**Table 2.4**  
Rank Order of Most Common Allegations Reported to IPR by Year

	2002	2003	2004	2005	2006
Excessive Force	1	2	2	2	2
Rude Behavior	2	1	1	1	1

**Table 2.5**  
Citizen-Initiated Complaint Allegations Reported by Category

Allegation Category	2002		2003		2004		2005		2006	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Conduct	467	39%	1409	50%	1430	53%	956	40%	731	38%
Control Technique	43	4%	112	4%	112	4%	92	4%	84	4%
Courtesy	199	17%	409	14%	394	15%	447	19%	372	20%
Disparate Treatment	59	5%	131	5%	123	5%	108	5%	75	4%
Force	169	14%	211	7%	225	8%	185	8%	161	8%
Procedure	260	22%	555	20%	420	16%	584	25%	476	25%
<b>Total Allegations</b>	<b>1,197</b>		<b>2,827</b>		<b>2,704</b>		<b>2,372</b>		<b>1,899</b>	
<b>Complaints Received</b>	<b>513</b>		<b>761</b>		<b>781</b>		<b>771</b>		<b>721</b>	

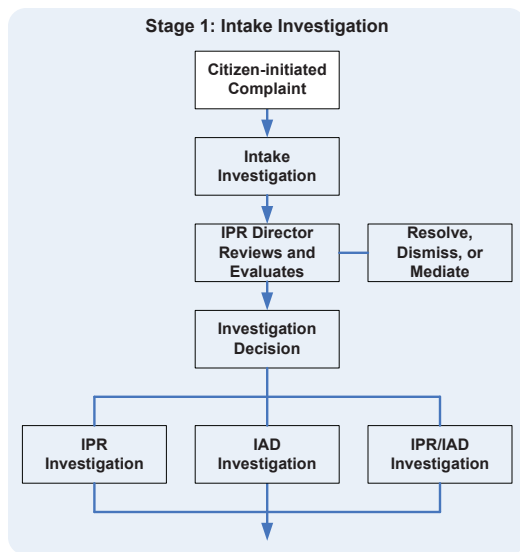
## DEMOGRAPHICS OF CITIZEN COMPLAINANTS

The demographic profile of citizen complainants has not changed significantly over time. African Americans, and to a lesser extent males generally, file complaints at a higher rate than their representation in the general population. Young people and seniors file at a lower rate. This data also should be viewed cautiously because race, age, and gender information is not available or captured in all cases.

**Table 2.6  
Gender, Race, and Age of Complainants**

Gender, Race, and Age of Complainants	2004		2005		2006		Proportion of Portland's Population in 2000*
	Complainants	Percent	Complainants	Percent	Complainants	Percent	
<b>Gender</b>							
Female	352	42.7%	323	41.0%	319	43.1%	50.6%
Male	467	56.7%	464	59.0%	420	56.8%	49.4%
Unknown	5	0.6%	0	0.0%	1	0.1%	
<b>Race or Ethnicity</b>							
Asian	8	1.0%	13	1.7%	12	1.6%	6.3%
Black or African American	148	18.0%	136	17.3%	138	18.6%	6.6%
Hispanic or Latino	23	2.8%	33	4.2%	33	4.5%	6.8%
Native American	10	1.2%	15	1.9%	10	1.4%	1.1%
Native Hawaiian/ Other Pacific Islander	3	0.4%	0	0.0%	2	0.3%	0.4%
White	461	55.9%	475	60.4%	413	55.8%	77.9%
Two or More Races	17	2.1%	5	0.6%	3	0.4%	4.1%
Other Race/Ethnicity	3	0.4%	14	1.8%	9	1.2%	3.5%
Unknown	151	18.3%	96	12.2%	120	16.2%	
<b>Age</b>							
24 Years and Younger	147	17.8%	117	14.9%	94	12.7%	31.4%
25-34 Years	160	19.4%	178	22.6%	143	19.3%	18.3%
35-44 Years	196	23.8%	183	23.3%	145	19.6%	16.4%
45-54 Years	130	15.8%	124	15.8%	144	19.5%	14.8%
55-64 Years	39	4.7%	66	8.4%	58	7.8%	7.6%
65 Years and Older	32	3.9%	28	3.6%	24	3.2%	11.5%
Unknown	120	14.6%	91	11.6%	132	17.8%	
<b>Total Number of Unique Complainants</b>		<b>824</b>	<b>787</b>	<b>740</b>			

\* From 2000 U.S. Census Bureau Data



## IPR INTAKE INVESTIGATIONS

After a citizen files a complaint, an experienced IPR investigator conducts a preliminary investigation to correctly identify the parties, the incident, and the citizen’s specific concerns. The investigator normally interviews the complainant on a recorded phone, obtains the police reports and dispatch records related to the incident, categorizes the citizen’s concerns into specific allegations, and writes a summary of the case.

In 2005, the new IPR Director expanded intake investigations to include interviews with identified independent eyewitnesses and to obtain other supporting documents, like medical records and photographs, if reasonably available.

After the intake investigation is complete, the IPR Director or, in some cases, the IPR investigator, makes a screening decision about how IPR will handle the complaint. Screening decisions took longer in 2005 and 2006 because the Director made a choice to trade speed for quality by requiring more detailed intake investigations. The Director also decided that intake speed was less important than careful oversight of IAD’s investigations and commanders’ recommended findings. The Director spent more time on those activities and less time on screening decisions.

Completing 60% of Intake Investigations Within 14 Days  
Percentage of Intakes Completed Within 14 Days

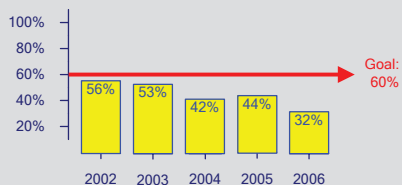


Figure 2.3

Completing 90% of Intake Investigations Within 21 Days  
Percentage of Intakes Completed Within 21 Days

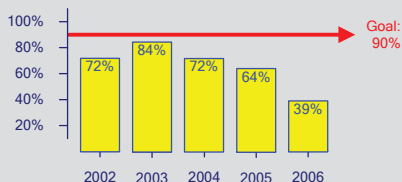


Figure 2.4

Measured as the number of days from the date IPR receives the complaint–to the date the IPR director makes an intake decision.

Timeliness of Case Closure for Closed Complaints Reported 2002-2006  
Percentage of Cases Completed Within 150 Days

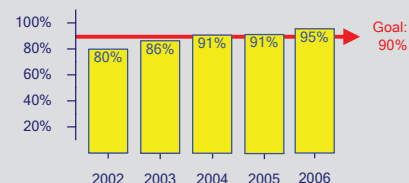


Figure 2.5

Measured as the number of days from the day the case is received by IPR–to the day IPR closes the case.

Despite slower decision making, IPR exceeded its goal of fully completing 90% of complaints within 150 days.

IPR screened 706 complaints in 2005 and 671 in 2006. Most complaints are referred to IAD or dismissed.

Table 2.7

IPR Case Handling Decisions

Intake Decision	2002		2003		2004		2005		2006	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
Dismissed by IPR	123	26%	285	42%	388	52%	399	57%	427	64%
Referred to IAD	293	61%	309	45%	287	38%	267	38%	197	29%
Pending or Completed Mediation	3	1%	23	3%	38	5%	29	4%	25	4%
Referred to Other Agency	24	5%	21	3%	14	2%	6	1%	13	2%
Resolved at Intake	37	8%	19	3%	18	2%	5	1%	9	1%
Referred to Chief's Office	-	-	29	4%	5	1%	-	-	-	-
<b>Total</b>	<b>480</b>		<b>686</b>		<b>750</b>		<b>706</b>		<b>671</b>	

IPR Dismissal Guidelines	
City Code	Guidelines Examples
The complainant could reasonably be expected to use, or is using another remedy or channel, or tort claim.	IPR routinely dismisses complaints about towed vehicles because the City provides an administrative appeal process for adjudicating tow issues.
The complainant delayed too long in filing the complaint to justify present examination.	IPR normally requires that minor complaints involving courtesy or communications be filed within 60 days of the incident. IPR imposes no deadline for complaints that allege serious criminal misconduct or corruption.
Even if all aspects of the complaint were true, no act of misconduct would have been committed.	IPR dismisses allegations that fail to describe at least a potential violation of federal, state, or municipal law or Bureau policy.
The complaint is trivial, frivolous, or not made in good faith.	IPR dismisses allegations that it determines are intentionally and materially false, inaccurate, misstated, or exaggerated.
Other complaints must take precedence due to limited public resources.	The ordinance requires IPR to use public resources wisely by prioritizing IPR's and IAD's caseload consistent with the intent of the City Auditor. IPR will dismiss complaints that are grossly illogical or improbable on their face, complaints that were filed by persons who do not have direct or specific knowledge about the facts of the case, and complaints from persons who have a demonstrated history of making non-meritorious allegations.
The complainant withdraws or fails to complete necessary complaint steps.	IPR may dismiss a complaint if the IPR intake investigator cannot locate the citizen for an intake interview.

## IPR DISMISSALS

In 2005 and 2006, IPR dismissed more complaints and referred fewer to IAD than in the previous years. There were two reasons why IPR dismissed more complaints.

**Table 2.8**  
**IPR Dismissal Types**

Dismissal Type	2002		2003		2004		2005		2006	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
Director's Dismissal	118	96%	258	91%	303	78%	172	43%	172	40%
Dismissed and Referred to PPB Managers	-	-	-	-	-	-	33	8%	74	17%
IPR Staff Dismissal	-	-	-	-	-	-	127	32%	119	28%
IPR Staff Dismissed and Referred	-	-	-	-	-	-	34	9%	61	14%
Administrative Referral	5	4%	27	9%	85	22%	33	8%	1	0%
<b>Total</b>	<b>123</b>		<b>285</b>		<b>388</b>		<b>399</b>		<b>427</b>	

- The *Case Handling Guidelines*, which were adopted as an administrative rule in February 2005 with the Citizen Review Committee's (CRC) approval, established greater clarity and certainty about the reasons complaints could be dismissed.

**Table 2.9**  
**Top Ten Reasons for IPR Dismissal**

Dismissal Reason	2004		2005		2006	
	Total	Percent	Total	Percent	Total	Percent
No Misconduct	92	24%	126	32%	173	41%
Complainant Unavailable	80	21%	42	11%	45	11%
Not Reliable, Credible, or Logical*	44	11%	48	12%	32	7%
Unable to Identify Officer	31	8%	37	9%	30	7%
Other Judicial Review	24	6%	35	9%	29	7%
Complainant Withdraws	19	5%	25	6%	25	6%
Other Jurisdiction	2	1%	12	3%	24	6%
De Minimus	-	-	2	1%	19	4%
Filing Delay	6	2%	11	3%	16	4%
Third Party	-	-	4	1%	5	1%
Other	90	23%	57	14%	29	7%
<b>Total Dismissals</b>	<b>388</b>		<b>399</b>		<b>427</b>	

\* Includes 'False/Trivial' which was used often in 2002-2004, but rarely in 2005-2006

- Intake investigations were expanded and improved starting in mid-2005. With better intake investigations, IPR was able to identify unprovable or non-meritorious complaints sooner, without having to send them to IAD where they would be declined or investigated but not sustained. Compared to 2004, IPR dismissals in 2005 and 2006 displaced IAD declinations as a means of resolving a complaint without a full IAD investigation. As IPR dismissals increased, IAD declinations decreased.

**Table 2.10**  
**Combined Rate of IPR Dismissals Plus IAD Declinations**

	2002	2003	2004	2005	2006
Complaints screened by IPR	480	686	750	706	671
Dismissed by IPR	123	285	388	399	427
Declined by IAD	91	101	114	74	30
<b>Total Dismissed or Declined</b>	<b>214</b>	<b>386</b>	<b>502</b>	<b>473</b>	<b>457</b>
<b>Combined Rate</b>	<b>45%</b>	<b>56%</b>	<b>67%</b>	<b>67%</b>	<b>68%</b>

There is evidence that stricter screening *improved* accountability. Multiple factors contributed to improved police accountability:

- Better IPR intake investigations increased the likelihood that IAD would investigate complaints. IAD assigned more complaints for investigation than any year since 2002.
- IPR improved its oversight of IAD investigations. IAD responded by significantly improving the quality of its investigations during the course of the reporting period.

- The IPR Director increased her oversight of commanders' recommended findings and took an active role in Review Level Committee meetings. PPB commanders responded with increasingly comprehensive and thoughtful analyses of IAD investigations and PPB commanders recommended sustained findings in more completed investigations than at anytime in IPR's five-year history.

Besides increasing the *number* of dismissals, IPR changed how it *manages and counts* dismissals.

## STAFF DISMISSALS

The 2005 *Case Handling Guidelines* authorized IPR investigators to dismiss complaints that meet specific criteria listed in the *Guidelines*. For example, an intake investigator may dismiss a complaint if the officer's actions, as described by the complaining citizen, were clearly legal and authorized by PPB policy. The IPR Assistant Director reviews staff dismissals for compliance with the *Guidelines*. Intake investigators were responsible for about one-fourth of IPR's dismissals, freeing the Director to spend more time working with IAD and commanders on investigations and recommended findings.

## DISMISSALS WITH REFERRALS TO PRECINCT COMMANDERS

In order to keep precinct commanders better informed, IPR began sending them case summaries from selectively chosen but dismissed complaints. IPR informed complainants that their complaint was being dismissed but the information would be sent to the officer's commander. Commanders welcomed the practice as a useful management tool and frequently reported some type of remedial action. For example, when IPR dismissed a complaint that an unidentifiable officer drove through an occupied pedestrian stop walk, the Precinct Commander directed his sergeants to review the complaint with their officers and to remind them to drive carefully. IPR sometimes used precinct referrals in lieu of service complaints if a complaint was minor, the commander was responsive, and speedy notification would be more effective than a more formally documented service complaint.

From 2002 through 2004, IPR tracked precinct referrals in a unique category called *Administratively Referred*. Administrative referrals were not counted or reported as dismissals. A more accurate description is that these referrals were, in fact, a type of dismissal. IPR has adjusted the count of past administrative referrals as dismissals and new categories were added to separately track staff and director referrals.

## IPR REFERRALS TO IAD

IPR referred 267 complaints to IAD in 2005 and 197 complaints in 2006.

IPR worked closely with IAD on referred complaints and continued to monitor complaints through the service complaint or investigation and command review level stages. Examples of IPR's monitoring activities include:

- If a case raised special concerns from the outset, the IPR Director or Assistant Director discussed it in person with the IAD Captain during their weekly meeting.
- Once a week, IPR checked the progress of cases still pending at IAD and discussed timeliness concerns with IAD.
- IPR reviewed every IAD decision to handle a case as a service complaint and reviewed every service complaint closing memo describing how a supervisor addressed the issues. When IPR had concerns, the Director or Assistant Director discussed and resolved them with IAD or the Precinct Commander.
- IPR reviewed every IAD decision to decline a case. If IPR agreed with IAD's declination decision, the Director forwarded IAD's written explanation to the citizen with a cover letter. If IPR disagreed, the Director or Assistant Director discussed the case with IAD to determine the basis for the declination and whether IAD should investigate. City code gives IPR the authority to conduct independent investigations with or without IAD participation, if necessary.
- IPR reviewed every IAD investigation for completeness and fairness, and requested additional investigation or changes as appropriate.
- As described earlier in this chapter, the IPR Director increased her oversight of commanders recommended findings. The Director discusses any concerns with the IAD Captain first. If necessary, the Director challenged or contravened the commanders at Review Level. IAD and the commanders have been supportive and helpful with the increased oversight.

## **IPR REFERRALS TO MEDIATION**

Mediation is a voluntary alternative to the regular complaint-handling process. If the citizen, IPR, IAD, the officer's supervisor, and the officer all agree, IPR hires an outside professional mediator to help the citizen and officer discuss and try to resolve the complaint. Complaints assigned to mediation are removed from the disciplinary process and from the officer's record. IPR retains a record of mediated cases.

About three percent of citizen complaints are mediated. IPR typically identifies more cases to be mediation-eligible, but many of the eligible cases do not complete the mediation process because the citizens changed their minds about participating or did not respond to mediators' attempts to schedule a meeting. A smaller number of mediation-eligible cases are not mediated because IAD, the officers, or the officers' supervisors objected to mediation. The number of cases successfully mediated has decreased. The number of cases that begin, but do not complete the mediation program, has also decreased.

**Table 2.11**  
**Outcome of All Cases Assigned for Mediation**

Outcome of All Mediation Closed	2002	2003	2004	2005	2006	Total
<b>Successfully mediated</b>	1	20	33	27*	16	97
<b>Cases that were not mediated</b>	2	21	39	33	19	114
Citizen Unavailable/Declined				27	15	
Officer Unavailable/Declined				1	3	
PPB Management Rejected				5	1	
<b>Carried over to the next year</b>				16	5	
<b>Total number of cases handled during the year</b>				76	40	

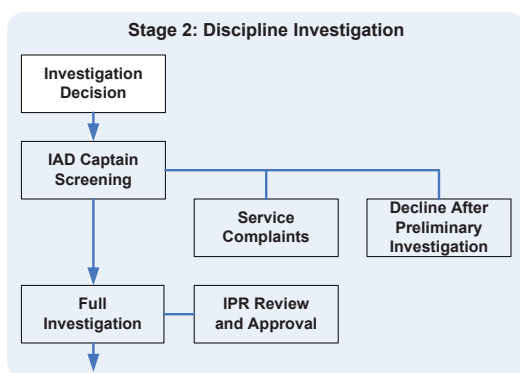
\* This count includes one Bureau-initiated case

As discussed in Chapter 4 of this report, a workgroup of the Citizen Review Committee completed a detailed review of the mediation program in 2006. The CRC found that citizens who mediate their complaints report a higher level of satisfaction than citizens in non-mediated cases. Even participants, who are not satisfied with the *outcome* of mediation, often have positive comments about the process itself. Officers also report a high level of satisfaction with mediation.

IPR does not have any data at the present time that demonstrates the long term effect of mediation on officer conduct.

## IPR RESOLUTIONS OR REFERRALS TO OTHER AGENCIES

One to two percent of the complaints are closed with referrals to other agencies when the intake investigation determines that the accused officer is employed by another jurisdiction. A similarly small number of complaints are resolved and closed to the citizen's satisfaction during the intake process. A typical example would be the citizen who complained that she could not get her seized property released because she could not reach the arresting officer by phone. When the intake investigator facilitated the release, the citizen withdrew her complaint.



## IAD CASE SCREENING

Note: this section discusses IAD's handling of *citizen-initiated* complaints only. IAD's handling of *bureau-initiated* complaints is discussed in Chapter 3.

IAD evaluated and screened significantly fewer citizen complaints in 2006 (202) than in 2005 (280), mostly because IPR referred fewer complaints to IAD, and to a lesser extent because citizens filed fewer complaints.

The IAD Captain and Lieutenant make screening decisions based on PPB directives and an administrative rule, *PSF-5.20-IAD Guidelines for Screening Referrals from IPR*.

**Table 2.12**  
**Internal Affairs Assignment Decisions for Complaints Referred by IPR**

Assignment Decision	2002		2003		2004		2005		2006	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
Declined	91	32%	101	29%	114	32%	74	26%	30	15%
IAD Service Complaint	86	30%	147	42%	131	37%	99	35%	67	33%
Precinct Service Complaint	11	4%	42	12%	33	9%	35	13%	24	12%
Investigation	86	30%	60	17%	55	16%	39	14%	65	32%
Resolved Administratively	8	3%	3	1%	18	5%	33	12%	16	8%
<b>Total</b>	<b>282</b>		<b>353</b>		<b>351</b>		<b>280</b>		<b>202</b>	

IAD's Timeliness in Completing 75% of Declines Within 30 Days  
Percentage Declined Within 30 Days

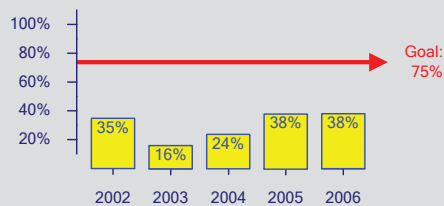
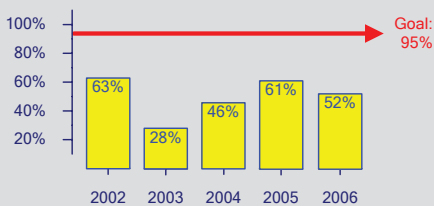


Figure 2.6

IAD's Timeliness in Completing 95% of Declines Within 45 Days  
Percentage Declined Within 45 Days



Measured as the number of days from the day the case is sent from IPR to IAD—to the day IPR receives the declined complaint back from IAD with a letter of explanation.

Figure 2.7

## IAD DECLINATIONS

If IAD declines to investigate a complaint referred by IPR, the Captain or Lieutenant drafts a detailed letter of explanation to the complaining citizen and forwards it to IPR for review. If IPR agrees with IAD's decision and the adequacy of the letter of explanation, IPR will send the letter to the complaining citizen and close the case. If IPR disagrees with the decision or the letter, the IPR Director will discuss the case with the IAD Captain. IPR has the authority to investigate the complaint independently, with or without IAD participation, if necessary.

From 2002 through 2004, IAD declined to investigate an average of 30% of the complaints each year. The declination rate dropped slightly in 2005 and then steeply to 15% in 2006, roughly half the earlier average. Timeliness in making the decisions to decline to investigate cases improved over recent years.

## SERVICE COMPLAINTS

In 2005, IAD assigned 134 complaints to officers' supervisors as service complaints, including 35 that originated at a precinct—shown as *precinct service complaints*. In 2006, 91 assigned as service complaints, including 24 that originated at the precinct level as *precinct service complaints*. Service complaints require supervisors to talk to the complaining citizen and involved officer, as well as documenting the resolution in a memorandum. The Precinct Commander, IAD, and IPR must all approve the "service complaint resolution memo." Service complaints are used for minor rules infractions or quality of service issues; they are not considered disciplinary actions. However, multiple service complaints can result in a behavior review by the Bureau.

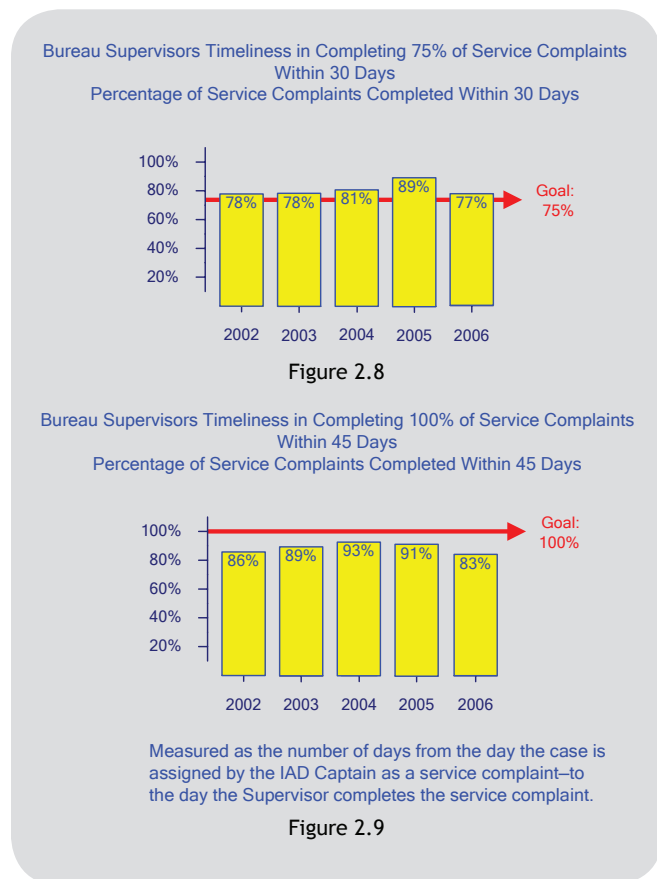


The number of cases approved for service complaints has declined steadily since 2003. The decline may reflect the effect of more complete IPR intake investigations, tighter IPR screening, and IPR’s increased reliance on *Dismissals with Referrals to PPB Managers*. When IPR conducted less thorough intake investigations of minor complaints, more cases were handed off to supervisors. Supervisors, in turn, objected to the amount of time they were spending on complaints they believed should have been dismissed or handled less formally. With improved intake investigations, IPR is better able to identify complaints that can be handled effectively and quickly with post-dismissal referrals to precinct commanders.

**Table 2.13**  
**Eight Most Common Complaint Allegations**  
**Closed as Service Complaints**

2005		2006	
Detailed Allegations	Cases	Detailed Allegations	Cases
Rude Behavior or Language	66	Rude Behavior or Language	41
Fail to Take Appropriate Action	12	Fail to Take Appropriate Action	12
Profanity	12	Poor Service	11
Harassment	11	Profanity	8
Intimidation	10	Harassment	7
Fail to Provide Name or Badge	9	Fail to Provide Name or Badge	7
Unwilling to Listen	9	Unjustified Behavior	7
Fail to Follow Traffic Law	7	* Threat to Arrest & Unwilling to Listen (tied)	6

Commanders’ timeliness in completing service complaints declined slightly in 2006. Even so, 83% of all service complaints were completed within 45 days.



## DISCIPLINE INVESTIGATIONS

In 2006, IAD assigned 65 complaints for full investigations, the highest investigation *rate* in IPR’s five-year history and the second highest *number* since 2002. Timeliness in making assignment decisions also improved. The quality of IAD investigations has also improved significantly over the course of this reporting period, especially in terms of completeness and neutrality. Prior to 2005, when IAD finished an investigation, it simultaneously sent the file to the officer’s commander and a summary to IPR for review. In practice, IAD was sometimes reluctant to call back an investigation after a commander had already begun a review of the file. Beginning in 2005, IAD agreed to wait for IPR’s approval of the investigation before sending it to the commander for findings. The procedural change gave IPR a chance to do a more

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

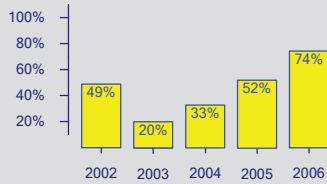
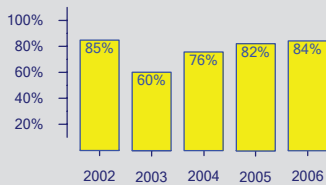


Figure 2.10

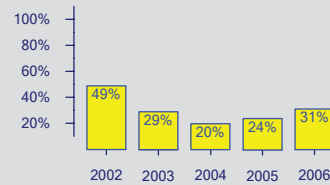
IAD's Timeliness in Assigning Cases  
Excluding Cases that were Declined by IAD  
Percentage of IAD Assignments Made Within 30 Days



Measured as the number of days from the day the case is sent to IAD—to the day the IAD Captain assigns the case to an investigator or to a precinct.

Figure 2.11

Percentage of Investigations Completed  
by Investigators Within 70 Days  
of Assignment by the IAD Captain

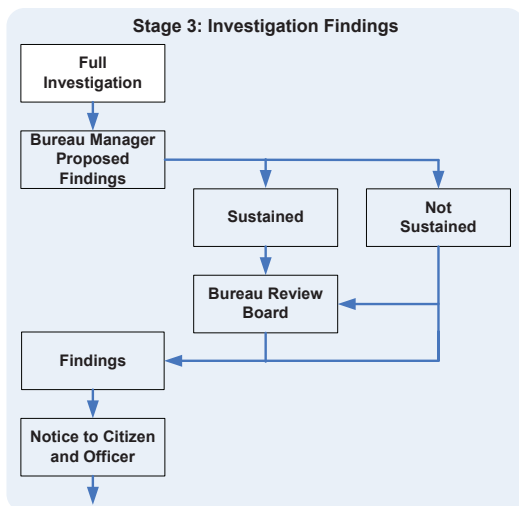


Measured as the number of days from the day the IAD Captain assigns a case to an investigator—to the day the Investigator completes the investigation.

Figure 2.12

through assessment and made it easier for IAD do further investigation when requested. In fact, IAD has not declined a single request for additional investigation made under the current Director. The collaboration between IAD and IPR to improve investigations worked well enough that IAD, on its own initiative, voluntarily asked IPR to review *bureau-initiated investigations*, which are outside IPR's jurisdiction.

In addition, monitoring of IAD investigations appears to have helped IAD continue to improve the overall timeliness of investigations. However, IAD remains staffed with fewer investigators than authorized in its budget and less than recommended by IPR. Investigations continue to take longer than 10 weeks.



## FINDINGS

There was a large increase in sustained findings of misconduct in 2006. Commanders and managers recommended finding their officers in violation of PPB policy at more than twice the previous highest rate, and near twice the number. Even though the number of citizen complaints declined slightly, and IPR referred fewer complaints to IAD, commanders recommended sustained findings more than ever before.

Completed Investigations	2002		2003		2004		2005		2006	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
All Non-sustained Findings	30	83%	55	82%	53	83%	43	90%	29	62%
One or More Sustained Findings	6	17%	12	18%	11	17%	5	10%	18	38%
<b>Total</b>	<b>36</b>		<b>67</b>		<b>64</b>		<b>48</b>		<b>47</b>	

	Conduct	Control Technique	Courtesy	Disparate Treatment			Total	Percent
				Force	Procedure			
Sustained	5	0	3	0	0	5	13	4%
Not Sustained								
Unfounded	59	14	12	8	18	20	131	41%
Unfounded with Debriefing	5	0	0	0	0	0	5	2%
Exonerate	41	20	4	0	34	12	111	35%
Exonerate with Debriefing	10	0	1	0	7	2	20	6%
Insufficient Evidence	17	2	3	2	5	8	37	12%
Insufficient Evidence with Debriefing	1	0	0	0	0	0	1	0%
<b>Combined Total</b>	<b>138</b>	<b>36</b>	<b>23</b>	<b>10</b>	<b>64</b>	<b>47</b>	<b>318</b>	
<b>Number of Completed Investigation with Findings in 2005</b>							<b>48</b>	

	Conduct	Control Technique	Courtesy	Disparate Treatment			Total	Percent
				Force	Procedure			
Sustained	12	0	7	0	0	8	27	13%
Not Sustained								
Unfounded	33	1	14	7	6	11	72	34%
Unfounded with Debriefing	5	0	0	0	3	1	9	4%
Exonerate	23	11	3	0	19	5	61	29%
Exonerate with Debriefing	4	1	1	1	5	3	15	7%
Insufficient Evidence	9	2	2	1	4	1	19	9%
Insufficient Evidence with Debriefing	2	0	2	0	0	2	6	3%
<b>Combined Total</b>	<b>88</b>	<b>15</b>	<b>29</b>	<b>9</b>	<b>37</b>	<b>31</b>	<b>209</b>	
<b>Number of Completed Investigation with Findings in 2006</b>							<b>47</b>	

The increase in sustained findings may be a result of several factors:

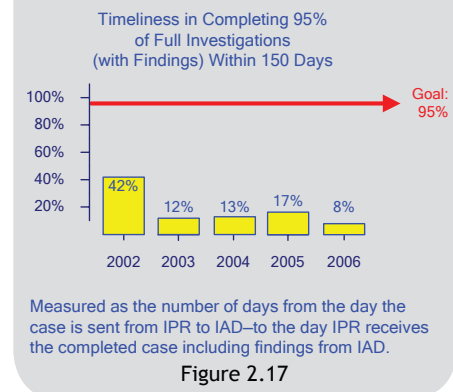
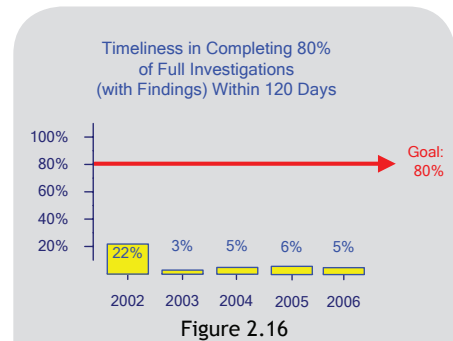
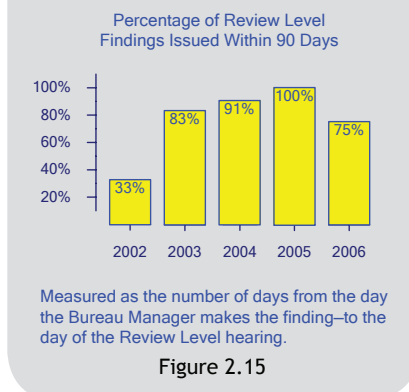
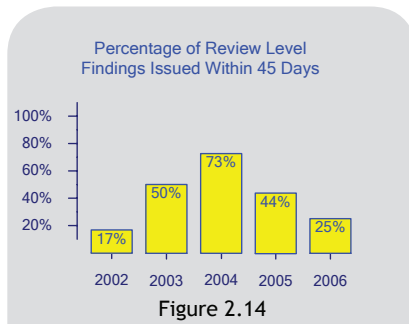
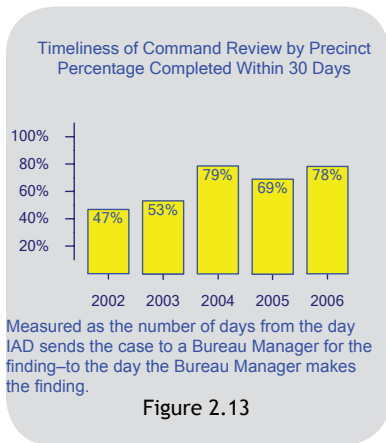
- Better IAD investigations.
- Closer monitoring and collaboration by the IPR Director with commanders and managers on their findings.
- Increased focus on accountability by PPB's leadership.

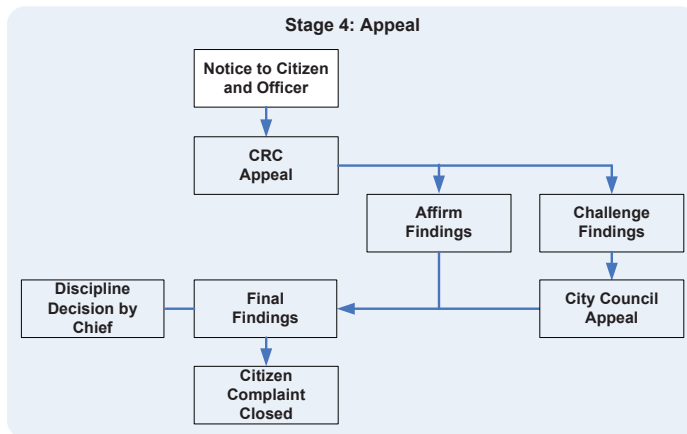
## PPB REVIEW AND DISCIPLINE PROCESS

Precinct commanders and managers are responsible for reviewing IAD investigations and recommending whether to sustain the allegations based on a preponderance of the evidence. If a commander or manager recommends a sustained finding (including discipline of a day or more suspension), and IAD, the branch Assistant Chief, and IPR agree—the investigation goes to the Review Board for further review. If there are no recommendations to sustain (and no disagreements), IAD will write a detailed letter of explanation to the citizen, and forward it to IPR for review. If IPR concurs, IPR will forward IAD’s letter to the citizen and provide notice of the citizen’s right to appeal to the CRC. IAD will provide notice of the officer’s right to appeal to the CRC.

If IAD, the branch Assistant Chief, or IPR believe that an allegation should be sustained, they may *controvert* the recommended finding which then goes to the Performance Review Board for evaluation. If the Review Board concludes that an allegation should be sustained, it makes a disciplinary recommendation to the Chief of Police who has final authority to impose (or not impose) discipline. IPR does not have the authority to decide whether an allegation should be sustained or what discipline to impose.

Timeliness in this stage of case handling continued to be an issue in 2005 and 2006. Commanders and managers improved timeliness in making their recommendations in 2006. However, the new Review Board process appeared to have taken longer in 2006 and the overall timeliness in completing this stage of case handling dropped considerably in 2006. This may be attributed, in part, to the number of officer-involved shooting cases heard under the new Review Board process.





## APPEALS AND PROTESTS

Citizens have a right to request an appeal to the CRC if PPB does not sustain a fully investigated allegation; citizens may not appeal complaints that are not fully investigated, including IPR dismissals, IAD declinations, service complaints, and mediations. Officers may request an appeal if PPB sustains a fully investigated citizen allegation.

IPR received five appeal requests during 2005. Of these, one was withdrawn by the citizen who requested to mediate in lieu of an appeal. Another one was filed by a police officer over an internal personnel matter and was denied by the IPR Director because IPR and CRC have no jurisdiction when there is no misconduct complaint and investigation. Three appeals were referred to CRC in 2005. In 2006, three citizens requested appeals and these were referred to CRC. CRC appeals are discussed in Chapter 4.

Fifteen citizens who filed cases in 2005 (and who did not have a right to appeal) expressed their objections to the way IPR or IAD handled their complaints. Their objections were recorded and considered but neither IPR nor IAD changed a decision in response to a protest. Eighteen citizens, who filed cases in 2006, also protested the way IPR or IAD handled their case. Twenty-seven of the cases were dismissed by IPR or IAD declined to investigate the cases; five were handled as service complaints; and in one case, the complaint was fully investigated but the citizen complainant remained unhappy that no enforcement action was taken against another citizen.

## TORT CLAIM NOTICES AND CIVIL LAWSUITS

### CIVIL CLAIMS

At the Auditor's request in 2005, the City Council authorized IPR to initiate complaint proceedings based on allegations in tort claims and civil suits (collectively referred to as civil claims), whether or not the claimants had filed separate complaints with IPR. Specifically, Council directed IPR "to develop procedures for handling complaints and appeals involving matters in litigation or where a notice of tort claim has been filed." Prior to Council's action, city code prohibited IPR from pursuing misconduct proceedings in matters under litigation.

IPR decided to review all civil claims filed on or after January 1, 2005, in order to collect data and develop experience before formalizing final procedures in an administrative rule (See, *PSF-5.24 - Independent Police Review - Review of Tort Claims and Civil Complaints Alleging Tortious Conduct by Portland Police Officers, adopted December 7, 2007*).

IPR reviewed 508 civil claims in 2005 and 2006, opening 100 complaint files for formal intake investigation and screening—using the same general case-handling criteria as citizen complaints filed directly with IPR

By the end of 2006, IPR noted several trends:

- Only about 10% of the civil claimants filed citizen complaints with IPR. If a citizen complaint was already open, IPR added the information from the civil claim to the citizen complaint file but did not open a new file for the civil claim.
- Most tort claim notices did not allege police misconduct—they were requests to be reimbursed for property damage caused by lawful police activity. Examples include claims to repair doors damaged during the execution of search warrants, claims for lost (not stolen) property, and claims arising from auto accidents. In October 2006, IPR stopped reviewing auto accident claims because none of the claims in the previous year-and-a-half alleged misconduct and because such accidents are closely monitored by PPB’s Collision Review Board.
- Most tort claim notices did not result in the filing of lawsuits. Unless they filed a lawsuit, most of the claimants were *not* represented by attorneys.
- Some lawyers who represented civil claimants gave IPR permission to interview their clients; most did not. Many did not even respond to IPR’s written request for permission to interview their clients or submit a statement on behalf of their clients. IPR cannot interview a represented client without the lawyer’s express permission.
- IPR referred 24 cases to IAD. Nineteen of the claimants were represented by attorneys, nine of whom permitted interviews.
- IPR’s referral of civil claims to IAD helped PPB identify and address policy and training requirements in three areas. First, a combination of regular complaints and civil claims demonstrated that some officers misunderstood their legal authority to enter private residences to make warrantless arrests. PPB and the City Attorney’s Office acted quickly to produce a training video for mandatory viewing at all patrol briefings. Also, a civil claim raised questions about whether some officers understood the directive prohibiting them from helping landlords to evict tenants. Although the allegations were not sustained, PPB debriefed the officers on the requirements of the directive. Finally, a civil claim identified a broadly misunderstood statutory requirement to inform arrestees of the reason they are being arrested. After considerable discussion among PPB, the City Attorney, and the District Attorney, PPB agreed with IPR’s understanding of the statute and debriefed the officers on its requirements.

<b>Action/Outcome</b>	
Tort claims & civil lawsuits reviewed by IPR	508
IPR case files opened	100
Dismissed by IPR after preliminary investigation	76
<b>Referred to IAD</b>	<b>24</b>
Declined and closed by IAD	12
Still pending completion of investigation or findings	1
Assigned as service complaint	1
Investigation completed with sustained finding	2
Investigation completed with non-sustained findings	4
Investigation completed with non-sustained findings with	4

## CHAPTER 3

### PORTLAND POLICE BUREAU

## MANAGEMENT OF OFFICER CONDUCT

The citizen complaint process, for which Independent Police Review (IPR) is responsible, is one of several ways to manage officer conduct within Portland Police Bureau (PPB or Bureau). The Bureau also manages officer conduct in other ways. IPR reports on these other PPB programs but does not exercise authority over them.

### BUREAU-INITIATED COMPLAINTS

*Bureau-initiated complaints* are initiated internally by PPB employees or externally by other government agencies. IPR does not have authority to investigate bureau-initiated complaints but these are tracked in IPR's database. IPR also reviews Internal Affairs Division (IAD) investigations and attends related Performance Review Board hearings.

Although the number of complaints (22) initiated by the Bureau in 2006 was the smallest in five years, it is probably too soon to declare a downward trend because the number of bureau-initiated complaints has always been relatively small.

**Table 3.1**  
Bureau-Initiated Complaint Allegations Reported by Category

Allegation Category	2002		2003		2004		2005		2006	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Conduct	37	73%	89	74%	53	64%	73	77%	39	76%
Control Technique	0	0%	0	0%	0	0%	1	1%	0	0%
Courtesy	5	10%	11	9%	5	6%	4	4%	2	4%
Disparate Treatment	0	0%	3	3%	3	4%	4	4%	0	0%
Force	1	2%	2	2%	8	10%	5	5%	8	16%
Procedure	8	16%	15	13%	14	17%	8	8%	2	4%
<b>Total Allegations</b>	<b>51</b>		<b>120</b>		<b>83</b>		<b>95</b>		<b>51</b>	
<b>Complaints Received</b>	<b>23</b>		<b>41</b>		<b>37</b>		<b>30</b>		<b>22</b>	

On average, the Bureau sustained one or more allegations in more than 75% of the bureau-initiated investigations completed between 2002 and 2006.

**Table 3.2**  
Completed Full Investigations of Bureau-Initiated Complaints with Findings by Year

Completed Investigations	2002		2003		2004		2005		2006	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
All Non-sustained Findings	1	17%	5	24%	5	19%	3	23%	8	35%
One or More Sustained Findings	5	83%	16	76%	21	81%	10	77%	15	65%
<b>Total</b>	<b>6</b>		<b>21</b>		<b>26</b>		<b>13</b>		<b>23</b>	

In 2005 and 2006, the Bureau sustained 43% and 40%, respectively, of the *individual allegations* in bureau-initiated complaints. It did not, however, sustain any of the nine bureau-initiated force allegations.

**Table 3.3**  
**Findings on Allegations in Bureau-initiated Complaints Closed in 2005-2006**

Detailed Allegations	2005			2006		
	Not Sustained	Sustained	Total	Not Sustained	Sustained	Total
Conduct - Other	2	0	2	2	10	12
Unsatisfactory Work Performance	7	1	8	1	9	10
Unprofessional Behavior	3	2	5	5	5	10
Rude Behavior or Language	2	3	5	2	4	6
Profanity or Profane Gesture	0	2	2	2	2	4
Failed to Take Appropriate Action	5	0	5	0	2	2
Untruthfulness	1	3	4	6	1	7
Unjustified Behavior	0	0	0	3	1	4
Demaining Behavior or Language	1	0	1	2	1	3
Harassment	0	0	0	2	1	3
Failure to Follow Orders	0	1	1	0	1	1
Domestic Violence	0	0	0	0	1	1
Possession of Drugs	0	0	0	0	1	1
Retaliation	2	0	2	8	0	8
Intimidation	0	1	1	6	0	6
Excessive Force	5	0	5	4	0	4
Selective Enforcement	0	1	1	3	0	3
Inappropriate Sexual Conduct	2	3	5	2	0	2
Inappropriate Off-duty Behavior	0	2	2	2	0	2
Discrimination Based on Gender	0	0	0	2	0	2
Theft	0	0	0	2	0	2
Failed to Follow Investigation Procedures	1	0	1	1	0	1
Discrimination-Other	0	0	0	1	0	1
Failed to File an Accurate Police Report	0	0	0	1	0	1
Unauthorized Use of LEADS	0	0	0	1	0	1
Procedure - Other	0	0	0	1	0	1
Did Not Conform to Laws	0	2	2	0	0	0
Failed to Follow Traffic Law	0	1	1	0	0	0
Failed to Provide Accurate or Timely Information	0	1	1	0	0	0
Improper Disclosure of Information	0	1	1	0	0	0
Mishandled Property	0	1	1	0	0	0
Used Other Discriminatory Epithets	0	1	1	0	0	0
Discrimination Based on Sexual Orientation	1	0	1	0	0	0
Failed to Act Properly	1	0	1	0	0	0
Failure to Write or File a Police Report	1	0	1	0	0	0
<b>Total</b>	<b>34</b>	<b>26</b>	<b>60</b>	<b>59</b>	<b>39</b>	<b>98</b>
<b>Percent</b>	<b>57%</b>	<b>43%</b>		<b>60%</b>	<b>40%</b>	

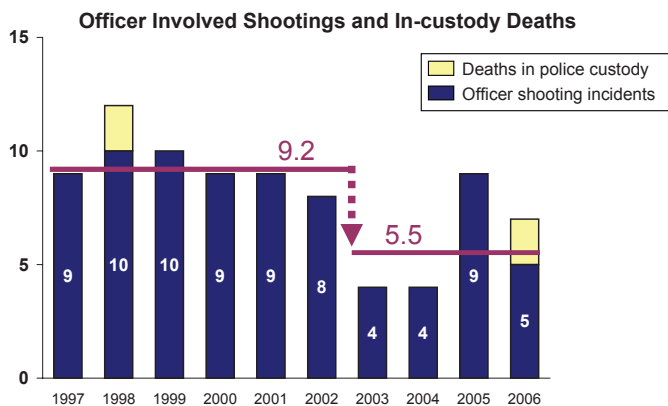


Figure 3.1

## SHOOTINGS AND IN-CUSTODY DEATHS

Since the last annual report, PPB made significant changes in how it trains, supervises, investigates, and analyzes officer-involved shootings and in-custody deaths. Many of the changes were based on recommendations made in 2003 by the Police Assessment Resource Center (PARC), a consulting firm hired by IPR to review PPB's handling of officer-involved shootings and in-custody deaths. As the changes took effect, the number of shootings and in-custody deaths declined.



One of the changes was the creation of a *Use of Force Review Board (UFRB)*. In July 2005, PPB established a nine-member UFRB to review all officer-involved shootings, in-custody deaths, and uses of force that cause serious injury requiring hospitalization. The UFRB has significantly improved the Bureau's ability to *analyze and learn* from significant force incidents, to hold officers *accountable* for policy and training violations, and to *change* policies and training based on lessons learned.

The new PPB directive included the following noteworthy features:

- Placed two citizens with voting rights on UFRB;
- Authorized IPR to attend UFRB presentations;
- Required IAD, in cooperation with the Training Division, to review every officer-involved shooting for compliance with PPB policies and procedures, and, if directed by the Chief's Office, to review in-custody deaths and uses of force that cause serious injuries; and
- Required the Training Division to prepare a written analysis of the tactics, policies, equipment, and training involved in every officer-involved shooting and in-custody death.

An incident is classified as an officer-involved shooting when an officer intentionally or accidentally discharges a firearm in the course of law enforcement activities, whether or not a person is wounded or killed. PPB initiated investigations in 14 officer-involved shootings and two in-custody deaths that occurred in 2005 and 2006.

Out of these 16 incidents, 12 have been reviewed. In five of the cases, the officers were fully exonerated. In two cases, the officers were exonerated but debriefed. In five others, one or more allegations against one or more officers involved were sustained.

	2005	2006
Shooting - fatal	5	3
Shooting - injury	1	1
Shooting - non-injury	3 *	1
In-custody death	0	2
<b>Total</b>	<b>9</b>	<b>7</b>

\* Two were accidental discharges.

## USE OF NON-LETHAL FORCE

In November 2006, IPR and PPB convened the *Force Task Force* to make recommendations to the Chief of Police for managing the use of non-lethal physical force and reducing the number of citizen complaints about force. The task force consisted of two CRC members, the IPR Director and Assistant Director, two assistant chiefs, the Training Division Captain, and two sergeants (Training and Professional Standards).

With the assistance of an independent analyst hired by IPR, the task force:

- Analyzed more than 4,500 use-of-force reports filed by individual officers in the previous two years;
- Identified significant patterns in the use of force (e.g., how, when, where, or why);
- Compared Portland data with the limited amount of comparable data available from other jurisdictions; and
- Compared PPB's force policies and training curricula with policies, standards, and curricula from other jurisdictions and organizations.

The task force forwarded 16 recommendations to the Chief of Police. In summary, the recommendations were:

- Collect better data on the use of force and analyze it (at least annually);
- Revise the policy directives on the use of force;
- When managers review misconduct investigations, consider all of the requirements of policy directives, including whether the officer's actions recklessly created a need for force and whether the amount of force was proper;
- As soon as possible, conduct supervisory reviews of officers who use force in more than 15% of their arrests or whose force-to-arrest ratio exceeds three times that of their shift/relief average;
- Debrief officers in all citizen-initiated and bureau-initiated force complaints that do not result in formal discipline;
- Require semi-annual performance discussions with officers that include a review of use of force incidents; and
- Attempt to reduce forcible encounters by broadening the strategies used to control street-level disorder and drug dealing.

The Chief accepted the recommendations and took immediate steps to begin implementing them. IPR will report on PPB's implementation progress in the next annual report.

The entire task force report, with background data and recommendations, is posted on IPR's public website at [www.portlandonline.com/auditor/ipr](http://www.portlandonline.com/auditor/ipr) (under the homepage link to *IPR and CRC reports*). The report is titled, *Use of Force by the Portland Police Bureau: Analysis and Recommendations, Spring 2007*.

## **PERFORMANCE REVIEW BOARD**

In July 2005, PPB established the Performance Review Board (PRB) to review investigations of citizen-initiated and bureau-initiated complaints in which:

- The Precinct Commander or Manager recommends a sustained finding and discipline equal to or greater than suspension without pay;
- The Branch Chief controverts the recommended finding; and
- IAD or IPR requests reconsideration of a recommended finding.

PRB has five members with voting rights, including one citizen member and one officer with comparable rank to the officer being reviewed.

In addition to making recommendations to the Chief for findings and discipline, PRB may make comments on the completeness of the investigation and suggestions for changes in training and policy.

## EMPLOYEE INFORMATION SYSTEM

PPB has made significant progress toward achieving the recommendations of the Auditor, IPR, CRC, and PARC to develop an *early warning* or *early intervention* program.

Research shows that computerized employee tracking systems, linked to early intervention programs, are effective ways for law enforcement organizations to manage employee performance, support officer career development, and reduce misconduct.

PPB's new *Employee Information System (EIS)* is a desktop-based tracking system that allows supervisors to monitor and compare 18 performance indicators for officers under their supervision. Officers may review their personal data on EIS to verify its accuracy to improve their own performance. EIS collects information from databases inside and outside the Bureau, including databases maintained by IPR, Risk Management, the state courts, and the District Attorney. EIS displays the following performance indicators:

EIS Performance Indicators	
Arrests by officer	Calls for service assigned to officer
Tort claims against officer	Commendations
IPR complaints against officer	Use of force reported by officer
Employee leave	Extra employment
Field contact reports by officer	Investigative cases handled by officer
Leave summary	Cases declined by District Attorney
Overtime	Traffic accidents
Training	Officer exposure to traumatic incidents
Missed court appearances	Work hour summary

PPB completed the initial version of EIS, known as Phase I, at the end of 2006, and has since installed it for testing on sergeants' desktop computers in all the precincts. PPB has executed a contract to complete a Phase II version by June 1, 2008.

As a practical matter, this is the first time that supervisors and managers have had useful access to most of this information about their officers. Previously they were deterred by the sheer logistical difficulty of trying to obtain the information from many different sources at different geographical locations. Even in Phase I, EIS represents an important breakthrough in PPB's ability to manage its officers.

IPR is pleased to note that management teams in the precincts already are using EIS to facilitate the reviews of officers' uses of force as recommended by the Force Task Force discussed above.

In addition to fixing technical bugs identified by users during Phase I testing, Phase II will add the following capabilities:

- Threshold Alerts**  
 EIS will provide automated alerts to supervisors if an officer's performance crosses certain thresholds. For example, an alert might be triggered when IPR receives a certain number of citizen complaints within a specified period of time. PPB will select the alert thresholds during Phase II.
- Supervisor Review**  
 EIS will document supervisory reviews of threshold alerts, guide supervisors through the employee evaluation process, and communicate recommendations through the chain of command.

- **Performance Discussions**  
EIS will encourage and enable supervisors to have informal performance discussions with their officers. EIS will permit supervisors to document the occurrence but not the substance of the discussions.
- **Case Management**  
EIS will permit supervisors and managers to track the assignment, timeliness, and follow-up of evaluations and employee support.
- **Management and Audit**  
EIS will provide reporting features to permit managers to monitor threshold alerts and supervisory responses.
- **Domestic Violence Tracking**  
EIS will alert the EIS Coordinator about officer-involved domestic violence incidents. The EIS Coordinator will notify the officer's commander or manager who may initiate an intervention or employee behavioral review (EBR).

So far, so good, but more is needed. To achieve the full potential of EIS, PPB should take the following additional actions:

- **Supervisory Training**  
Sergeants need training, not just about using the computer system, but also about coaching and managing performance. EIS can supply useful information but it takes a well-trained supervisor to use it well.
- **Resources**  
Sergeants need time in their schedules to be good supervisors. They also need the proper resources for officers who need professional assistance or intervention. PPB should affirmatively acknowledge the requirements, and plan and budget accordingly.
- **Accountability and Transparency**  
PPB needs to hold its commanders, managers, and supervisors accountable for using EIS to manage and counsel effectively. PPB should also issue periodic public reports about its efforts and achievements in improving personnel performance and reducing misconduct, including the role of EIS.
- **EIS Advisory Committee**  
PPB should convene the EIS Advisory Committee at least semi-annually. The committee includes two CRC members and the IPR Director.

## **OFFICERS WITH MULTIPLE COMPLAINTS**

Each year a few officers receive notably more complaints than others, but not the same officers year after year. Between 2003 and 2006, 16 different officers appeared once among the top five complaint-receivers. Among the four officers who appeared twice during that period, each received fewer complaints in the year of their second appearance. No officer appeared more than twice.

Fewer officers are generating high numbers of complaints. In 2003, 44 officers received five or more complaints, with three officers in double-digits. In 2006, 25 officers received five or more complaints and none received more than eight.

The most complaint-prone officers also are generating fewer complaints. In 2003, the top five officers generated 52 complaints, an average of more than 10 per officer. In 2006, a new group of top five officers generated 38 complaints.

Officer A received 14 complaints in 2003 and eight in 2004. After receiving extra training, Officer A dropped out of the top 10 in 2005 and 2006. Officer B received 11 complaints in 2005 and eight in 2006, before receiving peer mentoring. Preliminary results for 2007 suggest that Officer B has dropped out of the top 10 list of complaint-prone officers.

Table 3.5 reports the number of complaints of all types filed per sworn or non-sworn employee from 2002 through 2006.

Number of Complaints	Number of Employees per Year				
	2002	2003	2004	2005	2006
10+	1	3	2	1	0
9	0	2	1	0	0
8	0	3	3	3	3
7	4	2	8	3	3
6	2	11	8	8	7
5	6	23	14	22	12
4	7	34	41	41	31
3	44	57	69	86	60
2	112	143	135	116	103
1	300	284	286	253	259
<b>Total</b>	<b>476</b>	<b>562</b>	<b>567</b>	<b>533</b>	<b>478</b>

\* All Complaints including: Bureau-Initiated, Citizen-Initiated, and Tort Claims

Number of Force Complaints	Number of Employees				
	2002	2003	2004	2005	2006
8	0	0	1	0	0
7	0	0	0	0	0
6	0	0	0	0	0
5	1	2	0	1	0
4	1	1	1	1	0
3	3	5	7	1	2
2	18	14	21	14	20
1	101	99	100	104	85
<b>Total</b>	<b>124</b>	<b>121</b>	<b>130</b>	<b>121</b>	<b>107</b>

The number of force complaints declined sharply in 2006; so did the number of officers receiving three or more force complaints.

	2005	2006
Terminated	1	1
Suspended without pay		
600 Hours	1	0
300 Hours	0	0
150 Hours	1	0
100 Hours	0	0
80 Hours	0	0
60 Hours	2	0
50 Hours	0	0
40 Hours	1	1
30 Hours	2	0
20 Hours	1	2
10 Hours	0	3
8 Hours	0	0
Letter of Reprimand	6	12
Command Counseling	2	14
<b>Total</b>	<b>17</b>	<b>33</b>

## DISCIPLINE

Table 3.7 reports the number of officers who received formal discipline or command counseling as a consequence of sustained findings in citizen-initiated, bureau-initiated, and tort-initiated misconduct investigations.

Several officers resigned or retired while criminal or misconduct allegations were pending against them. Occasionally, officers are explicitly required to resign by criminal plea agreements. In most cases, however, officers do not explain the reasons for their resignations or retirements. In some cases, an officer's resignation or retirement may have no relation to a pending complaint or discipline.

Six of the 11 resignations or retirements reported below were submitted by the officers after recommended sustained findings; three were the result of criminal plea agreements. Two officers with more than 20 years on the force retired while relatively minor complaints were pending against them.

**Table 3.8**  
**Resignations and Retirements While Complaint or Investigation Pending**

	<b>2005</b>	<b>2006</b>
Number of PPB Employees	3	8

## CHAPTER 4

# CITIZEN REVIEW COMMITTEE

## INTRODUCTION

The Citizen Review Committee (CRC) was created by the Portland City Council in 2001. This component of Portland's police oversight system is made up of nine citizen volunteers, appointed by Council, who serve two-year terms. Members of CRC as a whole, as well as individually, are very busy citizen volunteers who perform many duties including:

- Attending orientations, trainings, Portland Police Bureau's (PPB or Bureau) Citizen Academy, goal-setting retreats, going on ride-alongs with police officers, etc.
- Preparing for and holding appeal hearings;
- Participating in public outreach with the Independent Police Review (IPR) to increase awareness of the police oversight process;
- Gathering community comments or concerns about police services;
- Meeting with the Mayor and City Commissioners regarding CRC activities;
- Assisting with new CRC member recruitments including selection and interview processes.
- Participating in sub-committees (known as *workgroups*) to gather community information, recommend policy changes, or advise on operational issues;
- Helping the IPR Director develop policy recommendations to address patterns in citizen complaints;
- Reviewing citizen complaint case files and advising the IPR Director of methods for handling complaints; and
- Participating on other advisory boards such as the Police Bureau's Employee Information System (EIS) development, Use of Force Review Board, and Performance Review Board, as well as the Mayor's Committee on Racial Profiling.



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

### **CRC MEMBERS WHO SERVED DURING 2005-2006**

Although terms are two years each, there is no limit to the number of terms a CRC member may serve. In fact, some members have been on CRC since 2001. Also, some members resign during their term and are replaced midterm. The following members served on CRC during the 2005-2006 reporting period:



*From left to right: Sherrelle Owens and Josephine Cooper*



*From left to right: Lewellyn Robison, Irene Remi-Lekun Ogouma, Hank Miggins, and Marcella Red Thunder*

**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 began her professional career working for then-Congressman Ron Wyden and Governor Barbara Roberts. Ms. Baldwin has also served on the Board of Directors of Q Center—the Lesbian, Gay, Bisexual, and Transgender (LGBT) Community Center; served as Secretary of the National Association of LGBT Community Centers; and served on the California Attorney General’s Commission on Hate Crimes.

**Served from July 2004—March 2006**



**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 BA in Psychology. He also volunteers with low income housing residents, the homeless community, special needs individuals, and drug treatment programs. He is a member in the Audubon Society and Sierra Club.

**Appointed February 2005**

**Josephine Cooper** was a graduate student in the Conflict Resolution Program at Portland State University when appointed to CRC and has since earned her Masters Degree. She has been a volunteer mediator in the Victim-Offender Mediation Program for juvenile offenders in Clackamas County and worked in public and private housing industries, particularly in programs for persons with special needs. Ms. Cooper has a Certificate in Biomedical Ethics, with a focus on public policy in mental health and chemical dependency. She is a member of the American Society for Bioethics and the Humanities (ASBH), where she presented a paper at the national convention in Washington, D.C., in October 2005.

**Appointed November 2006**

**Loren Eriksson** retired after 25 years of service as a Portland firefighter and volunteers his time and resources to help the Portland community. He is a member of the Portland Police Bureau's Use of Force and Performance Review Boards and serves on the (EIS) Advisory Committee.

**Appointed December 2003**

**Teresa Keeney** was attending Portland State University (PSU) when appointed to CRC, working on a Bachelor's Degree in Criminology and Criminal Justice with a minor in Native Studies. She is a member of the Chickasaw Nation and has done volunteer work through the PSU Native American Student and Community Center. She assists elders at Native American luncheons, pow-wow set ups, and salmon bakes.

**Served from February 2006—July 2006**

**Hank Miggins** has an extensive background with experience managing diverse personnel. He was a City Manager for the City of Spokane and is currently a mortgage broker. Mr. Miggins has held positions with Multnomah County: Animal Control Director, Deputy County Auditor, and Interim Chair of the County Commission. He is a member and serves on the Board of Directors for the American Civil Liberties Union (ACLU) of Oregon and the Center for Airway Science. He is a former member of civic organizations that include the Oregon Assembly for Black Affairs, Project Pooch (a rehabilitation program pairing dogs with incarcerated youth), and the Mainstream Youth Program, Inc.

**Appointed October 2001**

**Irene Remi-Lekun Ogouma** was a Project Management Consultant from the Republic of Benin and also worked for the United Nations Department of Peace Keeping Operations, the International Small Arms Reduction Program and the High Commission for Refugees in various countries in Africa, South East Asia and Canada. She has a Master of Science in Project Management from the University of Quebec at Montreal and has been actively involved in community volunteer efforts, including her neighborhood association and the African Women's Coalition.

**Served from February 2006—July 2007**

**Sherelle Owens** is a social worker with the Multnomah County Developmental Disabilities program. She also works as a Mental Health therapist and has been a Corrections Counselor. Ms. Owens has a Masters degree in Social Work and a Bachelor's Degree in Psychology, both from Portland State University. She is a Board Director for the Portland Rose Festival Association.

**Appointed November 2006**

**Marcella Red Thunder** is an auto mechanic with a degree in Automotive Technology. She was born and raised in Portland, and is actively involved in her neighborhood. Ms. Red Thunder has also participated in a variety of other organizations and causes including the Association of Women in Automotive, the Native American Youth Association and projects to raise money for schools.

**Served from February 2005—February 2007 and July 2007—November 2007**

**Lewellyn Robison** is a retired Port Director for the US Customs Service who volunteers with the Multnomah Country Library and her home owner's association.

**Appointed December 2003**

**Jerry Spegman** was 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 also was an administrative hearings officer for cases involving special education, vocational rehabilitation, and state disability benefits. His volunteer experience also includes serving on the Board of Directors for Portland Metro Residential Services, serving developmentally disabled adults, and the Multnomah County Citizens Task Force on Smoke-free Workplaces.

**Served from February 2005—February 2006**

**Robert Ueland** is a real estate broker whose community involvement includes serving as president and board member for the Hollywood Neighborhood Association, the Central Northeast Coalition of Neighbors, Ride Connection, and the Police Budget Advisory Committee. Mr. Ueland was named Multnomah County Volunteer of the Year in 2002.

**Served from October 2001—December 2007**

**Irma Valdez** worked as an Assistant U.S. Attorney in Washington, D.C., and as an Assistant Corporation Counsel in Chicago, Illinois. She has also been a trial lawyer, a foreign language instructor, and a professional interviewer and investigator. 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 was an advisory board member at Brown University.

**Served from December 2003—July 2005**

## APPEAL HEARINGS

Citizen complainants may request an appeal if the Bureau does not sustain an allegation after a full investigation. Officers may request an appeal of a sustained finding. Appeals are filed with IPR and forwarded to CRC. In 2005-2006, CRC considered appeal requests and provided pre-hearings or full hearings for six new appeals and one appeal carried over from 2004



*CRC (North neighborhood) public appeal hearing at the Port of Portland in 2006*

### 2004-X-0007

The appellant and her companion were arrested for interfering with police officers at a traffic stop. The appellant accused officers of abusing their authority, using excessive force and falsely arresting her and her companion. After the pre-hearing and full hearing, CRC's decision was to accept the Bureau's original findings regarding violations of courtesy, procedure, force, and conduct.

### 2005-X-0003

The appellant made numerous allegations against a PPB detective, including excessive force, use of profanity, and threats to shoot the appellant's ex-boyfriend. The CRC voted to recommend changing one finding from unfounded to insufficient evidence, and another finding from insufficient evidence to sustained. The Bureau agreed to change both findings as recommended by CRC, but also changed the category of the sustained finding from conduct to courtesy. In a subsequent conference hearing, CRC accepted the Bureau's changes.

### 2005-X-0004

The appellant alleged that officers falsely arrested him. CRC denied the appeal after the appellant failed to appear for his full hearing.

### 2005-X-0005

The appellant alleged officers used excessive force in restraining him and failed to document several items of his property that were missing when he was released from the detoxification center. After a pre-hearing, CRC declined to set the case for a full hearing.



*CRC (Southwest neighborhood)  
public appeal hearing at the  
Multnomah Center in 2006*

#### 2006-X-0001

Officers were dispatched on reported narcotics activity. The officers made contact with the appellant; he alleged that he was stopped and searched without cause and the officers used excessive force in arresting him. CRC requested additional investigation but then rejected the appeal after the citizen failed to cooperate with the additional investigation.

#### 2006-X-0002

Officers responded to a fight in an area near a nightclub. The appellant alleged an officer used excessive force, knocked his video camera to the ground, and unlawfully seized the camera and its contents. Neither the appellant nor the officer appeared at the pre-hearing and CRC declined to set the case for a full hearing.

#### 2006-X-0003

Officers were working a TriMet fare mission when a PPB officer had an encounter with the appellant. The appellant was cited for harassment, resisting arrest, and offensive physical contact; and taken to a detoxification center. He alleged his wallet was illegally searched and officers used excessive force in arresting him. The case received a full hearing and the Bureau agreed to change two findings as recommended by CRC. The finding on the allegation that the officers used in excessive force by twisting and bending the appellant's wrist and taking him to the grounds was changed from exonerated to insufficient evidence. A debriefing was added to the exoneration of the allegation that the officers stomped on and kicked the appellant.

### **CRC OUTREACH**

In an effort to improve transparency and accessibility to the public CRC began holding its public meetings every other month in various community locations. For example, CRC meetings were held in Portland areas at:

- Human Solutions (East),
- Albina Youth Opportunity School (North-Northeast),
- Multnomah Center (Southwest), and
- Port of Portland Building (Northwest).

CRC also invited speakers to address CRC and the community at these meetings. Invited guest speakers included:

- Mr. Roy Jay, of the African American Chamber of Commerce, discussed Project Clean Slate, a nationally acclaimed program that offers participants the opportunity to clear their criminal record, renew their licenses, clear outstanding warrants, and reorganize their defaulted child support.
- Ms. Samantha Kennedy, of Project Access, discussed her program's efforts to link persons caught in the criminal justice cycle with social service agencies that provide housing, medical and mental health care, and substance abuse treatment.
- Mr. Jay Auslander, of Project Respond, a Cascadia Mental Health crisis intervention program, discussed his agency's experience with police response to persons with mental health issues.
- Ms. Monica Goracke, of the Oregon Law Center, discussed homeless issues and homeless persons' interaction with the police.
- Mr. Jason Dahl and Ms. Shauna Curphey, of the Northwest Constitutional Rights Center, discussed the history and mission of their organization and their organization's recommendations for police accountability in Portland.
- Mr. David Fidanque, Executive Director of the American Civil Liberties Union of Oregon, discussed the importance of oversight agencies addressing policy issues.

CRC also used the *IPR Quarterly* as a community outreach tool. The *IPR Quarterly* is published by IPR staff, and CRC members contribute information to this publication including workgroup activities, mission statements, and upcoming meetings. This quarterly report provides statistics and samples of complaints received, mediated, and closed. Updates on IPR and CRC activities and workgroup projects, as well as relevant Portland Police Bureau and community news items are also included in the quarterly reports.

Additionally, several CRC members assisted IPR with the annual CRC recruitments. Being involved with the selection process keeps CRC members in touch with people who are just as enthusiastic about volunteering their time to improve police services.

## **CRC WORKGROUPS**

### **RETREAT FOLLOW-UP WORKGROUP**

In 2005, IPR staff and CRC members attended an all-day retreat to set goals for the coming year. Strategies and action plans for attaining CRC's goals were identified by using the *Specific, Measurable, Agreed Upon, Realistic, and Time-and-Cost-bound (SMART)* goals technique.

Following the retreat, the Retreat Follow-up Workgroup recommended modifying one identified goal as follows: to reduce citizen dissatisfaction with the conduct of police officers. The full CRC adopted the proposed strategies to reach that goal:

- To recommend policy changes, as appropriate; and
- To identify and reduce aspects of the complaint process that lead to dissatisfaction with the conduct of police officers.

## POLICY WORKGROUP

The Policy Workgroup reviewed the previous *top ten* policy issues identified by CRC and recommended narrowing the list to the following three policies to review: Tow Policy, Protest Policy (including the use of pepper spray for crowd control), and Training Division Curriculum and Resources. Examples of other policy issues identified for future consideration were: identifying IPR processes, discipline, the Bureau's EIS, bias-based policing, recruiting and retention, use of force reports, use of the Thomas A. Swift's Electronic Rifle (TASER®), and securing premises of persons placed on mental health holds and/or providing for their clothing and transportation needs when released. The policy issues were presented to the full CRC and later discussed and revised at the next CRC retreat.

## APPEALS WORKGROUP

The Appeals Workgroup explored ways to enhance participant satisfaction with the appeals process. The workgroup reviewed CRC's Appeals Procedure Protocol (5.03) and presented the full CRC with a number of proposed procedures including:

- Moving the pre-hearings and hearings to the beginning of the meeting agenda;
- Configuring the meeting room to create a less confusing environment to participants about the roles of the various people and groups in attendance;
- Eliminating the appeals pre-hearing; and
- Taking time during the pre-hearings and hearings to ensure that the appellants and officers fully understand the procedures.

The latter suggestion resulted in a new protocol: IPR/CRC Appeal Process Advisor (5.20). An Appeal Process Advisor is now offered to all parties and can give general guidance to the appellants or officers before and during pre-hearings and hearings. This protocol can be found at <http://www.portlandonline.com/auditor/index.cfm?c=27455&a=73558>.

## COMMUNITY ADVISORY COUNCIL WORKGROUP

The mission of the Community Advisory Council (CAC) Workgroup was to encourage public involvement in civilian oversight of the Portland Police Bureau by providing a means of communication among the greater Portland community, CRC, and IPR. The workgroup developed a diverse and comprehensive list of community organizations and advocates who would possibly have ideas, suggestions, and concerns about police services and citizen oversight. The full CRC became involved to ensure that as many contacts as possible were made. An extensive community list was created, letters were sent, and personal contacts made to leaders of many community-based groups and community organizations—inviting participation and sharing of information on police issues that CRC members were not being made aware of through regular CRC activities.

The full CRC's goal was to hear from community members who would consider membership in CAC's efforts. The first (and only) meeting in April 2006 resulted in no community groups or advocate volunteers choosing to become involved in this new CAC venture. Instead, it was suggested to CRC members that they attend Portland's multiple community meetings. The CAC workgroup concluded that a broader, more diverse range of interests existed in the community than could be completely represented solely by their CRC nine-member committee but that it could not establish an agenda that would meet the objectives set out in their existing mission statement. Subsequently, CAC concluded that if this project was to advance, the full CRC had to get involved; therefore, the CAC Workgroup completed its work.



*From left to right (facing front) at the CAC meeting: Robert Ueland, Auditor Gary Blackmer, Michael Bigham, IPR Director Leslie Stevens, Hank Miggins, Marcella Red Thunder, Loren Eriksson, and Lewellyn Robison*

## PROTOCOL WORKGROUP

This workgroup was formed to review CRC's internal protocols. The workgroup proposed changes for the CRC Election of Officers Protocol (5.22), the Process for Appointment and Re-appointment to CRC Protocol (5.06), and a clarification of the responsibilities of the Chair, Vice-chair, and Recorder to be determined and presented for the adoption of the protocol (5.22) within the early part of 2007.

Several other protocols were also reviewed for revisions (e.g., proposed and adopted changes in language, terminology clarification, and/or punctuation in the Mediation and Service Complaint Protocols). New protocols are developed as necessary. All CRC protocols can be found at <http://www.portlandonline.com/auditor/index.cfm?c=27455>.

## MEDIATION WORKGROUP

The Mediation Workgroup reviewed and analyzed a random sample of 45 IPR files of mediated complaints. The workgroup then submitted a report and recommendations to the full CRC. After discussion and public comment, CRC adopted the workgroup's recommendations for improving the mediation program. IPR adopted all of the workgroup recommendations and the IPR Mediation Program Protocol (5.09) was amended with the following:

- Remove restrictions on using mediation for use-of-force complaints;
- Re-assign duties of scheduling mediations to professional mediators;
- Delete process that re-advised the complainant about mediation after an officer had accepted mediation; and
- Add a paragraph relating to mediation in lieu of appeals of non-sustained findings.

The Mediation Workgroup Final Report can be found at <http://www.portlandonline.com/shared/cfm/image.cfm?id=147126>.

## TOW POLICY WORKGROUP

A Tow Policy Workgroup was created to focus on the Bureau's towing policies (affording greater discretion to officers in deciding whether or not to tow a vehicle). Two problem areas that the workgroup looked at were the towing of stolen vehicles and the lack of notice of appeal rights to drivers or owners when their vehicles are towed to the City of Portland's Asset Forfeiture lot. CRC members interviewed citizens who had been involved in a car tow and met with PPB's Traffic Division Commander and Planning and Support Manager to look at the current towing procedures. Preliminary recommendations were developed, with the goal of helping prevent or reduce tow-related complaints. This workgroup continued its work finalizing the recommendations for future presentation.

## BIAS-BASED POLICING WORKGROUP

The Bias-based Policing Workgroup was formed to review complaints of racial or other forms of bias in policing. The workgroup began developing its methodology, schedule, and final work product. Members began research and data collection.



## CHAPTER 5

# IPR OUTREACH, CITIZEN SATISFACTION, AND COMMENDATIONS

## COMMUNITY FEEDBACK

### NOTEWORTHY TRENDS

The Independent Police Review (IPR) continues to reach out to the community in an effort to increase satisfaction, accountability, and transparency. The Citywide Service Efforts and Accomplishments survey results for 2005 and 2006 indicate improvement in the public's confidence in the City of Portland's efforts to control misconduct. In 2006, only 22% of the respondents rated the City's efforts as bad or very bad. IPR's citizen complainant survey, however, continues to show decreased satisfaction among survey respondents. The response rate to IPR's citizen satisfaction survey continues to decline, raising questions about the validity of any inferences that might be drawn from the data.

### IPR OUTREACH EFFORTS

In an effort to increase transparency and provide timely information regarding IPR activities, IPR began producing quarterly reports in the Fall of 2005. The *IPR Quarterly* reports on IPR, Citizen Review Committee (CRC) and Portland Police Bureau (PPB or Bureau) activities, and provides case statistics samples. These quarterly reports are available in hardcopy, are posted on the IPR web site, and distributed via e-mail distribution lists.

IPR continued to stock complaint forms at several community locations throughout the City. In addition to English and Spanish, IPR added forms in Chinese, Korean, and Russian. An e-mail address and account was created for additional access to IPR and CRC.

During 2005 and 2006, the IPR Director and Outreach Coordinator met with a wide-range of Portland community groups including:

- Hispanic Chamber of Commerce
- Hispanic Ministries
- Korean Society of Oregon
- African American Community Advisory Council
- Sexual Minorities Roundtable
- Arab-Muslim Police Advisory Council

- Immigrant Mentor Program of Lutheran Social Services (a program primarily serving the Russian immigrant community)
- Sisters of the Road (a non profit community based organization dedicated to finding solutions to homelessness and poverty)
- League of Women Voters
- Portland Copwatch
- Northwest Constitutional Right Center
- Portland Police Bureau Citizen Police Academy
- Various Portland Neighborhood Associations

Outreach efforts were also aimed at PPB and included meetings with the Police Chiefs, Assistant Chiefs, Precinct Commanders, and other Bureau Managers. The Director made presentations at the Bureau’s Advanced Academies (for new PPB officers) and In-services (for current officers) and went on ride-alongs with officers.

Finally, the Director and Outreach Coordinator gave guest lectures on police oversight at Portland State University and Portland Night High School. They also met with representatives from around the world, as well as local media, regarding police oversight. The Director also attended and/or participated in panel discussions at annual meetings of national and international groups who are dedicated to promoting police oversight.

### CITY AUDITOR’S ANNUAL CITIZEN SURVEY

In 2005 and 2006, the City Auditor’s Office (Audit Services Division) conducted its 15<sup>th</sup> and 16<sup>th</sup> Annual Citizen Surveys. One question asked of citizens throughout Portland was how they rated the City’s efforts to control misconduct by Portland police officers. The results indicate an improvement as respondents giving the City favorable ratings increased from 35% in 2004 to 42% in 2006. By 2006, only 22% of the respondents rate the City’s efforts as *bad* or *very bad*. A large percentage of respondents answered *neither* (36% in 2006). A neighborhood breakdown is shown in Table 5.1. To obtain additional results from this survey, as well as information on the methodology, see *City of Portland Service Efforts and Accomplishments: 200-06* (available at [www.portlandonline.com/auditor/auditservices](http://www.portlandonline.com/auditor/auditservices)).

	SW	NW/ Downtown	North	Inner NE	Central NE	SE	East
Very Good	9.8%	9.8%	9.6%	7.2%	6.8%	8.4%	11.7%
Good	32.9%	33.9%	27.9%	28.2%	39.0%	30.6%	38.7%
Neither	35.2%	35.8%	40.8%	36.8%	36.2%	40.6%	29.7%
Bad	15.9%	13.7%	14.4%	19.3%	11.4%	13.9%	16.0%
Very Bad	6.2%	6.8%	7.2%	8.6%	6.6%	6.5%	4.0%
<b>Number</b>	<b>389</b>	<b>307</b>	<b>333</b>	<b>348</b>	<b>351</b>	<b>310</b>	<b>300</b>

These results may offer support to our concerns about the validity of results from the IPR complainant survey. The IPR respondents are self-selected from a complete census of

complainants. Those complainants are also a self-selected group who may not validly represent the general population of Portland citizens. The Service Efforts and Accomplishments Survey is one gauge of the popular opinion of Portlanders generally. Favorable responses regarding efforts to control police misconduct outnumbered non-favorable responses nearly two-to-one.

## IPR COMPLAINANT SURVEY

In an effort to gauge the satisfaction of community members who filed complaints against members of the Bureau, IPR conducts an ongoing survey of complainants. The goal of the survey is to track annual changes in complainant satisfaction with the complaint handling process, to identify areas where IPR can improve its delivery of services, to evaluate different case-handling methods, and to maintain a benchmark measure that is relevant in comparing IPR with similar offices.

## METHODOLOGY

In December 2001, IPR conducted a baseline survey of individuals who filed complaints through the pre-IPR complaint handling process. 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 Internal Affairs Division (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, surveys were resent to non-respondents a month later.

Since 2001, IPR has surveyed every complainant in a similar fashion. During 2002, surveys were mailed monthly to all unique complainants with an IPR case number that closed in the previous month. Surveys have been mailed quarterly since the beginning of 2003. Unlike the initial benchmark survey, follow-up survey efforts have not included pre-survey notifications or follow-up efforts to control for non-response bias.

## SURVEY INSTRUMENT

On the survey form, complainants are asked to respond to a series of questions designed to measure their satisfaction with the complaint process and outcomes. The five possible responses are *very satisfied*, *satisfied*, *neither satisfied nor dissatisfied*, *dissatisfied*, and *very dissatisfied*. In addition, complainants are asked about the characteristics of their complaint and their demographic information. At the end of the survey, space is provided for open-ended written comments concerning the strengths and weaknesses of the complaint process.

The survey instrument was developed in a cooperative effort between staff of 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 IPR to gauge:

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

## RESPONSE RATES

After dropping from 29% in 2002-2003 to 24% in 2004, the survey response rate worsened again in 2005 (to 19%). It was nearly as low in 2006 (20%; see Table 5.2). Published research literature suggests that low response rates are a common problem among complainant survey efforts. Examples include a 20% response rate in consecutive years in Cincinnati (Riley *et al.*, 2005), 21% in Minneapolis (Walker & Herbst, 1999), 24% in Pittsburgh (Davis *et al.*, 2002), and 26% in Great Britain (Waters & Brown, 2000).

	2001	2002	2003	2004	2005	2006
Number of Surveys Mailed	325	365	718	804	642	581
Number of Surveys Returned as Undeliverable	50	38	85	87	69	58
Number Completed and Returned	97	96	184	173	107	107
<b>Response Rate</b>	<b>35%</b>	<b>29%</b>	<b>29%</b>	<b>24%</b>	<b>19%</b>	<b>20%</b>

With such low response rates, results must be interpreted with caution. Without follow-up efforts, it is very difficult to determine the degree to which the approximately 20% of complainants who responded to the IPR survey in 2005-2006 are similar to (or different from) the 80% of complainants who did not respond. Comparably low response rates in Cincinnati, Ohio caused the RAND Corporation to drop a citizen survey out of its complaint system review methodology two years into a five-year contract. RAND concluded that without an improved response rate valid inferences could not reasonably be drawn from the data. IPR faces a similar decision going forward and significant challenges interpreting the 2005-2006 survey data.

## SURVEY RESPONDENTS

Respondents appear to differ slightly from the general complainant population. Demographic and case information supplied by IPR survey respondents was compared between years. The comparison indicated that survey respondents were significantly more likely to be women and to have completed some college. Respondents were also more likely to be between the ages of 35-54 and White/Caucasian. IPR received far fewer completed surveys from racial minorities in 2005 and 2006 (see Table 5.3). People whose cases were dismissed or declined were more likely to respond.

	2001	2002	2003	2004	2005	2006
<b>Gender</b>						
Female	44	33	80	84	49	44
Male	52	62	99	80	55	60
<b>Total</b>	<b>96</b>	<b>95</b>	<b>179</b>	<b>164</b>	<b>104</b>	<b>104</b>
<b>Race or Ethnicity</b>						
Black/African American	11	14	27	22	14	7
Hispanic/Latino	1	1	5	9	3	0
White/Caucasian	71	66	125	113	84	85
Native American	3	4	3	4	0	2
Asian	2	5	5	7	1	2
Other	3	4	3	0	1	4
<b>Total</b>	<b>91</b>	<b>94</b>	<b>168</b>	<b>155</b>	<b>103</b>	<b>100</b>
<b>Age</b>						
Under 18	1	0	3	1	1	1
18-24	5	12	16	13	5	5
25-34	26	23	45	22	21	19
35-44	26	25	47	51	29	26
45-54	21	18	34	44	24	32
55-64	11	9	26	22	14	17
65 and over	5	7	10	13	9	4
<b>Total</b>	<b>95</b>	<b>94</b>	<b>181</b>	<b>166</b>	<b>103</b>	<b>104</b>
<b>Education</b>						
Elementary School		0	0	4	1	0
Some High School		3	5	10	5	5
High School Graduate		18	16	24	16	13
Some College		41	74	65	34	39
College Graduate		32	82	61	47	48
<b>Total</b>		<b>94</b>	<b>177</b>	<b>164</b>	<b>103</b>	<b>105</b>

previous years, complainant/respondent differences were considered to be a result of missing data rather than an indication of a bias in the survey responses. Given the 2005-2006 results, IPR now questions whether self-selection and non-response bias exist in the survey data, and whether respondents are a valid representation of the population of complainants.

## FINDINGS AND ANALYSIS

Respondent answers to the questions measuring satisfaction are collapsed for statistical analysis. On questions where the respondent reported being very satisfied or satisfied, the answer was coded as satisfied. On questions where respondents reported being dissatisfied or very dissatisfied, responses were collapsed into the category dissatisfied.

Reported satisfaction with IPR intake interviews appears to have peaked in 2004. Results in 2005 and 2006 showed considerably lower satisfaction levels for investigators listening (Figure 5.1) and asking fair and thorough questions (Figure 5.2). Only 45% of survey respondents in 2006 reported being satisfied with how well the investigator listened to his or her description of what happened,

down from 64% in 2004. Forty-four percent of survey respondents in 2006 reported being satisfied with how fair and thorough the investigator’s questions were, down from 55% in 2004.

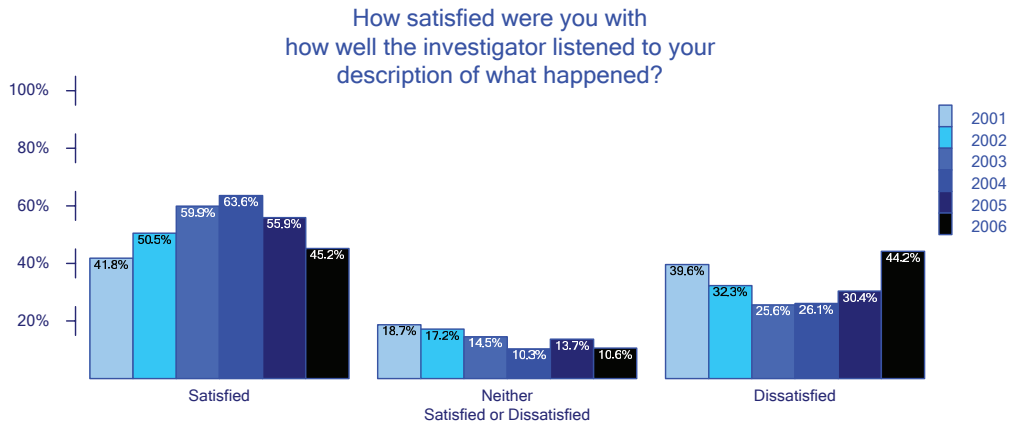


Figure 5.1

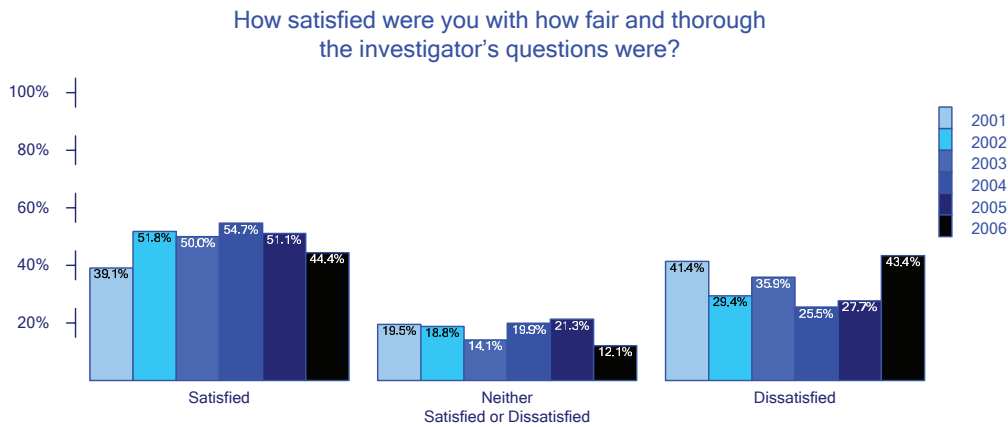


Figure 5.2

IPR has placed an increasing emphasis on communicating with complainants and explaining the complaint process. Interestingly, that emphasis did not translate into increased satisfaction among respondents. Only 41% of survey respondents in 2006 were satisfied with the explanations of how the complaint process works, down from 52% in 2004.

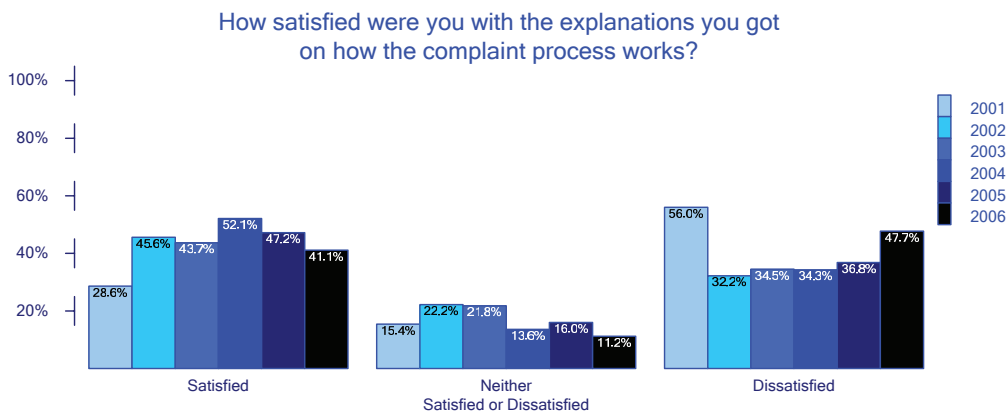


Figure 5.3

Less than 35% of survey respondents in 2005 and 2006 were satisfied with the explanations of how long the process takes, down from 49% in 2004 (Figure 5.4). Dissatisfaction was much higher in 2006 than 2005 (and 2004), with fewer *neither* ratings given.

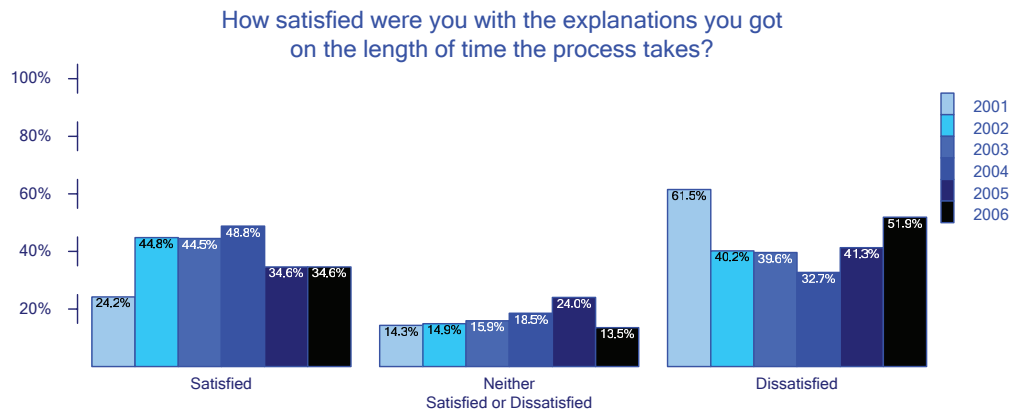


Figure 5.4

There was also a substantial decrease in the percentage of respondents satisfied with the information provided about what was happening with their complaints and contained in letters they received. Reported satisfaction with information on what was happening with complaints dropped below 30% in 2005 and 2006 after peaking at nearly 43% in 2004 (Figure 5.5). Similarly, reported satisfaction with the information contained in letters received dropped below 30% in 2006, down from a peak of 44% in 2004 (Figure 5.6).

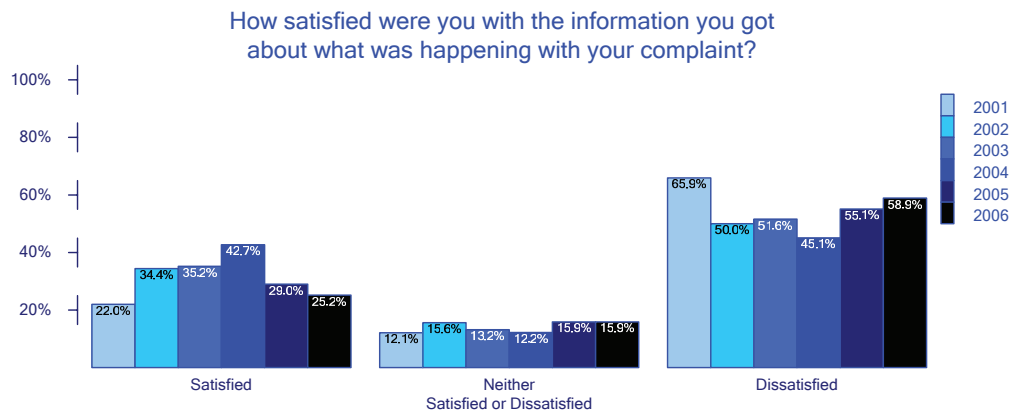


Figure 5.5

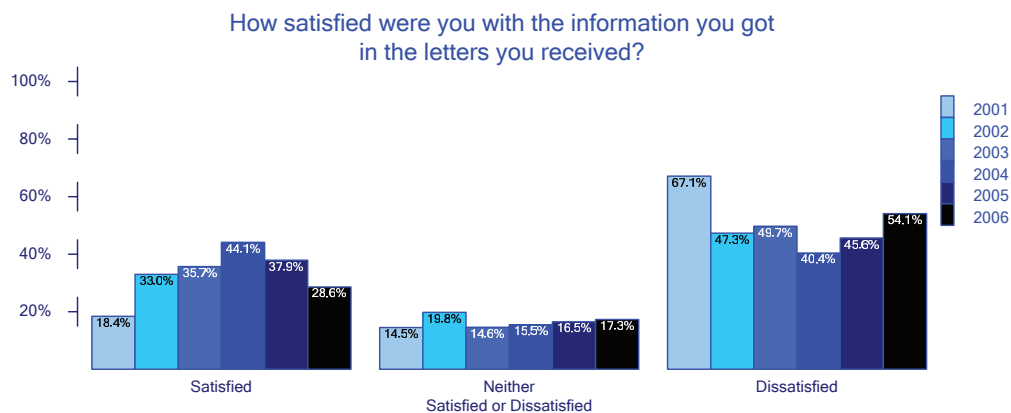


Figure 5.6

Throughout the complaint process, IPR spends some time (when and as appropriate) informing the complainant about how police are instructed to act during similar incidents. Reported satisfaction levels on the associated survey question have historically been very low. There was an observed improvement between the pre-IPR, baseline survey (with a reported dissatisfaction rate of 81%) and the 2002-2006 results. Results have otherwise been relatively consistent (Figure 5.7).

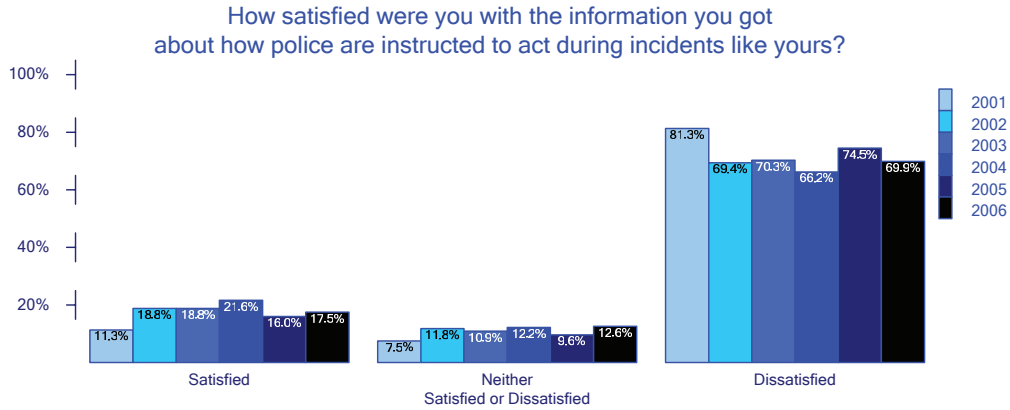


Figure 5.7

Satisfaction with thoroughness and timeliness of the IPR process decreased in 2005 and 2006 when compared to 2004 (Figures 5.8 and 5.9). On both questions, the 2006 results appear slightly more favorable than 2005, until considering the *dissatisfied* end of the scale. Fewer respondents selected *neither* in 2006, resulting in higher percentages of both satisfaction and dissatisfaction.

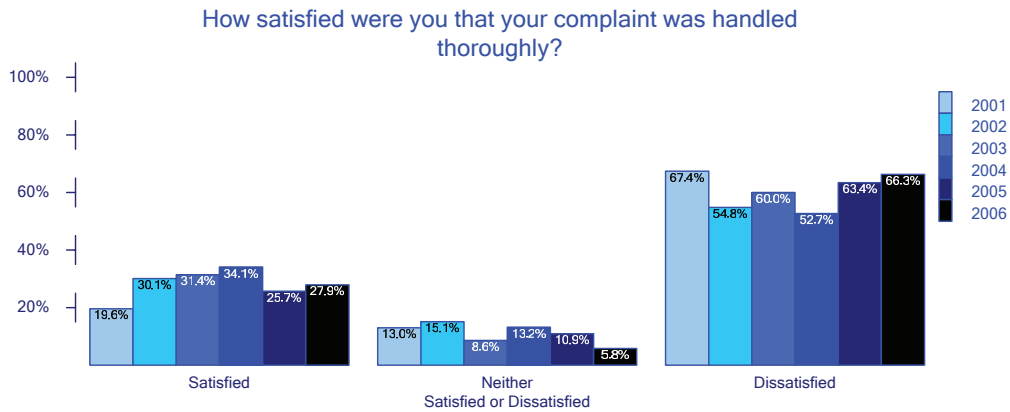


Figure 5.8

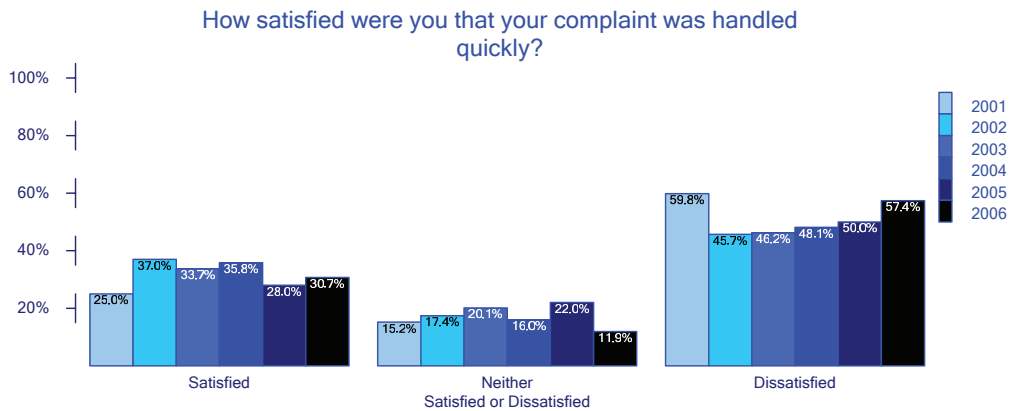


Figure 5.9



When asked about overall satisfaction with the City of Portland’s efforts at prevention, respondents indicated a slight decrease in satisfaction in 2005 and 2006 (Figure 5.10). Dissatisfaction actually decreased in 2005 (to 61%) before climbing back above 65%.

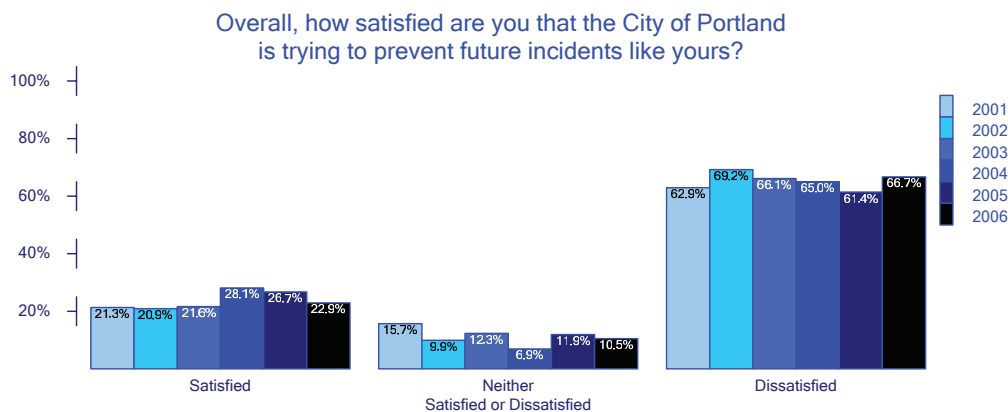


Figure 5.10

Reported satisfaction with the fairness of the complaint outcome remained relatively stable (and very low) around 21% (Figure 5.11). When asked about the police complaint process in general, responses have also been fairly stable other than a one-year increase in 2004 (Figure 5.12).

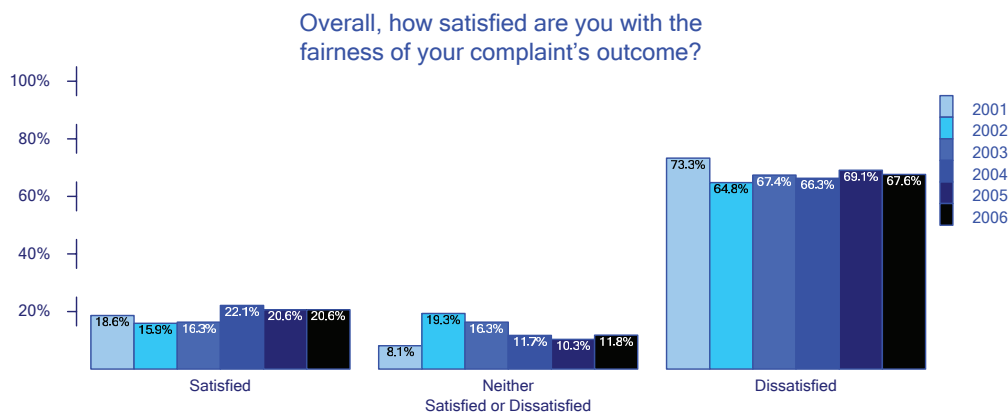


Figure 5.11

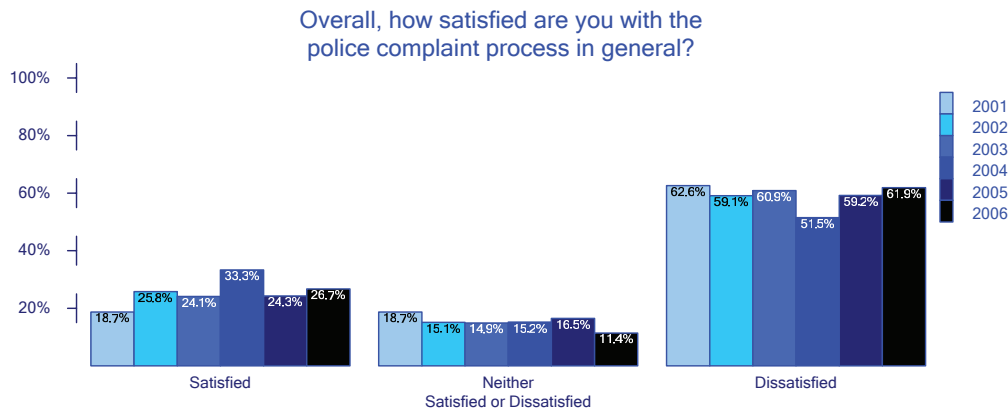


Figure 5.12

## CHANGING CASE-HANDLING PRACTICES

Although IPR gathers this data to help improve its case-handling decisions, the complainant surveys provide little guidance. Survey results are unresponsive as IPR tried a variety of different intake methods to improve complainant satisfaction. The shift of intake from IAD to IPR in 2002 resulted in improved ratings, but since then, the ratings do not show any change with differing IPR methods. For example, the Outreach Coordinator began conducting preliminary call-taking in 2003; providing every complainant more information and more explanation before sending complaints to the IPR investigators. Satisfaction in these areas declined. In 2005, IPR made efforts to improve written communications to complainants to more clearly explain how IPR chose to handle their complaint. The Director also worked with IAD to improve the explanations in IAD letters. More recently, investigators were encouraged to spend more time with complainants making sure they understood the process. None of these efforts have resulted in improved ratings from those choosing to respond to the IPR surveys.

## SURVEY CONCLUSIONS

A reader might be inclined to conclude that a large majority of Portland's complainants are dissatisfied. However, it is difficult to gauge the reliability and validity of any inferences that might be drawn from the data given the questions about non-response bias. IPR has been cautious in its analysis and has purposefully avoided making statements about causality and statistical significance. IPR also knows that dissatisfaction is the norm in complainant surveys in most jurisdictions.

“The various [police complaint system] surveys which have been undertaken have all been characterized by one or more methodological limitations (such as low response rates, small sample sizes, and/or the lack of an explicitly comparative framework), but the data has consistently shown that a clear majority of complainants are dissatisfied with the standard complaints investigation process, regardless of whether their complaint was handled internally or externally.”  
Breveton (2000: 114-115).

A brief review of results from similar survey efforts supports Breveton's statement. Sixty percent of interviewees did not think Toronto had a fair system for investigating police complaints and over two-thirds said they were *unsatisfied* or *very unsatisfied* with the complaint experience (Landau, 1996). Sixty-four percent of respondents were unsatisfied in a survey of police complainants in New York City (Sviridoff & McElory, 1989). In the Cincinnati surveys conducted by RAND, 73% of respondents said they were *unsatisfied* overall and 76% disagreed that the complaint process was *fair*. Among the few generalizations RAND was comfortable making, was that the results lent support to other researchers' suggestions that dissatisfaction is often over-reported in complainant surveys because dissatisfied complainants have a greater incentive to respond.

Regardless of any methodological shortcomings or questionable results, IPR is committed to continual improvements. IPR has implemented a number of process and training changes with the goal of improving the quality and thoroughness of intake investigations, explanations of various processes, and our communication with complainants and the public. Unfortunately, the survey results may not be a reliable gauge of IPR's success.

## COMMENDATIONS

Yet another community-feedback perspective is offered by reviewing the volume of community-initiated commendations regarding PPB officers and employees. Commendations may be filed a number of ways including via IPR's complaint form, as well as the websites of both IPR and PPB. The count of community commendations reached 312 in 2006, up from 276 in 2005 and 291 in 2004. In addition, IPR also accepts commendations from staff within PPB. Each year there are nearly as many PPB commendations filed as community commendations (Table 5.4).

	2004	2005	2006
Filed by a Community Member	291	276	312
Filed by PPB	289	242	270
<b>Total</b>	<b>580</b>	<b>518</b>	<b>582</b>

	2004	2005	2006
Filed by a Community Member	430	563	597
Filed by PPB	798	767	973
<b>Total</b>	<b>1228</b>	<b>1330</b>	<b>1570</b>

PPB commendations tended to name more employees, often an entire unit, lending to a larger number of aggregate employees named compared to community commendations (Table 5.5). East Precinct had the most unique employees named in commendations in 2005 and 2006. They were followed by officers in the Central, Southeast, Northeast, and North Precincts, respectively (Table 5.6).

	2005		2006	
	Number	Percent	Number	Percent
Central	85	13%	96	14%
East	86	13%	102	15%
North	41	6%	45	6%
Northeast	73	11%	71	10%
Southeast	77	12%	90	13%
<b>Precinct Subtotal</b>	<b>362</b>	<b>55%</b>	<b>404</b>	<b>58%</b>
Tactical Operations Division	43	7%	32	5%
School Police	3	0%	3	0%
Detectives	50	8%	44	6%
Tri-Met	23	3%	20	3%
Drugs and Vice Division	22	3%	24	3%
Traffic	18	3%	24	3%
Personnel	5	1%	6	1%
Training	11	2%	15	2%
Family Services Division	18	3%	8	1%
Internal Affairs Division	9	1%	2	0%
Chief's Office	7	1%	7	1%
Identification	6	1%	11	2%
Telephone Reporting Unit	10	2%	11	2%
Other	72	11%	84	12%
<b>Total</b>	<b>659</b>		<b>695</b>	
<b>Number of Commendations</b>	<b>518</b>		<b>582</b>	

An increasing number of PPB employees have been commended for their efforts. In 2005, 659 employees were named in commendations. By 2006, that number increased to 695. Further, an increasing number of employees are named in multiple commendations. In 2005, 15 officers were named in more than 5 commendations. In 2006 that same count doubled to 31 (Table 5.7).

There was a slight increase (3%) in the number of employees avoiding complaints in 2006 (Table 5.8). There was a more substantial increase (9%) in the number of employees who avoided complaints and received multiple commendations in 2006 (177) over 2005 (163).

Number of Commendations	Number of Employees - 2005	Number of Employees - 2006
10	1	0
9	0	2
8	1	3
7	1	12
6	12	14
5	24	31
4	52	60
3	84	104
2	169	173
1	315	296
<b>Total</b>	<b>659</b>	<b>695</b>

Number of Commendations	Number of Complaints	Number of Employees - 2005	Number of Employees - 2006
5+	0	17	16
4	0	19	21
3	0	46	47
2	0	81	93
1	0	167	171
0	0	616	624
<b>Total</b>		<b>946</b>	<b>972</b>

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