

# ANNUAL REPORT 2008

## INDEPENDENT POLICE REVIEW DIVISION

Office of the City Auditor  
Portland, Oregon



City Auditor  
Gary Blackmer

IPR Director  
Mary-Beth Baptista



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# MESSAGE FROM THE INDEPENDENT POLICE REVIEW DIRECTOR

*Mary-Beth Baptista*

This has been a very exciting and productive year for the Independent Police Review Division (IPR). I welcomed the opportunity to join IPR in May 2008.

IPR is a leader in police oversight because of the singular wisdom and leadership of City Auditor Gary Blackmer. In 2000, Mr. Blackmer recognized the need to create a new and effective oversight model managed by a professional staff and monitored by citizens with full access to relevant records. As one of the nation's leading performance auditors, he understood that lasting improvements in police services and public confidence in police accountability would require thoughtful, honest, transparent, and persistent analysis of police conduct and policies over the course of years. The data in this report validates his foresight.

Mr. Blackmer leaves his elected position in May 2009 to become the Audit Director for the State of Oregon. I know that Portland's community members, the Portland Police Bureau (PPB or Bureau), and elected officials join me in thanking him for his extraordinary leadership as City Auditor since 1998.

I also want to thank the IPR staff and the Citizen Review Committee (CRC) for their support during my first seven months as Director of IPR. I especially would like to extend my appreciation to Assistant Director Pete Sandrock for significantly reducing a back log of cases while serving as Acting Director in early 2008. I am grateful for his concerted effort in processing cases and outstanding leadership throughout the transition.

Some significant changes occurred in 2008 that I am confident will increase our level of service to the community and have a positive impact on our working relationship with the Bureau. First, I am pleased to announce that we hired Constantin Severe as a full time Assistant Director in October 2008. He was a criminal defense attorney with the Metropolitan Public Defender for three and one half years, working in the major felonies unit. He has a strong reputation for professionalism and objectivity, and extensive investigative experience. IPR is fortunate to have him.

Other changes include revising our communications with complainants and community members. IPR has increased transparency by releasing reports more frequently and in a timelier manner. Further, IPR provides complainants with more immediate and consistent feedback after receiving their complaint. IPR also strives to personalize letters wherever possible and communicate with members of the public in a manner that is free of jargon and thus more easily understood.

I am encouraged by the increased public interest that IPR and CRC reports (and activities) have generated in the past year. I believe that we have a real opportunity to improve our relationship with the community by increasing the frequency and quality of our outreach. To this end, IPR contracted with *EnviroIssues* to develop a plan to clearly communicate priorities and accomplishments of IPR and CRC. This plan identified ways to strengthen community outreach and foster productive dialogue.

I am very proud of the accomplishments made by IPR and CRC in 2008. I am confident that our positive momentum will continue and we will be even stronger and more effective in the year to come.

A handwritten signature in black ink, appearing to read "Mary-Beth Baptista". The signature is fluid and cursive, with the first name "Mary" and last name "Baptista" clearly legible.

Mary-Beth Baptista  
Director

# MESSAGE FROM THE CITIZEN REVIEW COMMITTEE CHAIR

*Michael Bigham*

The Citizen Review Committee (CRC), in partnership with the Independent Police Review (IPR), strives to ensure police accountability to the community. CRC members and I are resolved to continually improve citizen oversight of the Portland Police Bureau (PPB or Bureau).

In January 2008, Ms. Eileen Luna-Firebaugh completed a Performance Review of IPR and CRC. The members of CRC saw the report as an opportunity to review the entire process of police accountability in Portland. Two workgroups were created; Case Handling and IPR Structure Review, to develop a CRC response to the report and to make recommendations for changes in the system that are believed necessary. Both workgroups expect to issue reports in 2009.

The Citizen Review Committee also worked hard to engage members of City Council (Council). Some CRC members were selected to serve as liaisons to the Mayor and those City Commissioners who had not nominated candidates during CRC recruitments. Additionally, members of CRC appeared before Council on several matters: the Luna-Firebaugh review, a status report on IPR Structure Review, and concerns associated with interagency governmental agreements directing law enforcement services provided to TriMet (Tri-County Metropolitan Transportation). CRC was instrumental in revising those intergovernmental agreements to ensure accountability of officers of all jurisdictions when they are working with the Bureau's Transit Division.

The 2008 year also included numerous arrivals and departures in the Citizen Review Committee, Independent Police Review, and Portland Police Bureau:

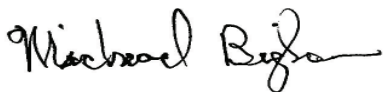
- After seven years of service, Bob Ueland elected not to apply for another term with CRC; his term ended December 2007. The CRC members and I have missed his steady hand, wisdom, and objectivity this past year.
- Two new members, JoAnn Jackson and Mark Johnson, were welcomed in the beginning of the year. Ms. Jackson is a mediator, workplace consultant, and presenter for businesses, nonprofits, and higher education on topics of diversity, mediation, inclusion, and executive leadership.

Mr. Johnson practices in the areas of appellate litigation and currently serves on the American Bar Association's Standing Committee on Professional Discipline.

- Former IPR Director Leslie Stevens assumed a new role directing PPB's Office of Accountability and Professional Standards. I know she will promote the same high levels of accountability there as she did with IPR.
- CRC is excited to welcome the new IPR Director, Mary-Beth Baptista. Ms. Baptista brings to IPR a wealth of experience as a Deputy District Attorney and community organizer. Her sense of purpose and new perspectives are refreshing and I am sure she will help CRC in accomplishing its goals.
- Congratulations go to Internal Affairs Division (IAD) Captain John Tellis on his promotion to Commander. Unfortunately for CRC, he was recently transferred to the Bureau's Training Division. There is much confidence that his replacement, Captain Dave Famous, will do a great job at IAD (previously, the IAD Lieutenant).

CRC members Loren Eriksson, JoAnn Jackson, and Mark Johnson, along with IPR Director Mary-Beth Baptista and IPR Assistant Director Constantin Severe, attended the National Association for Civilian Oversight of Law Enforcement (NACOLE) conference in late October 2008. For training availability, (then Mayor and Police Commissioner) Tom Potter provided funds for the two new CRC members to be able to attend the NACOLE conference.

I would like to thank the Bureau, IPR staff, CRC members, and concerned individuals of the community for their assistance and support during this past year. The Citizen Review Committee promises to serve all citizens of Portland with objectivity, fairness, and transparency.

A handwritten signature in black ink that reads "Michael Bigham". The signature is written in a cursive style with a long, sweeping underline.

Michael Bigham  
Chair



# TABLE OF CONTENTS

	PAGE
<b>REPORT OVERVIEW</b>	<b>xi</b>
Highlights and Noteworthy Trends	xi
<b>CHAPTER 1: HISTORY AND OVERVIEW</b>	<b>1</b>
History	1
Overview	1
Independent Police Review Division	1
Citizen Review Committee	2
Citizen Complaint Handling Description	2
Intake Investigation (Stage 1)	2
Discipline Investigation (Stage 2)	4
Investigation Findings (Stage 3)	5
Appeal (Stage 4)	6
<b>CHAPTER 2: INDEPENDENT POLICE REVIEW</b>	<b>7</b>
Citizen Complaints	7
Overview of Complaints	7
Number of Complaints	7
Methods for Filing Complaints	9
Reasons for Filing Complaints	10
Demographics of Citizen Complainants	10
IPR Intake Investigations	11
IPR Screening Decisions	12
Bureau Handling of Citizen Complaints	17
Commanders' Recommended Findings	20
PPB Review and Discipline Process	21
Appeals and Protests	22
Tort Claim Notices and Civil Lawsuits	22
<b>CHAPTER 3: PORTLAND POLICE BUREAU</b>	<b>25</b>
Management of Officer Conduct	25
Bureau-initiated Complaints	25
Officers with Multiple Complaints	27
Discipline	27
Shootings and In-custody Deaths	28
Use of Force Review Board	29
Use of Non-lethal Force	30
Officers with Multiple Force Complaints	31

	<b>PAGE</b>
Office of Accountability and Professional Standards	32
Employee Information System	33
Tort Review Board	33
<b>CHAPTER 4: CITIZEN REVIEW COMMITTEE</b>	<b>35</b>
Introduction	35
CRC Members Who Served During 2008	36
Appeal Hearings	38
CRC Presentations	39
CRC Workgroups	40
<b>CHAPTER 5: PERFORMANCE REVIEW, OUTREACH, SATISFACTION, AND COMMENDATIONS</b>	<b>43</b>
Community and Other Feedback	43
IPR Performance Review	43
IPR Community Outreach Plan	44
IPR Outreach Efforts	45
City Auditor’s Annual Citizen Survey	46
IPR Complainant Survey	47
Commendations	60
References	62

## REPORT OVERVIEW

*This is the sixth 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.*

*Complaint intake and processing data for 2008 are detailed, as are major policy and program changes. Significant changes and events occurring between the end of the calendar year and the report publication date are also included.*

## HIGHLIGHTS AND NOTEWORTHY TRENDS

- **CITIZEN COMPLAINTS DOWN**  
The number of complaints per 1,000 police contacts has declined 37% since 2004 (Chapter 2).
- **SHOOTINGS AND FORCE COMPLAINTS ARE DOWN**  
There were only two police shootings per year in 2007 and 2008, and no deaths in police custody. Overall there have been 53% fewer shootings in the past six years compared to the previous six years. The number of force complaints per 1,000 police contacts has declined 54% since 2004 (Chapter 3).
- **PORTLAND POLICE BUREAU INTERNAL OVERSIGHT INCREASED**  
New leadership at the Office of Accountability and Professional Standards enhanced internal analysis and oversight of officer performance and conduct (Chapter 3).
- **DISCRIMINATION COMPLAINTS REVIEWED, PLAN RELEASED**  
A workgroup of the Citizen Review Committee (CRC) conducted an in-depth analysis of citizen complaints about biased enforcement practices by police officers (Chapter 4). Its interim report was released in February 2009. Portland Police Bureau released a plan to address racial profiling the same week.
- **IPR'S PERFORMANCE AND EFFECTIVENESS ARE REVIEWED**  
City Council received an external evaluation report of IPR in early 2008. IPR made a number of process changes throughout the rest of the year in response to the report's recommendations. A CRC workgroup is helping IPR prioritize and respond to the remaining recommendations (Chapter 5).
- **NEW COMMUNITY OUTREACH PLAN CREATED, POSITION FILLED**  
IPR hired a consulting firm to assist with communication and outreach strategic planning (Chapter 5). A new comprehensive community outreach plan was finalized in January 2009, and IPR's Community Outreach Coordinator position was filled in March 2009.
- **SATISFACTION LEVELS ARE UP**  
Citywide survey results indicate improvement in the public's confidence in efforts to control misconduct since 2004. Complainants' reported overall satisfaction with the IPR complaint process is at an all-time high, up about 20 percentage points since 2005 (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.

IPR's current Director was hired May 29, 2008. There are ten full-time and/or part-time, permanent staffed positions. The IPR oversight system continues striving to clearly communicate its priorities, goals, and accomplishments as well as identifying ways to strengthen community outreach and fostering stakeholder input. Additional IPR and CRC information, reports, and news are available at [www.portlandonline.com/auditor/ipr](http://www.portlandonline.com/auditor/ipr).

## OVERVIEW

### INDEPENDENT POLICE REVIEW DIVISION

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

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.

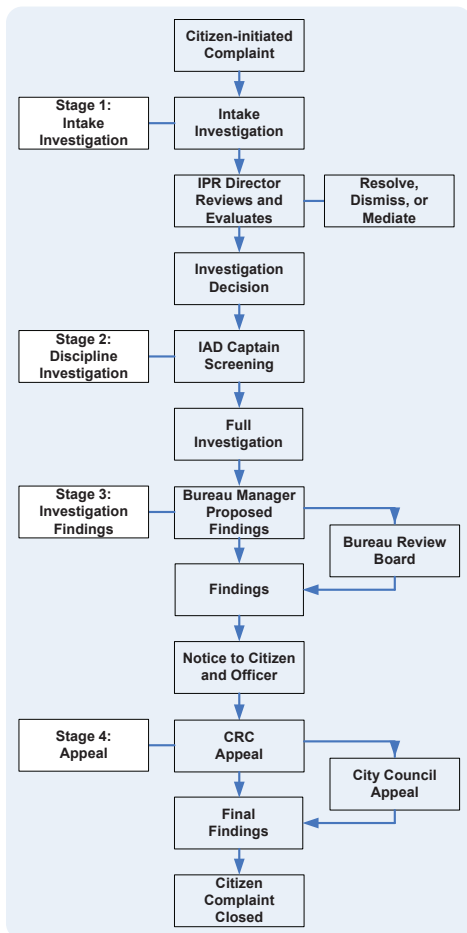
Additionally, IPR:

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

## CITIZEN REVIEW COMMITTEE

The Citizen Review Committee 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 (subject to change). 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.



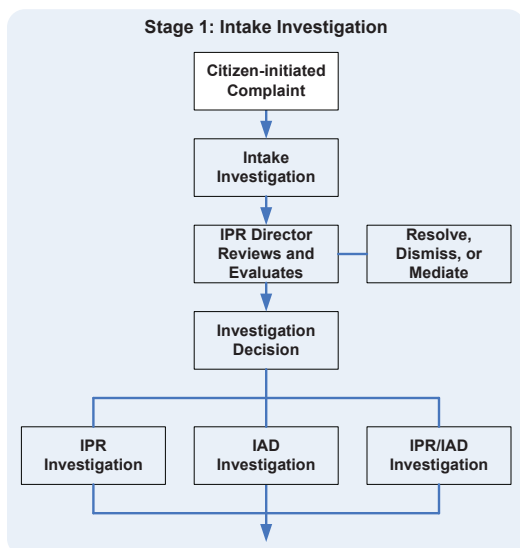
## CITIZEN COMPLAINT HANDLING DESCRIPTION

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 web site.



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 and Russian-speaking complainants are served by staff members 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. Several 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, 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 IPR Director is assigned to an IPR Investigator to conduct a preliminary investigation. The IPR 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 IPR Investigator makes sure each allegation is identified. Each allegation is classified as one of six complaint categories.

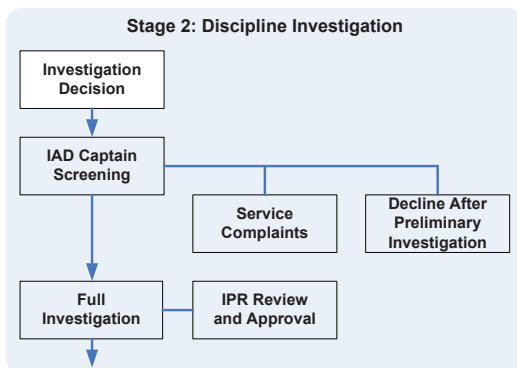
Complaint Categories	
Conduct	An allegation that tends to bring reproach or discredit upon the City of Portland or the Portland Police Bureau. It involves behavior by a Bureau member that is unprofessional, unjustified, beyond the scope of his/her authority of unsatisfactory work performance.
Control 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 IPR 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, IAD Captain, 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 IPR 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, the IPR 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 IPR Director concludes that the allegation is without merit, contains no allegations that would constitute misconduct, is untimely, or if the complainant is using another remedy (e.g., a tort claim). If the Director chooses to dismiss the complaint, the case is closed and the complainant is notified of the reason(s) the case was dismissed.

The Director makes an intake decision. Under Portland City Code the Director of IPR 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. In writing, IPR explains dismissed decisions to citizen complainants.



### DISCIPLINE INVESTIGATION (STAGE 2)

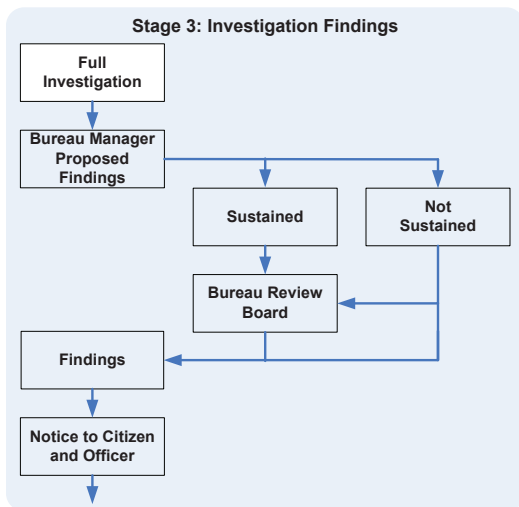
At the second stage of case handling, IPR works with IAD to determine whether a complaint should be subject to a full investigation. The IPR Director may choose to independently investigate a case if the Director determines that the Bureau has not done an adequate job investigating certain cases or IPR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

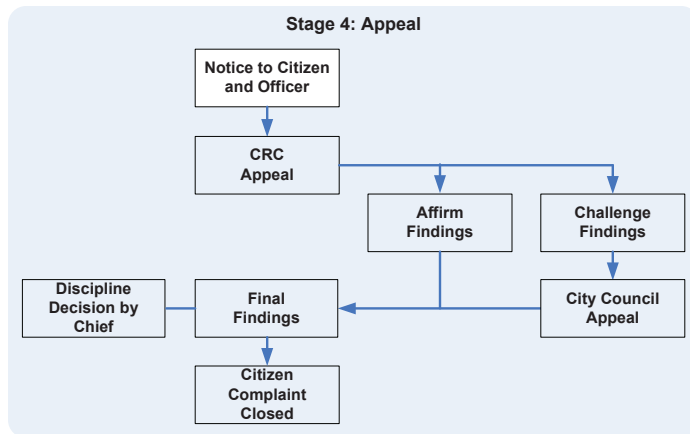
The Commander’s decision is reviewed by the Commander’s Assistant Chief, IAD, and IPR. If the Commander finds that the officer violated policy and recommends discipline that includes a suspension, or if the IAD Captain or IPR Director disagree with the

Commander’s non-sustained 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.

IAD Findings for Complaints	
Unproven	Allegation not proven by a preponderance of the evidence.
Unproven with a debriefing	While the allegation is not proven by a preponderance of the evidence, a critique of the complaint with the member should be conducted.
Exonerated	Actions of the member were within the policies and procedures.
Exonerated with a debriefing	While the member’s actions were within the policies and procedures, a critique of the complaint with the member should be conducted.
Sustained	Member found to be in violation of policy or procedure.

## 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 must be made in writing to the

IPR Director within 30 days. When a timely request is received, the IPR Director will then refer the case for a CRC hearing. The complainant is also given the option to mediate in lieu of a full appeal hearing.

If a hearing is held by CRC, IPR prepares a summary of the case, and 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

- *CITIZEN COMPLAINTS DOWN*  
Complaints per 1,000 police contacts have dropped 37% since 2004.
- *HIGHER RATE OF INTERNAL AFFAIRS DIVISION INVESTIGATIONS*  
Internal Affairs Division (IAD) initiated an investigation on a greater percentage of the cases screened by IPR the last three years compared to 2004 and 2005.
- *SUSTAINED FINDINGS REMAIN HIGHER*  
The rate of sustained findings is down from a peak in 2006, but remains above the longer-term average.

## OVERVIEW OF COMPLAINTS

### NUMBER OF COMPLAINTS

The Independent Police Review (IPR) opens a complaint when a community member (or citizen) *accuses* a sworn Portland Police Bureau (PPB or Bureau) officer of misconduct. A complaint is opened even if IPR cannot identify the officer and even if it is apparent from the complaining party's statement that the officer did not commit misconduct. IPR does not open complaints against officers employed by other law enforcement agencies even if the officers were working a joint mission with Portland officers. Instead, IPR refers the complaining party to the other agency's complaint intake office (or phone line).

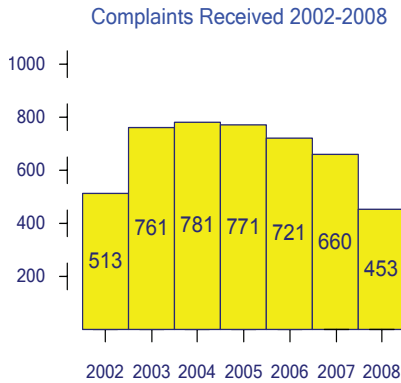


Figure 2.1

IPR received 453 citizen-initiated complaints in 2008.

IPR closed 530 citizen-initiated complaints in 2008.



Figure 2.2

Citizen complaints are down 42% since 2004. Complaints per 1,000 contacts between community members and officers dropped 37% (Table 2.1). Contacts are measured by calls-for-service (both dispatched and officer-initiated). The sharpest drop in complaints occurred in 2008.

	2004	2005	2006	2007	2008
Citizen Complaints	781	771	721	660	453
Citizen-Police Contacts	432,930	434,196	420,412	410,545	398,761
<b>Complaints Per 1,000 Contacts</b>	<b>1.80</b>	<b>1.78</b>	<b>1.71</b>	<b>1.61</b>	<b>1.14</b>
PPB Precinct Subtotals					
Central	1.80	1.81	1.64	1.54	1.07
Southeast	1.26	1.38	1.32	1.23	1.08
East	1.27	1.11	1.28	1.20	0.91
Northeast	1.10	1.09	1.20	1.20	0.73
North	1.59	1.53	1.27	0.94	0.66

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

The decline in complaints coincides with steady improvements in PPB’s attention to supervision, training, and accountability, including important new initiatives in 2007 and 2008:

- Customer-service training, especially as it relates to interpersonal communications during traffic stops;
- Bureau-wide Crisis Intervention Training (CIT) to improve officers’ ability to help people in crisis;
- Revised tactics for controlling public disorder in the downtown entertainment district and along transit lines;
- Unit-based reviews of unit force practices and supervisory debriefs of every force complaint, including dismissed and unsubstantiated complaints; and
- Enactment of a new use-of-force policy which was described by the Police Assessment Resource Center (PARC) as “*breaking new ground nationally*” (see Chapter 3).

Additional factors may have contributed to a portion of the decline in 2008. IPR’s Community Outreach Coordinator position was vacant the entire year. IPR investigators did a better job

distinguishing complaint calls from information requests that might have received complaint numbers in past years. The external Performance Review, which criticized some aspects of IPR's effectiveness, may have dissuaded some community members from filing complaints (see Chapter 5).

The distribution of complaints among the precincts has not changed significantly since 2004. There was a slight increase in Southeast Precinct's share of complaints in 2008 after two years of steady decrease. Northeast Precinct had a slight decrease after two years of increases. Transit Division has experienced a steady decrease. Traffic Division had the same number of complaints in 2008 as in 2007, but that represents a larger share. The numbers in Table 2.2 should be viewed cautiously as each complaint is assigned to only one precinct. The data does not always account for incidents involving officers from multiple precincts or officers operating outside their precincts.

PPB Precinct/Division	2004		2005		2006		2007		2008	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Central	161	21%	157	20%	128	18%	114	17%	81	18%
Southeast	125	16%	129	17%	115	16%	102	15%	85	19%
East	137	18%	122	16%	132	18%	125	19%	85	19%
Northeast	93	12%	91	12%	100	14%	97	15%	51	11%
North	67	9%	62	8%	54	7%	40	6%	33	7%
<b>Precinct Subtotal</b>	<b>583</b>	<b>75%</b>	<b>561</b>	<b>73%</b>	<b>529</b>	<b>73%</b>	<b>478</b>	<b>72%</b>	<b>335</b>	<b>74%</b>
PPB Detectives	11	1%	16	2%	16	2%	9	1%	9	2%
PPB Traffic	64	8%	55	7%	47	7%	55	8%	55	12%
PPB Transit	30	4%	40	5%	30	4%	23	3%	10	2%
PPB Other Division	33	4%	34	4%	48	7%	34	5%	23	5%
Unknown/Other Agency	60	8%	65	8%	51	7%	61	9%	21	5%
<b>Total</b>	<b>781</b>		<b>771</b>		<b>721</b>		<b>660</b>		<b>453</b>	

## METHODS FOR FILING COMPLAINTS

Community members continued to file most of their complaints by telephone (Table 2.3). Complaints filed at any of PPB's five precincts or at any other City office are sent to IPR.

	2005		2006		2007		2008	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Phone	443	51%	412	52%	380	53%	249	49%
E-mail	101	12%	132	17%	133	19%	92	18%
Mail	102	12%	84	11%	77	11%	76	15%
Walk-in	93	11%	56	7%	37	5%	35	7%
Precinct	50	6%	51	6%	41	6%	29	6%
Fax	16	2%	14	2%	11	2%	11	2%
Inter-office	19	2%	33	4%	23	3%	9	2%
Unknown/Other	37	4%	10	1%	10	1%	4	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

Historically, community members have complained most frequently about rude behavior or language and that trend continued in 2008 (Table 2.4).

**Table 2.4**  
Eight Most Common Allegations in 2008

Detailed Allegations	Cases
Rude Behavior or Language	104
Excessive Force	46
Fail to Take Appropriate Action	43
Fail to Follow Traffic Law	33
Racial Profiling/Discrimination	32
Unprofessional Behavior	28
False Traffic Charges	24
Unjustified Behavior	24

A single complaint usually contains multiple allegations. For example, a community member 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 *Police 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. Force allegations are down to six percent of the total for 2008 after holding steady for several years at eight percent. Conduct allegations peaked in 2004, giving up share to Procedure and Courtesy allegations starting in 2005 (Table 2.5).

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

Allegation Category	2004		2005		2006		2007		2008	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Conduct	1455	53%	964	40%	747	39%	695	39%	436	38%
Control Technique	120	4%	92	4%	85	4%	104	6%	66	6%
Courtesy	397	14%	447	19%	383	20%	315	18%	218	19%
Disparate Treatment	123	4%	110	5%	76	4%	103	6%	61	5%
Force	230	8%	185	8%	162	8%	147	8%	74	6%
Procedure	420	15%	589	25%	481	25%	403	23%	302	26%
<b>Total Allegations</b>	<b>2,745</b>		<b>2,387</b>		<b>1,934</b>		<b>1,767</b>		<b>1,157</b>	
<b>Complaints Received</b>	<b>781</b>		<b>771</b>		<b>721</b>		<b>660</b>		<b>453</b>	

## DEMOGRAPHICS OF CITIZEN COMPLAINANTS

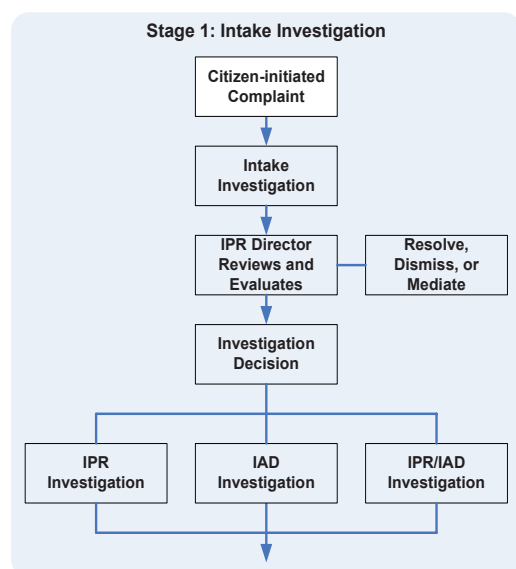
The demographic profile of community members who file complaints has not changed significantly over time (Table 2.6). African Americans, and to a lesser extent males generally, file complaints at a higher rate than their representation in the general population. Young people and seniors file at a lower rate; as do Asians, Hispanic/Latinos, and Whites. This data also should be viewed cautiously because age and race information is not available or captured in many cases.

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

Gender, Race, and Age of Complainants	2004		2005		2006		2007		2008		Proportion of Portland's Population in 2000*
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
<b>Gender</b>											
Female	352	42.7%	323	41.0%	319	43.1%	287	42.8%	202	42.1%	50.6%
Male	467	56.7%	464	59.0%	420	56.8%	382	57.0%	276	57.5%	49.4%
Unknown	5	0.6%	0	0.0%	1	0.1%	1	0.1%	2	0.4%	
<b>Race</b>											
Asian	8	1.0%	13	1.7%	12	1.6%	10	1.5%	8	1.7%	6.3%
Black or African American	148	18.0%	136	17.3%	138	18.6%	127	19.0%	89	18.5%	6.6%
Hispanic or Latino	23	2.8%	33	4.2%	33	4.5%	20	3.0%	11	2.3%	6.8%
Native American	10	1.2%	15	1.9%	10	1.4%	8	1.2%	9	1.9%	1.1%
Native Hawaiian/ Other Pacific Islander	3	0.4%	0	0.0%	2	0.3%	1	0.1%	1	0.2%	0.4%
White	461	55.9%	475	60.4%	413	55.8%	377	56.3%	287	59.8%	77.9%
Two or More Races	17	2.1%	5	0.6%	3	0.4%	3	0.4%	4	0.8%	
Other Race/Ethnicity	3	0.4%	14	1.8%	9	1.2%	5	0.7%	8	1.7%	
Unknown	151	18.3%	96	12.2%	120	16.2%	119	17.8%	63	13.1%	
<b>Age</b>											
24 Years and Younger	147	17.8%	117	14.9%	94	12.7%	70	10.4%	51	10.6%	31.4%
25-34 Years	160	19.4%	178	22.6%	143	19.3%	132	19.7%	82	17.1%	18.3%
35-44 Years	196	23.8%	183	23.3%	145	19.6%	138	20.6%	85	17.7%	16.4%
45-54 Years	130	15.8%	124	15.8%	144	19.5%	129	19.3%	97	20.2%	14.8%
55-64 Years	39	4.7%	66	8.4%	58	7.8%	52	7.8%	42	8.8%	7.6%
65 Years and Older	32	3.9%	28	3.6%	24	3.2%	15	2.2%	11	2.3%	11.5%
Unknown	120	14.6%	91	11.6%	132	17.8%	134	20.0%	112	23.3%	
<b>Total Complainants</b>	<b>824</b>		<b>787</b>		<b>740</b>		<b>670</b>		<b>480</b>		

\* From 2000 U.S. Census Bureau Data

## IPR INTAKE INVESTIGATIONS

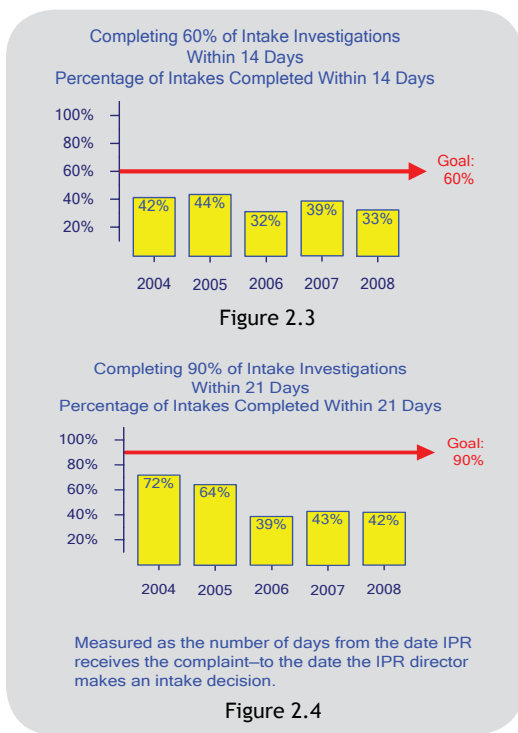


After a community member files a complaint, an IPR investigator conducts a preliminary investigation to correctly identify the parties, the incident, and the complaining party's specific concerns. The investigator normally interviews the complaining party by phone, obtains the police reports and dispatch records, and categorizes the complaining party's concerns into specific allegations. Since 2006, investigators expanded their inquiries to include the complaining party's supporting documentation, like photos or medical records—if they exist, and to interview crucial independent witnesses—if there are any.

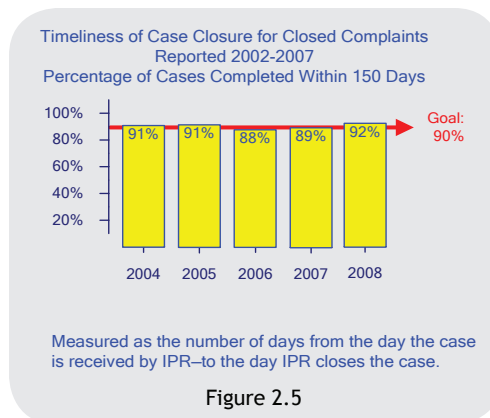
In 2008, IPR investigators instituted regular training sessions to improve their investigative skills and to incorporate recommendations from Citizen Review Committee (CRC) members about how to improve their communication skills with community members.

### IPR SCREENING DECISIONS

When an intake investigation is complete, the investigator prepares a narrative summary, attaches all relevant documentation, and forwards the file to the Director or an Assistant Director for a screening decision about how IPR intends to handle the case. In limited and carefully defined categories of complaints, IPR investigators make screening decisions subject to review by the Director or an Assistant Director. Screening decisions are made in accordance with Portland City Code and administrative rules, and are further described in Chapter 1 (Stage 1).



Due to efforts to expand its role in investigations, IPR takes longer to make screening decisions than it did prior to 2006. Despite slower decision making, IPR still performs near its goal of fully completing 90% of complaints within 150 days.



IPR screened 529 complaints in 2008 (Table 2.7). This is the first year that more complaints were screened than were received; new complaints were down and IPR worked through a backlog of cases.

Intake Decision	2004		2005		2006		2007		2008	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
Dismissed by IPR	388	52%	399	57%	429	64%	332	58%	329	62%
Referred to IAD	287	38%	267	38%	198	29%	205	36%	175	33%
Pending or Completed Mediation	38	5%	29	4%	25	4%	17	3%	15	3%
Resolved at Intake	18	2%	5	1%	9	1%	5	1%	8	2%
Referred to Other Agency	14	2%	6	1%	13	2%	10	2%	2	<1%
Referred to Chief's Office	5	1%	-	-	-	-	-	-	-	-
<b>Total</b>	<b>750</b>		<b>706</b>		<b>674</b>		<b>569</b>		<b>529</b>	



## DISMISSALS

In 2008, IPR dismissed 329 complaints; a dismissal rate of 62% (Tables 2.7 and 2.8). The single most frequent reason for dismissal was that the officer's actions, as described by the complaining party, did not violate Bureau policy or constitute misconduct (Table 2.9).

Dismissal Type	2004		2005		2006		2007		2008	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
Director's Dismissal	303	78%	172	43%	174	41%	113	34%	176	53%
Dismissed and Referred to PPB Managers	-	-	33	8%	73	17%	35	11%	23	7%
IPR Staff Dismissal	-	-	127	32%	120	28%	130	39%	95	29%
IPR Staff Dismissed and Referred	-	-	34	9%	61	14%	54	16%	33	10%
Administrative Referral	85	22%	33	8%	1	<1%	-	-	2	1%
<b>Total</b>	<b>388</b>		<b>399</b>		<b>429</b>		<b>332</b>		<b>329</b>	

The average dismissal rate from 2005 through 2008 was about 60% compared to 40% during the first three years of IPR's existence. Two factors contributed to higher dismissal rates:

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

- In 2005, IPR adopted case handling guidelines that established dismissal criteria based on the underlying city ordinance; and
- Since 2006, 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 most likely be declined or not sustained.

Dismissal Reason	2004		2005		2006		2007		2008	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
No Misconduct	92	24%	126	32%	176	41%	127	38%	140	43%
Complainant Unavailable	80	21%	42	11%	47	11%	42	13%	50	15%
Not Reliable, Credible, or Logical	44	11%	48	12%	33	8%	32	10%	32	10%
Complainant Withdraws	19	5%	25	6%	25	6%	24	7%	25	8%
Unable to Identify Officer	31	8%	37	9%	30	7%	31	9%	22	7%
Filing Delay	6	2%	11	3%	16	4%	14	4%	18	5%
Other Judicial Review	24	6%	35	9%	29	7%	17	5%	15	5%
Other Jurisdiction	2	1%	12	3%	23	5%	16	5%	12	4%
De Minimus	-	-	2	1%	19	4%	7	2%	7	2%
Third Party	-	-	4	1%	5	1%	7	2%	4	1%
Other	90	23%	57	14%	26	6%	15	5%	4	1%
<b>Total Dismissals</b>	<b>388</b>		<b>399</b>		<b>429</b>		<b>332</b>		<b>329</b>	

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

The *combined rate* of IPR dismissals plus IAD declinations increased from 66% in 2007 to 71% in 2008. Overall, the rate has remained relatively steady since 2004, averaging about 69% per year. IAD initiated an investigation on a greater percentage of the cases screened by IPR the last three years compared to 2004 and 2005 (Table 2.10).

	2004	2005	2006	2007	2008
<b>Complaints screened by IPR</b>	<b>750</b>	<b>706</b>	<b>674</b>	<b>569</b>	<b>529</b>
<b>Total Dismissed or Declined</b>	<b>507</b>	<b>502</b>	<b>480</b>	<b>374</b>	<b>375</b>
Dismissed by IPR	388	399	429	332	329
Declined by IAD	119	103	51	42	46
<b>Combined Dismissed or Declined Rate</b>	<b>68%</b>	<b>71%</b>	<b>71%</b>	<b>66%</b>	<b>71%</b>
Number Assigned for Investigation	55	39	65	55	47
<b>Assigned Investigations as a Percent of Screened Complaints</b>	<b>7.3%</b>	<b>5.5%</b>	<b>9.6%</b>	<b>9.7%</b>	<b>8.9%</b>

A CRC workgroup is conducting an analysis of IPR's screening practices similar to one it conducted in 2004 (see description of Case Handling Workgroup in Chapter 4).

## DISMISSALS WITH REFERRALS TO PRECINCT COMMANDERS

A dismissal does not always mean that no follow-up action is taken on a complaint.

IPR began experimenting with precinct referrals in 2005 and has gradually 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, IPR referred a complaint about a motorcycle officer cutting through a parking lot to the *Traffic Division Captain*. The Division

Captain called the complaining party, himself a motorcycle rider who was primarily concerned about the officer's safety. The Captain then spoke to the officer about the complaining party's concerns and the importance of modeling safe driving to the public; and instructed the officer to discontinue the practice of cutting through parking lots. IPR sometimes used precinct referrals in lieu of service complaints if a complaint was minor, the Captain was responsive, and speedy supervisory attention would be more effective than a more formally documented service complaint.

Some complaining parties 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.

The number of precinct referrals has declined since reaching a peak in 2006. In 2008, IPR referred 56 dismissals to precinct commanders or other division managers (Table 2.8).

## REFERRALS TO IAD

In 2008, IPR referred 175 complaints to IAD; a referral rate of 33% (Table 2.7).

IPR closely monitors complaints after they have been referred to IAD, including:

- Weekly meetings between the IPR Director and the IAD Captain, Lieutenant, and administrative assistant to discuss cases and policy issues;
- Monthly meetings between the IPR Director, IAD Captain, and Detective Division Commander to review the status of criminal investigations against officers.
- Close review of all IAD investigations for completeness and objectivity before IAD forwards them to commanders for proposed findings. In 2008, IPR requested additional investigation or other work in about one-fourth of the cases fully investigated by IAD.
- Close review and approval of IAD's proposed declinations before forwarding IAD's decision letters to complaining parties.
- Close review and approval of sergeants' service complaint resolution memos before sending a confirming letter to complaining parties.
- Close review of commanders' recommended findings on IAD investigations. If IPR disagrees with a proposed finding, the Director may attempt to resolve the disagreement in discussion with IAD or the Commander directly. If the Director's concern cannot be resolved, IPR may object, which triggers a review by one of the Bureau's review boards.

IAD and Bureau managers have been supportive and cooperative with IPR's oversight.

## REFERRALS TO MEDIATION

Mediation is a voluntary alternative to the regular complaint-handling process. If the complaining party, IPR, IAD, the officer's supervisor, and the officer all agree—IPR hires an outside professional mediator to help the complaining party 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 complaints that are mediated.

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 complaining parties change their minds about participating or do not respond to the mediators' attempts to schedule a meeting. In 2008, for reasons that are not fully understood, there was an increase in the number of officers who rejected mediation. The number of cases successfully mediated has decreased (Table 2.11).

Outcome	2004	2005	2006	2007	2008
<b>Successfully mediated</b>	<b>33</b>	<b>27</b>	<b>16</b>	<b>15</b>	<b>9</b>
<b>Cases that were not mediated</b>	<b>39</b>	<b>33</b>	<b>19</b>	<b>5</b>	<b>13</b>
Citizen Unavailable/Declined	32	25	15	4	7
Officer Unavailable/Declined	4	1	3	1	6
PPB Management Rejected	0	5	1	0	0
Other Resolution	3	2	0	0	0
<b>Carried over to the next year</b>		<b>16</b>	<b>5</b>	<b>4</b>	<b>5</b>
<b>Total number of cases handled during the year</b>		<b>76</b>	<b>40</b>	<b>24</b>	<b>27</b>

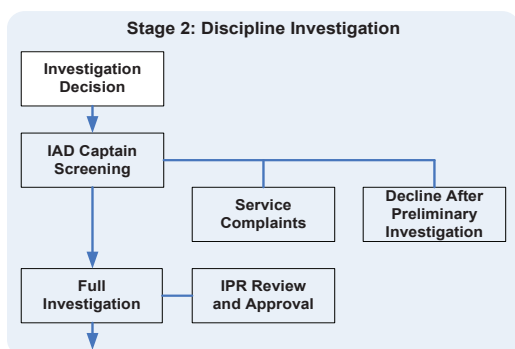
A CRC workgroup reviewed the mediation program in 2006 and found that the parties who mediate complaints reported greater satisfaction than parties who do not mediate. Even participants, who are not satisfied with the *outcome* of mediation, often have positive comments about the process itself. Officers also reported a high level of satisfaction with mediation.

The mediation process allows both the officer(s) and complaining party to hear each other's perspectives. For example, one recent complainant was upset at how brusque an officer was while issuing a speeding ticket. He felt the officer had pulled over the wrong car and asked for some additional explanation at the scene. In the mediation, the officer apologized for coming across as rude or unsympathetic— but explained that standing on the side of a highway is a dangerous situation and officers are trained not to have long conversations when emotions might already be high. The complaining party left with a better understanding of the officer's actions, while the officer was reminded to be more sensitive to the frustration that often accompanies being stopped by police.

## RESOLUTIONS AND REFERRALS TO OTHER AGENCIES

About two percent of complaints are closed with referrals to other agencies when the intake investigation determines that the accused officer is employed by another jurisdiction. A similarly small number of complaints are resolved and closed to the complaining party's satisfaction during the intake process. A typical example would be the person 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 complaining party withdrew her complaint.

## BUREAU HANDLING OF CITIZEN COMPLAINTS



This section discusses PPB's handling of complaints filed by community members (*citizen-initiated* complaints). The Bureau's handling of *bureau-initiated* complaints is discussed in Chapter 3.

After IPR refers a citizen complaint to IAD, the IAD Captain or Lieutenant makes a screening decision based on PPB directives and an administrative rule, *PSF-5.20-IAD Guidelines for Screening Referrals from IPR*.

IAD screened 188 citizen complaints in 2008. About half were handled as service complaints, a fourth were assigned for formal disciplinary investigations, and another fourth were declined (Table 2.12).

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

Assignment Decision	2004		2005		2006		2007		2008	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
IAD Service Complaint Investigation	131	37%	100	31%	67	28%	119	48%	79	42%
Declined	119	33%	103	32%	51	22%	42	17%	46	24%
Precinct Service Complaint	33	9%	35	11%	25	11%	30	12%	16	9%
Resolved Administratively	18	5%	41	13%	28	12%	3	1%	-	-
<b>Total</b>	<b>356</b>		<b>318</b>		<b>236</b>		<b>249</b>		<b>188</b>	

## IAD INVESTIGATIONS

In 2008, IAD assigned 47 complaints for formal disciplinary investigations, which represents 25% of the complaints referred to IAD (Table 2.12) and about nine percent of the total number of complaints screened by IPR (Table 2.10).

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

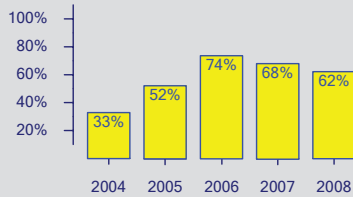
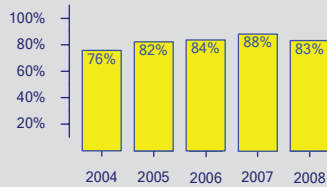


Figure 2.6

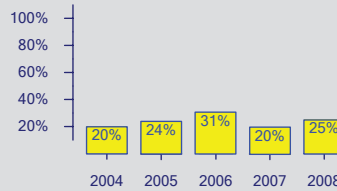
IAD's Timeliness in Assigning Cases  
Excluding Cases that were Declined by IAD  
Percentage of IAD Assignments Made Within 30 Days



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

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

IPR oversight of IAD investigations increased substantially in 2005. New procedures and an increase in staff enabled IPR to conduct more thorough, consistent, and timely reviews of IAD investigations. IPR now returns about a fourth of the investigations for more investigation or other work before they are sent to a Bureau manager for recommended findings (that phase is detailed in the next section).

## IAD DECLINATIONS

Subject to IPR approval, IAD declined to investigate 46 complaints in 2008 (Table 2.12).

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

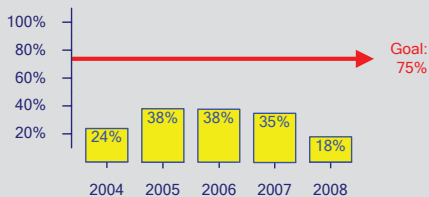
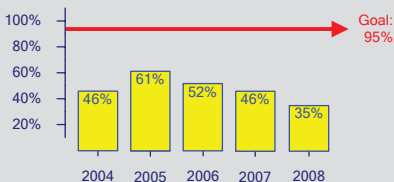


Figure 2.9

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

When IAD declines to investigate or take other action on a complaint, the Captain or Lieutenant drafts a detailed letter of explanation for the complaining party and forwards it to IPR for review. If IPR agrees with IAD's decision and the adequacy of the letter of explanation, IPR forwards the letter to the complaining party and closes the case. If IPR disagrees with IAD's 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 2008, IAD assigned 95 complaints to officers’ supervisors as service complaints, including 16 *precinct service complaints*, which complaining parties filed directly at a precinct. On average, IAD assigns about twice the number of service complaints as full investigations - or about 20% of the cases screened by IPR.

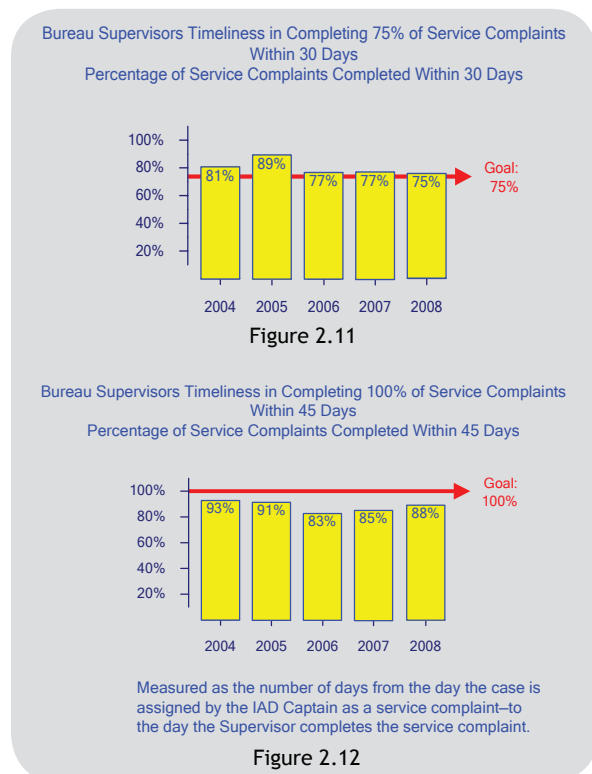
Complaints about the quality of an officer’s service or about minor rules violations may be handled as service complaints. Rudeness was the most common allegation to be handled as a service complaint (Table 2.13).

Detailed Allegations	Cases
Rude Behavior or Language	40
Unprofessional Behavior	11
Fail to Take Appropriate Action	9
Fail to Follow Traffic Law	8
Fail to Provide Name and/or Badge	8
Profanity	8
Demearing Behavior or Language	7
Racial Profiling/Discrimination	7

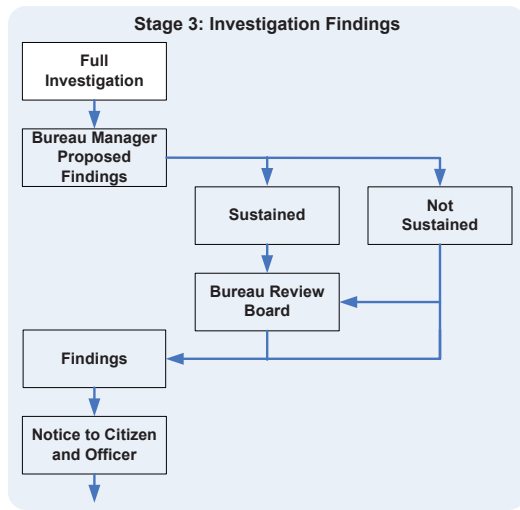
With IPR and IAD approval, a service complaint is assigned to the officer’s supervisor, usually a sergeant, who talks to the complaining party and then to the officer. Supervisors document their actions in a *service complaint resolution memo* that must be approved by the Precinct Commander, IAD, and IPR.

Service complaints insure relatively fast supervisory intervention, evaluation, and mentoring in appropriate cases. In 2008, nearly 90% of service complaints were completed within 45 days after IAD’s assignment decision (Figure 2.12).

The City’s labor agreement with the police union defines “discipline” as a written reprimand or suspension. Counseling, instruction, service complaints, and verbal reprimands are not discipline.



## COMMANDERS' RECOMMENDED FINDINGS



After IPR approves an investigation, IAD sends it to the accused officer’s commander or manager for recommended findings. Commanders and managers review the entire investigative file, including full transcripts of witness and officer interviews. Commanders and managers are expected to prepare a detailed written analysis of the evidence and recommended findings for each allegation.

IAD Findings for Complaints	
Unproven	Allegation not proven by a preponderance of the evidence.
Unproven with a debriefing	While the allegation is not proven by a preponderance of the evidence, a critique of the complaint with the member should be conducted.
Exonerated	Actions of the member were within the policies and procedures.
Exonerated with a debriefing	While the member’s actions were within the policies and procedures, a critique of the complaint with the member should be conducted.
Sustained	Member found to be in violation of policy or procedure.

Commanders and managers recommended sustained findings in 25% of the investigations reviewed in 2007 and 2008. That rate is down from a peak in 2006, but higher than the longer-term average (Table 2.14).

**Table 2.14**  
Completed Full Investigations of Citizen Complaints with Findings by Year

	2004		2005		2006		2007		2008	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
All Non-sustained Findings	53	83%	43	90%	29	62%	42	75%	27	75%
One or More Sustained Findings	11	17%	5	10%	18	38%	14	25%	9	25%
<b>Total</b>	<b>64</b>		<b>48</b>		<b>47</b>		<b>56</b>		<b>36</b>	

**Table 2.15**  
Findings on Allegations within Citizen Complaints Investigated

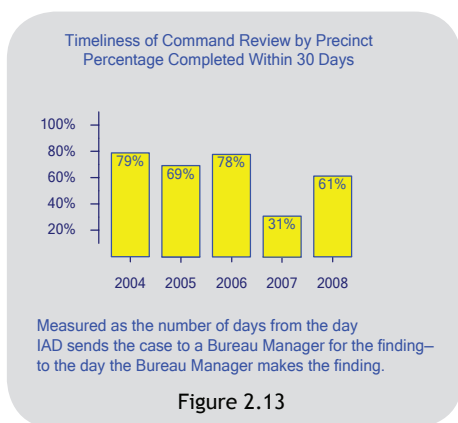
	2004		2005		2006		2007		2008	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
Sustained	13	4%	13	4%	27	13%	22	9%	17	10%
Not Sustained										
Unproven *	-	-	-	-	-	-	14	5%	60	37%
Unproven with Debriefing *	-	-	-	-	-	-	-	-	16	10%
Exonerate	68	21%	111	35%	61	29%	66	26%	49	30%
Exonerate with Debriefing	18	6%	20	6%	15	7%	23	9%	20	12%
Unfounded	138	43%	131	41%	72	34%	63	25%	-	-
Unfounded with Debriefing	5	2%	5	2%	11	5%	10	4%	-	-
Insufficient Evidence	63	19%	37	12%	19	9%	41	16%	-	-
Insufficient Evidence with Debriefing	19	6%	1	0%	6	3%	17	7%	-	-
<b>Combined Total</b>	<b>324</b>		<b>318</b>		<b>211</b>		<b>256</b>		<b>162</b>	

\* New IAD Finding as of 7/31/2007 replacing Unfounded and Insufficient Evidence

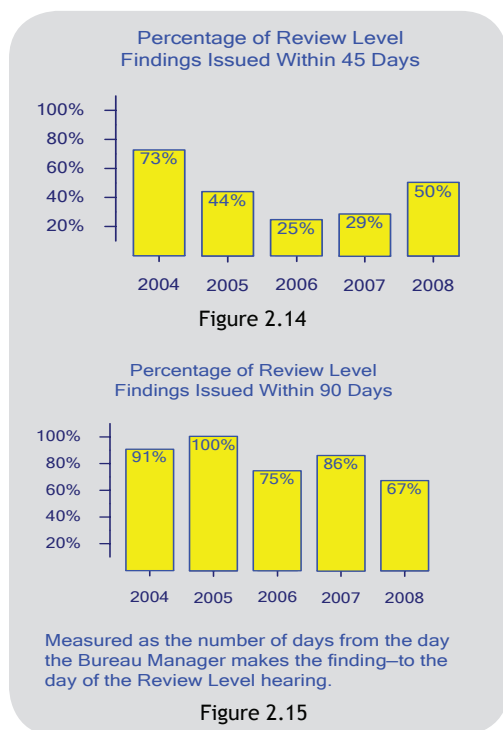


	Conduct	Control Technique	Courtesy	Disparate Treatment	Force	Procedure	Total	Percent
Sustained	4	0	3	0	1	9	17	10%
Not Sustained								
Unproven	26	2	6	9	11	6	60	37%
Unproven with Debriefing	11	0	1	0	1	3	16	10%
Exonerate	15	8	5	0	15	6	49	30%
Exonerate with Debriefing	8	0	2	2	4	4	20	12%
<b>Combined Total</b>	<b>64</b>	<b>10</b>	<b>17</b>	<b>11</b>	<b>32</b>	<b>28</b>	<b>162</b>	
<b>Number of Completed Investigations with Findings in 2008</b>							<b>36</b>	

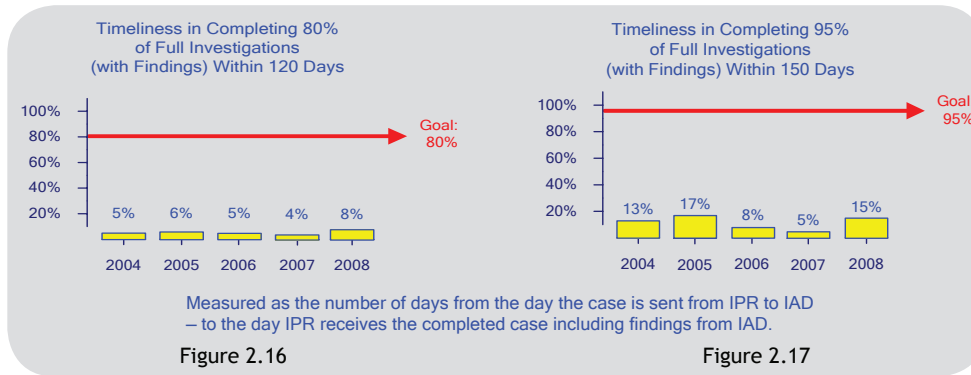
## PPB REVIEW AND DISCIPLINE PROCESS



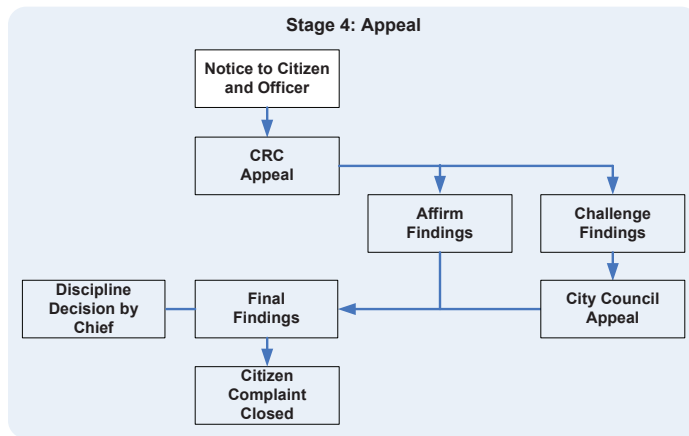
If a commander or manager recommends a sustained finding (including discipline of a day or more suspension), the investigation goes to the Review Board for further review. If there are no recommendations to sustain (and no disagreements), IAD will write a detailed letter of explanation to the citizen, 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 CRC. IAD will provide notice of the officer's right to appeal to the CRC.



If a commander or manager does not recommend a sustained finding but either IAD, the branch Assistant Chief, or IPR believe that an allegation should be sustained, they may *controvert* the 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 should be imposed.



## APPEALS AND PROTESTS



Complaining parties have a right to request an appeal to CRC if PPB does not sustain a fully investigated allegation; complaining parties 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 allegation.

Only one appeal request was received in 2008, which was later determined to be out of IPR’s jurisdiction. During the year, CRC held one appeal hearing on a 2007 request. Refer to Chapter 4 for details of that appeal and a discussion of the appeals process.

Nineteen citizens protested non-appealable IPR or IAD case handling decisions in 2008 (13 IPR dismissals, three service complaints, and three IAD declines). IPR recorded their objections, reviewed their concerns, but neither IPR nor IAD changed a decision in response to a protest. The count of protests is up from 2007, but similar to 2005 and 2006.

## 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 can be accessed at [www.portlandonline.com/auditor/index.cfm?c=27455&a=177027](http://www.portlandonline.com/auditor/index.cfm?c=27455&a=177027).

In 2008, IPR reviewed 163 unduplicated civil claims and opened 13 complaint files for formal intake investigations and screening.

<b>Action/Outcome</b>	
<b>Tort claims and civil lawsuits reviewed by IPR</b>	<b>163</b>
<b>IPR case files opened</b>	<b>13</b>
<b>Dismissed by IPR after preliminary review</b>	<b>9</b>
Claimant unavailable or refused to participate	7
Insufficient evidence of misconduct	2
<b>Referred to IAD</b>	<b>2</b>
Pending completion of investigation or findings	1
Declined after Detective Division investigation	1

IPR did not open complaint files on 150 claims for the following reasons:

- 42 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);
- 30 had been previously reviewed or were pending review, normally because the claimant had already filed a citizen complaint directly with IPR;
- 23 alleged no intentional misconduct by officers or the allegations were credibly refuted or explained by police reports;
- 21 were requests for reimbursement for lost or mishandled property (not claims of theft or misappropriation);
- 17 contained insufficient information to determine what actions the claimant was alleging the officers took;
- 12 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.

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.

As described in further detail in Chapter 3, PPB improved its own procedures for reviewing tort claims, including identifying training issues as well as possible misconduct issues.



## CHAPTER 3

### PORTLAND POLICE BUREAU

## MANAGEMENT OF OFFICER CONDUCT

### NOTEWORTHY TRENDS

- **NUMBER OF OFFICERS RECEIVING COMPLAINTS IS DOWN**  
The number of officers receiving complaints has declined 35% over the past four years (368 in 2008 compared to 567 in 2004). Most officers receive no complaints.
- **SHOOTINGS REMAIN DOWN**  
There were two officer-involved shootings in 2008, the same as in 2007. The number of shootings has declined substantially in recent years.
- **FORCE COMPLAINTS CONTINUE TO DECLINE**  
There were 50 force complaints in 2008, down from 74 in 2007 and 88 in 2006.
- **INTERNAL OVERSIGHT INCREASED**  
New leadership at the Office of Accountability and Professional Standards (OAPS) enhanced internal analysis and oversight of officer performance and conduct.

Portland Police Bureau (PPB or Bureau) devotes considerable effort and resources to the management of officer conduct and, especially, to the prevention of misconduct through improved training, progressive policies, and good supervision. Independent Police Review's (IPR) citizen complaint process is just one of many tools available to PPB.

In this chapter, IPR reports on PPB's programs and actions to improve accountability.

### BUREAU-INITIATED COMPLAINTS

The Bureau has exclusive jurisdiction to investigate misconduct allegations it receives that are reported by 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 and Use of Force Review Board hearings.

There was an increase in bureau-initiated complaints in 2008 to 40, the highest number recorded over the past five years (Table 3.1).

Allegation Category	2004		2005		2006		2007		2008	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Conduct	53	64%	73	77%	42	88%	72	87%	62	71%
Control Technique	0	0%	1	1%	0	0%	0	0%	1	1%
Courtesy	5	6%	4	4%	2	4%	1	1%	1	1%
Disparate Treatment	3	4%	4	4%	0	0%	0	0%	0	0%
Force	8	10%	5	5%	2	4%	5	6%	8	9%
Procedure	14	17%	8	8%	2	4%	5	6%	15	17%
<b>Total Allegations</b>	<b>83</b>		<b>95</b>		<b>48</b>		<b>83</b>		<b>87</b>	
<b>Complaints Received</b>	<b>37</b>		<b>30</b>		<b>20</b>		<b>24</b>		<b>40</b>	

Completed Investigations	2004		2005		2006		2007		2008	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
All Non-sustained Findings	5	19%	3	23%	8	35%	4	24%	4	21%
One or More Sustained Findings	21	81%	10	77%	15	65%	13	76%	15	79%
<b>Total</b>	<b>26</b>		<b>13</b>		<b>23</b>		<b>17</b>		<b>19</b>	

	Not Sustained	Sustained	Total
	Unprofessional behavior	4	10
Unsatisfactory work performance	13	9	22
Conduct - Other	2	4	6
Use of authority for personal gain	3	3	6
Theft	1	3	4
Untruthfulness	4	2	6
Inappropriate off-duty behavior	2	1	3
Fail to follow orders	1	1	2
Force - Firearm	0	1	1
DUII	0	1	1
Fail to provide accurate or timely information	0	1	1
Mishandled property	0	1	1
Selective enforcement	0	1	1
Unnecessarily damaged vehicle	0	1	1
Force - Other	4	0	4
Inappropriate sexual conduct	1	0	1
Harassment	2	0	2
Beyond scope of officer's authority	1	0	1
Fail to file a complete police report	1	0	1
<b>Total</b>	<b>39</b>	<b>39</b>	<b>78</b>
<b>Percent</b>	<b>50%</b>	<b>50%</b>	

PPB has sustained at least one allegation in more than 75% of bureau-initiated complaints over the past five years (Table 3.2).

The Bureau sustained half of the individual allegations investigated in 2008 (Table 3.3).

## OFFICERS WITH MULTIPLE COMPLAINTS

Fewer officers generated high numbers of complaints. Just eight officers received five or more complaints in 2008—compared to more than 20 officers who received that many complaints in previous years (Table 3.4).

**Table 3.4**  
Frequency of Complaints by Employees by Year\*

Count of Employees by Year

Number of Complaints	2004	2005	2006	2007	2008
10+	2	1	0	0	0
9	1	0	0	0	0
8	3	3	2	0	0
7	8	2	2	3	2
6	8	4	6	6	1
5	14	19	12	14	5
4	41	32	32	19	12
3	69	71	60	39	33
2	135	110	95	108	75
1	286	236	247	268	240
<b>Total</b>	<b>567</b>	<b>478</b>	<b>456</b>	<b>457</b>	<b>368</b>

\* Includes bureau-initiated and citizen-initiated complaints

As a general rule, the list of *top-10 complaint receivers* changes from year to year. An officer may appear on the list for a year or two and then drop off the list. In 2008, however, an officer who had dropped off the list after receiving 30 complaints between 2003 and 2005—reappeared with seven complaints, most of them related to courtesy.

**Table 3.5**  
Discipline and Command Counseling

	2005	2006	2007	2008
Terminated	1	1	1	1
Suspended without pay				
600 Hours	1	0	0	0
300 Hours	0	0	1	0
240 Hours	0	0	0	1
200 Hours	0	0	0	2
160 Hours	0	0	0	1
150 Hours	1	0	0	0
100 Hours	0	0	0	0
80 Hours	0	0	0	3
60 Hours	2	0	0	0
50 Hours	0	0	0	0
40 Hours	1	0	4	2
30 Hours	2	0	0	0
20 Hours	1	2	2	3
10 Hours	0	3	1	2
8 Hours	0	0	0	0
Letter of Reprimand	6	11	9	10
Command Counseling	2	16	10	8
<b>Total</b>	<b>17</b>	<b>33</b>	<b>28</b>	<b>33</b>

## DISCIPLINE

Table 3.5 reports the number of officers who receive formal discipline or command counseling as a consequence of sustained findings in citizen-initiated, bureau-initiated, and tort-initiated misconduct investigations. One officer was terminated in 2008 and four officers received over 150 hours of suspension without pay.

Other officers choose to resign or retire while criminal or misconduct allegations are pending against them (Table 3.6). One officer resigned in early 2008 after pleading guilty to a criminal offense. Four more resigned after sustained findings but prior to the imposition of discipline. Another retired before the investigation was completed.

	2005	2006	2007	2008
Number of PPB Employees	3	8	4	6

### SHOOTINGS AND IN-CUSTODY DEATHS

In 2008, there were two officer-involved shootings and no in-custody deaths.

	2005	2006	2007	2008
Shooting - fatal	5	3	1	2
Shooting - injury	1	1	1	0
Shooting - non-injury	3 *	1	0	0
In-custody death	0	2	0	0
<b>Total</b>	<b>9</b>	<b>7</b>	<b>2</b>	<b>2</b>

\* Two were accidental discharges during law enforcement actions.

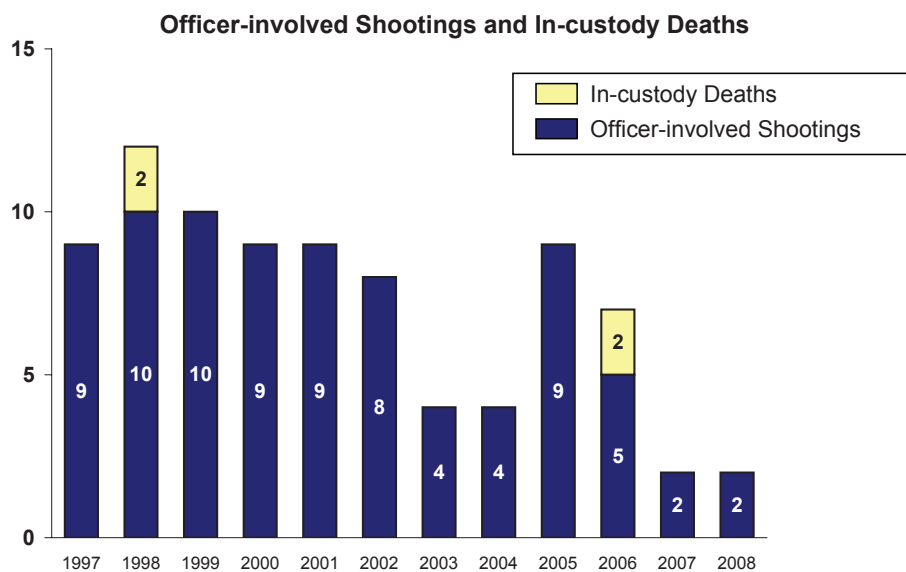


Figure 3.1

The number of shootings in the past six years is 53% lower than the number of shootings in the preceding six years—26 vs. 55.



The decline in shootings coincides with at least three developments:

- A continuing decline in the number of police-citizen contacts (8% decline since 2005) ;
- The widespread introduction of disabling weapons (e.g., Tasers); and
- Significant improvements in how PPB trains, supervises, investigates, and analyzes officer-involved shootings and in-custody deaths, based on recommendations made by the *Police Assessment Resource Center* (PARC).

PARC is a Los Angeles-based national expert on police accountability issues. IPR hired PARC in 2002 to review closed officer-involved shooting and in-custody death cases (dating to 1997) and to identify policies and practices that needed improvement. Figure 3.1 tracks incidents back only as far as January 1997 because PARC cited reliability concerns about data before that date (see pages 215-217 of PARC's original report on the Bureau, published in August 2003 and located at [www.portlandonline.com/auditor/index.cfm?c=27068](http://www.portlandonline.com/auditor/index.cfm?c=27068)).

PARC has released four reports to date, and made 124 recommendations after reviewing a total of 70 closed officer-involved shooting or in-custody death incidents. In its most recent report, PARC describes PPB as “an increasingly excellent police department” that is “indeed in a progressive mode, with an increased capacity for self-critical identification of issues and formulation of solutions.”

## USE OF FORCE REVIEW BOARD

The nine-member *Use of Force Review Board* (UFRB or Board) reviews all officer-involved shootings, in-custody deaths, and uses of force that result in hospitalization. The Board, which includes two public members with voting rights, makes recommendations to the Chief of Police on disciplinary, training, policy, and performance matters arising from reviewed incidents.

In 2008, UFRB and the Chief of Police completed reviews of two fatal and three non-fatal shooting incidents, which occurred in 2006 or 2007.

- All of the shooting officers were found to be justified in their use of deadly force.
- In one case, the Board recommended a debriefing for a supervisor on post-shooting procedures (not related to medical aid). In another case, the Board recommended debriefing all the involved officers and supervisors regarding tactics and planning.
- In another case, the Board recommended opening a bureau-initiated complaint against a cover officer for pursuit procedures that preceded, but did not contribute to, the shooting.

In addition to covering the usual tactical issues, the Board made 12 separate recommendations related to communications, supervision, and planning. For example, in one case the Board

recommended that the Bureau’s Training Division (Training) use the incident as a tabletop exercise at the Sergeants Academy and invite the involved supervisors to discuss it with the students. In another case, the Board recommended that Training create a roll-call training video based on the incident.

## USE OF NON-LETHAL FORCE

The number of citizen and bureau force complaints has declined 58% since 2004.

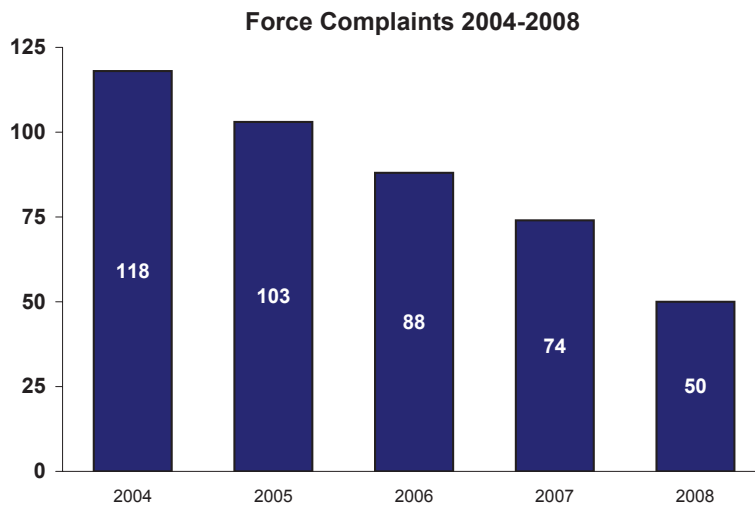


Figure 3.2

The number of force complaints per 1,000 police-citizen contacts has declined 54% over the same period (Table 3.8).

	2004	2005	2006	2007	2008
Citizen and Bureau Force Complaints	118	103	88	74	50
Citizen-Police Contacts	432,930	434,196	420,412	410,545	398,761
<b>Force Complaints Per 1,000 Contacts</b>	<b>0.273</b>	<b>0.237</b>	<b>0.209</b>	<b>0.180</b>	<b>0.125</b>

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

The decline follows increased effort by IPR, CRC, and PPB to improve the Bureau’s management of force. The effort included a joint Force Task Force (FTF), which released 16 recommendations in a report titled, *Use of Force by the Portland Police Bureau: Analysis and Recommendations, Spring 2007*. The report is available on IPR’s web site at [www.portlandonline.com/auditor/ipr](http://www.portlandonline.com/auditor/ipr).

The Bureau's actions include the following:

- **USE-OF-FORCE REPORTS**

In 2004, PPB started requiring officers to submit specially formatted reports documenting their use of force. The reports provided the basis for subsequent analysis by Bureau managers and the FTF.

- **SUPERVISORY OVERSIGHT**

In late 2007, PPB began requiring supervisors to debrief involved officers on every force complaint, including complaints that are dismissed or not substantiated. PPB also created unit-based teams to review the unit's force practices and to assist supervisors with semi-annual discussions with each officer about his or her performance during confrontations

- **USE-OF-FORCE POLICY**

In March 2008, PPB enacted a new use of force policy. The most recent PARC report said the policy:

*"...broke new ground nationally in its explicit recognition that police officers must strive to use lesser levels of force even if higher levels might otherwise be permissible in the circumstances.... We praise Chief Sizer and the other dedicated individuals who helped to formulate this farsighted policy."*

- **FOCUS ON TRANSIT DIVISION AND CENTRAL PRECINCT**

The Bureau's Transit Division (Transit) and Central Precinct reassessed their approaches for managing the public disorder offenses that are disproportionately located within their areas of operation. As a consequence, use of force by both units has dropped significantly, dramatically so for Transit.

The Force Task Force reconvened in November 2008 to assess the Bureau's progress. A follow-up report is anticipated by spring or summer 2009.

## **OFFICERS WITH MULTIPLE FORCE COMPLAINTS**

In 2008, only two officers received multiple force complaints: one officer received two, another received three. This represents a *substantial drop* from previous years in which 16 or more officers received multiple force complaints (Table 3.9).

The same officer who received three force complaints in 2008 also received three force complaints in each of the preceding two years. Three is the highest number of force complaints for any individual officer for each of the past three years.

The Bureau has been proactive in addressing the situation with this officer. For example, the officer has recently been reassigned to a new shift. Supervisors also met with the officer in a

*behavior review* and suggested strategies (e.g., waiting for cover officers, considering other tactical options, improved communication and patience) for reducing the reliance on force to make an arrest.

**Table 3.9**  
**Frequency of Force Complaints by Employees by Year\***

Count of Employees by Year

Number of Force Complaints	2004	2005	2006	2007	2008
8	1	0	0	0	0
7	0	0	0	0	0
6	0	0	0	0	0
5	0	1	0	0	0
4	1	1	0	0	0
3	7	1	2	6	1
2	21	14	20	10	1
1	100	107	90	80	69
<b>Total</b>	<b>130</b>	<b>124</b>	<b>112</b>	<b>96</b>	<b>71</b>

\* Includes bureau-initiated and citizen-initiated complaints

## OFFICE OF ACCOUNTABILITY AND PROFESSIONAL STANDARDS

In 2008, new leadership at OAPS improved the Bureau’s ability to critically assess its own performance, identify emerging problems, propose solutions, and ensure the highest possible degree of professionalism and accountability.

The Office of Accountability and Professional Standards oversees four major program areas:

**1. MANAGEMENT ANALYSIS**

OAPS has a significantly improved capacity to analyze the performance of Bureau programs, policies, units, and individuals.

**2. EMPLOYEE INFORMATION SYSTEM**

OAPS is responsible for implementing and managing the Employee Information System (EIS) to identify early warning signs of officers at risk of developing performance problems. More information is provided in the next section regarding EIS.

**3. RISK AND LIABILITY**

OAPS reviews tort claims, collisions, and officer injuries to identify trends and solutions. More information is provided later in this chapter on tort claim review.

**4. INTERNAL AFFAIRS DIVISION**

OAPS oversees the Internal Affairs Division.

OAPS is directed by Leslie Stevens who reports directly to the Chief of Police. Ms. Stevens served previously as the IPR Director.

## EMPLOYEE INFORMATION SYSTEM

The Bureau developed EIS to help supervisors monitor the overall performance of their officers and to intervene, when appropriate, with assistance, guidance, or training.

EIS collects performance indicators from multiple databases and displays them on supervisors' desktop computers. Indicators include such data as arrests, uses of force, training, and complaints. When EIS is fully operational, a supervisor will be able to compare an individual officer's performance indicators with unit averages.

Phase I of the system is complete and running, under the supervision of OAPS. Phase I integrated the relevant data sets into a single, flexible information source. Access is currently restricted to Bureau personnel at the rank of sergeant or higher, and is available through the normal PPB network, including the Traffic Division.

Phase II will involve the implementation of a Case Management system which has already completed production and testing. The Case Management system automatically flags pre-set categories of concern, based on particular threshold levels predetermined by the Bureau. Examples of these categories include an officer's arrest-to-force ratio, as well as an officer's complaint count. Having been flagged, the EIS administrator then utilizes the Case Management system to set in motion a review process, following along to ensure that the process is moving forward in a timely manner. Commanders and supervisors taking part in the review process do so within the EIS structure.

As part of the settlement of a union grievance, PPB recently agreed to train line officers how to use EIS to verify their individual information before fully implementing Phase II.

Research shows that systems like EIS (if supported by non-disciplinary guidance, additional training, or employee assistance) enable law enforcement organizations to improve performance, support officers' careers, and reduce misconduct.

## TORT REVIEW BOARD

In August 2008, OAPS significantly improved PPB's analysis of tort claims for potential misconduct, performance, training, or policy issues. The Tort Review Board members include representatives from OAPS, City Attorney's Office, Risk Management, IAD, Training, and a street sergeant.

By the end of the calendar year, the Tort Review Board had reviewed 93 cases and identified 17 for follow-up, including two referrals for IAD investigations and four to commanders or managers for supervisory review—similar to IPR's *precinct referrals*.



## 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 City Council, who currently 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, CRC members may also participate on other advisory boards such as:

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

## CRC MEMBERS WHO SERVED DURING 2008

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



*From left to right: CRC members Josey Cooper, Loren Eriksson, Michael Bigham, and JoAnn Jackson attending a public CRC meeting in City Hall*

The following members served on CRC during the 2008 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. Bigham is a member of the Force Task Force (analyzes the Bureau's use of force data and provides recommendations to the Chief of Police). Additionally, he is a member of 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. 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, where she presented a paper at a national convention in Washington, D.C. 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 EIS Advisory Committee. Eriksson is also a member of the Force Task Force.

**Appointed December 2003**

**JoAnn Jackson** was a board member of the Oregon Mediation Association for six years, as well as a 10-year member of the Association of Conflict Resolution. She has a Bachelor's Degree in Business Management, and a Master's Degree in Business Administration. She was a diversity trainer for City of Portland employees, and a past trainer and employee for the City's Bureau of Emergency Communications. 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). Ms. Jackson is a mediator, workplace consultant, and presenter for businesses, nonprofits, and higher education on topics of diversity, mediation, inclusion, and executive leadership. She 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. 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. 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. Miggins has held positions with Multnomah County: Animal Control Director, Deputy County Auditor, Executive Assistant to the Chair of the Multnomah County Commission, and Interim Chair of the Multnomah County Commission. He is a member and serves on the Board of Directors for: the American Civil Liberties Union of Oregon, Board of Bar Governors, Oregon State Bar, 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. Miggins is an original member of CRC and lives in Southwest Portland.

**Appointed October 2001**

**Rob Milesnick** took a position as the Executive Director of the Citizens Crime Commission in 2008. 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. Milesnick served on the Board of Directors and Executive Committee of the Northeast Coalition of Neighborhoods. He lives in Southeast Portland.

**Appointed October 2006**

**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. 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**

**Lewellyn Robison** is a retired Port Director for the United States Customs Service who volunteers with the Multnomah Country Library and her home owners' association. Robison serves on the Bureau's EIS Advisory Committee, as well as its Use of Force and Performance Review Boards. She is a resident of Northwest Portland.

**Appointed December 2003**

## 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 2008, there was only one appeal request. After further review, IPR determined that it did not have proper jurisdiction. A hearing on an appeal request (which was received in November 2007) was held in February 2008. The IPR Director agreed to include an appeal form with each investigation findings letter beginning in 2009, which may lead to an increase in appeal requests.

### 2007-X-0008

An officer was off duty at his home, when he heard noise from an adjacent house that was under construction. The officer confronted the appellant and her boyfriend, suspecting that they were burglars (it was later learned that they were contractors working on the house). The appellant said the officer inappropriately pointed a firearm at her and failed to identify himself as a police officer. After a full hearing, CRC voted to recommend changing the first finding from Exonerated with a Debriefing to Sustained, and adding a Debriefing to the second finding of Unproven. The Bureau accepted both CRC recommendations.



*From left to right: CRC members Sherrelle Owens, Mark Johnson, Josey Cooper, Loren Eriksson, Rob Milesnick, and JoAnn Jackson*

## CRC PRESENTATIONS

CRC members invited speakers to address CRC and community members attending those meetings. Guest speakers included:

- Commander Vincent Jarmer provided an overview of the PPB's Transit Division (Transit), including staffing levels and the interagency agreements that make the division possible (only half of the officers are Bureau members). Commander Jarmer asked to be invited back to more thoroughly address CRC's expressed concerns about accountability of officers from other jurisdictions assigned to Transit.
- Director Leslie Stevens, PPB's Office of Accountability and Professional Standards (OAPS), informed CRC members about OAPS, which includes Internal Affairs, Risk Liability, and Employee Information System divisions. Ms. Stevens reports directly to the Chief of Police.
- Assistant Chief Brian Martinek presented an overview of the Bureau's Use of Force Review Board, which addresses officer-involved shootings, in-custody deaths, and other serious injuries caused by officers; and the Performance Review Board. He answered questions from CRC members about the Bureau's response to the recommendations of the Police Accountability Resource Center regarding police shootings and in-custody deaths. Assistant Chief Martinek also discussed the Bureau's efforts to improve timeliness of IAD investigations.
- Transit Commander Vince Jarmer made a second appearance and discussed actions taken (or to be taken) to increase accountability and improve performance and service delivery of Transit officers to the community.
- Joanne Fuller, Director of the Multnomah County Department of Human Services and David Hidalgo, Manager of the Multnomah County Verity Mental Health Organization, discussed the Mayor's Mental Health/Public Safety Initiative Action Plan. They answered questions from CRC and community members about mental health services in Multnomah County.
- Bill Toomey, Program Manager with Multnomah County Department of Human Services, presented information on the County's Division of Developmental Disabilities (DD). He stated that the Bureau has made positive efforts to work with the DD system, but expressed a need for more officer training regarding persons with developmental disability issues. Mr. Toomey expressed a desire to work with CRC to explore ways to provide outreach to providers and clients in the DD system.

CRC also uses the *Quarterly Report* as a community informational 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 case statistics and samples of complaints received, cases investigated and community commendations. Updates

on IPR and CRC activities and workgroup projects, as well as relevant PPB and community news items are included in these quarterly reports.

In addition, several CRC members assisted IPR with the annual CRC recruitments: four CRC two-year terms ended February 9, 2009. Being involved with the selection process keeps CRC members in touch with citizens 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 the IPR Director. After the competitive selection process was completed, finalists were then nominated by City Auditor Gary Blackmer for City Council appointment. There were two new citizen nominees (Rochelle Silver and Barbara Tennent Anderson) and two CRC nominees for re-appointment (Chair Michael Bigham and Recorder Lewellyn Robison) for the terms beginning February 10, 2009.

## CRC WORKGROUPS

CRC members participate in sub-committees (known as workgroups) to gather community information, recommend policy changes, or advise on operational issues.

### BIAS-BASED POLICING WORKGROUP

The Bias-based Policing Workgroup was formed to review complaints of disparate treatment in policing and how IPR handles those complaints. The workgroup developed its methodology, work plan and projected schedule in early 2007. Throughout 2008, the workgroup reviewed IPR case files, collected data, and drafted its interim report.

The four workgroup members reviewed a total of 60 cases, using a detailed checklist to guide their analysis. Each case was independently reviewed by at least two workgroup members. The workgroup collaborated with the Mayor's Racial Profiling Committee as their missions overlapped. The workgroup forwarded an interim report to the full CRC in February 2009.



*From left to right: IPR Senior Management Analyst Derek Reinke and CRC Bias-based Policing Workgroup Chair Sherrelle Owens*

## CASE HANDLING WORKGROUP

The Case Handling Workgroup was formed in March 2008 and is reviewing three particular dispositions that result in quick resolutions, but do not provide an avenue for appeal by the complainant: dismissals by IPR, declines by IAD, and service complaints. The workgroup's objectives are to gauge effectiveness of the process, adherence to case-handling protocols, and complainant satisfaction. The workgroup will consider if a process for challenging the IPR or IAD decision is needed and if so, to recommend such a process.



*From left to right: CRC Vice-chair Hank Miggins and CRC Recorder Lewellyn Robison*

## COMMUNITY OUTREACH WORKGROUP

The Community Outreach Workgroup was on hiatus for 2008. However, members of the workgroup provided input to EnviroIssues on the formulation of the IPR Outreach Plan, which can be accessed at [www.portlandonline.com/auditor/index.cfm?c=27068](http://www.portlandonline.com/auditor/index.cfm?c=27068). The workgroup will reconvene during the first part of 2009—after the new IPR Community Outreach Coordinator is hired. The workgroup will then provide input on CRC's outreach objectives and collaborate with the Community Outreach Coordinator in meeting those objectives.

## IPR STRUCTURE REVIEW

The IPR Structure Review Workgroup is tasked with evaluating and prioritizing recommendations made in Ms. Eileen Luna-Firebaugh's Performance Review of IPR and CRC (see Chapter 5 for more details). The workgroup is examining six primary areas: the complaint process, mediation, policy development, staffing and training, outreach, and transparency. The workgroup is reviewing the current ordinances, protocols, and practices in each area and will formulate recommendations from its review. The workgroup chair, JoAnn Jackson, and IPR Director Mary-Beth Baptista presented a progress update to City Council at a Council session in the fourth quarter of 2008. The Mayor and Council members responded that they were very satisfied with the work of IPR and CRC. A copy of the progress report memo to Council (dated December 9, 2008) can be found on IPR's web site at [www.portlandonline.com/auditor/index.cfm?c=27068](http://www.portlandonline.com/auditor/index.cfm?c=27068).



## POLICE ASSESSMENT RESOURCE CENTER WORKGROUP

The Police Assessment Resource Center (PARC) was retained by IPR starting in 2003 to review and report on PPB cases related to officer-involved shootings and in-custody deaths. PARC is also tasked with developing recommendations for improving PPB investigations, policies, and procedures. The PARC Workgroup is evaluating PPB implementation of the recommendations in the PARC follow-up reports (2005 and 2006). The workgroup has reviewed policies and procedures, interviewed several members of the Bureau, and discussed the reports with Merrick Bobb, President and founding Director of PARC. The workgroup has drafted an initial assessment and is currently comparing its findings against documentation provided by the Bureau. Meanwhile, PARC finished its third follow-up report in February 2009.

## PROTOCOL WORKGROUP

The Protocol Workgroup continued its review of CRC's internal protocols in 2008. New protocols are developed when deemed necessary. During the year, the workgroup reviewed protocols related to case handling, workgroup functions, the appeal process, and requests for reconsideration of CRC decisions. All CRC protocols are located at [www.portlandonline.com/auditor/index.cfm?c=27455](http://www.portlandonline.com/auditor/index.cfm?c=27455).

## RETREAT WORKGROUP

The Retreat Workgroup is tasked with setting the agenda and determining content for the CRC Retreat. During the biennial retreat, CRC members review their goals and determine objectives for the coming year. The latest retreat was held in February 2009.

## TOW POLICY WORKGROUP

The Tow Policy Workgroup focused on the Bureau's towing policies and issued its report in 2007. The report can be accessed at [www.portlandonline.com/auditor/index.cfm?c=44653&a=172331](http://www.portlandonline.com/auditor/index.cfm?c=44653&a=172331). It reconvened in 2008 to review progress by the Bureau in meeting the workgroup's recommendations. The workgroup also met with the Bureau and Marc Jolin of JOIN (outreach services for Portland's homeless) to discuss the effect that towing may have on homeless persons who use their vehicles for shelter and store personal belonging in them as well.

## CHAPTER 5

# PERFORMANCE REVIEW, OUTREACH, SATISFACTION, AND COMMENDATIONS

## COMMUNITY AND OTHER FEEDBACK

### NOTEWORTHY TRENDS

- **PERFORMANCE AND EFFECTIVENESS REVIEWED**  
Portland City Council (Council) received an external evaluation report of the Independent Police Review (IPR) in early 2008.
- **NEW COMMUNITY OUTREACH PLAN CREATED**  
IPR hired a consulting firm to assist with communication and strategic outreach planning.
- **SATISFACTION LEVELS ARE UP**  
Citywide survey results indicate improvement in the public's confidence in efforts to control misconduct since 2004. Complainants' reported overall satisfaction with the IPR complaint process is at an all-time high, up about 20 percentage points since 2005.

### IPR PERFORMANCE REVIEW

In January 2008, Ms. Eileen Luna-Firebaugh completed a report titled *Performance Review of the Independent Police Review Division* (Performance Review). She formally presented the 137-page report to Council in March 2008.

The Performance Review assessed several aspects of IPR and the Citizen Review Committee (CRC), including their effectiveness in making recommendations for changes to Portland Police Bureau (PPB or Bureau) policies and procedures, and the extent to which investigations conducted by the Bureau's Internal Affairs Division (IAD) were independent, objective and met the directives of Council. The report sought to determine the level of community satisfaction as it relates to access, approachability, and treatment by IPR staff as well as IPR's handling, investigation, review, and the ultimate outcome of complaints. The report also looked at systemic issues such as whether IPR and CRC had the key features of other police monitoring agencies across the country, were engaging in best practices in police oversight, whether each entity had the community's trust, and if there were indications each were successfully impacting police accountability.

The Performance Review contained approximately 48 recommendations. These recommendations covered a range of topics including:

1. Suggesting IPR develop an outreach program to publicize the complaint process and hear community concerns;
2. Urging the IPR Director and staff to be more active participants in complaint investigations (conducting independent investigations when appropriate);
3. Pushing for increased transparency by requiring the IPR Director to publish annual reports and provide more frequent updates on the work of IPR and CRC to the community and Council;
4. Advising more frequent and civilianized training for IPR staff and CRC members; and
5. Recommending that CRC take an assertive role in the identification of policy issues and the promulgation and implementation of policy recommendations.

In September 2008, members of CRC formed the IPR Structure Review Workgroup (Workgroup) to address the recommendations made in the Performance Review, along with public feedback and suggestions made in several responses to the report. The IPR Director serves as staff to the Workgroup, which also benefits from regular community member participation.

In December 2008, the Workgroup Chair and the IPR Director presented a briefing to Council on the progress CRC and IPR had made to date in responding to the Performance Review. Their four-page progress report also outlined issues that the Workgroup intends to address in the coming year. A copy of the progress report memo to Council (dated December 9, 2008) can be found on IPR's web site at [www.portlandonline.com/auditor/index.cfm?c=27068](http://www.portlandonline.com/auditor/index.cfm?c=27068). The goal of the Workgroup is to complete a detailed work plan for review by Council, CRC, IPR, and the public by mid-2009.

## **IPR COMMUNITY OUTREACH PLAN**

The Performance Review included recommendations that IPR and CRC focus more on outreach to Portland's diverse population. In response, IPR hired the consulting firm *EnviroIssues* in October 2008 to create the *IPR Community Outreach Plan* (plan).

*EnviroIssues* conducted in-depth interviews with three CRC members, several community stakeholders, most of IPR's staff, and the City Auditor before crafting a preliminary draft of the plan. IPR posted the draft on its web site for several weeks in November and December 2008, and invited public comment from the community at large. Further, *EnviroIssues* presented the highlights of the plan at a monthly CRC meeting and solicited feedback from community members. Community concerns and suggestions were then incorporated into the final plan.

The purpose of the plan is to describe the general methodology and specific activities that will be used to improve IPR's outreach to the Portland community and assess the success of those efforts. The plan also describes elements and strategies to identify and prioritize CRC's outreach needs. The plan serves as a first step in achieving IPR's and CRC's shared goals of clearly communicating



their roles, priorities, interests, objectives, and accomplishments to their stakeholders and the general public. The entire contents of the plan can also be reviewed on IPR's web site (IPR and CRC Reports).

As emphasized by the IPR Director in several CRC meetings, one of the most important elements of the outreach plan is to remember that it needs to be continually evaluated, revised, and implemented rather than allowing it to become a stale document on a shelf in the IPR office. To implement the strategies and achieve the goals set forth in the plan, IPR hired a Community Outreach Coordinator in March 2009.

## **IPR OUTREACH EFFORTS**

Beyond the creation of a comprehensive outreach plan, IPR's capacity and focus on outreach efforts was significantly diminished for much of 2008. The Community Outreach Coordinator position remained vacant throughout the calendar year. As noted previously in this report, IPR also had changes in leadership, hiring a new Director and Assistant Director, and addressed the significant challenge of reducing a substantial backlog of open cases. However, IPR staff did make efforts where possible to improve the current outreach materials, and engage and inform Council and the community.

IPR redesigned the look and content of the *IPR/CRC Quarterly Reports* in 2008. The newsletters feature more current data and enhanced readability, and are now typically published within four weeks of the close of each quarter. The reports detail IPR, CRC, and significant PPB activities, as well as provide case statistics and sampled case narratives. These reports are available in hardcopy at the IPR office, are posted on the IPR web site, and distributed via e-mail distribution lists.

IPR continued to stock complaint and commendation forms at several community locations throughout the City. IPR has forms in Spanish, Chinese, Korean, and Russian—in addition to English. An e-mail address and account is maintained for general access to IPR and CRC.

While serving as *Acting* IPR Director, Pete Sandrock worked with Council to address the Performance Review recommendations regarding process and structural changes at an official work session in March 2008 and in follow-up meetings. IPR Director Baptista also presented the 2007 Annual Report to Council in October 2008.

IPR Director Baptista met with a number of community and advocacy groups, including members of Portland Copwatch and the League of Women Voters within the first few months of her tenure. She also made a presentation regarding the role of IPR and police oversight in general to the Community Policing Delegation of Kosovo through the World Affairs Council.

Outreach efforts were also aimed at the Bureau and included meetings with the Chief of Police, 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. Director Baptista participated in joint presentations with IAD to the Portland Police Citizen and Non-sworn Academies. At the invitation of the IAD Captain, Baptista also sat on the interview panel for two additional IAD investigators hired in October 2008.

The Director also met with local media, and both the Portland Tribune and The Oregonian ran feature articles where she was able to explain to the public IPR’s role in police oversight and her plans for the future of the office. The release of the 2007 Annual Report included press advisories and a media opportunity that were not part of the 2005-2006 release. Coverage of the report included the front page of The Oregonian’s Metro section, major network news stations, and Oregon Public Broadcasting radio. Finally, the Director was interviewed by The Skanner for stories covering the two newest members of CRC and the Bias-based Policing Workgroup’s Interim Report in early 2009.

### CITY AUDITOR’S ANNUAL CITIZEN SURVEY

In 2008, the City Auditor’s Office (Audit Services Division) conducted its 18th 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 42% in 2008. Only 23% of the respondents rate the City’s efforts as bad or very bad in 2008. Annual results are shown in Table 5.1. To obtain additional results from this survey, as well as information on the methodology, see *City of Portland Service Efforts and Accomplishments: 2008* (available at [www.portlandonline.com/auditor/auditservices](http://www.portlandonline.com/auditor/auditservices)).

	2004	2005	2006	2007	2008
Very Good	7%	8%	9%	7%	8%
Good	28%	31%	33%	31%	34%
Neither	34%	35%	37%	36%	36%
Bad	20%	18%	15%	17%	15%
Very Bad	11%	9%	7%	8%	8%

These results may offer support to IPR’s concerns about the validity of the relatively lower satisfaction results from the IPR complainant survey (detailed below). 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.

In contrast, the Service Efforts and Accomplishments Survey aims to gauge the opinion of Portlanders generally. Favorable responses regarding efforts to control police misconduct outnumbered non-favorable responses nearly two to one. However, the high percentage of respondents marking neither (over a third each year) is an indication that many Portland residents are not familiar with IPR and may not be an informed reviewer of its effectiveness.

## 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 complainants 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 and 2008, IPR made a resource-driven decision to survey complainants at the end of only four to six 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:

1. Very satisfied;
2. Satisfied;
3. Neither satisfied nor dissatisfied;
4. Dissatisfied; and
5. 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 in 2007. One question was added, two questions were dropped, three questions were slightly re-worded, 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

The survey response rate dropped from 24% in 2004 to 19% in 2005. It has been 20% or lower for each of the past four years (see Table 5.2). Published research literature suggests that low response rates are a common problem among complainant survey efforts. Examples include a 20% response rate in consecutive years in Cincinnati (Riley et al., 2005), 21% in Minneapolis (Walker & Herbst, 1999), 24% in Pittsburgh (Davis et al., 2002), and 26% in Great Britain (Waters & Brown, 2000).

	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Number of Surveys Mailed	804	642	581	203	197
Number of Surveys Returned as Undeliverable	87	69	58	17	11
Number Completed and Returned	173	107	107	33	35
<b>Response Rate</b>	<b>24%</b>	<b>19%</b>	<b>20%</b>	<b>18%</b>	<b>19%</b>

\* IPR mailed fewer surveys in 2007 and 2008; sampling four to six 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 2005-2008 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—just 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 2005-2008 survey data.

## SURVEY RESPONDENTS

Respondents appear to differ slightly from the overall population of IPR complainants. Demographic and case information supplied by IPR survey respondents (or from case files) was

compared between years. Caucasians reply more often than their proportion of the population of complainants would predict. IPR received fewer completed surveys from racial minorities from 2006-2008 compared to previous years (see Table 5.3). People whose cases were dismissed or declined were also more likely to respond. No one under the age of 25 returned a survey in 2007, but six did in 2008.

	2004	2005	2006	2007	2008
<b>Gender</b>					
Female	84	49	44	17	15
Male	80	55	60	15	18
<b>Total</b>	<b>164</b>	<b>104</b>	<b>104</b>	<b>32</b>	<b>33</b>
<b>Race or Ethnicity</b>					
Black/African American	22	14	7	4	3
Hispanic/Latino	9	3	0	0	0
White/Caucasian	113	84	85	23	27
Native American	4	0	2	0	0
Asian	7	1	2	0	1
Other	0	1	4	4	4
<b>Total</b>	<b>155</b>	<b>103</b>	<b>100</b>	<b>31</b>	<b>35</b>
<b>Age</b>					
Under 18	1	1	1	0	1
18-24	13	5	5	0	5
25-34	22	21	19	7	4
35-44	51	29	26	8	4
45-54	44	24	32	9	8
55-64	22	14	17	5	9
65 and over	13	9	4	2	2
<b>Total</b>	<b>166</b>	<b>103</b>	<b>104</b>	<b>31</b>	<b>33</b>

In the earliest years of the IPR survey, 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 more recent 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 (let alone the population of Portland residents).

## 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 has increased substantially since 2006. Results in 2008 showed that two-thirds of survey respondents reported being satisfied with how well the

investigator listened to his or her description of what happened. This is up from a low of 45% in 2006. Dissatisfaction on this question is down 20 percentage points (Figure 5.1). Two-thirds of respondents also reported being satisfied with how fair and thorough the investigator’s questions were, with a similar 20 percentage point drop in dissatisfaction since 2006 (Figure 5.2). These results may reflect a change in IPR office procedures. Only the IPR investigators (rather than other staff members) handle the intake of all complaints now—either by telephone, e-mail, fax, mail, in person, or via the IPR web site.

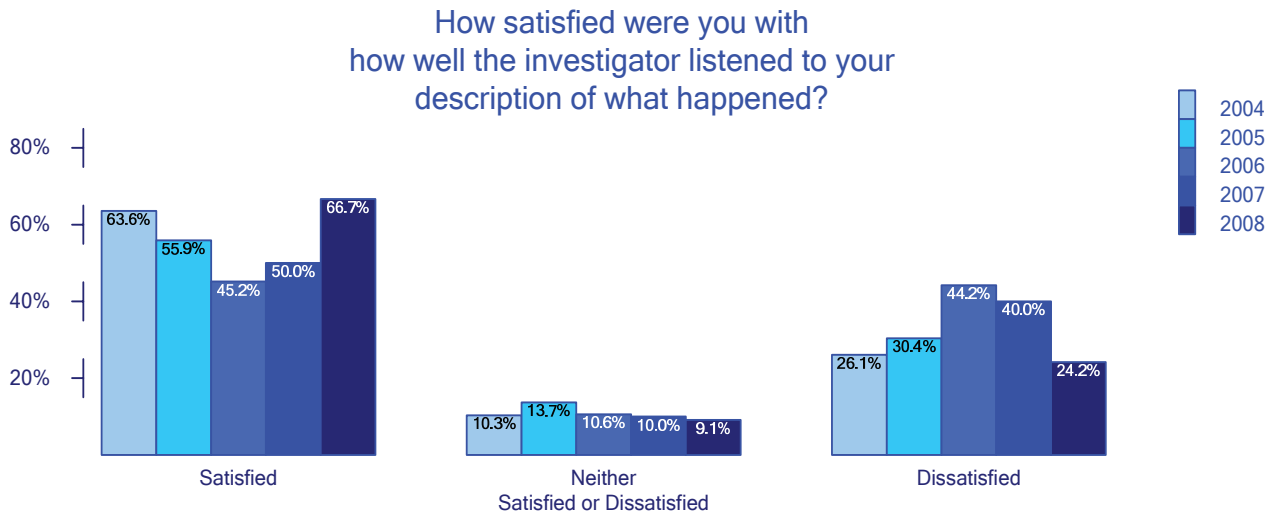


Figure 5.1



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. Fifty-three percent were satisfied with the explanations of how

the complaint process works. The decrease in dissatisfaction on that question is greater than 21 percentage points since 2006 (down below 27%; Figure 5.3).

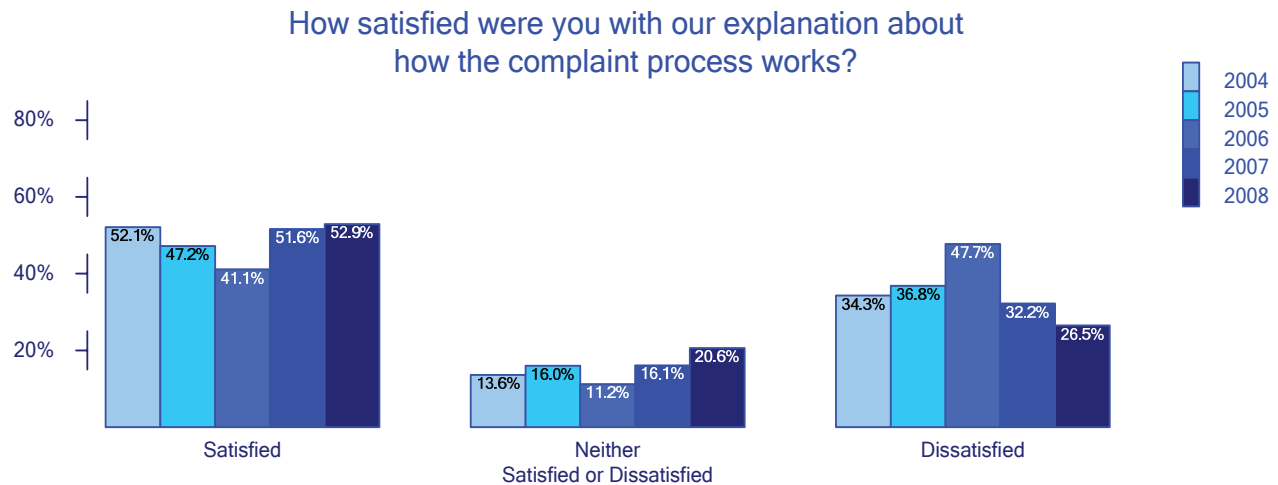
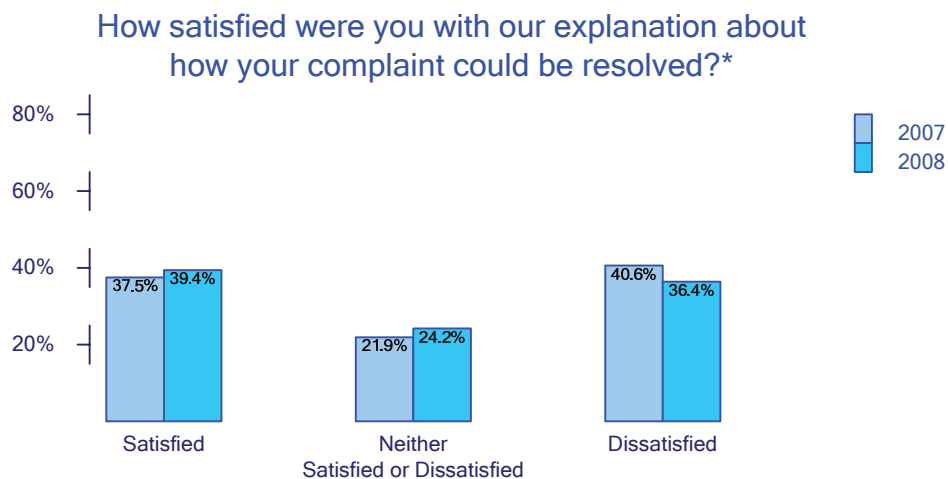


Figure 5.3

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% in 2007 and was up only slightly in 2008 (Figure 5.4).



\* New question in 2007

Figure 5.4

Also, only 36% were satisfied with the explanations of how long the process takes (down from 49% in 2004); though dissatisfaction is down considerably since 2006 (Figure 5.5)

### How satisfied were you with our explanation about the length of time the process takes?

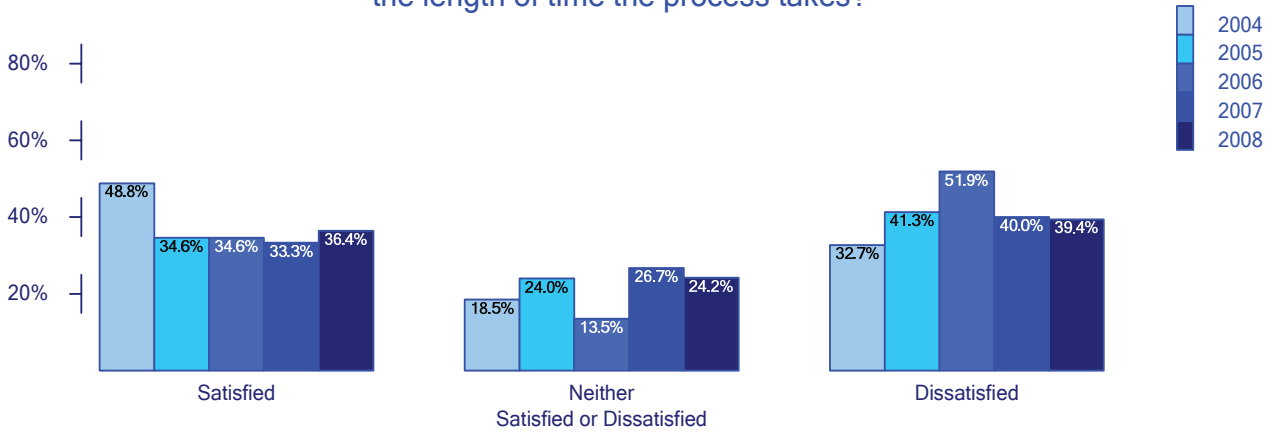


Figure 5.5

There was a substantial one-year increase in the percentage of respondents satisfied with the information provided about what was happening with their complaint between 2006 and 2007. Most of that increase carried forward into 2008, and dissatisfaction was further reduced (Figure 5.6). There was only slight movement in reported satisfaction with the information received about the final resolution of complaints (usually in the form of letters; Figure 5.7). Both of these questions remain below their 2004 peak and the category gaining the most respondents in 2008 was neither *satisfied* or *dissatisfied*.

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

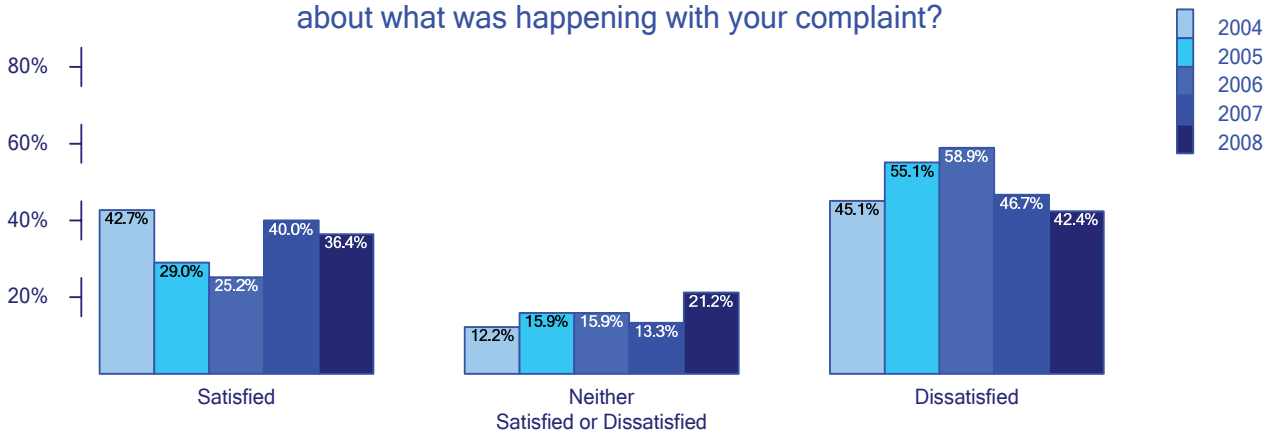
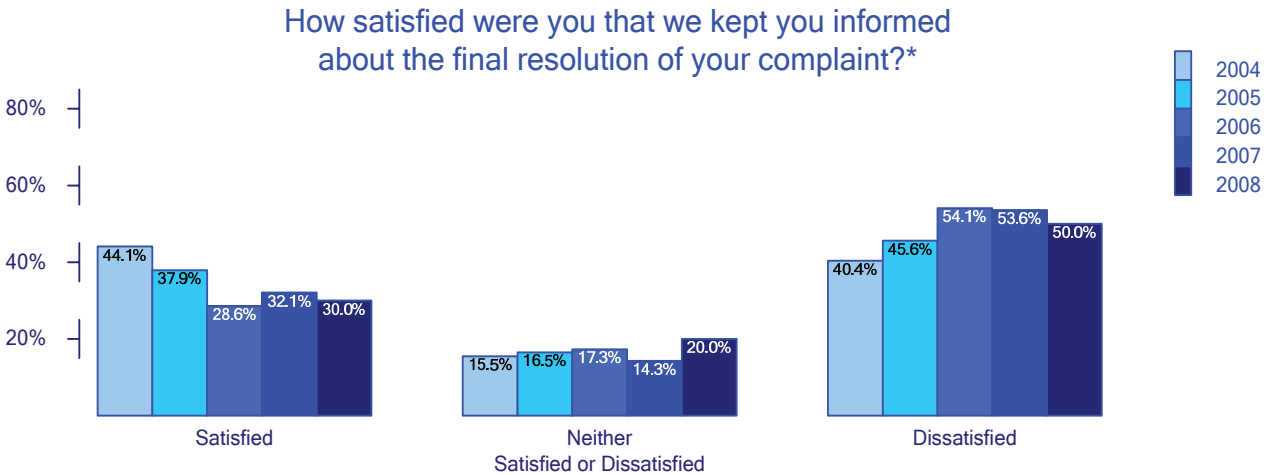


Figure 5.6





\* Previously read: "How satisfied were you with the information you got in the letters you received?"

Figure 5.7

Satisfaction with thoroughness and timeliness of the IPR process has seen steady increases since 2005 (Figures 5.8 and 5.9). On both questions, the most notable recent result was the dramatic decrease in dissatisfaction between 2006 and 2007 (20 and 16 percentage points, respectively).

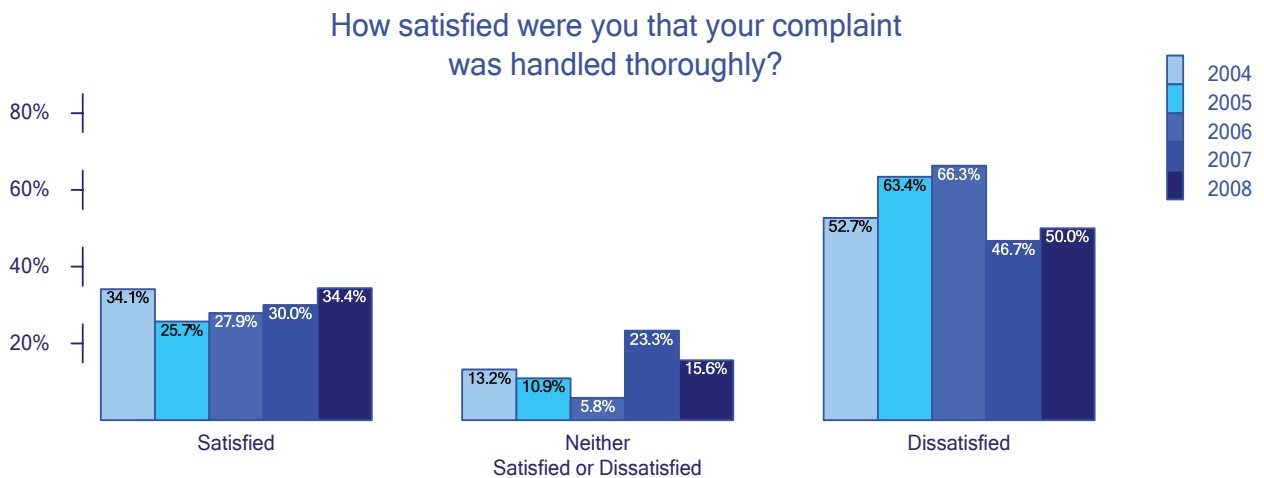
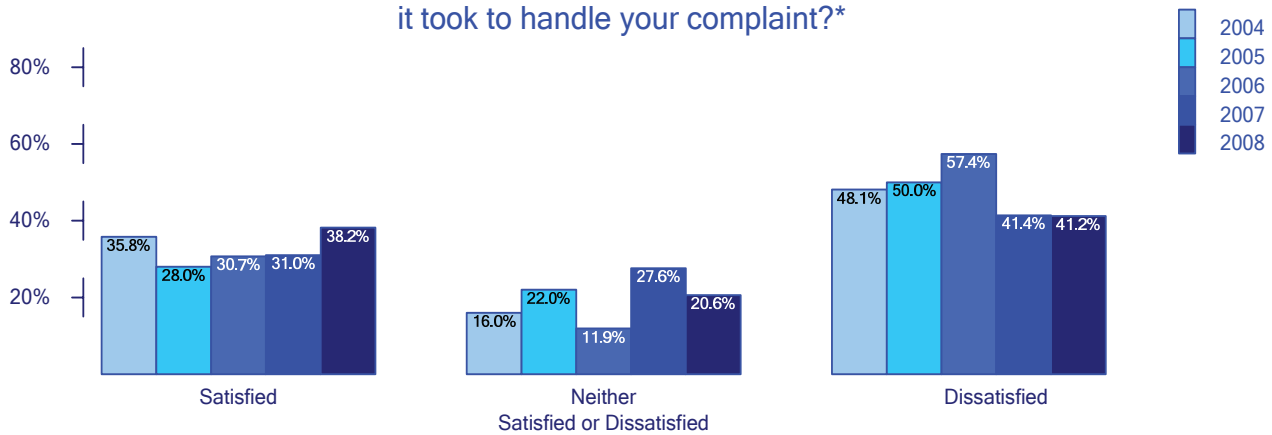


Figure 5.8

### How satisfied were you with the length of time it took to handle your complaint?\*



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

Figure 5.9

In 2007, reported satisfaction with the fairness of the complaint outcome increased by more than 11 percentage points, while dissatisfaction decreased by nearly 18 points. In 2008, the gain in satisfaction was retained—but dissatisfaction was back up to nearly 62% (apparently drawing from the *neither* category; Figure 5.10).

### Overall, how satisfied are you with the fairness of your complaint outcome?

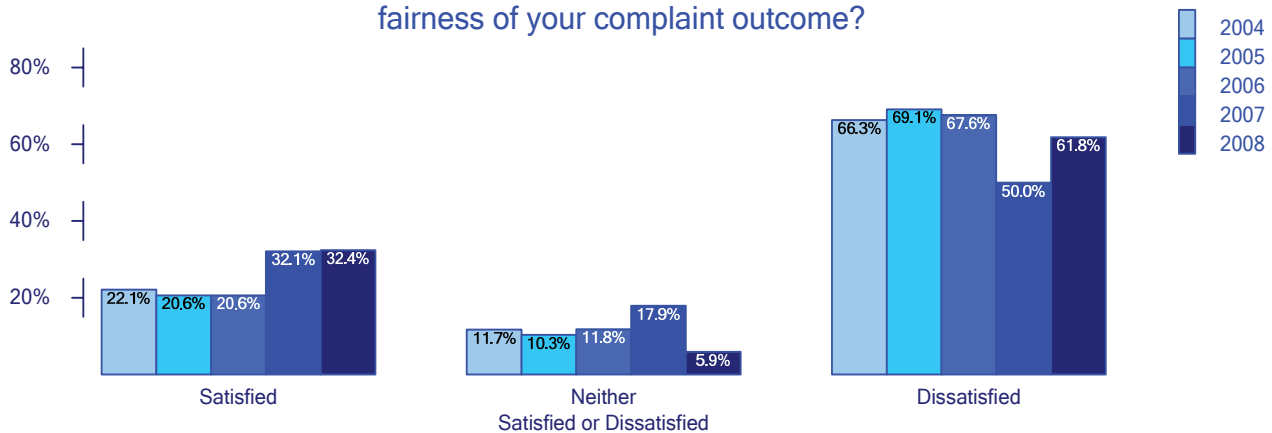
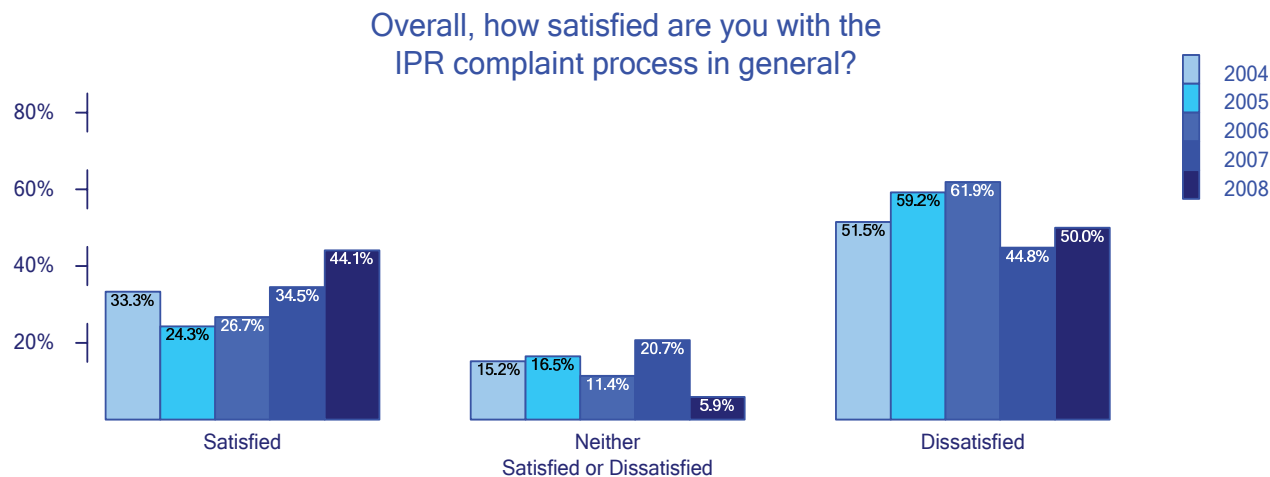


Figure 5.10

The final question asked about satisfaction with the IPR complaint process in general. Respondents added nearly 10 percentage points to the steadily improving trend (up 20 points since 2005; Figure 5.11). Responses on this question represent the most favorable overall ratings in IPR's history.



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

Figure 5.11

## SURVEY CONCLUSIONS

A reader might be inclined to conclude that—despite numerous gains—the majority of Portland’s complainants remain dissatisfied with the process overall. However, it is difficult to gauge the reliability and validity of any inferences (positive or negative) 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. Beyond the more obvious 20-point swings, many of the findings may be of limited value. 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). Only 12% of the citizen respondents were satisfied with the process of their non-mediated police complaints in Denver (Office of the Independent Monitor, Annual Report 2008). 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.

## CHANGING CASE-HANDLING PRACTICES

In large part, IPR gathers complainant satisfaction data to help improve its case-handling decisions and office processes. Regardless of any methodological shortcomings or questionable survey 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.

For example, IPR made efforts to improve written communications to complainants to more clearly explain how IPR chose to handle their complaint in 2005. 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. An initial contact letter was developed in late 2008 and is being mailed to each 2009 complainant within a few days of his/her first contact with IPR. The letter provides information about IPR, the allegations that have been drawn from the complainant's narrative or interview, the possible case-handling options (along with a Mediation form), and the assigned IPR investigator's name and contact information. Finally, the IPR Director decided to include an Appeal form with each summative investigation findings letter starting in January 2009.

## COMMENDATIONS

Another community-feedback perspective is offered by reviewing the volume of community-initiated commendations regarding PPB officers and other employees. Commendations may be filed a number of ways including via IPR's complaint form, as well as the web sites of both IPR and PPB. Several example commendations are provided in each IPR/CRC Quarterly Report. A total of 241 community commendations were filed in 2008, down from 347 in 2007. PPB took over data entry of commendations from IPR in 2007. It is unclear how that change might have affected commendation counts, including the 30% drop in community commendations in 2008. Also, the commendation counts for 2005-2007 are now higher than originally reported by IPR (Table 5.4).

	2004	2005	2006	2007	2008*
Filed by a Community Member	302	300	331	347	241
Filed by PPB	293	243	272	262	218
<b>Total</b>	<b>595</b>	<b>543</b>	<b>603</b>	<b>609</b>	<b>459</b>

\* Some of the drop in commendation counts may be due to data-entry differences.

Commendations can also be filed by staff within PPB. Each year there are nearly as many PPB commendations filed as community commendations. PPB commendations tend to name more employees, often an entire unit, lending to a larger number of aggregate employees named compared to community commendations (Table 5.5).

	2004	2005	2006	2007	2008*
Filed by a Community Member	431	563	602	582	433
Filed by PPB	804	767	974	1053	947
<b>Total</b>	<b>1235</b>	<b>1330</b>	<b>1576</b>	<b>1635</b>	<b>1380</b>

\* Some of the drop in commendation counts may be due to data-entry differences.

An increasing number of PPB employees have been commended for their efforts since 2006. In 2007, 771 employees were named in commendations. In 2008, that number dropped slightly to 757. More officers received one commendation in 2008 (23% more than in 2007), while the number receiving three or more commendations dropped more than 30% compared to 2006 or 2007 (Table 5.6).

Number of Commendations	Number of Employees - 2006	Number of Employees - 2007	Number of Employees - 2008
10+	0	2	1
9	2	1	1
8	3	3	0
7	12	9	6
6	14	10	4
5	32	22	14
4	59	54	37
3	104	121	87
2	176	222	205
1	298	327	402
<b>Total</b>	<b>700</b>	<b>771</b>	<b>757</b>

The number of employees avoiding complaints and receiving at least one commendation is up 37% since 2006 (Table 5.7).

Number of Commendations	Number of Employees - 2006	Number of Employees - 2007	Number of Employees - 2008
4+	37	45	31
3	47	47	53
2	93	114	123
1	169	208	267
<b>Total</b>	<b>346</b>	<b>414</b>	<b>474</b>

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