

INDEPENDENT POLICE REVIEW

Annual Report 2011



LaVonne Griffin-Valade

City Auditor

Mary-Beth Baptista

IPR Director



Office of the City Auditor

Portland, Oregon



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Independent Police Review

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The Auditor's Independent Police Review (IPR) division provides impartial oversight of police conduct, practices, and policies to increase accountability and public trust. Civilian oversight of the Portland Police Bureau is viewed as a responsibility that requires objectivity, fairness, and transparency, as well as public input and guidance. To accomplish those aims, City Council placed IPR under the authority of the independently elected City Auditor and established the Citizen Review Committee.

IPR has undergone a number of changes since its inception in 2002 to improve the efficiency and responsiveness of the organization. Lasting improvements in police services and public confidence in police accountability requires thoughtful, honest, and persistent analysis of police conduct and policies over the course of years. The attached annual report is a snapshot of IPR outcomes in 2011.

I am proud to be involved in an organization with such a strong commitment to public service. I want to acknowledge the dedication and efforts of the IPR staff and involved community members, as well as the Portland Police Bureau and the Police Commissioner.

Mary-Beth Baptista
Director

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CHAPTER 1: INTRODUCTION

SCOPE AND HISTORY

The Independent Police Review (IPR) division is an impartial oversight agency under the authority of the independently elected City Auditor (Auditor). IPR was created to improve police accountability, promote higher standards of police services, and increase public confidence.

IPR has five primary responsibilities:

1. **COMPLAINTS AND COMMENDATIONS**
Receive community members' complaints and commendations about Portland Police Bureau (Police Bureau) officers.
2. **ADMINISTRATIVE INVESTIGATIONS**
Conduct, oversee, and/or participate in administrative investigations regarding the conduct of Police Bureau officers.
3. **REPORTS AND RECOMMENDATIONS**
Issue periodic reports about complaints and investigations, and recommend policy changes to reduce complaints and misconduct.
4. **SHOOTINGS AND DEATHS**
Respond to incident scenes and participate in the policy reviews of officer-involved shootings (OIS) and non-shooting, in-custody deaths (ICD). Hire experts to study closed investigations and policy reviews, and report on policy and quality of investigation issues.
5. **APPEALS**
Coordinate appeals filed by community members and officers who are dissatisfied with the outcome of administrative investigations.

Additionally, IPR conducts outreach to hear community concerns and build community trust; provides administrative and technical staff support to the Citizen Review Committee (CRC), an advisory body appointed by Portland City Council (Council); and coordinates mediations between community members and officers.

General information and other reports produced by IPR and CRC are available at:
www.portlandoregon.gov/auditor/ipr.

EXPANDED OVERSIGHT AUTHORITY

In March 2010, Council voted to increase the oversight authority of IPR and to increase the transparency of Portland’s police accountability process. The revisions strengthened IPR’s role in oversight of the Police Bureau in three important ways: enhanced IPR’s authority to conduct independent administrative investigations; increased IPR’s role in administrative investigations conducted by the Police Bureau; and established a more balanced and transparent Police Review Board (Board) to recommend investigative findings and discipline to the Chief of Police (Chief).

With the same vote, Council also established the Police Oversight Stakeholder Committee consisting of members from various community organizations and representatives from City bureaus and Council members’ offices to make further recommendations for change to the City’s oversight of the Police Bureau (see Chapter 4 for more details). In December 2011, City Code (Code) revisions expanded CRC’s authority to make policy recommendations directly to the Chief, extended the term of service for CRC members to three years, and clarified procedures of the CRC when hearing appeals.

CHAPTER 2: COMPLAINTS, INVESTIGATIONS, APPEALS, AND DISCIPLINE

COMPLAINT, INVESTIGATION, AND DISCIPLINE SUMMARY

Complaints against police officers fall into two categories:

A. Community Complaints

Complaints about police conduct that involve interactions with community members.

Table 1 Complaints Opened in 2011	
Community Complaints	426
Bureau Complaints	25
Total	451

B. Bureau Complaints

Complaints by Police Bureau employees about conduct that involve only police officers.

ADMINISTRATIVE INVESTIGATIONS

Community complaints are initially investigated by IPR complaint investigators who interview the complainants in nearly all cases. The investigators also interview many civilian witnesses and gather other available evidence.

After the initial investigations are reviewed by the IPR Director or designee, some of the complaints advance to formal administrative investigations (personnel investigations).

Table 2 Administrative Investigations Opened in 2011	
Community Complaints*	34
Bureau Complaints	23
Total	57

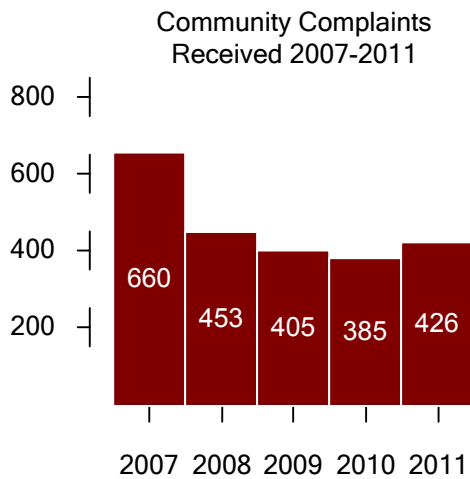
* Includes one Tort Claim from 2009 not shown in other counts.

Table 3 Formal Corrective Actions in 2011*	
Termination	2
Suspension	10
Letter of Reprimand	5
Command Counseling	6
Total	23

* Data does not include 66 non-disciplinary Service Improvement Opportunity discussions with supervisors.

DISCIPLINE

Administrative investigations may lead to formal corrective action.



COMPLAINT HANDLING PROCEDURES

1. COMMUNITY COMPLAINTS

Community complaints are complaints about officer conduct involving officers’ interactions with community members. Complaints can come from a variety of sources, including the affected community member, witnesses, or bureau members. Nine out of ten community complaints are generated by IPR after it receives a complaint from the involved community member. Others are opened by the Police Bureau’s Internal Affairs or at the discretion of the IPR Director or designee.

Detailed Allegations	Cases
Rude Behavior or Language	97
Action or Assistance - Inadequate	89
Use of Force	63
Arrest/Cite - Unjustified/Improper	51
Inadequate Communication	34

* Within the 426 community complaints opened.

IPR may also open a case when a police action becomes the subject of widespread community concern or after a review of a civil claim (tort claim notice or civil complaint). Complaints are mailed, faxed, emailed, telephoned, or dropped off in person at the IPR office. IPR also provides postage-paid complaint forms (in English, Spanish, Russian, Chinese, and Korean) that are available at the IPR office, Police Bureau precincts, and other locations throughout the community.

In 2011, IPR opened six community complaints after reviewing 140 civil claims. An additional 26 of the 140 civil claims were already the subject of community or bureau complaints. Overall, about 23% of the claims (32 of 140) had a concurrent complaint.

IPR INITIAL INVESTIGATION

Once in receipt of a complaint, IPR begins its investigation. This includes an IPR complaint investigator determining the nature of the community member’s complaint and interviewing the complainant and any other civilian witnesses. Complaint investigators also gather relevant documents, such as police reports, photographs, and medical records. The investigator handling the complaint also drafts the proposed allegations of violations against the bureau member based on his/her investigation.

Intake Decision	2007		2008		2009		2010		2011	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
Dismissed by IPR *	332	58%	329	62%	226	60%	234	66%	267	72%
Referred to IAD	205	36%	175	33%	140	37%	106	28%	100	27%
Pending or Completed Mediation	17	3%	15	3%	8	2%	14	4%	5	1%
Resolved at Intake	5	1%	8	2%	1	<1%	1	<1%	1	<1%
Referred to Other Agency	10	2%	2	<1%	-	-	1	<1%	-	-
Total**	569		529		375		356		373	

* IPR subsequently referred 37 of the 267 dismissals to precinct commanders or division captains for information.

** IPR makes case-handling decisions after completing preliminary investigations (which take a few weeks). The number of decisions made in a given year will typically differ from the number of complaints received because of this lag time.

IPR SCREENING DECISION

Once the initial investigation is complete, the case file is forwarded to the assigned case manager. The case manager (IPR Director or designee) assesses each allegation individually and reviews relevant case file material. The case manager then makes a decision whether to dismiss the allegation, revise the allegation, add an allegation, refer the allegation to IA for review, or to move forward with some combination of these alternatives.

The reviewing case manager has several options in handling community complaints, including:

- Mediation;
- Dismissal;
- Referral to IA; or
- Formal Administrative Investigation.

A. Mediation

One alternative to the disciplinary process is mediation. Generally, the IPR case manager decides whether a complaint is eligible for mediation on a case-by-case basis. The officer’s unit commander and the captain of the Professional Standards Division must agree that the complaint

Chapter 2: Complaints, Investigations, Appeals, and Discipline

is appropriate for mediation. The community member and the involved officer also have to agree to participate in mediation.

Once mediation is agreed upon by these parties, IPR arranges for a licensed mediator to facilitate an informal discussion between the community member and the officer. Both parties are heard in a confidential and neutral setting with the goal of gaining a better understanding of one another’s perspective about the incident.

**Table 6
Top Reasons for IPR Dismissal**

Dismissal Reason	2007		2008		2009		2010		2011	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
No Misconduct	127	38%	140	43%	141	62%	105	45%	142	53%
Cannot Prove Misconduct*	-	-	-	-	-	-	43	18%	42	16%
Unable to Identify Officer	31	9%	22	7%	15	7%	27	12%	17	6%
Complainant Unavailable	42	13%	50	15%	20	9%	16	7%	15	6%
Filing Delay	14	4%	18	5%	10	4%	12	5%	10	4%
Not Reliable, Credible, or Logical	32	10%	32	10%	12	5%	9	4%	10	4%
All Other Reasons	86	26%	67	20%	28	12%	22	9%	31	12%
Total Dismissals	332		329		226		234		267	

* Newly tracked in 2010, previously counted as a subset of 'No Misconduct'

B. IPR Dismissal

In 2011, IPR dismissed 72% of the complaints reviewed. IPR may dismiss a complaint for a variety of reasons; for example, the timeliness of the complaint, the lack of witnesses, or the lack of sufficient evidence to prove alleged misconduct. When IPR dismisses a complaint, a written rationale for dismissal is provided to the complainant. Two of the most common dismissal categories are “no misconduct” and “cannot prove misconduct.”

The “no misconduct” category is meant to apply to cases where even if all aspects of the complainant’s allegation are true, no act of misconduct occurred. Example: an officer was speeding through traffic in downtown Portland without lights and sirens, but during the initial investigation IPR learned that the involved officer was dispatched to an armed robbery in progress. A Police Bureau directive allows officers not to use lights and sirens when doing so may interfere with the apprehension of a suspect. In 2011, 142 cases were dismissed because of no misconduct by the involved officer(s).

The “cannot prove misconduct” category applies to cases where it is more likely than not that no misconduct occurred and additional investigation would not reach a different conclusion. This category was added in 2010, in an attempt to more accurately reflect IPR’s case-screening process. Example: an officer cited an out-of-state driver for driving in the carpool lane with out a

passenger. The driver admitted that he committed that infraction in the complaint, however he believed that the officer stopped him because he had out-of-state plates. The complainant felt he was specifically targeted by the officer because he lived out-of-state and would not be able to attend his traffic court date, forcing him to pay the fine.

C. IPR Reconsideration

Any community member who is dissatisfied that his/her complaint was dismissed by IPR may request a reconsideration of that decision by an IPR case manager not initially assigned to the dismissed case. The reconsideration process allows IPR to provide an additional layer of review. In 2011, 15 complainants requested reconsideration of their cases, with one case resulting in a different outcome.

D. IPR Dismissal with Precinct Referral

IPR refers some dismissed complaints to precinct commanders for information and possible supervisory action. The referrals typically involve complaints that do not involve disciplinable misconduct but are worthy of management's attention. Some commanders report taking remedial action even though it is not required.

Precinct referrals may stem from complaints in which IPR cannot identify the officer who is the subject of the complaint. Example: a community member approached an unidentified officer after she was observed driving in downtown Portland without wearing a seatbelt. When the community member asked the officer why she was not complying with the seatbelt law, the officer responded that she was exempt. The IPR Director discussed this matter with the Police Bureau's Training Division and City Attorney's Office and determined that Police Bureau members are not exempt from the law. This case was referred bureau-wide to all precincts and divisions to remind members that they are required to wear their seatbelts while driving. In 2011, IPR referred 37 dismissals to precinct commanders or other division managers.

E. IPR Referral to IA

In 2011, IPR referred 100 cases to IA (see Table 5). IPR will refer a complaint to IA in either of the following circumstances:

- When there is an allegation of officer misconduct where additional investigation will enable a fact finder to determine whether an officer's actions were outside of the Police Bureau's policies.
- The alleged misconduct involves quality of service or a minor rule violation where further investigation would not yield any relevant information about the conduct, and the nature of the conduct would not necessarily result in discipline, but where intervention of an immediate supervisor may be necessary.

Chapter 2: Complaints, Investigations, Appeals, and Discipline

Table 7
Internal Affairs Assignment Decisions for Community Complaints

Assignment Decision	2007		2008		2009		2010		2011	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
Service Improvement Opportunity	149	60%	95	51%	93	58%	67	52%	66	57%
Investigation	55	22%	47	25%	27	17%	28	22%	33	28%
Declined	42	17%	46	24%	40	25%	33	26%	17	15%
Resolved Administratively*	3	1%	-	-	-	-	-	-	-	-
Total	249		188		160		128		116	

* Administrative resolution was a category predominantly used for complaints that IA declined to investigate but referred to a precinct commander for information. Such cases now are categorized as 'Declined' with subsequent referral or are processed as 'Service Improvement Opportunities.'

IPR OVERSIGHT OF IA CASE HANDLING

Once a case is referred to IA, and after IPR's initial investigation and subsequent review by the IPR case manager, there are three options for handling complaints referred by IPR:

A. Administrative Investigation

When IA conducts an administrative investigation of an officer, IPR is involved in a variety of ways. IPR participates in the interviews of the involved officer(s) and witness(es), and has access to all evidence gathered during the investigation. IPR also works with IA to form allegations in a case to accurately reflect the alleged misconduct. IPR has the authority to send an investigated case back to IA for further investigation or further clarification in the investigation summary. IPR reviews the investigation and case summary for approval prior to it being sent to the involved officer's commander, captain, or manager (known as the reporting unit manager or "RU manager") for a recommended finding. It takes IA approximately ten weeks to complete an administrative investigation.

B. Service Improvement Opportunity (SIO)

When IPR receives a complaint that demonstrates an officer's service was below the Police Bureau expectations and/or constitutes a minor rule violation, IPR may recommend that IA refer the complaint to the precinct commander of the involved officer. The non-disciplinary complaint is then assigned to the officer's direct supervisor, normally a sergeant. The supervisor is expected to talk to the complainant twice. The initial conversation is to hear the community member's concerns and description of the incident. The supervisor meets with the officer to review the community member's concerns, discuss options for handling the incident differently, and reinforce the Police Bureau's expectations for quality of service.

Table 8 Most Common Complaint Allegations Closed as Service Improvement Opportunities in 2011	
Detailed Allegations	Cases
Rude Behavior or Language	33
Action or Assistance - Inadequate	12
Unprofessional Conduct - On-duty	7
Coercion/Intimidation/Threats	6
Inadequate Communication	6

After discussing the complaint with the involved officer and providing coaching or advice, the supervisor re-contacts the complainant to explain the outcome and results. The supervisor then writes an SIO Resolution Memo documenting the discussions and actions taken to resolve the complaint. The memo must be reviewed and approved by the involved officer’s RU manager, IA, and IPR. If an SIO Resolution Memo fails to meet the above criteria, IPR has the authority to send it back to the precinct to fix any deficiencies.

SIOs provide relatively fast supervisory intervention, evaluation, and mentoring when compared to the months involved in a formal administrative investigation. In 2011, the median time from IA’s referral to a precinct or division to the completion of an SIO Resolution Memo was 26 days. An SIO is not a disciplinary action but it remains on the officer’s IA record for three years.

Example: a woman videotaped an argument that her neighbors were having in front of her house. When the involved parties realized that they were being videotaped, the situation escalated and 911 was called. Upon arrival, the involved officer contacted both parties. The woman stated the officer made her feel like she was a “criminal” when he told her that filming her neighbors while they were arguing was akin to the actions of the paparazzi. The complainant was contacted by the involved officer’s sergeant and they discussed how she perceived the officer’s actions as disrespectful and hurtful. The sergeant then provided feedback to the officer regarding the effect that words can have on members of the public they encounter, and how officers should weigh those words carefully.

C. Declination

Subject to IPR approval, IA may decline to take any formal action on a complaint. If IPR does not agree with the declination decision, IPR may initiate an investigation. If IPR approves the decision, IA must write a detailed letter to the complainant explaining the basis for its decision. In 2011, IPR approved declinations of 17 complaints.

Chapter 2: Complaints, Investigations, Appeals, and Discipline

2. BUREAU COMPLAINTS

Police Bureau employees, supervisors, and commanders may report to IA the suspected misconduct or poor performance of other employees, including supervisors or commanders. “Bureau complaints” involve only Police Bureau employees.

IPR OVERSIGHT OF BUREAU COMPLAINTS

With few exceptions, bureau complaints lead to formal administrative investigations. IPR has the same authority and responsibility in bureau cases as it does in complaints involving community members. IPR staff participates in or conducts the investigations, reviews the investigations, investigative summaries, and recommended findings and discipline. IPR may challenge the recommended findings and discipline, and has a representative as a voting member on any Board. Unlike complaints involving community members, involved officers do not have a right to appeal bureau-complaint investigations to the CRC members.

Detailed Allegations	Cases
Unprofessional Conduct - On-duty	14
Unprofessional Conduct - Off-duty	6
Other Conduct	5
Untruthfulness	5
Unlawful Conduct - DUUI	3
Retaliation	3

3. FINDINGS

RU managers are responsible for writing detailed recommendations for each investigated allegation. In accordance with employment law and the applicable labor agreements, the allegations must be proven by a “preponderance of evidence.” In other words, the evidence must be sufficient to prove that an allegation is more likely true than not true. A proven allegation is “sustained.”

Police Bureau-defined Findings for Investigated 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.

IPR, IA, or the supervising assistant chief may challenge an RU manager’s recommendations and refer the case to the Board. The Board is an advisory body to the Chief. It makes

recommendations to the Chief regarding the completeness of investigations, appropriateness of findings, and recommended discipline. Board findings are published biannually on the Police Bureau website. The Chief and the Police Commissioner make the final disciplinary decision.

The Board reviews the following categories of investigations:

- Investigations with recommended sustained findings and proposed discipline of suspension without pay or greater;
- Investigations in which IPR, IA, or the supervising assistant chief have challenged a recommended finding; and
- All officer-involved shootings, in-custody deaths, uses of force that cause physical injury resulting in hospitalization, and less-lethal incidents where the recommended finding is “out of policy.”

Table 10 presents the Police Bureau’s findings in community complaints summarized at the case or investigation level.

Completed Investigations	2007		2008		2009		2010		2011	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
All Non-sustained Findings	42	75%	28	78%	46	78%	12	63%	25	74%
One or More Sustained Findings	14	25%	8	22%	13	22%	7	37%	9	26%
Total	56		36		59		19		34	

On average, complaints include two or three allegations of misconduct (or multiple officers). Each allegation requires a separate finding. Table 11 presents the Police Bureau’s findings in community complaints detailed at the allegation level.

	Conduct	Control Technique	Courtesy	Disparate Treatment	Force	Procedure	Total	Percent
	Sustained	10	0	2	0	0		
Not Sustained								
Unproven	4	2	0	0	4	0	10	11%
Unproven with Debriefing	5	0	7	0	5	3	20	22%
Exonerate	10	2	2	3	13	5	35	39%
Exonerate with Debriefing	4	0	0	1	4	1	10	11%
Combined Total	33	4	11	4	26	12	90	
Number of Completed Investigations with Findings in 2011							34	

Chapter 2: Complaints, Investigations, Appeals, and Discipline

Table 12 presents the Police Bureau’s findings in bureau complaints summarized at the case or investigation level.

Completed Investigations	2007		2008		2009		2010		2011	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
All Non-sustained Findings	4	24%	4	21%	14	39%	11	42%	3	17%
One or More Sustained Findings	13	76%	15	79%	22	61%	15	58%	15	83%
Total	17		19		36		26		18	

Table 13 presents the findings in bureau complaints detailed at the allegation level.

	Conduct	Control Technique	Courtesy	Disparate Treatment	Force	Procedure	Total	Percent
Not Sustained								
Unproven	7	0	0	0	0	0	7	16%
Unproven with Debriefing	9	0	0	0	0	1	10	23%
Exonerate	0	0	0	0	0	0	0	0%
Exonerate with Debriefing	1	0	0	0	0	1	2	5%
Combined Total	34	0	1	0	0	9	44	
Number of Completed Investigations with Findings in 2011							18	

4. APPEALS

In community complaint cases, the involved community members and officers may appeal recommended findings to CRC, which has unrestricted access to IPR’s and IA’s investigative files. Appeals must be resolved before the Chief and Police Commissioner make their disciplinary decision. Bureau complaints and policy reviews of officer-involved shootings and in-custody deaths are not subject to appeal.

CRC formalized the practice of conducting a case file review before holding an appeal hearing. At these reviews, CRC members decide whether they feel an investigation was thorough enough for them to evaluate the recommended findings. In 2011, CRC conducted one such review of a use-of-force complaint and requested additional investigation prior to hearing the formal appeal on that case in 2012.

5. DISCIPLINE

If a Board recommends formal discipline in a community or bureau case, and after any CRC appeals have been resolved, the Chief makes the final disciplinary decision in consultation with the Police Commissioner. Disciplined officers have the right to seek arbitration of discipline in accordance with their labor agreements.

Table 14 Discipline, Resignations, Letters, and Counseling					
Bureau or Member Action	2007	2008	2009	2010	2011
Termination	1	1	1	3	2
Resignation or Retirement with Investigation Pending*	4	6	5	5	3
81+ Hours SWOP**	1	4	3	1	3
10-80 Hours SWOP**	7	10	4	13	7
Letter of Reprimand	9	10	9	5	5
Command Counseling	10	8	7	7	6
Total***	32	39	29	34	26

* 5 of the 23 resignations or retirements appear unrelated to the pending complaint.

** SWOP = suspension without pay

*** Counts include officers disciplined in Bureau, Community, or Tort cases only. Bureau performance and collision reviews led to discipline for additional officers.

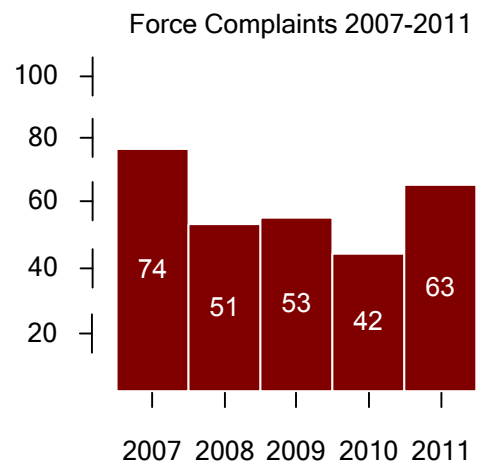
Table 14 presents the corrective actions taken by the Police Bureau based on sustained findings from formal administrative investigations. The table does not include debriefings ordered and documented by RU managers in non-sustained cases nor does it include documented SIOs conducted in non-investigated cases.

ALLEGATIONS OF USE OF FORCE

In 2011, 63 community or bureau complaints contained at least one allegation that an officer violated the Police Bureau’s use-of-force polices. Nine officers had more than one force complaint.

Table 15 Frequency of Force Complaints Against Employees by Year					
Number of Force Complaints	Count of Employees by Year				
	2007	2008	2009	2010	2011
5+	0	0	0	0	0
4	0	0	0	0	0
3	6	1	1	1	2
2	10	1	12	4	7
1	80	69	57	42	78
Total*	96	71	70	47	87

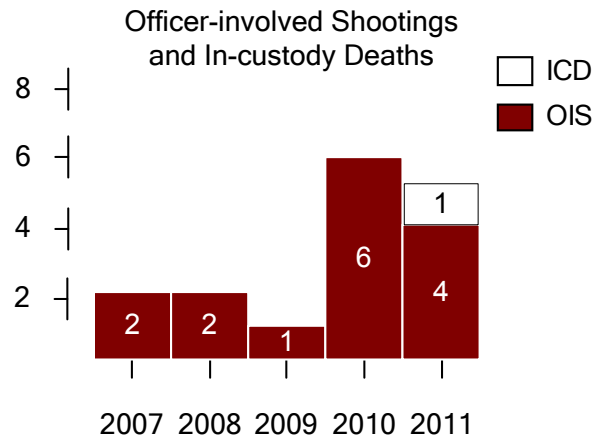
* Includes bureau and community complaints



OFFICER-INVOLVED SHOOTINGS AND IN-CUSTODY DEATHS

All OIS and ICD incidents are subject to a mandatory policy review conducted by IA and a training analysis conducted by the Police Bureau Training Division to determine whether the involved officers and supervisors complied with Police Bureau policies and training.

IPR's role in the review of OIS and ICD cases was expanded by the March 2010 Code changes approved by Council. In cooperation with the Police Bureau, new procedures were crafted to implement the changes enacted by the Code revisions. Additionally, based on an agreement between the Police Bureau and IPR, a member of IPR's management team has been "on call" and responded to each OIS or ICD incident since early 2011. The on-duty IPR representative is notified by the captain of Professional Standards Division of any OIS or ICD incident and briefed on the details of the situation. The representative responds to the scene of the incident to monitor the start of the policy review, attends the first briefing given by the Detectives Division the day after the incident, and has the authority to attend officer and witness interviews.



IPR participates with IA and the Training Division in all aspects of OIS and ICD reviews. IPR has the same responsibility to approve the review and authority to challenge recommended findings and proposed discipline as it does in investigations of community and bureau complaints. The IPR Director updates CRC members on the status of OIS and ICD reviews at each monthly meeting (in written reports that are available online). Findings are published in the biannual Board reports.

OIS and ICD reviews are not included in other complaint and allegation counts. There were four OIS incidents in 2011 – one was fatal. There was also one non-shooting ICD.

OUTSIDE EXPERT REVIEW OF OIS AND ICD INVESTIGATIONS

After the Chief and Police Commissioner make their disciplinary decisions in OIS and ICD cases and the policy review is closed, the Auditor hires independent experts to review the closed investigations and policy reviews, and report any policy-related or quality-of-investigation issues that the Police Bureau should address. Through the end of 2011, the Auditor released five reports covering 68 OIS and three ICD incidents that occurred between 1997 and 2006. The Office of Independent Review (OIR) – a Los Angeles-based law enforcement oversight group – completed a sixth report for the Auditor in the first half of 2012 on the closed investigations of seven OIS incidents.

CHAPTER 3: OUTREACH, FEEDBACK, AND MAJOR EVENTS

COMMUNITY OUTREACH

PRESENCE IN THE COMMUNITY

The IPR Community Outreach Coordinator (Coordinator) continues to speak at conferences, fairs, tabling events, chamber meetings, staff meetings, and in one-on-one conversation. CRC members also attend numerous outreach events with IPR staff. IPR now offers to conduct complainant and witness interviews outside of City Hall. Some community leaders now encourage program participants and community members to file commendations and complaints.

The Coordinator arranged meetings between IPR staff and members of the Oregon Governors' Office and State Representatives. She met with leaders of African American, Hispanic/Latino, Slavic, Native American, Asian, immigrant and refugee and youth organizations, as well as leaders of groups advocating or providing homeless and mental health services. She also worked with various chambers such as Asian Pacific American Chamber of Commerce, Native American Chamber of Commerce, Hispanic Metropolitan Chamber of Commerce, and Philippine American Chamber of Commerce of Oregon.

SUMMER INTERN

IPR hired an intern through the Mayor's Summer Youth Connect Program. The goal of the program is to expose youth from Portland's diverse community to career opportunities and enhance academic and marketable skills. The intern revised IPR's outreach materials and expanded the brochure distribution list.

DIVERSE AUDIENCES

The Coordinator led 24 hours of inter-group dialogue on racism. She also attended monthly Race Talks dialogues at Kennedy School. The Coordinator facilitated CRC members' participation in three hours of cultural competence training. IPR also hosted international visitors from Algeria, Iraq, Morocco, Yemen, Palestine Territories, and Indonesia.



IPR Community Outreach Coordinator Irene Konev accepts Diversity Award from City Commissioner Randy Leonard — May 2011.

Chapter 3: Outreach, Feedback, and Major Events

The Coordinator participated in several events connecting the Police Bureau and the public – such as the Russian Speaking Network Workshop titled “Communication with Police.” The Commander of East Precinct presented on policing in Portland, an officer presented on police procedure, and the Coordinator ended the workshop with a one-hour presentation with the mostly Slavic audience on the powers and duties of IPR and CRC and the commendation and complaint process. IPR staff made presentations in both Spanish and Russian at other events throughout the year.



The Coordinator won the 2010 City of Portland Diversity Champion Award. The award was presented in May 2011.

MEDIA COORDINATION

The Coordinator arranged for IPR staff to meet with the editorial boards of the Oregonian, the Portland Observer, the Skanner, Asian Reporter, and KGW's Hispanic Estrella TV to discuss IPR's increased authority changes made to the Code in March 2010. The IPR Assistant Director and CRC Chair also appeared on KBOO Radio to promote the 2011 CRC new member recruitment.

COMMUNITY FEEDBACK

The Auditor's Audit Services Division conducted its 21st Annual Community Survey in 2011. One question asked survey respondents how they rated the City's efforts to regulate the conduct of Portland Police officers, and it sought separate ratings for IPR and internal Police Bureau efforts. This community satisfaction rating is a measure of IPR's overall impact in the community. To obtain additional information on the 2011 survey (including its response rate and methodology), you can view the report on the Auditor's website: www.portlandoregon.gov/auditor/auditservices.

Table 16
Community Satisfaction with IPR

	2010	2011
Very Good	7%	6%
Good	27%	27%
Neutral	42%	46%
Bad	16%	15%
Very Bad	8%	6%

The Coordinator gathers concerns from community contacts and the IPR director publicly reports feedback at CRC meetings. These comments range from general police commendations to recommendations for improved policing.

MAJOR EVENTS AND IPR CHANGES IN 2011

OCCUPY PORTLAND

The Occupy Portland encampment in downtown Lownsdale and Chapman Squares and various other related marches and demonstrations were significant events for the City, the Police Bureau, and IPR. In 2011, IPR received 14 community complaints and 53 community commendations directly related to Occupy Portland activities. IPR also initiated 14 investigations based on Council testimony from community members regarding police conduct they experienced or witnessed during Occupy Portland events in 2011.

DUII CHARGES

Six officers were charged with Driving while Under the Influence of Intoxicants (DUII) in a 12-month period (October 2010 through September 2011). The Police Bureau conducted an administrative investigation with IPR's participation on each incident. The IPR Assistant Director also appeared on Oregon Public Broadcasting's *Think Out Loud* as a panelist on the issue.

RETIREMENTS AT IPR

Two IPR staff members announced their retirements in late 2011. Both officially retired in the first quarter of 2012.

Half-time Assistant Director Pete Sandrock retired after eight years of service at IPR, and over 40 years of public service combined. Sandrock provided program and policy leadership to IPR. He reviewed civil tort claims filed against Police Bureau members to determine whether to initiate an administrative investigation and shared on-call responsibilities for responding to the scene of officer-involved shootings and in-custody deaths.

IPR Management Assistant Carol Kershner retired after 10 years of service. In addition to her duties as the IPR Office Manager, she served as CRC Liaison and improved the look and content of IPR publications, especially the Quarterly and Annual Reports.

CHAPTER 4: CITIZEN REVIEW COMMITTEE

ADVISORY COMMITTEE

The nine-member CRC was created in 2001 to help improve police accountability, promote higher standards of police services, and increase public confidence. These volunteers serve as an advisory body to the Police Bureau, Auditor, and IPR. CRC members are appointed by Council to perform the following primary functions:

- gather community concerns about police services;
- develop policy recommendations to address patterns of problems with police services and conduct;
- review and advise IPR and IA on the complaint handling process; and
- hear appeals from community members and officers, and publicly report their findings.

CRC WORKGROUPS

CRC members also form and serve on special-purpose workgroups to address particular short-term issues and needs, and to aid them in fulfilling their primary duties. A list of active workgroups and updates on their various activities are provided in each IPR/CRC Quarterly Report.

APPEALS

The Appeals Workgroup continued to review and update protocols that deal with CRC appeals — many of which had not been revised from their original creation. Each protocol was evaluated in light of current appeals processes, which have changed in the past years. By reviewing these protocols, the workgroup's goal was to improve appeal hearings and increase an appellant's trust in the process. For example, one change relates to former CRC members available to assist appellants through future appeals. These volunteers — known as Appeal Process Advisors (APA) — are now able to access confidential files to help prepare for and play a more active role on behalf of participants at Appeal Hearings. The workgroup reviewed several Appeal and APA protocols, guidelines, and an evaluation form during 2011.

OUTREACH

The Outreach Workgroup held a community public forum on June 22, 2011, at the Portland Community College Metropolitan Workforce Training Center in Northeast Portland. Community

Chapter 4: Citizen Review Committee

members attended and addressed CRC regarding police conduct. CRC also informed attendees on how to access IPR services. The workgroup posted a written summary of the feedback received on the IPR/CRC web site.

The workgroup also held several planning sessions throughout the rest of 2011 to prepare for another forum which was held in January 2012.

PROTOCOL

The Protocol Workgroup completed its review and revision of Protocol 5.18 — Policy Review Protocol – which was approved by the full CRC in April. The workgroup suspended any further meetings pending Council’s action in response to the Police Oversight Stakeholder Committee (Stakeholder Committee) recommendations.

RECRUITMENT, RETENTION, AND PROMOTION

The Recruitment, Retention, and Promotion Workgroup formed to assess the Police Bureau’s policies and procedures used in recruiting, retaining, and promoting its members. The workgroup will research the means (formal and informal; objective and subjective) used by the Police Bureau in selecting officers for promotion to higher ranks and supervising positions. The Police Bureau’s recruitment qualifications and procedures will be examined, as well as how it specifically measures and evaluates officer performance for purposes of determining promotion, retention, retraining, or separation. The workgroup has an ongoing dialogue with the Community and Police Relations Subcommittee (of the City of Portland’s Human Rights Committee) determining if a joint project is feasible.

The workgroup held a series of meetings with the Police Bureau and City representatives examining ongoing recruitment, retention, and promotion practices of the Police Bureau. In December 2011, the workgroup met with members of the Police Bureau’s Human Resources Division who gave a presentation on past and ongoing recruitment efforts.

RECURRING AUDIT

The Recurring Audit Workgroup finalized its report *The Use of Service Improvement Opportunities* and published it on the IPR/CRC website early 2011. This report identifies process improvements and contains recommendations for IPR, the Police Bureau, and CRC.

The workgroup’s next focus is to evaluate a sample of community members’ complaints that were dismissed by IPR to assess whether case-handling guidelines were appropriately followed. That effort continues into 2012 and will yield a public report with recommendations.

TASER/LESS-LETHAL FORCE

The Taser/Less-lethal Force Workgroup members met with representatives from the Police Bureau's Training Division to talk about training and policy issues including how policies are formulated. Police Bureau employees came to several of the workgroup's meetings to discuss Tasers, pepper spray, and less-lethal munitions. The workgroup also heard presentations from representatives of the Auditor's and City Attorney's Offices. The workgroup worked on a draft report throughout 2011 and will submit it to the full CRC for approval in 2012.

CITY CODE CHANGES REGARDING CRC

The Stakeholder Committee produced a report in September 2010 containing over 40 recommendations for changes to the police oversight system – some addressing CRC directly. The Auditor wrote a response to each recommendation in November 2010. In December 2010, Council accepted the report and the Mayor's Office agreed to review the recommendations contained therein, along with those made by CRC, the Albina Ministerial Alliance Coalition for Justice and Police Reform (AMA Coalition), and others to determine whether further changes to IPR's ordinance should be brought back to Council for consideration.



Left to right: Citizen Review Committee members attending a CRC meeting in City Hall: Jeff Bissonnette, Loren Eriksson, Ayoob Ramjan, Hank Miggins, and Michael Bigham — 2011.

In June 2011, the Mayor's Office asked the CRC Chair to advance a condensed list of CRC priorities from these reports for Council review and consideration. The CRC Chair, CRC Vice-Chair, and IPR Director met three times in August 2011 to discuss and prioritize recommendations made by CRC and the Stakeholder Committee. CRC approved a draft memo of the CRC priorities to recommend to Council in September 2011.

The Auditor and IPR Director reviewed and weighed recommendations made by CRC, the Stakeholder Committee, and the AMA Coalition. In November 2011, IPR released an additional publication that responded to the CRC priority memo as well as recommendations for change made by the CRC in previous reports. IPR also provided a written response to recommendations made by the AMA Coalition.

The Auditor and IPR Director, Assistant Director, and Community Outreach Coordinator then participated in and/or attended four Council hearings on public safety recommendations and proposed Code revisions. The IPR Director made a presentation to Council outlining IPR's responses to all of the advanced recommendations at the first hearing.

Chapter 4: Citizen Review Committee

The Auditor and IPR Director recommended to Council that the Code be revised by: expanding CRC's authority to make policy recommendations directly to the Police Bureau, extending the term of service for CRC members to three years. The Mayor initiated revisions that clarified procedures of the CRC when hearing appeals. Council passed these Code changes on December 14, 2011.



CRC members held its Community Public Forum on Police Accountability at the Portland Community College Portland Metropolitan Workforce Training Center on NE 42nd Avenue.

OTHER CRC ACTIVITIES AND ACCOMPLISHMENTS

MONTHLY PUBLIC MEETINGS

CRC conducts outreach and education by selecting groups to present information at its monthly meetings. In 2011, Police Bureau presenters included members of the Gang Reduction Education and Training (GREAT) and K9 Unit teams. CRC also heard presentations from OIR detailing their work plan to review OIS and ICD incidents, and representatives from the Native American Rehabilitation Association discussing police oversight and Native American culture.

CASE REVIEWS

While no appeals were held during 2011, CRC conducted one case file review – a precursor step in the appeal process. CRC requested additional investigation prior to hearing the formal appeal on that case in 2012.

CRC also conducted an informal file review into a case involving a former Police Bureau trainee who alleged corruption and retaliation (in a federal lawsuit) during her brief employment. CRC members reviewed the file in its entirety and then heard from the former trainee, her attorney, and Bureau members involved in the administrative investigation. CRC expressed concerns about the need for continued improvement within the Police Bureau regarding the nature of the workplace issues raised and the manner in which they were investigated.

CITIZEN REVIEW COMMITTEE MEMBERS 2011



*CRC Chair
Mr. F. G. (Jamie) Troy II*



*CRC Vice-Chair
Mr. Michael Bigham*



*CRC Recorder
Mr. Jeff Bissonnette*



*CRC Member
Mr. Loren Eriksson*



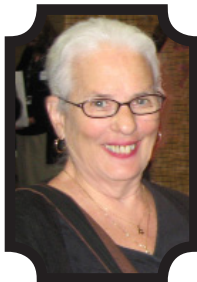
*CRC Member
Mr. Hank Miggins*



*CRC Member
Mr. André Pruitt*



*CRC Member
Mr. Ayoob Ramjan*



*CRC Member
Dr. Rochelle Silver*



*CRC Member
Mr. Steve Yarosh*

APPENDIX

WHO FILES COMPLAINTS AND HOW THEY FILE

The demographic profile of community members who file complaints has remained similar over time. This data should be viewed understanding that age and race information are not available or captured in many cases.

Appendix Table 1 Complainant Demographics							
Gender, Race, and Age of Complainants	2007 Percent	2008 Percent	2009 Percent	2010 Percent	2011 Number	2011 Percent*	Proportion of Portland's Population**
Gender							
Female	43%	42%	40%	44%	181	42%	50.5%
Male	57%	58%	60%	56%	255	58%	49.5%
Unknown					17	-	
Race							
Asian	2%	2%	2%	2%	9	2%	7.1%
Black or African American	23%	21%	22%	20%	78	20%	6.3%
Hispanic or Latino	4%	3%	4%	5%	12	3%	9.4%
Native American	1%	2%	1%	3%	13	3%	1.0%
Native Hawaiian/ Other Pacific Islander	0%	0%	0%	0%	1	0%	0.5%
White	68%	69%	68%	66%	275	70%	76.1%
Two or More Races	1%	1%	1%	3%	3	1%	4.7%
Other Race/Ethnicity	1%	2%	2%	1%	3	1%	4.2%
Unknown					59	-	
Age							
24 Years and Younger	13%	14%	14%	15%	43	11%	28.9%
25-34 Years	25%	22%	30%	24%	104	27%	19.6%
35-49 Years	39%	37%	32%	33%	133	35%	22.6%
50-64 Years	21%	24%	20%	23%	90	24%	18.5%
65 Years and Older	3%	3%	3%	4%	11	3%	10.4%
Unknown					72	-	
Total Complainants	670	480	395	386	453		

* Percent calculations exclude responses of 'unknown.'

** From U.S. Census Bureau Data.

	2007		2008		2009		2010		2011	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Phone	380	53%	249	49%	233	55%	212	52%	208	46%
E-mail	133	19%	92	18%	71	17%	90	22%	92	20%
Mail	77	11%	76	15%	54	13%	54	13%	53	12%
Walk-in	37	5%	35	7%	29	7%	27	7%	47	10%
Precinct	41	6%	29	6%	12	3%	10	2%	15	3%
Fax	11	2%	11	2%	8	2%	3	1%	6	1%
Inter-office	23	3%	9	2%	7	2%	5	1%	8	2%
Tort Notice**	-	-	-	-	-	-	-	-	7	2%
Unknown/Other	10	1%	4	1%	7	2%	9	2%	17	4%

* Complainant contact counts are shown. Because multiple complainants can be named on any given complaint, and they can file multiple complaints, this count will tend to be larger than the annual community complaint count.

** New category for 2011.

Community members continue to file most of their complaints by telephone. Complaints filed at any of the Police Bureau’s precincts or at any other City offices are sent to IPR.

TIMELINESS MEASURES

From 2002 to 2009, IPR measured the timeliness of the complaint-handling system against aspirational benchmarks first established when the office opened. With few exceptions, IPR and the Police Bureau consistently missed most of the benchmarks, sometimes by wide margins.

In 2011, IPR published a comprehensive analysis of how cases flow through the system in an effort to understand the factors that affect timeliness and to identify potential moderating variables. A recommendation in that report was to state timeliness measures in terms of median days and to include all cases (including bureau complaints and OIS/ICD policy reviews). Seven of the nine timeliness measures show general improvement since 2008 and 2009. The two exceptions are the median days for IPR investigations and Board scheduling.

Appendix Table 3					
Timeliness Measures in Median Days					
	2007	2008	2009	2010	2011
Combined Timeliness Measure:					
Overall Case Closure ¹	67	77	83	67	58
IPR Timeliness Measures:					
Completion of Intake Investigations (w/ IPR Director Decision) ²	29	27	18	27	33
IA and Other Police Bureau Timeliness Measures:					
IA Assignment of (Non-declined) Cases ³	11	12	22.5	13	11
IA Investigations Completed ⁴	120	119	74	81	65
IA Declines Completed ⁵	69.5	64	97	53.5	35
Service Improvement Opportunities Completed ⁶	31	33	42	28	26
Command Review of Investigations ⁷	41	23	25.5	21	15.5
Review Board Scheduled and Held ⁸	60	52.5	106	108.5	110
Full Investigation Process Complete (w/ Findings, Review Level, etc.) ⁹	304	280	343.5	247	216.5

¹ Measured from the day a complaint is received to the day it is closed.

² Measured from the date IPR receives the complaint to the date the IPR director makes an intake decision. Does not include bureau complaints, officer-involved shootings, or in-custody deaths as those cases do not originate with IPR.

³ Measured from the day the case is sent to IA to the day IA management assigns the case to an investigator or to a precinct.

⁴ Measured from the day IA management assigns a case to an investigator to the day the investigator completes the investigation.

⁵ Measured from the day the case is sent from IPR to IA to the day IPR receives the declined complaint back from IA with a letter of explanation.

⁶ Measured from the day the case is assigned by IA as an SIO to the day the Bureau Manager completes the SIO.

⁷ Measured from the day IA sends the case to a Bureau Manager for the finding to the day the Bureau Manager makes the finding.

⁸ Measured from the day the Bureau Manager makes the finding to the day of the Board hearing.

⁹ Measured from the day the case is sent from IPR to IA to the day IPR receives the completed case including findings from IA.

MISCELLANEOUS COMPLAINT DATA

COMMUNITY COMPLAINTS BY PRECINCT

In mid-2009, the Bureau merged its five precincts into three, making long-term comparisons among precincts less meaningful. The precincts combined continue to account for three-fourths of the community complaints received, followed by the Traffic Division.

Appendix Table 4 Complaints by Precinct				
	2010		2011	
	Number	Percent	Number	Percent
Central	104	27%	119	28%
East	116	30%	109	26%
North	70	18%	94	22%
Precinct Subtotal	290	75%	322	76%
PPB Traffic	38	10%	36	8%
PPB Transit	16	4%	11	3%
PPB Detectives	6	2%	13	3%
PPB Other Division	18	5%	16	4%
Unknown/Other Agency	17	4%	28	7%
Total	385		426	

COMPLAINTS BY EMPLOYEE

Complaints were made against 365 individual Police Bureau employees in 2011. Of that number, 233 received a single complaint and 132 received two or more complaints. One employee received a total of five complaints.

Appendix Table 5 Frequency of Complaints Against Employees by Year					
Number of Complaints	Count of Employees by Year				
	2007	2008	2009	2010	2011
8+	0	0	1	0	0
7	3	2	1	0	0
6	6	1	0	1	0
5	14	5	5	3	1
4	19	12	13	5	9
3	39	32	23	23	27
2	108	78	93	71	95
1	268	238	220	230	233
Total*	457	368	356	333	365

* Includes bureau and community complaints

ALLEGATION COUNTS BY CATEGORY

A single complaint usually contains multiple allegations. Example: a community member might complain that she was stopped without cause, treated rudely, and subjected to excessive force. IPR uses descriptive allegation titles covering a wide range of behaviors. For convenience, the allegations are grouped into six large categories: force; disparate treatment; conduct; control technique; courtesy; and procedure.

Appendix Table 6 Community Complaint Allegations Reported by Category										
Allegation Category	2007		2008		2009		2010		2011	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Conduct	695	39%	436	38%	363	36%	302	33%	275	27%
Control Technique	104	6%	66	6%	63	6%	32	4%	35	3%
Courtesy	315	18%	218	19%	181	18%	196	22%	227	22%
Disparate Treatment	103	6%	61	5%	50	5%	40	4%	32	3%
Force	147	8%	74	6%	71	7%	62	7%	116	11%
Procedure	403	23%	302	26%	284	28%	278	31%	338	33%
Total Allegations	1,767		1,157		1,012		910		1,023	
Complaints Received	660		453		405		385		426	

Appendix Table 7 Bureau Complaint Allegations Reported by Category										
Allegation Category	2007		2008		2009		2010		2011	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Conduct	72	87%	62	71%	85	74%	38	75%	52	96%
Control Technique	0	0%	1	1%	0	0%	0	0%	0	0%
Courtesy	1	1%	1	1%	2	2%	0	0%	1	2%
Disparate Treatment	0	0%	0	0%	2	2%	0	0%	1	2%
Force	5	6%	8	9%	16	14%	1	2%	0	0%
Procedure	5	6%	15	17%	10	9%	12	24%	0	0%
Total Allegations	83		87		115		51		54	
Complaints Received	24		40		48		24		25	

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This report and other reports produced by the Independent Police Review Division and the Citizen Review Committee are available on the Internet web site at: www.portlandoregon.gov/auditor/ipr.

