

ANNUAL REPORT 2007

INDEPENDENT POLICE REVIEW DIVISION

Office of the City Auditor
Portland, Oregon



City Auditor
Gary Blackmer

IPR Director
Mary-Beth Baptista

MESSAGE FROM THE INDEPENDENT POLICE REVIEW DIRECTOR

Mary-Beth Baptista

I would like to take this opportunity to introduce myself as the new Independent Police Review (IPR) Director. I took over the position in late May 2008, and I am encouraged by the public support and positive feedback I have received from members of the Citizen Review Committee (CRC), the community at-large, and the Portland Police Bureau (PPB or Bureau). I also want to express my sincere appreciation to former IPR Director Leslie Stevens and IPR Assistant Director Pete Sandrock for their hard work last year. Under their outstanding leadership, IPR developed unprecedented levels of rapport with the Bureau while also reaching new heights of accountability and effectiveness.

In the near future, my objective is to further IPR's goals of handling cases more efficiently, releasing data more quickly, improving communication with the public, and increasing the frequency and quality of communication with the Bureau. This is a very exciting time for IPR and I look forward to using my role as Director to increase our level of service to the community while maintaining our positive working relationship with the Bureau.

I am proud to be involved in an organization with such a strong commitment to public service. I also cannot say enough about the integrity and work ethic of the IPR staff members and the outstanding CRC volunteers. Due to their efforts, as well as Portland Police Bureau's acceptance of civilian oversight, the following report details significant accomplishments achieved in 2007. I trust you will be as encouraged as I am by what this successful collaboration of dedicated professionals has been accomplishing.



Mary-Beth Baptista
Director

MESSAGE FROM THE CITIZEN REVIEW COMMITTEE CHAIR

Hank Miggins

It gives me great pleasure to be involved in Portland's civilian oversight system. I have served on the Citizen Review Committee (CRC) since 2001, and chaired the CRC from 2003 to 2007. I will continue to serve as Vice-chair in 2008 and welcome the leadership of new CRC Chair Michael Bigham. As always, the CRC members promise to serve all citizens of Portland with objectivity, fairness, and transparency. I commend all CRC members, past and present, for their efforts and dedication.

In partnership with the Independent Police Review (IPR), CRC does important work for the community. In 2007, CRC members were very busy working on CRC and IPR procedures, community outreach, and hearing appeals of citizen complaints. One CRC workgroup published a policy review on vehicle towing and other workgroups began reviewing allegations of bias-based policing and the policies regarding officer-involved shootings and in-custody deaths. Two CRC members were vital participants in the Use of Force Task Force data and policy review.

I would also like to take a moment to acknowledge the service of former IPR Director Leslie Stevens. She continually promoted the highest levels of accountability and was very effective in working towards solutions with the Portland Police Bureau (PPB or Bureau). I look forward to working with Leslie in her new role as Director of the Bureau's Office of Professional Standards. I would like to welcome Mary-Beth Baptista as IPR's new Director and express my appreciation to Assistant Director Pete Sandroock and the rest of the IPR staff. They did a tremendous job keeping the office running smoothly during the transition. Moreover, I want to thank the entire IPR staff for the outstanding support they provided me during my term as Chair.



Hank Miggins
Chair

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EXECUTIVE SUMMARY

This is the fifth annual report of Portland's Independent Police Review Division (IPR), a police oversight agency established in 2002, which is under the independent authority of the elected City Auditor.

REPORT HIGHLIGHTS

- **SHOOTINGS DOWN 48%**
There were 48% fewer police shootings in the past five years compared to the preceding six years. (Chapter 3).
- **FORCE COMPLAINTS DOWN 34%**
The number of force complaints per thousand police contacts has declined 34% since 2004 (Chapter 3).
- **MORE INTERNAL AFFAIRS DIVISION (IAD) INVESTIGATIONS**
IAD investigated approximately 25% of referred complaints in 2006 and 2007 versus roughly 15% during the preceding three years (Chapter 2).
- **SUSTAINED FINDINGS UP**
Commanders and managers recommended sustained findings in nearly as many cases in the past two years as they did in the previous four (30 in 2006-2007 versus 34 in 2002-2005) (Chapter 2).
- **DISCIPLINE UP**
More officers are receiving discipline or command counseling. An average of 30 officers per year received discipline or command counseling in 2006 and 2007. In 2005, the first year data was tracked and reported, 17 officers received discipline or command counseling (Chapter 2).
- **FORCE POLICY STRENGTHENED**
The Portland Police Bureau (PPB or Bureau) strengthened its policy on the use of non-lethal force, providing significant new guidance for officers and supervisors. The new policy became effective on March 17, 2008 (Chapter 3). Under the previous policy, PPB sustained only one citizen allegation of excessive force in six years (Chapter 2).
- **DISCRIMINATION COMPLAINTS UNDER CITIZEN REVIEW**
The Citizen Review Committee (CRC) initiated an in-depth analysis of citizen complaints about biased enforcement practices by police officers (Chapter 4).
- **PERCEIVED FAIRNESS UP**
Reported satisfaction with the fairness of complaint outcomes increased by more than 11 percentage points, while dissatisfaction decreased by nearly 18 percentage points (Chapter 5).

CHAPTER 1

HISTORY AND OVERVIEW

HISTORY

Citizen oversight of the Portland Police Bureau (PPB or Bureau) 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, original CRC members 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 can be found at <http://www.portlandonline.com/auditor/ipr>.

An external review of IPR's effectiveness began in late July 2007. The Mayor's Office awarded the consulting contract to University of Arizona professor Eileen Luna-Firebaugh. She planned to submit her evaluation report and present her findings to City Council in early 2008.

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:

1. Receive all citizen complaints alleging misconduct by Bureau police officers that cannot be resolved by PPB supervisors.
2. Monitor the investigations conducted by the Bureau's Internal Affairs Division (IAD) and conduct joint or independent investigations, if necessary.
3. Report on complaint and investigation activities and recommend policy changes to prevent future complaints.
4. 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.
5. Coordinate the appeals with CRC and City Council.

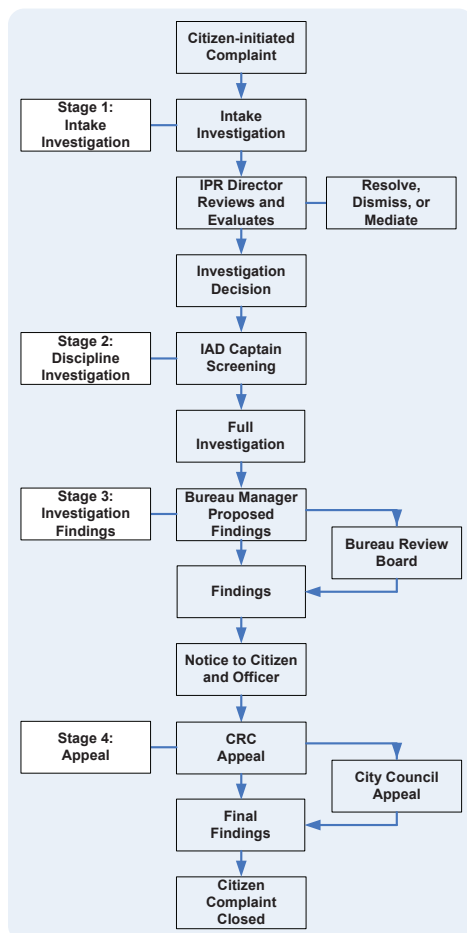
Additionally, IPR:

- 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.



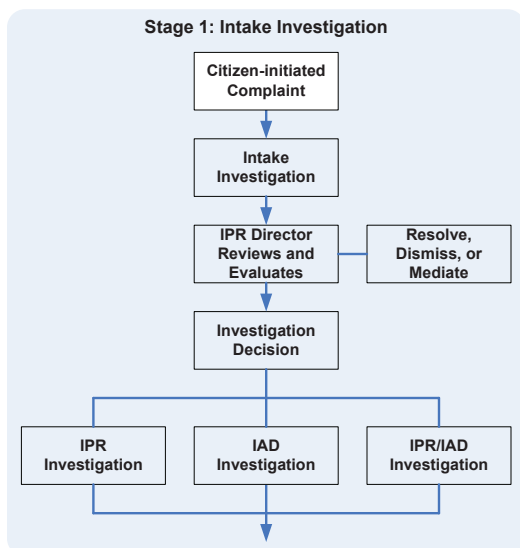
CITIZEN COMPLAINT HANDLING DESCRIPTION

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 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.

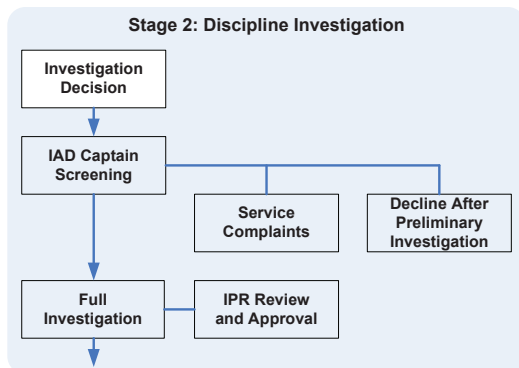
Complaint Categories	
Conduct	An allegation that tends to bring reproach or discredit upon the Police Bureau or City of Portland. It involves behavior by a Bureau member that is unprofessional, unjustified, beyond the scope of their authority, or unsatisfactory work performance.
Control Technique	An 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.



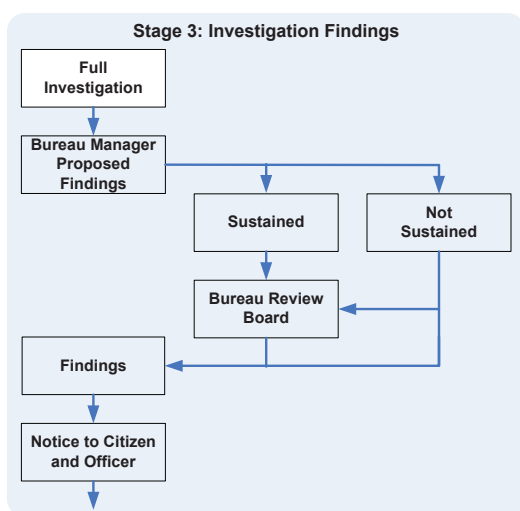
DISCIPLINE INVESTIGATION (STAGE 2)

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.

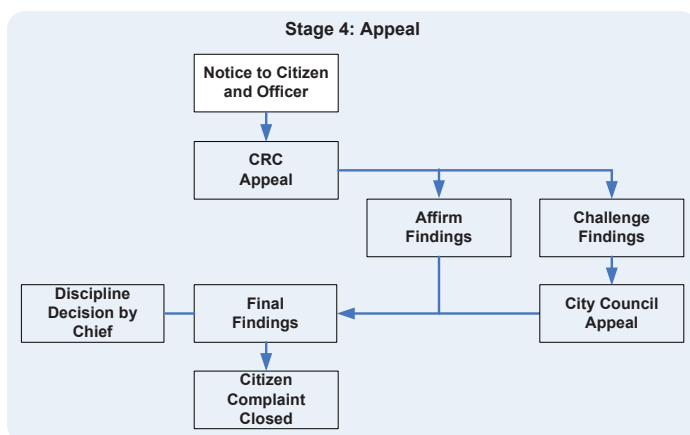
INVESTIGATION FINDINGS (STAGE 3)



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 TRENDS

- *COMPLAINTS DOWN*
Complaints per thousand police contacts have dropped 11% since 2004. Force complaints per thousand contacts have dropped 34 % since 2004 (Chapter 3).
- *SUPERVISORY INTERVENTION UP*
More minor complaints, like rudeness, are being referred directly to police supervisors as *service complaints* and *precinct referrals*. Supervisors received 238 such complaints in 2007, compared to 226 in 2006, and 202 in 2005.
- *INTERNAL AFFAIRS DIVISION (IAD) DECLINATION RATE DOWN, INVESTIGATION RATE UP*
IAD declined to investigate fewer citizen complaints than ever before. For the second year in a row, IAD investigated more complaints than it declined.

OVERVIEW OF COMPLAINTS

NUMBER OF COMPLAINTS

The Independent Police Review (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 also will be opened even though the citizen cannot provide enough information for IPR or IAD to 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 2002-2007

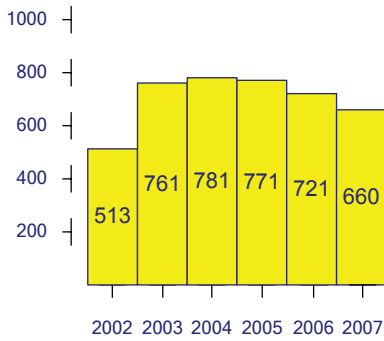


Figure 2.1

IPR opened 660 citizen-initiated complaints in 2007.

IPR closed 593 citizen-initiated complaints in 2007.

Complaints Closed 2002-2007

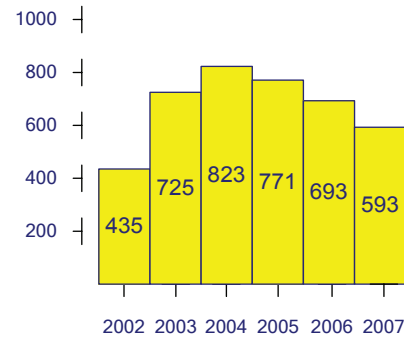


Figure 2.2

The number of citizen complaints per thousand police contacts has declined steadily since 2004 (Table 2.1). Although the number of contacts between citizens and officers (as measured by dispatched and self-initiated calls for service) declined about 5% during the same period, complaints declined by about 15%.

Table 2.1
Complaints Per 1,000 Citizen-Police Contacts

	2004	2005	2006	2007
Citizen Complaints	781	771	721	660
Citizen-Police Contacts	432,930	434,196	420,412	410,545
Complaints Per 1,000 Contacts	1.80	1.78	1.71	1.61
PPB Precinct Subtotals				
Central	1.80	1.81	1.61	1.34
Southeast	1.26	1.38	1.30	1.13
East	1.27	1.11	1.26	1.13
Northeast	1.10	1.09	1.13	1.14
North	1.59	1.53	1.27	0.87

* Source for citizen-police contacts: PPB Planning & Support Division

The majority of complaints continue to be filed against officers in the five precincts, rather than in other PPB divisions (e.g., Detectives, Traffic, or TriMet) or agencies. The number and percentage of complaints assigned against North and Central Precinct officers have steadily declined since 2004. 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		2007	
	Complaints	Percent	Complaints	Percent	Complaints	Percent	Complaints	Percent
Central	161	21%	157	20%	125	17%	99	15%
Southeast	125	16%	129	17%	113	16%	94	14%
East	137	18%	122	16%	130	18%	118	18%
Northeast	93	12%	91	12%	94	13%	92	14%
North	67	9%	62	8%	54	7%	37	6%
Precinct Subtotal	583	75%	561	73%	516	72%	440	67%
PPB Detectives (Non-precinct)	11	1%	16	2%	15	2%	7	1%
PPB Traffic	64	8%	55	7%	44	6%	49	7%
PPB Tri-Met	30	4%	40	5%	28	4%	22	3%
PPB Other Division	33	4%	34	4%	45	6%	30	5%
Unknown or Other Agency	60	8%	65	8%	73	10%	112	17%
Total	781		771		721		660	

METHODS FOR FILING COMPLAINTS

Citizens continued to file most of their complaints by telephone. However, citizens may also file by mail, fax, e-mail, 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.

	2005		2006		2007	
	Number	Percent	Number	Percent	Number	Percent
Phone	443	51%	412	52%	380	53%
E-mail	101	12%	132	17%	133	19%
Mail	102	12%	84	11%	77	11%
Walk-in	93	11%	56	7%	37	5%
Precinct	50	6%	51	6%	41	6%
Inter-office	19	2%	33	4%	23	3%
Fax	16	2%	14	2%	11	2%
Unknown/Other	37	4%	10	1%	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.

Allegation Category	2002		2003		2004		2005		2006		2007	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Conduct	467	39%	1409	50%	1430	53%	956	40%	731	38%	694	39%
Control Technique	43	4%	112	4%	112	4%	92	4%	84	4%	101	6%
Courtesy	199	17%	409	14%	394	15%	447	19%	372	20%	316	18%
Disparate Treatment	59	5%	131	5%	123	5%	108	5%	75	4%	104	6%
Force	169	14%	211	7%	225	8%	185	8%	161	8%	148	8%
Procedure	260	22%	555	20%	420	16%	584	25%	476	25%	400	23%
Total Allegations	1,197		2,827		2,704		2,372		1,899		1,763	
Complaints Received	513		761		781		771		721		660	

DEMOGRAPHICS OF CITIZEN COMPLAINANTS

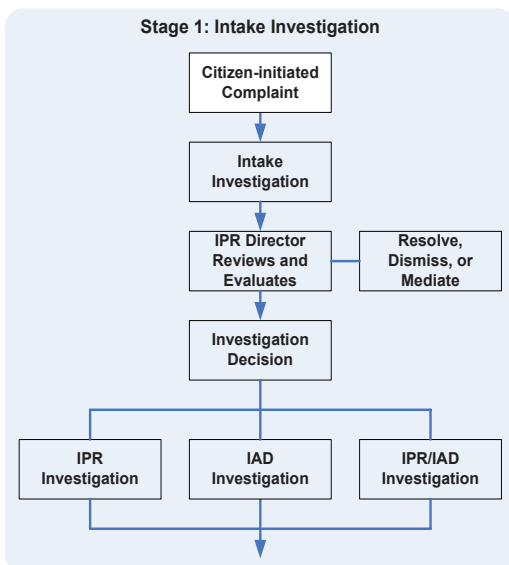
The demographic profile of citizen complainants has not changed significantly over time. African Americans, and to a lesser extent males generally, file complaints at a higher rate than their representation in the general population. Young people and seniors file at a lower rate. This data also should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

**Table 2.5
Gender, Race, and Age of Complainants**

Gender, Race, and Age of Complainants	2004		2005		2006		2007		Proportion of Portland's Population in 2000*
	Complainants	Percent	Complainants	Percent	Complainants	Percent	Complainants	Percent	
Gender									
Female	352	42.7%	323	41.0%	319	43.1%	287	42.8%	50.6%
Male	467	56.7%	464	59.0%	420	56.8%	382	57.0%	49.4%
Unknown	5	0.6%	0	0.0%	1	0.1%	1	0.1%	
Race									
Asian	8	1.0%	13	1.7%	12	1.6%	10	1.5%	6.3%
Black or African American	148	18.0%	136	17.3%	138	18.6%	127	19.0%	6.6%
Hispanic or Latino	23	2.8%	33	4.2%	33	4.5%	20	3.0%	6.8%
Native American	10	1.2%	15	1.9%	10	1.4%	8	1.2%	1.1%
Native Hawaiian/Other Pacific Islander	3	0.4%	0	0.0%	2	0.3%	1	0.1%	0.4%
White	461	55.9%	475	60.4%	413	55.8%	377	56.3%	77.9%
Two or More Races	17	2.1%	5	0.6%	3	0.4%	3	0.4%	
Other Race/Ethnicity	3	0.4%	14	1.8%	9	1.2%	5	0.7%	
Unknown	151	18.3%	96	12.2%	120	16.2%	119	17.8%	
Age									
24 Years and Younger	147	17.8%	117	14.9%	94	12.7%	70	10.4%	31.4%
25-34 Years	160	19.4%	178	22.6%	143	19.3%	132	19.7%	18.3%
35-44 Years	196	23.8%	183	23.3%	145	19.6%	138	20.6%	16.4%
45-54 Years	130	15.8%	124	15.8%	144	19.5%	129	19.3%	14.8%
55-64 Years	39	4.7%	66	8.4%	58	7.8%	52	7.8%	7.6%
65 Years and Older	32	3.9%	28	3.6%	24	3.2%	15	2.2%	11.5%
Unknown	120	14.6%	91	11.6%	132	17.8%	134	20.0%	
Total Number of Unique Complainants	824		787		740		670		

* From 2000 U.S. Census Bureau Data

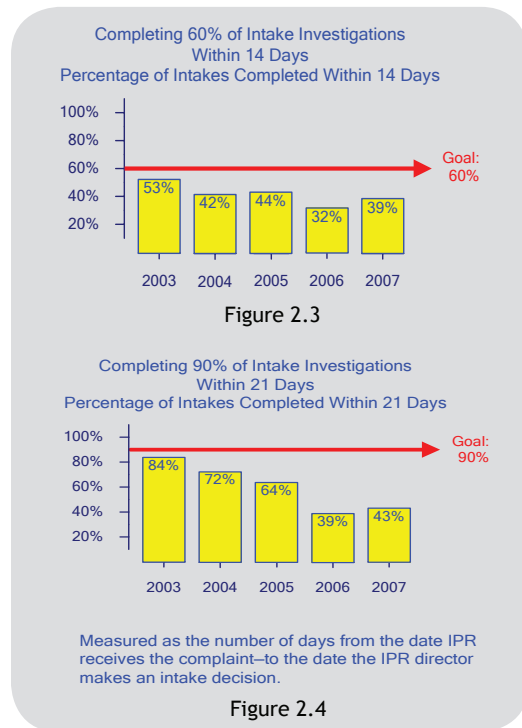
IPR INTAKE INVESTIGATIONS



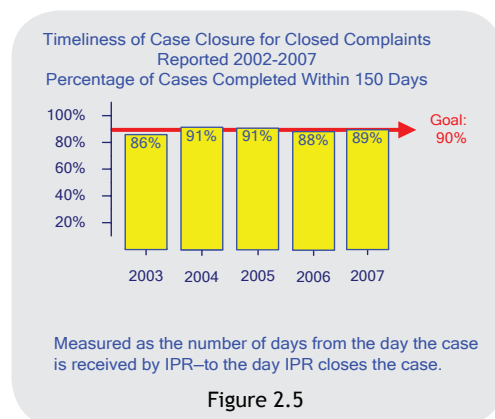
After a citizen files a complaint, an IPR investigator conducts a preliminary investigation to correctly identify the parties, the incident, and the citizen's specific concerns. The investigator normally interviews the complainant on a recorded phone, requests copies of any supporting documentation (such as medical records or photographs, which the complainant may control), 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. The investigator also interviews any readily identifiable and available independent citizen witnesses to the incident.

IPR SCREENING DECISIONS

After the intake investigation is complete, the IPR Director or, in defined classes of limited cases, the IPR investigator, makes a screening decision about how IPR will handle the complaint. Screening decisions are made in accordance with Portland City Code and administrative rules, and are further described in Chapter 1 (Stage 1).



Screening decisions took somewhat longer in 2006 and 2007 because the Director required more detailed intake investigations and spent more time monitoring IAD investigations and commanders' recommended findings. The Director decided that better investigations and more thoughtful findings were more important than faster screening decisions.



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

IPR screened 568 complaints in 2007.

Table 2.6
IPR Case Handling Decisions

Intake Decision	2002		2003		2004		2005		2006		2007	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
Dismissed by IPR	123	26%	285	42%	388	52%	399	57%	429	64%	332	58%
Referred to IAD	293	61%	309	45%	287	38%	267	38%	198	29%	204	36%
Pending or Completed Mediation	3	1%	23	3%	38	5%	29	4%	25	4%	17	3%
Referred to Other Agency	24	5%	21	3%	14	2%	6	1%	13	2%	10	2%
Resolved at Intake	37	8%	19	3%	18	2%	5	1%	9	1%	5	1%
Referred to Chief's Office	-	-	29	4%	5	1%	-	-	-	-	-	-
Total	480		686		750		706		674		568	

DISMISSALS

In 2007, IPR dismissed 332 complaints, a dismissal rate of 58%.

Dismissal Type	2002		2003		2004		2005		2006		2007	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
Director's Dismissal	118	96%	258	91%	303	78%	172	43%	174	41%	113	34%
Dismissed and Referred to PPB Managers	-	-	-	-	-	-	33	8%	73	17%	35	11%
IPR Staff Dismissal	-	-	-	-	-	-	127	32%	120	28%	130	39%
IPR Staff Dismissed and Referred	-	-	-	-	-	-	34	9%	61	14%	54	16%
Administrative Referral	5	4%	27	9%	85	22%	33	8%	1	0%	0	0%
Total	123		285		388		399		429		332	

The average dismissal rate from 2005 through 2007 was about 60% compared to 40% from 2002 through 2004 (Table 2.6). Two factors contributed to higher dismissal rates:

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.

- In 2005, IPR adopted case handling guidelines that established dismissal criteria based on the underlying city ordinance; and
- More thorough IPR intake investigations made it possible to identify unprovable or non-meritorious complaints earlier in the process, before the complaints were referred to IAD where they would be declined or not sustained.

Dismissal Reason	2004		2005		2006		2007	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent
No Misconduct	92	24%	126	32%	176	41%	127	38%
Complainant Unavailable	80	21%	42	11%	47	11%	42	13%
Not Reliable, Credible, or Logical*	44	11%	48	12%	33	8%	32	10%
Unable to Identify Officer	31	8%	37	9%	30	7%	31	9%
Complainant Withdraws	19	5%	25	6%	25	6%	24	7%
Other Judicial Review	24	6%	35	9%	29	7%	17	5%
Other Jurisdiction	2	1%	12	3%	23	5%	16	5%
Filing Delay	6	2%	11	3%	16	4%	14	4%
De Minimus	-	-	2	1%	19	4%	7	2%
Third Party	-	-	4	1%	5	1%	7	2%
Other	90	23%	57	14%	26	6%	15	5%
Total Dismissals	388		399		429		332	

* Includes 'False/Trivial' which was used often in 2002-2004, but rarely in 2005-2007

As IPR tightened its screening standards, IAD's declination rate dropped, its investigation rate increased, and PPB commanders recommended more sustained findings:

- **FEWER IAD DECLINATIONS**
The rate of IAD declinations dropped to an average of under 20% in 2006 and 2007 compared to more than 30% in 2002-2005 (Table 2.11).
- **MORE IAD INVESTIGATIONS**
The average rate of IAD investigations increased to approximately 25% of referred complaints in 2006 and 2007 versus roughly 15% during the preceding three years (Table 2.11).
- **MORE SUSTAINED COMPLAINTS**
PPB commanders recommended sustained findings on at least one allegation in an average of 30% of investigations in 2006 and 2007 versus 15% in the preceding three years (Table 2.13).

The *combined rate* of IPR dismissals plus IAD declinations has remained relatively steady since 2004, averaging about 69% per year.

	2002	2003	2004	2005	2006	2007
Complaints screened by IPR	480	686	750	706	674	568
Dismissed by IPR	123	285	388	399	429	332
Declined by IAD	91	103	119	103	51	42
Total Dismissed or Declined	214	388	507	502	480	374
Combined Rate	45%	57%	68%	71%	71%	66%

* Data entry and analysis errors led to an under-reporting of IAD Declines in the IPR Annual Report 2005-2006.

IPR is working with the Citizen Review Committee (CRC) to conduct another analysis and report on IPR's screening practices as it did in 2004.

DISMISSALS WITH REFERRALS TO PRECINCT COMMANDERS

A dismissal does not always mean that no action is taken on a complaint. IPR refers about a fourth of dismissed complaints to precinct commanders as *precinct referrals*. In 2007, for example, IPR referred 89 of the 332 dismissals (27%) to precinct commanders for further consideration.

IPR began experimenting with precinct referrals in 2005, and has gradually expanded and formalized the practice as a means of keeping precinct commanders better informed and encouraging good management practices. Commanders generally welcomed the practice and frequently reported some type of remedial action even though no report is required. 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.

Some complainants prefer precinct referrals over other alternatives because they simply want the officer's supervisor to know about their complaint; they do not want or expect a full investigation, but they do want something to happen.

REFERRALS TO IAD

In 2007, IPR referred 204 complaints to IAD; a referral rate of 36% (Table 2.6), about the same referral rate as 2004 and 2005 (38%), and a slightly higher referral rate than 2006 (29%).

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.

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.

Table 2.10
Outcome of All Cases Assigned for Mediation

Outcome of All Mediation Closed	2002	2003	2004	2005	2006	2007	Total
Successfully mediated	1	20	33	27	16	15	112
Cases that were not mediated	2	21	39	33	19	5	119
Citizen Unavailable/Declined	1	15	32	25	15	4	
Officer Unavailable/Declined	0	2	4	1	3	1	
PPB Management Rejected	0	1	0	5	1	0	
Other Resolution	1	3	3	2	0	0	
Carried over to the next year				16	5	4	
Total number of cases handled during the year				76	40	24	

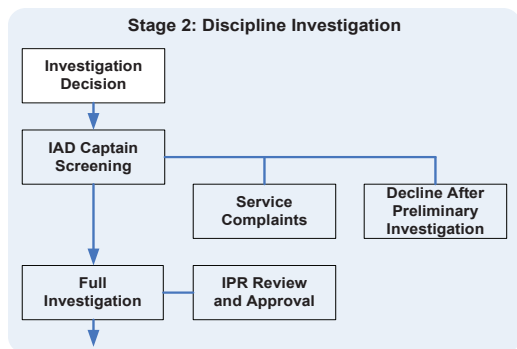
About two percent of citizen complaints are mediated. IPR typically identifies more cases to be mediation eligible, but many of the eligible cases do not complete the mediation process because the citizens changed their minds about participating or did not respond to the mediators' attempts to schedule 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.

A workgroup of CRC completed a detailed review of the mediation program in 2006. The workgroup 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.

RESOLUTIONS AND REFERRALS TO OTHER AGENCIES

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 (about one percent) 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 IPR investigator facilitated the release, the citizen withdrew her complaint.

IAD CASE SCREENING OF CITIZEN COMPLAINTS



This section discusses IAD’s handling of *citizen*-initiated complaints only. IAD’s handling of *bureau*-initiated complaints is discussed in Chapter 3.

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*.

In 2006 and 2007, IAD screened approximately 243 citizen complaints per year compared to an average of 328 per year from 2002 to 2005 (Table 2.11). The decline is caused, in part, by a reduction in the number of complaints filed by citizens and, in part, by IPR’s higher dismissal rate.

Table 2.11
Internal Affairs Assignment Decisions for Complaints Referred by IPR

Assignment Decision	2002		2003		2004		2005		2006		2007	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
Declined	91	32%	103	29%	119	33%	103	32%	51	22%	42	17%
IAD Service Complaint	86	30%	147	41%	131	37%	100	31%	67	28%	119	48%
Precinct Service Complaint	12	4%	42	12%	33	9%	35	11%	25	11%	30	12%
Investigation	86	30%	60	17%	55	15%	39	12%	65	28%	55	22%
Resolved Administratively	8	3%	3	1%	18	5%	41	13%	28	12%	3	1%
Total	283		355		356		318		236		249	

* Data entry and analysis errors led to an under-reporting of IAD Declines and Administrative Resolutions in the IPR Annual Report 2005-2006.

IAD DISCIPLINE INVESTIGATIONS

In 2007, IAD assigned 55 complaints for full investigations, an investigation rate of 22%. Investigations exceeded declinations for the second year in a row (Table 2.11).

The quality, completeness, and objectivity of IAD investigations of citizen complaints has improved substantially since 2005. This qualitative judgment seems to be corroborated by the higher rate of sustained findings by PPB commanders.

Beginning in mid-2005, IAD started sending investigation summaries to IPR for approval before sending the investigations to precinct commanders for findings. The seemingly simple procedural change gave IPR time to conduct a more rigorous review and to recommend additional investigation, if necessary.

IPR requests additional investigation or rewritten summaries in 25-30% of investigations. Since 2005, IAD has not refused an IPR request for additional work or has otherwise been able to satisfy IPR’s concerns. IAD has since asked IPR to review and comment on *bureau-initiated investigations*, which are outside IPR’s jurisdiction.

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

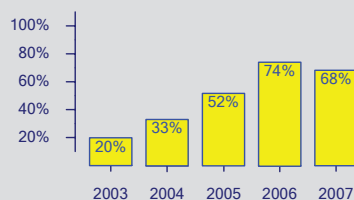
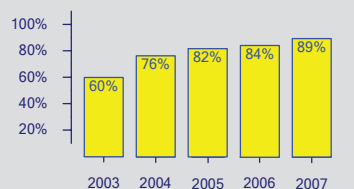


Figure 2.6

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 2.7

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

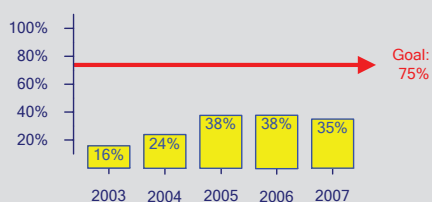
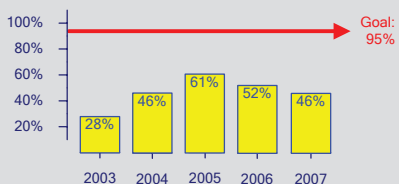


Figure 2.9

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

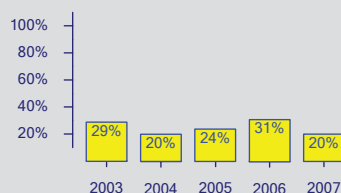


Measured as the number of days from the day the case is sent from IPR to IAD—to the day IPR receives the declined complaint back from IAD with a letter of explanation.

Figure 2.10

Timeliness in making investigation *assignments* has generally improved in recent years, but the timeliness of the investigations themselves has not. Investigations continue to take longer than 10 weeks.

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 2.8

IAD remains staffed with fewer investigators than authorized in its budget and fewer than recommended by IPR.

IAD DECLINATIONS

The IAD declination rate dropped significantly in the past two years (Table 2.11) from an average above 30% per year from 2002 through 2005 to less than 20% per year in 2006 and 2007. Stated another way, IAD declined a total of 93 cases in 2006 and 2007, fewer declinations than in any previous *single* year except for 2002 when IAD declined 91 cases.

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. A smaller percentage of declines have been completed within 45 days since 2005.

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.

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.

SERVICE COMPLAINT ASSIGNMENTS

In 2007, IAD assigned 149 complaints to officers’ supervisors as service complaints, including 30 that originated at a precinct—shown as *precinct service complaints*. This represents 60% of IAD’s citizen complaint caseload, a significantly higher rate than previous years.

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*. Despite the increased rate of assignments, supervisors and commanders completed 84% of the service complaints within 45 days.

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 most common allegations closed as service complaints are listed in Table 2.12.

IPR is working with CRC to conduct another analysis of service complaint practices as it did in 2004.

Bureau Supervisors Timeliness in Completing 75% of Service Complaints Within 30 Days
Percentage of Service Complaints Completed Within 30 Days

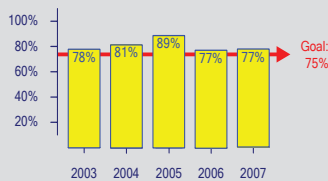


Figure 2.11

Bureau Supervisors Timeliness in Completing 100% of Service Complaints Within 45 Days
Percentage of Service Complaints Completed Within 45 Days



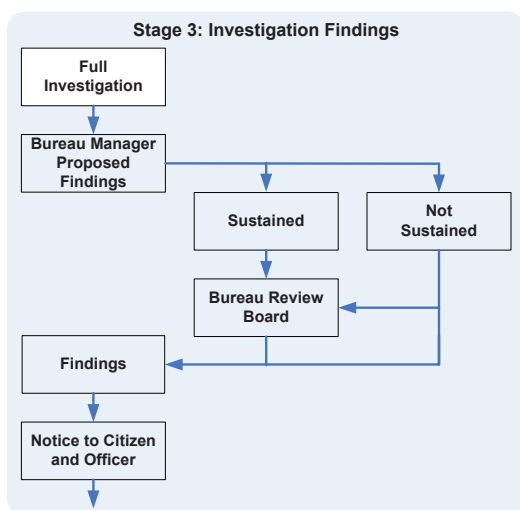
Measured as the number of days from the day the case is assigned by the IAD Captain as a service complaint—to the day the Supervisor completes the service complaint.

Figure 2.12

Table 2.12
Eight Most Common Complaint Allegations Closed as Service Complaints

Detailed Allegations	Cases
Rude Behavior or Language	47
Poor Service	21
Fail to Take Appropriate Action	17
Unprofessional behavior	16
Racial Profiling/Discrimination	15
Stopped or Detained Without Cause	10
* Fail to Listen & Profanity (tied)	8

COMMANDERS' RECOMMENDED FINDINGS



After an investigation is completed by IAD and approved by IPR, it is sent to the accused officer's commander or manager for recommended findings. Commanders and managers receive the entire investigative file, including full transcripts of witness and officer interviews. They are expected to prepare a detailed written analysis of the evidence and recommended findings for each allegation.

Commanders and managers recommended sustained findings nearly as many times in the past two years (30 in 2006-2007) as they did in the four-year period ending with 2005 (34). The increase in sustained findings occurred despite the fact IPR referred fewer cases to IAD for investigation.

Table 2.13
Completed Full Investigations of Citizen Complaints with Findings by Year

Completed Investigations	2002		2003		2004		2005		2006		2007	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
All Non-sustained Findings	30	83%	55	82%	53	83%	43	90%	29	62%	42	78%
One or More Sustained Findings	6	17%	12	18%	11	17%	5	10%	18	38%	12	22%
Total	36		67		64		48		47		54	

Table 2.14
Findings on Allegations within Citizen Complaints Investigated

	2002		2003		2004		2005		2006		2007	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
Sustained	5	6%	26	10%	13	4%	13	4%	27	13%	22	9%
Not Sustained												
Unfounded	26	32%	87	34%	138	43%	131	41%	72	34%	63	25%
Unfounded with Debriefing	1	1%	12	5%	5	2%	5	2%	11	5%	10	4%
Unproven *											14	5%
Exonerate	22	27%	66	26%	68	21%	111	35%	61	29%	66	26%
Exonerate with Debriefing	9	11%	16	6%	18	6%	20	6%	15	7%	23	9%
Insufficient Evidence	12	15%	41	16%	63	19%	37	12%	19	9%	41	16%
Insufficient Evidence with Debriefing	7	9%	9	4%	19	6%	1	0%	6	3%	17	7%
Combined Total	82		257		324		318		211		256	

* New IAD Finding as of 7/31/2007

**Table 2.15
Findings on Allegations by Citizen Complaint Category**

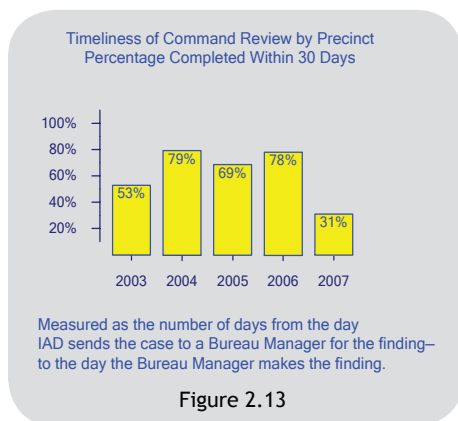
	Conduct	Control Technique	Courtesy	Disparate Treatment	Force	Procedure	Total	Percent
Sustained	6	0	3	1	0	12	22	9%
Not Sustained								
Unfounded	20	9	2	8	16	8	63	25%
Unfounded with Debriefing	5	0	1	0	1	3	10	4%
Unproven *	8	0	1	0	5	0	14	5%
Exonerate	27	8	7	1	16	7	66	26%
Exonerate with Debriefing	11	1	3	0	5	3	23	9%
Insufficient Evidence	19	2	6	4	5	5	41	16%
Insufficient Evidence with Debriefing	10	0	3	0	2	2	17	7%
Combined Total	106	20	26	14	50	40	256	
Number of Completed Investigations with Findings in 2007							54	

* New IAD Finding as of 7/31/2007

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, and
- Increased focus on accountability by PPB’s leadership.

Despite excellent overall progress on findings, IPR remains concerned that the Bureau has sustained only *one* citizen allegation of excessive non-lethal force in the past six years. As IPR noted in its 2004 Annual Report, the low rate of sustained force complaints might be due to the nature of the use of force policy, which relied heavily on a *Levels of Control* training matrix that gave officers discretion to use force against very broadly defined levels of resistance. The report called upon PPB to analyze force complaints and incorporate lessons learned into training and policy modifications. PPB adopted a new and much-improved non-lethal force policy in March 2008 (Chapter 3), which encourages officers to de-escalate confrontations and use less force than the law or the Levels of Control matrix would otherwise permit. The new policy also provides better guidance for supervisors who are called upon to recommend findings in force investigations.

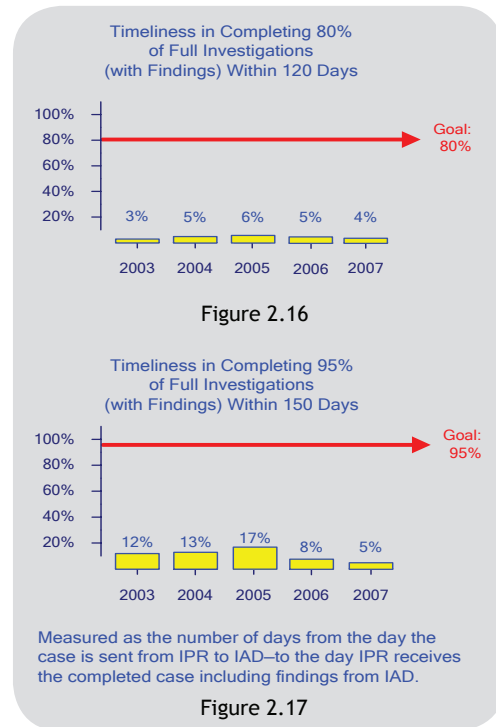
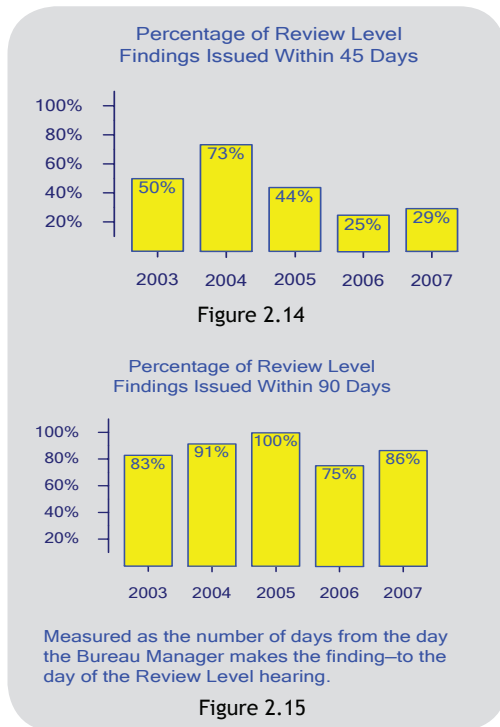


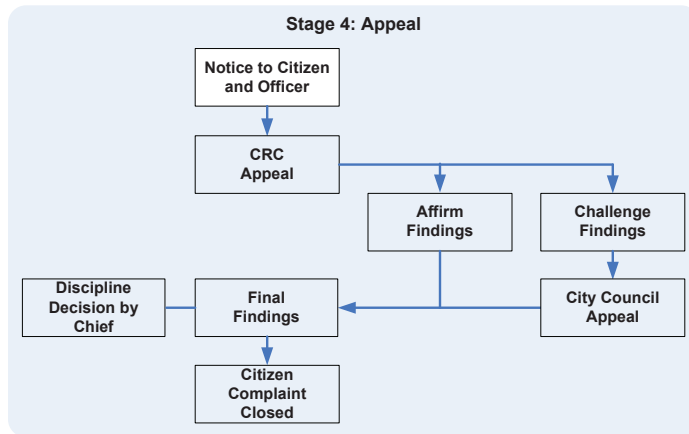
PPB REVIEW AND DISCIPLINE PROCESS

PPB’s review process for completed IAD investigations is slow. Timeliness in this stage of case handling continues to be an issue of concern. The Review Board process began to show slight improvements in timeliness, but commanders and managers made far fewer recommendations within 30 days in 2007.

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.





APPEALS AND PROTESTS

Citizens have a right to request an appeal to 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.

In 2007, eight citizens filed timely requests for appeals. IPR denied another request that was filed several weeks after the 30-day deadline. IPR forwarded the eight timely requests to CRC and notified CRC about the denied request. CRC granted the eight timely requests, holding seven appeal hearings in 2007 and one in early 2008. CRC appeals are discussed in Chapter 4.

Eight other citizens protested non-appealable IPR or IAD case handling decisions in 2007. Six of the cases were dismissed by IPR and two were handled as service complaints. IPR recorded their objections, reviewed their concerns, but neither IPR nor IAD changed a decision in response to a protest. In an additional fully-investigated case, a complainant wrote a letter to IPR protesting the Bureau’s findings. However, when IPR called the complainant to follow-up, she declined the offer of an appeal request form and stated that she simply wanted to express her concerns in writing.

TORT CLAIM NOTICES AND CIVIL LAWSUITS

In 2005, IPR was given the authority to initiate complaint proceedings based on allegations in civil claims (tort claims and civil suits) against PPB and its officers. IPR reviews all relevant civil claims except auto liability claims.

In 2007, IPR adopted an administrative rule describing review procedures and standards. *(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 184 unduplicated civil claims and opened 12 complaint files for formal intake investigations and screening in 2007.

Table 2.16 Outcome of Tort Claim & Civil Lawsuit Review 2007	
Action/Outcome	
Tort claims & civil lawsuits reviewed by IPR	184
IPR case files opened	12
Dismissed by IPR after preliminary review	8
Claimant unavailable or refused to participate	5
Referred to PPB for other action*	3
Referred to IAD	4
Pending completion of investigation or findings	3
Completed with all non-sustained findings	1

* In one case, IPR requested IAD to submit a request that PPB's Training Division prepare a roll-call video about the legal and procedural requirements for a warrantless entry under the Community Caretaking exception to the search warrant requirement. In another case, IPR referred the complaint to the Precinct Commander along with IPR-prepared training materials on officers' responsibilities to enforce restraining orders and to perform civil standby duties when a restrained partner is permitted by a court to remove possessions from the home.

IPR did not open complaint files on 171 claims (one case is still pending an IPR decision) for the following reasons:

- 42 had been previously reviewed, normally because the claimant had already filed a citizen complaint directly with IPR,
- 29 alleged no intentional misconduct by officers or the allegations were credibly refuted or explained by police reports,
- 27 contained insufficient information to determine what actions the claimant was alleging the officers took,
- 26 were requests for reimbursement for lost or mishandled property (not claims of theft or misappropriation),
- 25 were requests for reimbursement for damages caused by apparently lawful police actions (e.g., a landlord claim for reimbursement for damage to a tenant's door when police entered forcibly to execute a search warrant),
- 17 were declined for miscellaneous reasons (e.g., the incident occurred before IPR had authority to open complaint files on civil claims), and
- 5 were grossly improbable (e.g., rambling conspiracy theories filed by unrepresented claimants).

As in previous years, most tort claim notices did not allege police misconduct, most of the claimants were not represented by attorneys, and most of the claims did not result in the filing of lawsuits. Plaintiffs' lawyers were somewhat more willing to allow IPR to interview their clients than in past years, but the sample size is too small to know whether this represents a trend.

IPR recommends that CRC analyze IPR's civil claim review practices.

CHAPTER 3

PORTLAND POLICE BUREAU

MANAGEMENT OF OFFICER CONDUCT

NOTEWORTHY TRENDS

- *SHOOTINGS DOWN*
There were 48% fewer police shootings in the past five years compared to the preceding six years.
- *FORCE COMPLAINTS DOWN*
Force complaints per citizen-police contact have dropped 34% since 2004.
- *COMPLAINTS PER OFFICER DOWN*
Most officers continue to receive no complaints and the number of officers receiving multiple complaints is declining.
- *NEW USE-OF-FORCE POLICY*
Portland Police Bureau (PPB or Bureau) adopted a new policy on non-lethal force, which contains significant new guidance for officers and supervisors (including emphasis on de-escalation of confrontations).
- *DISCIPLINE UP*
An average of 30 officers per year received discipline in 2006 and 2007; up from 17 officers in 2005.

Independent Police Review's (IPR) citizen complaint process is not the only mechanism for managing police officer conduct. In this chapter, IPR reports about PPB actions and data that complement IPR's policy goals.

BUREAU-INITIATED COMPLAINTS

The Bureau has exclusive jurisdiction to investigate misconduct allegations it receives from PPB employees or other government agencies. Although IPR does not have authority to investigate *bureau-initiated complaints*, they are entered and tracked in IPR's database. At PPB's request, IPR reviews and comments on all bureau-initiated Internal Affairs Division (IAD) investigations and attends the related Performance Review Board hearings.

On average, PPB investigates about 25 bureau-initiated complaints per year (Table 3.1) and sustains at least one allegation in more than 75% of the cases (Table 3.2). In 2007, PPB investigated 24 complaints and sustained more than half of all the allegations (Table 3.3).

Allegation Category	2002		2003		2004		2005		2006		2007	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Conduct	37	73%	89	74%	53	64%	73	77%	39	76%	72	87%
Control Technique	0	0%	0	0%	0	0%	1	1%	0	0%	0	0%
Courtesy	5	10%	11	9%	5	6%	4	4%	2	4%	1	1%
Disparate Treatment	0	0%	3	3%	3	4%	4	4%	0	0%	0	0%
Force	1	2%	2	2%	8	10%	5	5%	8	16%	5	6%
Procedure	8	16%	15	13%	14	17%	8	8%	2	4%	5	6%
Total Allegations	51		120		83		95		51		83	
Complaints Received	23		41		37		30		22		24	

Completed Investigations	2002		2003		2004		2005		2006		2007	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
All Non-sustained Findings	1	17%	5	24%	5	19%	3	23%	8	35%	4	24%
One or More Sustained Findings	5	83%	16	76%	21	81%	10	77%	15	65%	13	76%
Total	6		21		26		13		23		17	

	Not Sustained	Sustained	Total
	Conduct - Other	3	7
Unprofessional behavior	3	4	7
Unsatisfactory work performance	1	3	4
Untruthfulness	4	2	6
Inappropriate off-duty behavior	1	2	3
Fail to follow traffic law	0	2	2
Excessive Force	3	1	4
Defamation	1	1	2
Rude behavior or language	0	1	1
Fail to file a complete police report	0	1	1
Demeaning behavior or language	0	1	1
Use of authority for personal gain	2	0	2
Theft	1	0	1
Discrimination-race	1	0	1
Disclosed confidential info	1	0	1
Control holds	1	0	1
Coercion	1	0	1
Total	23	25	48
Percent	48%	52%	

SHOOTINGS AND IN-CUSTODY DEATHS

The total number of shootings in the past five years *dropped by 48%* compared to the preceding six years.

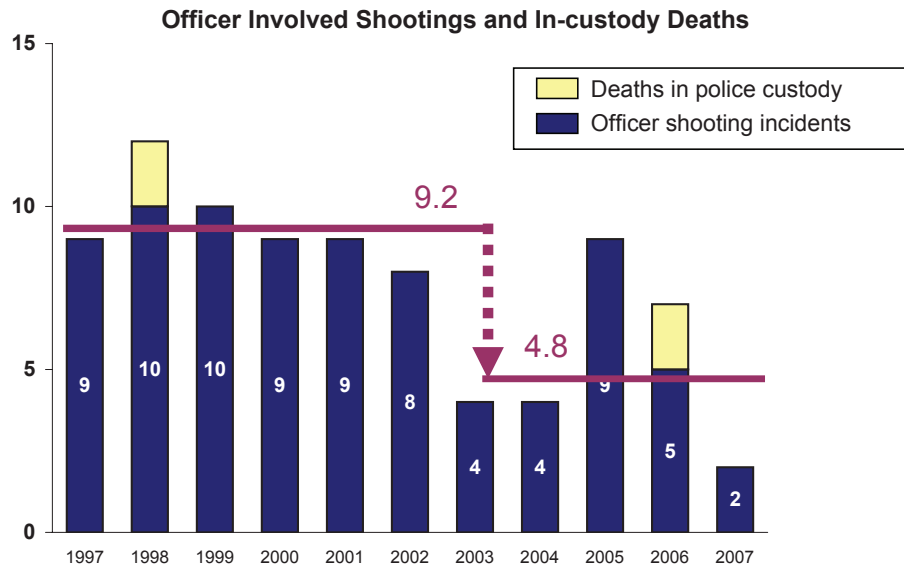


Figure 3.1

In 2007, there were *zero* in-custody deaths and only *two* officer-involved shootings (one fatal, one non-fatal; Table 3.4). A third shooting incident involved an off-duty officer who shot an armed intruder trying to enter the officer's private home in another county. IPR does not classify the shooting as an *officer-involved shooting* because the officer was not on duty, was not asserting law enforcement authority, and was exercising a private citizen's right to defend self and others.

Table 3.4			
Shootings and In-custody Deaths			
	2005	2006	2007
Shooting - fatal	5	3	1
Shooting - injury	1	1	1
Shooting - non-injury	3 *	1	0
In-custody death	0	2	0
Total	9	7	2

* Two were accidental discharges during law enforcement actions.

The declines in shootings and in-custody deaths coincide with at least three developments:

- A greater than 5% decline in the number of citizen-police contacts;
- The widespread introduction of disabling weapons like tasers and bean bag guns; and
- Significant changes in how PPB trains, supervises, investigates, and analyzes 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 past shootings and in-custody deaths. PARC conducted follow-up studies in 2005 and 2006 with additional recommendations and process refinements. As the changes took effect, shootings and in-custody deaths began to decline.

One of the changes was the creation of PPB’s nine-member *Use of Force Review Board (UFRB)*, including two citizen members with voting rights. The UFRB reviews all shootings, in-custody deaths, and uses of force that result in hospitalization. The reviews include written analysis by the Bureau’s Training Division of the tactics, policies, equipment, and training involved in each incident.

There were 16 shootings and two in-custody deaths from 2005 through 2007. Out of these 18 incidents, the UFRB has completed its reviews of 14 incidents:

- In six cases, the involved officers were *fully exonerated*;
- In two cases, the shooting officers were *exonerated* for using deadly force but they or other officers were *debriefed* on related tactical issues (foot pursuits in one case, on-scene communications in the other); and
- In the remaining six cases, allegations were *sustained* against one or more officers (one for unsatisfactory work performance as it related to the use of deadly force, one for improper vehicle pursuit tactics, one for failure to call out the Special Emergency Response Team (SERT) in a timely fashion, one for creating a dangerous cross-fire situation, and two for negligent discharges).

In six of the 14 case reviews, the UFRB also recommended changes in policy or training, including more realistic scenario-based training, better communications between the tactical team and hostage negotiators, quicker dispatch of medical assistance, and ongoing in-service training on the treatment of excited delirium.

USE OF NON-LETHAL FORCE

The number of force complaints filed per 1,000 citizen-police contacts has declined 34% since 2004. The decline started in 2005, and continued steadily through 2007, at 12% to 14% per year.

Table 3.5				
Force Complaints Per 1,000 Citizen-Police Contacts				
	2004	2005	2006	2007
Citizen and Bureau Force Complaints	118	103	88	74
Citizen-Police Contacts	432,930	434,196	420,412	410,545
Force Complaints Per 1,000 Contacts	0.273	0.237	0.209	0.180

* Source for citizen-police contacts: PPB Planning & Support Division

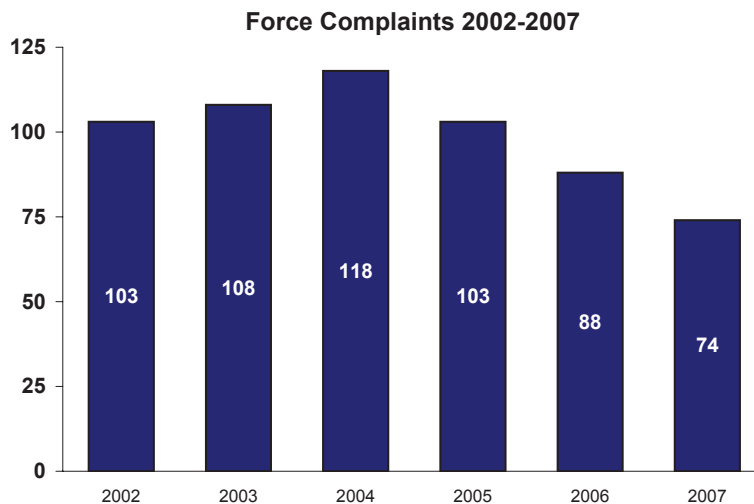


Figure 3.2

The decline followed IPR's increased attention on the Bureau's management of force (2004 Annual Report) and PPB's requirement that officers file special use-of-force reports in every qualifying incident. IPR and PPB intensified their attention on use-of-force issues in 2006 when they convened a joint *Force Task Force*. With the help of an independent analyst hired by IPR, the task force reviewed more than 4,500 use-of-force reports to identify patterns of how, when, where, and why officers used force and compared the results with the limited amount of comparable data available from other jurisdictions. The task force also compared PPB's policies and training with other jurisdictions. The task force forwarded 16 recommendations to the Chief of Police.

The entire task force report, with background data and recommendations, is posted on IPR's public website at 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*.

In response to the task force recommendations, PPB adopted a new policy on non-lethal force, which went into effect on March 17, 2008. The policy contains significant new guidance for officers and supervisors that was not part of the previous policy. New guidance includes:

- “The Bureau places a high value on resolving confrontations, when practical, with *less force* than the maximum...allowed by law [and] the *use of de-escalation* tools that minimize the need to use force.”
- Officers are explicitly expected to develop the skill to “...regularly *resolve confrontations* without resorting to higher levels of allowable force.”
- Officers “...*must not precipitate...force* by placing themselves...in jeopardy through actions that are inconsistent with...training” unless there is a substantial justification for doing so.

- Officers “...have a duty to report any use-of-force that violates” the policy.
- When supervisors prepare proposed findings in misconduct cases, they must address all the requirements of the force policy and include all available information on the “totality of circumstances” as that term is more clearly defined in the new policy.
- Requires operational units to conduct *non-disciplinary* semi-annual training reviews of *unit force practices* and individual *officers’ performance in confrontations*.

Under the previous policy, the amount of force was to be governed by the “circumstances of each situation taken as a whole in accordance with the Bureau’s *levels of control*.” The levels of control and amount of allowable force depended heavily on five *threat indicators* and three *levels of resistance*. The new policy says that the levels of control model identifies the *upper limit* of force that may be allowed against a particular threat level, but that the *authority* to use force is determined by the “*totality of circumstances* at a scene rather than any mechanical model.”

In a major improvement for officers and the public, the new policy describes what circumstances should be considered:

When determining whether [an officer]... used only the force reasonably necessary., the Bureau will consider the totality of circumstances faced by the [officer], including the following:

- The severity of the crime;
- The impact of the person’s behavior on the public;
- The extent to which the person posed an immediate threat to the safety of officers, self or others;
- The extent to which the person actively resisted efforts at control;
- Whether the person attempted to avoid control by flight;
- The time, tactics and resources available; and
- Any circumstance that affects the balance of interests between the government and the person.

The task force will reconvene in November 2008 to review the Bureau’s implementation of the task force recommendations and to review, understand, and sustain the downward trend in PPB’s use of force.

EMPLOYEE INFORMATION SYSTEM

The Bureau is developing an *Employee Information System (EIS)* to help supervisors monitor the performance of their officers and to intervene, when appropriate, with assistance, guidance,

or training. 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 has finished testing the first phase of EIS, the computer program that collects officer performance information from multiple databases inside and outside the Bureau and displays it on supervisors' desktop computers. Supervisors may compare individual performance measures with unit averages. The information includes arrests, citations, cases declined by the District Attorney, complaints against officers, uses of force, training, and overtime. In the past, this information was available only by physically visiting multiple locations and making individual requests from each data source. Most sergeants now have EIS on their desktop computers in the precincts.

Phase I testing has revealed some problems with data accuracy or completeness. Data that might have been sufficient for other objectives may require additional refinement for the more proactive EIS purposes. PPB is working to improve data quality.

In Phase II, PPB will implement a supervisory review process that alerts managers if officers cross pre-defined performance thresholds—for example, when officers receive a certain number of citizen complaints. If a threshold is crossed, supervisors will review the information and determine, with the officer's input, whether additional coaching, training, or employee assistance would help the officer succeed.

PPB will complete Phase II as soon as it resolves an Unfair Labor Practice Complaint filed by the police union. The union is challenging the Bureau's right to use or disclose information in EIS without first bargaining with the union.

To achieve the full potential of Employee Information System, PPB should take the following additional actions:

- *SUPERVISORY TRAINING*
Sergeants need training in how to interpret EIS data and how to coach performance. EIS can supply useful information but it takes a well-trained supervisor to utilize it effectively.
- *RESOURCES*
Sergeants need time in their schedules to be productive 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.
- *EIS ADVISORY COMMITTEE*
PPB should convene the EIS Advisory Committee at least semi-annually. The committee includes two Citizen Review Committee (CRC) members and the IPR Director.

OFFICERS WITH MULTIPLE COMPLAINTS

Most officers do not receive any complaints, but each year a few receive three or more. The high-complaint generators tend to be different from year to year, suggesting that PPB or the officers themselves take some form of effective action to reduce complaints the following year.

Fewer officers are generating high numbers of complaints. In 2003, 44 officers received five or more complaints, with three officers in the double-digits. In 2007, 18 officers received five or more complaints and only three received more than six complaints.

The most complaint-prone officers, as a group, also are generating fewer complaints. In 2003, the top five officers generated 52 complaints, an average of more than 10 complaints per officer. In 2007, a new group of top five officers generated 34 complaints.

Officer A received 14 complaints in 2003 and eight in 2004. After receiving extra training, Officer A did not make the top 10 list of complaint-prone officers in 2005, 2006, or 2007. Officer B received 11 complaints in 2005 and eight in 2006, before receiving peer mentoring. Officer B dropped out of the top 10 list in 2007.

Table 3.6 reports the number of complaints of all types filed per sworn or non-sworn employee from 2002 through 2007.

Table 3.6 Number of Complaints per Employee per Year*						
Number of Complaints	Number of Employees per Year					
	2002	2003	2004	2005	2006	2007
10+	1	3	2	1	0	0
9	0	2	1	0	0	0
8	0	3	3	3	3	1
7	4	2	8	3	3	2
6	2	11	8	8	7	6
5	6	23	14	22	12	14
4	7	34	41	41	31	19
3	44	57	69	86	60	39
2	112	143	135	116	103	107
1	300	284	286	253	259	267
Total	476	562	567	533	478	455

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

As the number of force complaints declined in 2007, so did the number of officers receiving two or more force complaints (from 22 in 2006 to 12 in 2007). Table 3.7 shows the number of *force* complaints per employee.

Number of Force Complaints	Number of Employees					
	2002	2003	2004	2005	2006	2007
8	0	0	1	0	0	0
7	0	0	0	0	0	0
6	0	0	0	0	0	0
5	1	2	0	1	0	0
4	1	1	1	1	0	0
3	3	5	7	1	2	4
2	18	14	21	14	20	8
1	101	99	100	104	85	82
Total	124	121	130	121	107	94

DISCIPLINE

Table 3.8 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.

	2005	2006	2007
Terminated	1	1	1
Suspended without pay			
600 Hours	1	0	0
300 Hours	0	0	1
150 Hours	1	0	0
100 Hours	0	0	0
80 Hours	0	0	0
60 Hours	2	0	0
50 Hours	0	0	0
40 Hours	1	0	4
30 Hours	2	0	0
20 Hours	1	2	2
10 Hours	0	3	1
8 Hours	0	0	0
Letter of Reprimand	6	11	8
Command Counseling	2	16	10
Total	17	33	27

Between 2005 and 2007, fifteen PPB officers resigned or retired while criminal or misconduct allegations were pending against them. Seven of the resignations or retirements reported in Table 3.9 were submitted by the officers after recommended sustained findings; five were the result of criminal plea agreements. Three officers with more than 20 years on the force retired while relatively minor complaints were pending against them.

Table 3.9			
Resignations and Retirements While Complaint or Investigation Pending			
	2005	2006	2007
Number of PPB Employees	3	8	4

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

In addition, several CRC members also participate on other advisory boards such as:

- The Bureau's Use of Force Review Board and Performance Review Board (reviews cases for possible discipline, policy, training, etc.)
- The Bureau's Employee Information System (EIS) development
- Oral Boards (interviews police candidates for promotions and officer hires)
- Police Budget Advisory Committee
- Mayor's Racial Profiling Committee
- Use of Force Task Force

CRC MEMBERS WHO SERVED DURING 2007

Although terms are two years each, there is no limit to the number of terms a CRC member may serve. Some members have been on CRC since 2001. Also, a member may resign during a term and be replaced midterm.



*From left to right (standing): CRC member Marcella Red Thunder, IPR's Mike Hess, and Auditor Gary Blackmer
From left to right (at table): CRC members Bob Ueland, Sherrelle Owens, and Hank Miggins*

The following members served on CRC during the 2007 reporting period:

Michael Bigham is a retired Port of Portland Police lieutenant, who went on to add a Master's in Fine Arts degree to his Master's in Criminal Justice and has a Bachelor's degree in Psychology. He also volunteers with low income housing residents, the homeless community, special needs individuals, and drug treatment programs. Mr. Bigham is a member in the Audubon Society and Sierra Club.

Appointed February 2005

Josephine Cooper received a Master's Degree in Conflict Resolution from Portland State University in December 2007. Her writing, research, and education focus on the social effect of the intersection between criminal justice and mental health services, both historically and currently. She is a volunteer mediator in the Victim-Offender Mediation Program for juvenile offenders in Clackamas County. Ms. Cooper has worked in the public and private housing industries, particularly in programs for persons with special needs. 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. She lives in Southwest Portland.

Appointed October 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 Bureau's Use of Force and Performance Review Boards and serves on the Employee Information System Advisory Committee.
Appointed December 2003

JoAnn Jackson was a board member of the Oregon Mediation Association (OMA) for six years and continues to be a member of OMA, as well as a 10-year member of the Association of Conflict Resolution. She has degrees in Business Management and a Master's Degree in Business Administration, and has been a diversity trainer for City of Portland employees. Her career has included being a Manager and Regional Director of Donor Resources Development with the American Red Cross Blood Services, Pacific Northwest Region, in Portland (1994-2006). In addition, Ms. Jackson is a past trainer and employee of the City's Bureau of Emergency Communications, as well as a mediator and presenter for businesses and nonprofits on topics of diversity and inclusion. Ms. Jackson is a long time resident of Portland and lives in Northeast Portland.

Appointed November 2007

Mark Johnson is a graduate of Reed College and of the Boalt Hall School of Law at the University of California, Berkeley. Mr. Johnson is a former president of the Oregon State Bar and a past chair of Oregon's State Professional Responsibility Board. He currently serves on the American Bar Association's Standing Committee on Professional Discipline. Mr. Johnson has a long record of state and national service to the bar as well as to the gay and lesbian community. He lives and works in Southeast Portland, where he practices in the areas of appellate litigation, family law, and professional ethics.

Appointed November 2007

Hank Miggins has an extensive background in multi-faceted services with experience in managing diverse personnel. He was a former 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. Mr. Miggins lives in Southwest Portland and has served on the CRC since 2001.

Appointed October 2001

Rob Milesnick works for The ODS Health Plans as their Legislative Liaison. He has a Law degree from Syracuse University, and is a certified Third Party Mediator. Prior to his work with the legislature, he worked for the Oregon Judicial Department in Multnomah County's DUII Intensive Supervision Program (DISP). Mr. Milesnick served on the Board of Directors and Executive Committee of the Northeast Coalition of Neighborhoods. He lives in Southeast Portland.

Appointed October 2006

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's 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. Ms. Ogouma resigned from her CRC appointment and moved to the Republic of Benin in Africa.

Served from February 2006—July 2007

Sherrelle 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 Bachelor's Degree in Psychology and a Master's degree in Social Work, both from Portland State University. She is a Board Director for the Portland Rose Festival Association and lives in Northeast Portland.

Appointed October 2006

Marcella Red Thunder has been an auto mechanic and has 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. Ms. Robison serves on the Bureau's Employee Information Advisory Committee, as well as its Use of Force and Performance Review Boards. She is a resident of Northwest Portland.

Appointed December 2003

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 the 2002 winner of the Multnomah County's Gladys McCoy Award; he is a resident of Northeast Portland.

A farewell was presented to Mr. Ueland in recognition of his outstanding community service. Before CRC was created, Mr. Ueland was also a member of the City of Portland's Police Internal Investigations Audit Committee (PIIAC) from 1995-2001. He became the first CRC Vice-chair and has been involved with several CRC workgroups and PPB policy reviews. His multi-faceted strengths significantly helped CRC's development and success throughout the years.

Served from October 2001—December 2007



From left to right: Michael Bigham, Hank Miggins, Irene Remi-Lekun Ogouma, Lewellyn Robison, and Bob Ueland

CRC RETREAT

On January 13, 2007, CRC members held an all-day retreat to improve skills for working together, to receive updates on the Oregon Open Meeting Law and record-keeping requirements, as well as to establish goals. With input from IPR staff and the public, CRC identified priorities for the year. A number of future projects considered are (in descending ranking order):

1. PPB Training Division Curriculum
2. In-house Training for CRC Members
3. Discipline
4. (tie) Thomas A. Swift's Electronic Rifle (TASER®) Policy
4. (tie) Recruiting and Retention
6. Protest Policy
7. Release of Prisoners Policies and Safeguards

The minutes of the retreat are located at

<http://www.portlandonline.com/auditor/index.cfm?c=44210>.

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 2007, CRC considered eight appeal requests and provided full hearings for seven appeals. The eighth appeal request was received in November and the hearing was scheduled for early 2008.

2007-X-0001

An officer was dispatched regarding a disturbance call and encountered the appellant drinking beer while standing in front of an apartment complex. The appellant alleged the officer used poor discretion by taking him to the Hooper Detoxification Center, inappropriately hid the

appellant's gun in his apartment, and inappropriately stopped at a convenience store en route to the detox center to get a cup of coffee. After a full hearing, CRC's decision was to accept the Bureau's findings.

2007-X-0002

The appellant was cited for a traffic infraction. She alleged that prior to her trial in traffic court, the officer who had cited her did not properly explain her options, causing her to be found guilty and fined. After a full hearing, CRC's decision was to accept the Bureau's findings.

2007-X-0003

The appellant was accused by neighbors of stealing their lost dog and then trying to sell it back to them. The appellant agreed to come to a Portland Police precinct for questioning, but he did not show up. The following week, a detective went to the appellant's home. The appellant said the detective illegally entered and searched his house, garage, and one vehicle. The appellant alleged the detective inappropriately told the appellant's wife that he was a drug dealer, despite him having turned his life around several years previous. In the end, the appellant failed to appear for the hearing; however, after the full hearing occurred, CRC's decision was to accept the Bureau's findings.

2007-X-0004

The appellant was approached by two officers and cited for a pedestrian violation. The appellant alleged that the officers harassed, detained, and handcuffed him without cause. He claimed that one of the officers told him he was from Mexico and had no rights, searched him without consent, and threatened to arrest him if he did not provide his identification. The appellant claimed the other officer used excessive force and told him he could shoot him and nobody would do anything about it. The appellant said the officers lied about seeing him jaywalking and falsely cited him. The appellant also alleged that the officers were laughing as they removed the handcuffs and while they drove away. After a full hearing, CRC voted to recommend changing three findings from Unfounded to Insufficient Evidence and one finding from Exonerated to Insufficient Evidence. The Bureau accepted all CRC recommendations.

2007-X-0005

The appellant said two officers drove by him, shined a light in his eyes, and continued to follow him as he walked to a bus stop. He alleged both officers were laughing, and when he asked them if they were bothering him because he was Hispanic; they responded—*and dumb*. The appellant said he was fearful and went to a nearby gas station and told both the night manager and gas attendant what had happened. He then called 911 to report the officers harassing him and asked that a supervisor be dispatched to the scene. He claimed he was falsely arrested for misuse of 911. The appellant alleged that the officers failed to read him his Miranda rights and one of the officers told him Community Court is *a joke*. After a full hearing, CRC voted to recommend changing two findings from Unfounded to Insufficient Evidence. The Bureau accepted CRC's recommendations.

2007-X-0006

The appellant went to the office of the building where she resides because she smelled smoke. The security guard called 911 when the appellant began yelling and throwing things at her. The responding officers took the appellant to the ground and handcuffed her when she resisted being detained. The appellant said the officers used unnecessary force, causing her to have a broken wrist and abrasions. The appellant withdrew the appeal on the date the hearing was scheduled.

2007-X-0007

Officers were dispatched to an apartment complex when a person drove a car into a fence. During the investigation to identify the driver of the car, the officers spoke with the appellant who lived in one of the apartments. The appellant alleged one of the officers was rude, intimidating, and unprofessional. The request for appeal was received sixteen days after the due date; as a result, the IPR Director declined the appeal due to lack of timeliness.



Citizen Review Committee Meeting at City Hall in the Rose Room

CRC OUTREACH

In an effort to improve transparency and accessibility to the public CRC held several of its monthly, public meetings in various community locations. For example, CRC meetings were held in the following Portland locations:

- Southwest Community Center (Southwest)
- Multnomah County Courthouse (Downtown)
- East Portland Community Center (East)
- Matt Dishman Community Center (Northeast)



Citizen Review Committee Meeting at Southwest Community Center

CRC also invited speakers to address CRC and the people attending these meetings. Guest speakers included:

- Mr. Israel Bayer discussed the Portland Street Roots newspaper in which he edits. Street Roots is written by and about Portland's homeless community, and provides a source of income for the vendors who sell it. Mr. Bayer talked about issues regarding interactions between the police and members of the homeless community.
- Multnomah County Deputy Assistant District Attorney Jim Hayden spoke about the curfew enforcement sweep during Spring Break 2006. Hayden (the Neighborhood Prosecutor for Northeast Portland) collaborated with community members, police and juvenile courts to create a pilot process for enforcement of the state Parental Responsibility law. The current law prohibits parents from allowing their children to violate the curfew law. The long term goal is to create a permanent process for enforcing the statute, which would include referrals for assistance for troubled families and to expand the enforcement beyond curfew to truancy.
- Transit Division Commander Donna Henderson (and Lieutenants Ed Hamann and John Smith) presented issues about transportation concerns within the Portland Metro area. Commander Henderson explained that the 35 sworn officers of the Transit Division focus on fare missions, as well as criminal activity on buses, MAX trains, and at bus and MAX stops. Shelly Lormax of TriMet explained that TriMet is the 14th largest transit system in the U.S. (covering 575 square miles in the Tri-county area). There are 93 bus routes, 18 major transit centers, and over a quarter of a million daily passenger boardings.
- Northeast Precinct Commander Bret Smith presented a summary of the Curfew Pilot Project that was carried out in Northeast and Central Precincts during Spring Break 2007. At the same meeting, North Precinct Lieutenant Eric Brown and Officer Barry Hosier presented a summary of the Enhanced Safety Program Pilot Project that has been implemented in North Precinct to assist landlords to reduce the incidence of crime on their rental properties.

CRC also used the *IPR Quarterly* as a community outreach tool. This report is published by IPR staff, and CRC members contribute information to this publication including workgroup activities, mission statements, and upcoming meetings. The 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 these quarterly reports.

In addition, several CRC members assisted IPR with the annual CRC recruitments: five CRC two-year terms expired the end of 2007. 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. The selection committee and interview panel consisted of current or past CRC members, community members, and an IPR staff member. After the competitive selection process was completed, finalists were then nominated by City Auditor Gary Blackmer for City Council approval (November 28, 2007). JoAnn Jackson and Mark Johnson were new CRC nominees. Josey Cooper, Loren Eriksson, and Hank Miggins were the nominated for re-appointment.



From left to right: Lewellyn Robison, Loren Eriksson, Hank Miggins, Josey Cooper, JoAnn Jackson, Auditor Gary Blackmer, Mark Johnson, and Rob Milesnick

CRC WORKGROUPS

BIAS-BASED POLICING WORKGROUP

The Bias-based Policing Workgroup was formed to review complaints of disparate treatment or bias in policing. The workgroup developed its methodology, work plan, and projected schedule in early 2007. The workgroup began reviewing IPR case files and collecting data later in the year.

The four workgroup members are committed to reviewing a total of 60 cases using a detailed checklist for analysis purposes. Each case is being reviewed independently by at least two workgroup members. Their final recommendations to the full CRC will rely on case file reviews; although, they may also consider additional evidence and sources beforehand. The workgroup has collaborated with the Mayor's Racial Profiling Committee as their missions overlap. They may also produce an interim report before moving beyond the case review portion of their mission and work plan.

COMMUNITY OUTREACH WORKGROUP

The Outreach Workgroup was put on hold—pending the completion of a consultant's outreach study, which IPR intends to commission in 2008. The workgroup will then meet and provide input on CRC's outreach objectives.

POLICE ASSESSMENT RESOURCE CENTER (PARC) WORKGROUP

The Police Assessment Resource Center (PARC) was hired by IPR to develop recommendations for improving Portland Police Bureau's investigations and policies related to officer-involved shootings and in-custody deaths. The PARC Workgroup was formed to review the numerous resulting recommendations and evaluate their implementation by the Bureau.

The workgroup began reviewing the additional recommendations made in the first (2005) and second (2006) follow-up reports late in 2007. After concluding that review in 2008, the workgroup will decide whether to re-examine any of the original 89 PARC recommendations (2003 report) and may also examine several unnumbered suggestions in the texts of the PARC reports.

PROTOCOL WORKGROUP

This workgroup reviews CRC's internal protocols; it examines several protocols as part of its periodic protocol review process. New protocols are developed when deemed necessary. All CRC protocols are located at <http://www.portlandonline.com/auditor/index.cfm?c=27455>.

The following list is a sample of the workgroup's 2007 activity:

- Wrote: *CRC Member Duties and Responsibilities Protocol (PSF-5.22)* – adopted
- Wrote: *CRC Election of Officers Protocol (PSF-5.23)* – adopted
- Wrote: *IPR Tort Claim Protocol (PSF-5.24)* – adopted
- Reviewed: *Appeal Process Advisor Protocol (PSF-5.21)* – amended
- Reviewed: *IPR Mediation Program Protocol (PSF 5.09)* – amended
- Reviewed: *Communication Guidelines Protocol (PSF-5.04) and Guidance for Working Together Effectively Protocol (PSF-5.17)* – no changes recommended
- Reviewed: *Pre-Hearing Protocol (PSF-5.11)* – repealed by CRC and deleted
- Reviewed: *Appeals Procedures Protocol (PSF-5.03)* – proposed a rewrite to allow CRC to hold a pre-hearing should it so desire

TOW POLICY WORKGROUP

The Tow Policy Workgroup focused on the Bureau's towing policies (affording greater discretion to officers in deciding whether or not to tow a vehicle). The recommendations, and the Officer Use of Vehicle Towing report, were refined and later finalized after significant input from the original workgroup members, additional CRC members, and other IPR and Auditor staff members. The report can be located at: <http://www.portlandonline.com/auditor/index.cfm?c=27068>.

The Bureau accepted and pledged to implement eight of the nine recommendations the workgroup submitted. The exception was recommendation #2 – examining any patterns of impounds that may be biased-based on economic status, race, neighborhoods, or officers involved. The Police Chief stated the analysis would be too expensive in terms of resources.

During the research process, the workgroup identified additional concerns they believed should be addressed either by City Council or the Bureau. The workgroup's memo letter to Council included mentions of:

- Numbering of the Bureau Manual of Policy and Procedure
- Public testimony regarding predatory tow practices
- A proposed 'sliding scale' for towing fees based on the vehicle's value

FORCE TASK FORCE

Two CRC members joined the IPR Director and Assistant Director, two assistant chiefs, the Training Division Captain, and two sergeants (Training and Professional Standards) to form the Use of Force Task Force. For more information regarding this task force, refer to this report's Chapter 3 – Portland Police Bureau.

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 indicate improvement in the public's confidence in the City of Portland's efforts to control misconduct since 2004. IPR's citizen complainant survey continues to show generally low satisfaction rates among survey respondents. However, a number of specific areas are showing improved scores and the overall trend since 2005 is positive. 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 and sampled case narratives. These quarterly reports are available in hardcopy, are posted on the IPR web site, and distributed via e-mail distribution lists. IPR plans to redesign the look and content of these quarterly reports in 2008.

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 2007, the IPR Director and Outreach Coordinator met with a wide-range of Portland community groups including:

- Independent Citizens Review Board for Oregon
- Portland Business Alliance
- Transition Projects
- Portland Impact
- Recovery Projects
- Oregon Youth Authority

- Office of Minority Services
- Coordinating Committee to End Homelessness
- Jean's Place (homeless women's shelter)
- Northwest Social Service Connections
- African American Advisory Council
- Central City Concern
- Portland Crime Prevention
- Downtown Crime Prevention
- Portland State University and Portland Community College students
- Various Neighborhood Associations

IPR focused outreach efforts on disparate treatment issues. The IPR Outreach Coordinator met with a group in Washington County regarding formation of a human rights committee and handling of discrimination complaints. IPR staff also represented IPR and CRC at the Coalition Against Hate Crimes, where Northwest Constitutional Rights Center discussed their work on a series of community listening sessions with the Bureau on racial issues, and work on upcoming Shadow Report for the United Nations on Oregon compliance with the International Convention on the Elimination of Racial Discrimination.

Outreach efforts were also aimed at the Bureau 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 desk sergeants) and went on ride-alongs with officers.

The Director and Outreach Coordinator met with representatives from around the world, as well as local media (e.g.; Portland Tribune, Seattle Times, Willamette Week, and Skanner), regarding police oversight. The IPR Director was a guest on a KBOO radio show with host JoAnn Bowman and provided media interviews regarding the Use of Force Report. Also, the Director attended and/or participated in panel discussions at annual meetings of national and international groups who are dedicated to promoting police oversight. The Outreach Coordinator met with a delegation of Middle Eastern journalists through the International Visitors Program.

The Outreach Coordinator also presented at the Clark Center, a shelter for homeless men; met with the Inside Out Interactive Theater; provided telephone consultations to the City of San Jose (regarding IPR reporting requirements and staff experience) and the Albany Law School of New York (regarding the mediation program); participated in the Police Bureau's oral boards; and provided an article on IPR for the monthly newsletter of Northwest Social Service Connections.

In late summer 2007, the IPR Outreach Coordinator resigned from her position to pursue other personal and professional interests. Despite recruitment efforts, the position remained unfilled through the remainder of 2007. IPR and CRC plan to significantly rework outreach strategies in 2008 before undertaking another recruitment effort.

CITY AUDITOR'S ANNUAL CITIZEN SURVEY

In 2007, the City Auditor's Office (Audit Services Division) conducted its 17th Annual Citizen Survey. 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 an average of 40% from 2005-2007. Only 25% of the respondents rate the City's efforts as *bad* or *very bad* in 2007, though the 2006 results were slightly more favorable. A large percentage of respondents answered *neither* (36% in 2007). Annual results are shown in Table 5.1. To obtain additional information about this survey refer to the *City of Portland Service Efforts and Accomplishments: 2007*, which is available at <http://www.portlandonline.com/auditor/auditservices>.

Table 5.1
Question from the Annual Report on City Government Performance

"How do you rate the City of Portland's efforts to control misconduct by Portland police officers?"

	2004	2005	2006	2007
Very Good	7%	8%	9%	7%
Good	28%	31%	33%	31%
Neither	34%	35%	37%	36%
Bad	20%	18%	15%	17%
Very Bad	11%	9%	7%	8%

These results may offer support to our concerns about the validity of the generally low satisfaction results from the IPR complainant survey. The IPR respondents are self-selected from a sample 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 by 50% in 2007.

IPR COMPLAINANT SURVEY

In an effort to measure 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.

From 2002-2006, 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 were mailed quarterly from 2003 through 2006. In 2007, IPR made a resource-driven decision to survey complainants at the end of only 4 of the 12 months. 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.

The survey was slightly modified for 2007. One question was added, two questions were dropped, three were slightly reworded, and additional information was minimized so the survey could fit on the front of a single page. Some language was also modified to clarify that IPR and the Auditor's Office were gathering the information rather than the Bureau.

RESPONSE RATES

After dropping from 29% in 2002-2003 to 24% in 2004, the survey response rate worsened again in 2005. It has been 20% or lower for each of the past three years (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	2007
Number of Surveys Mailed	325	365	718	804	642	581	203
Number of Surveys Returned as Undeliverable	50	38	85	87	69	58	17
Number Completed and Returned	97	96	184	173	107	107	33
Response Rate	35%	29%	29%	24%	19%	20%	18%

* IPR mailed fewer surveys in 2007; sampling four months of the year rather than conducting a full 'census' of all complainants.

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 19% of complainants (on average) who responded to the IPR survey in 2005-2007 are similar to (or different from) the 81% 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 2005-2007 survey data.

SURVEY RESPONDENTS

Respondents appear to differ slightly from the general complainant population. Demographic and case information supplied by IPR survey respondents (or from case files) was compared between years. The comparison indicated that survey respondents were more likely to be between the ages of 25-54 and White/Caucasian. IPR received fewer completed surveys from racial minorities from 2005-2007 compared to 2003-2004 (Table 5.3). People whose cases were dismissed or declined were more likely to respond.

In 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 2005-2007 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.

Table 5.3
Respondent Demographics

	2001	2002	2003	2004	2005	2006	2007
Gender							
Female	44	33	80	84	49	44	17
Male	52	62	99	80	55	60	15
Total	96	95	179	164	104	104	32
Race or Ethnicity							
Black/African American	11	14	27	22	14	7	4
Hispanic/Latino	1	1	5	9	3	0	0
White/Caucasian	71	66	125	113	84	85	23
Native American	3	4	3	4	0	2	0
Asian	2	5	5	7	1	2	0
Other	3	4	3	0	1	4	4
Total	91	94	168	155	103	100	31
Age							
Under 18	1	0	3	1	1	1	0
18-24	5	12	16	13	5	5	0
25-34	26	23	45	22	21	19	7
35-44	26	25	47	51	29	26	8
45-54	21	18	34	44	24	32	9
55-64	11	9	26	22	14	17	5
65 and over	5	7	10	13	9	4	2
Total	95	94	181	166	103	104	31

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 increased slightly for the first time since 2004. Results in 2007 showed that 50% of survey respondents reported being satisfied with how well the investigator listened to his or her description of what happened. This is down from a peak of 64% in 2004, but represents a five-percentage point increase over 2006 (Figure 5.1). Fifty percent of respondents also reported being satisfied with how fair and thorough the investigator's questions were (Figure 5.2).

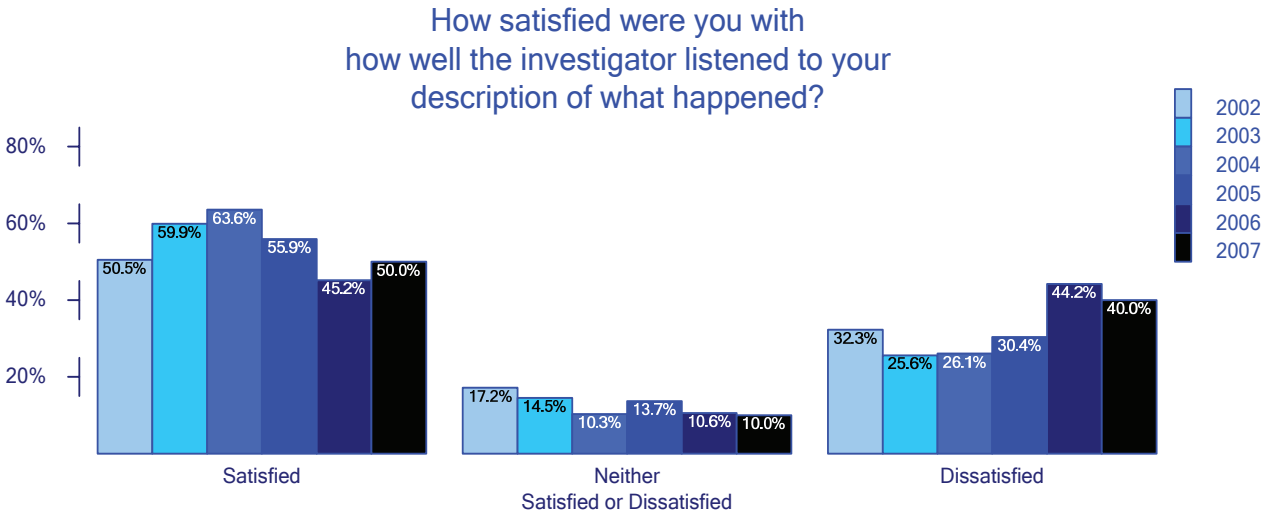


Figure 5.1

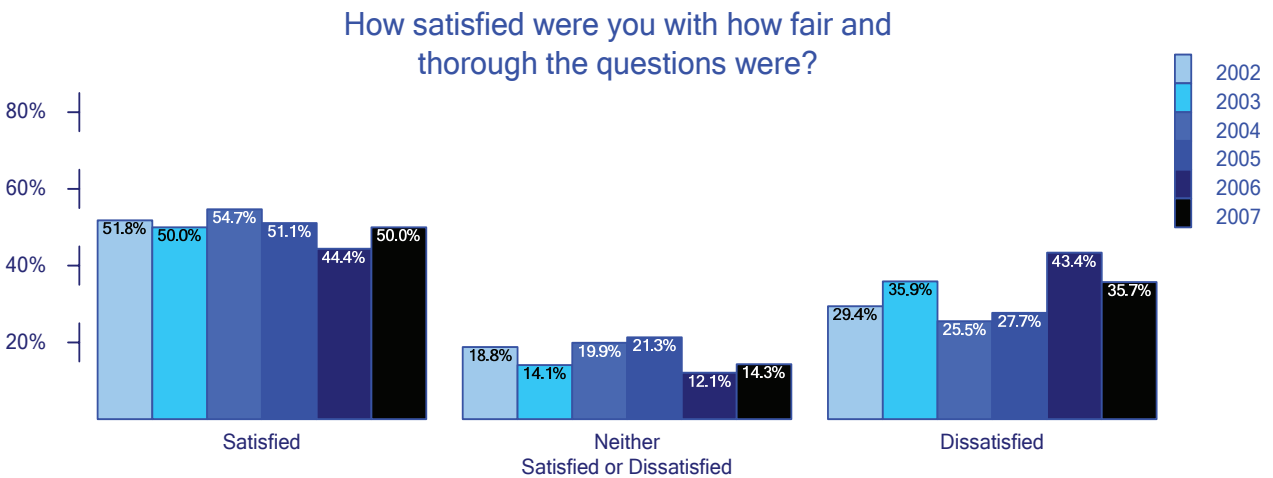


Figure 5.2

IPR has placed an increasing emphasis on communicating with complainants and explaining the complaint process. That emphasis appears to be translating into increased satisfaction among respondents in at least one area. Nearly 52% were satisfied with the explanations of how the complaint process works. That was greater than a ten-percentage point increase, and nearly matched the peak in 2004 (Figure 5.3). Further, dissatisfaction was considerably reduced on the explanations of how long the process takes (Figure 5.5)

How satisfied were you with our explanation about how the complaint process works?

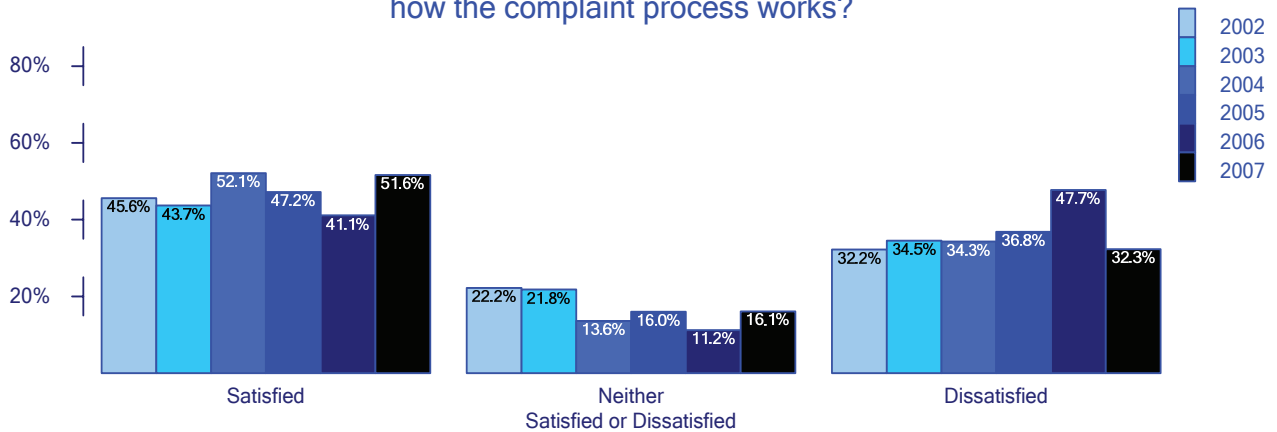
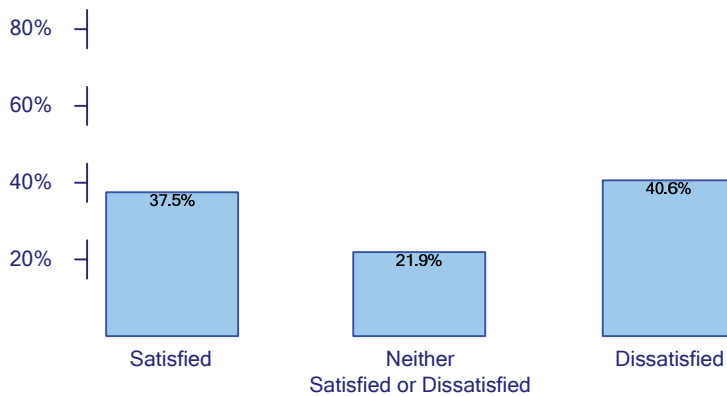


Figure 5.3

Other results suggest that IPR’s process explanations could still use some work. A new question regarding explanations about possible complaint resolutions gauged satisfaction at less than 38% (Figure 5.4). Also, fewer than 34% were satisfied with the explanations of how long the process takes, down from a peak of 49% in 2004 (Figure 5.5).

How satisfied were you with our explanation about how your complaint could be resolved?*



* New question in 2007

Figure 5.4

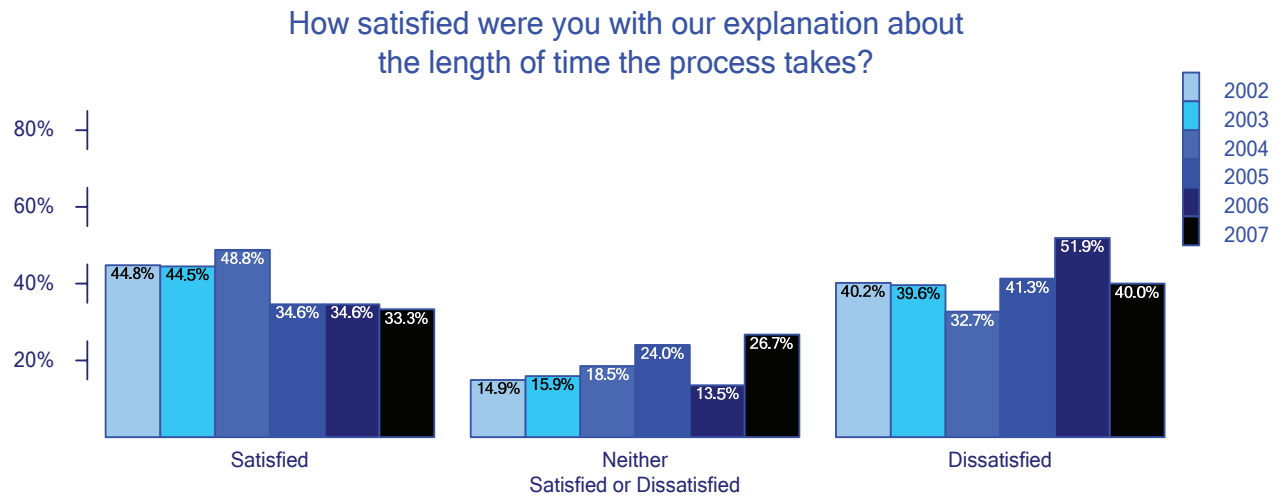


Figure 5.5

There was a substantial one-year increase in the percentage of respondents satisfied with the information provided about what was happening with their complaint. The rate had dropped below 30% in 2005 and 2006, but returned to 40% in 2007 (Figure 5.6). There was a slight improvement (to 32%) in reported satisfaction with the information received about the final resolution of complaints (usually in the form of letters). The figure had also dropped below 30% in 2006, down from a peak of 44% in 2004 (Figure 5.7).

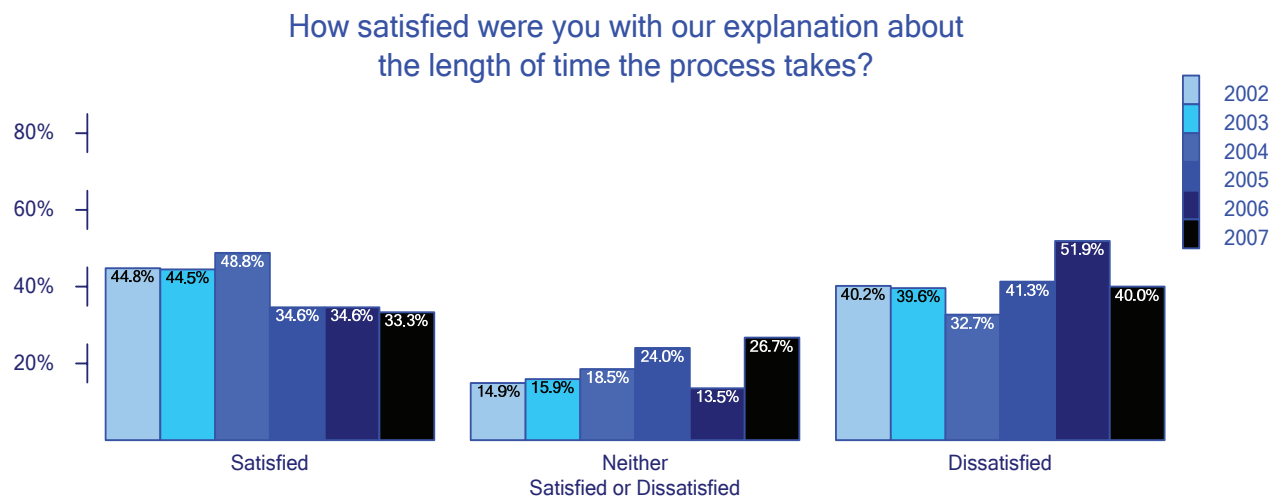


Figure 5.6

How satisfied were you that we kept you informed about what was happening with your complaint?

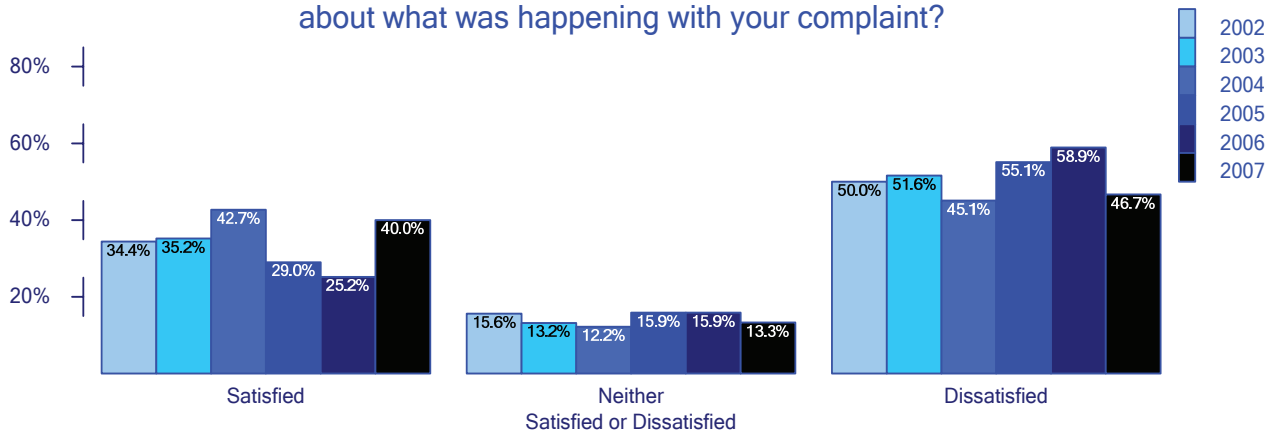


Figure 5.7

Satisfaction with thoroughness and timeliness of the IPR process has also seen slight increases since 2005 (Figures 5.8 and 5.9). On both questions, the notable 2007 result is the dramatic decrease in dissatisfaction (20 and 16 percentage points, respectively).

How satisfied were you that your complaint was handled thoroughly?

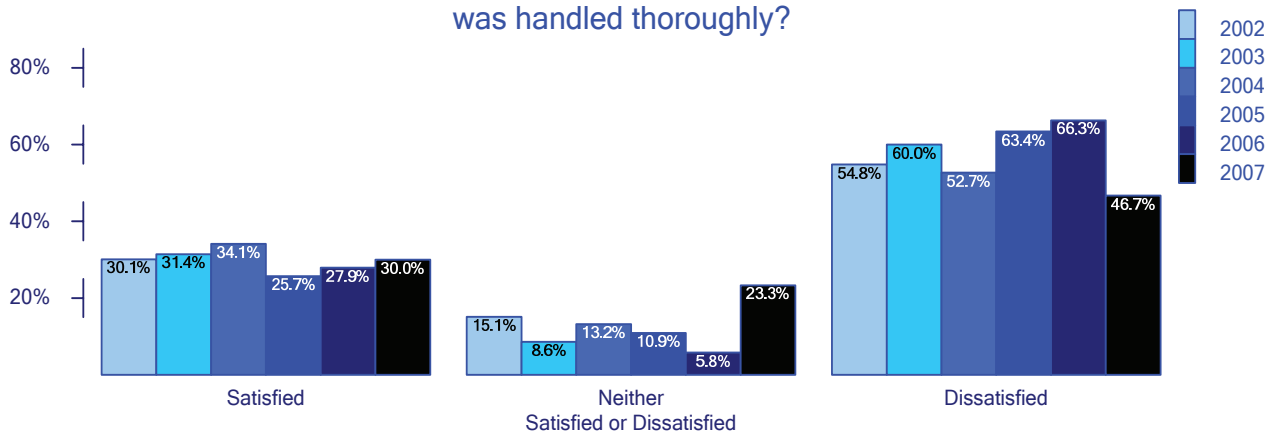
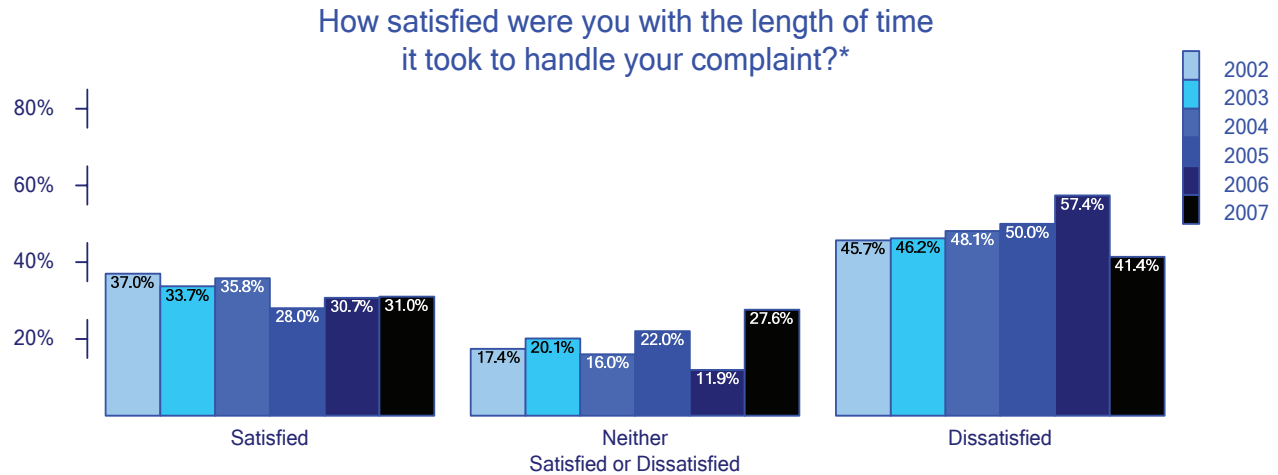


Figure 5.8



* Previously read: "How satisfied were you that your complaint was handled quickly?"

Figure 5.9

Reported satisfaction with the fairness of the complaint outcome increased by more than 11 percentage points, while dissatisfaction decreased by nearly 18 points (Figure 5.10). The final question asked about the IPR complaint process in general. Respondents added to the improving trend noted between 2005 and 2006 with a rating of 35% in 2007 (Figure 5.11). Responses on these last two questions represent the most favorable ratings in IPR's history.

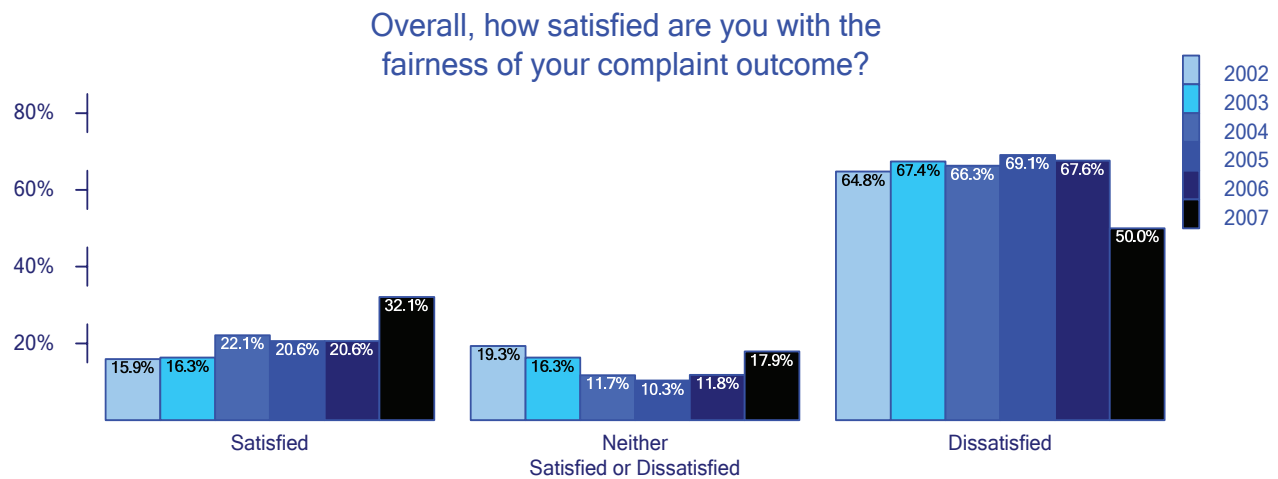
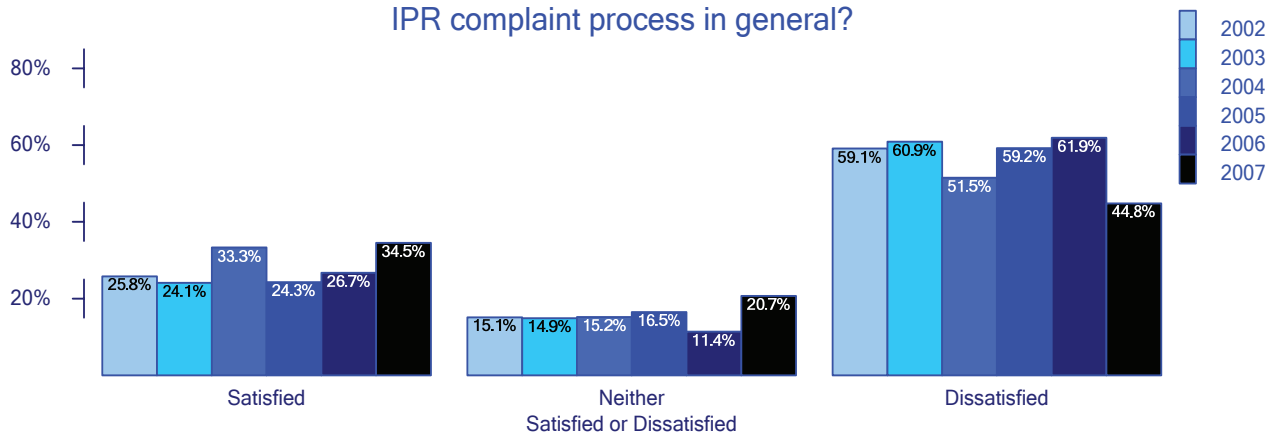


Figure 5.10

Overall, how satisfied are you with the IPR complaint process in general?



* Previously read: "...police complaint process in general?"

Figure 5.11

CHANGING CASE-HANDLING PRACTICES

Although IPR gathers this data to help improve its case-handling decisions, the complainant surveys provide limited guidance. Survey results have been slow to respond to a variety of different intake methods aimed at improving complainant satisfaction. 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. 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 resulted in improved ratings in 2005 or 2006, but may finally be paying dividends in 2007. Unfortunately, the lower response rates make results difficult to compare over time.

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. There are simply too many unknown factors in who chooses to respond to IPR surveys and who passes on the opportunity. 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. A total of 312 community commendations were filed in 2007, up from 276 in 2005. 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).

	2005	2006	2007
Filed by a Community Member	276	313	312
Filed by PPB	242	270	252
Total	518	583	564

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).

Table 5.5			
Aggregate Number of PPB Employees Named in Commendations			
	2005	2006	2007
Filed by a Community Member	563	601	579
Filed by PPB	767	973	997
Total	1330	1574	1576

An increasing number of PPB employees have been commended for their efforts. In 2006, 698 employees were named in commendations. By 2007, that number increased to 763. More officers received one to three commendations in 2007, while the number receiving four or more commendations dropped following significant growth from 2005 to 2006 (Table 5.6).

Table 5.6		
Number of Commendations per Employee		
Number of Commendations	Number of Employees - 2006	Number of Employees - 2007
10	0	0
9	2	2
8	3	2
7	12	6
6	14	12
5	32	23
4	59	48
3	104	117
2	176	218
1	296	335
Total	698	763

The number of employees avoiding complaints in 2007 was nearly identical to the 2006 count (Table 5.7). However, over 18% more officers avoided complaints and received at least one commendation.

Table 5.7			
Number of Employees Receiving Only Commendations and/or No Complaints			
Number of Commendations	Number of Complaints	Number of Employees - 2006	Number of Employees - 2007
5+	0	16	19
4	0	21	21
3	0	47	48
2	0	93	108
1	0	169	214
0	0	672	609
Total		1018	1019

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