

INDEPENDENT POLICE REVIEW

Annual Report 2013



LaVonne Griffin-Valade

City Auditor

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Office of the City Auditor

Portland, Oregon



CITY OF PORTLAND

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Independent Police Review

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The City Auditor's Independent Police Review (IPR) is now firmly in its second decade of existence and serves a city much changed from 2001. Our office faces the challenge, like many governmental agencies, of serving community members who are experiencing mental illness. The rapid gentrification of some of Portland's neighborhoods and the displacement that it has left in its wake, has many community members feeling isolated, from each other and core governmental services. Long overdue conversations on the role of race, equity, and cultural competency in our community are just starting to begin.

In order to meet the challenges of today, in 2013 the Auditor went to City Council for the fourth time in five years and was able to win the passage of additional authority for IPR in Portland's City Code. In the summer of 2013, IPR hired three additional investigators with significant professional experience interacting with the mentally ill and a full time CRC staff liaison also came on board. IPR now has the resources and the staffing for the first time in its history to conduct an independent investigation.

One of IPR's main tasks is to act as the intake point for community member complaints involving officer misconduct. The additional investigators have allowed us to do more thorough and timely investigations of community complaints. Our outreach efforts have expanded using both new media and old fashioned person to person contacts. Yet to fully serve our community we must do more, so we are in the process of mapping where in the city community complaints are coming from in order to adequately serve those areas.

All of the progress that IPR has made in the last several years would not have been possible without the strong leadership and vision of City Auditor LaVonne Griffin-Valade and former IPR Director Mary-Beth Baptista. I am honored to lead an organization filled with dedicated staff members committed to serving this wonderful city.

Constantin Severe
Director

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CHAPTER 1: INTRODUCTION

Scope and History

The Independent Police Review (IPR) 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 and non-shooting, in-custody deaths. Hire experts to study closed 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 City 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.

CHAPTER 2: COMPLAINTS, INVESTIGATIONS, APPEALS, AND DISCIPLINE

COMPLAINT SUMMARY

Complaints against police officers fall into two categories:

1. COMMUNITY COMPLAINTS

Complaints about police conduct that involves interactions with community members.

2. BUREAU COMPLAINTS

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

Table 1 Complaints Opened in 2013	
Community Complaints	409
Bureau Complaints	45
Total	454

WHO FILES COMPLAINTS AND HOW THEY FILE

Community complaints can come from a variety of sources, including the involved community member, witnesses, or bureau members. Most community complaints cases are generated by IPR after it receives a complaint from the involved community member. Others are initiated by the Police Bureau’s Internal Affairs (IA) or at the discretion of the IPR Director or designee.

Community members continue to file most of their complaints by telephone directly to IPR. Complaints filed at any other City office are sent to IPR, other than the small number of community complaints that are opened at the Police Bureau. A newly tracked complaint source for 2013 was “940 Force Investigation.” These are investigative after-action reports filed by Police Bureau supervisors who respond to the scene of officer uses of force.

The demographic profile of community members who file complaints has remained similar over time. This data should be viewed understanding that demographic information is typically self-reported and is not available or captured in many cases.

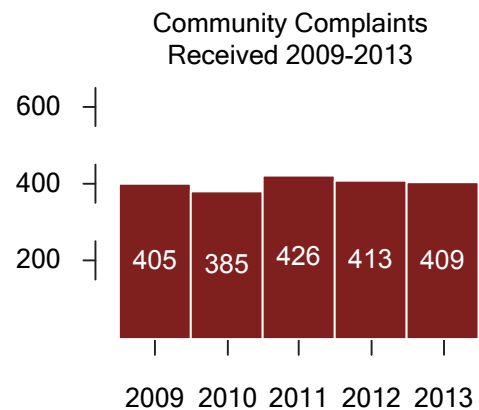


Figure 1

Chapter 2: Complaints, Investigations, Appeals, and Discipline

Table 2
Sources of Community Complaints Received by IPR

	2009		2010		2011		2012		2013	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Phone	233	55%	212	52%	208	46%	185	41%	174	42%
E-mail	71	17%	90	22%	92	20%	105	23%	85	21%
Walk-in	29	7%	27	7%	47	10%	60	13%	55	13%
Mail	54	13%	54	13%	53	12%	41	9%	38	9%
Unknown/Other	7	2%	9	2%	17	4%	26	6%	15	4%
Precinct	12	3%	10	2%	15	3%	16	4%	15	4%
Inter-office	7	2%	5	1%	8	2%	9	2%	10	2%
Fax	8	2%	3	1%	6	1%	2	<1%	9	2%
940 Force Investigation**	-	-	-	-	-	-	-	-	8	2%
Tort Notice***	-	-	-	-	7	2%	4	1%	1	<1%
Total*	421		410		453		448		410	

* 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 2013.

*** New category for 2011.

Table 3
Complainant Demographics

Gender, Race/Ethnicity, and Age of Complainants	2009	2010	2011	2012	2013		Proportion of Portland's Population**
	Percent	Percent	Percent	Percent	Number	Percent*	
Gender							
Female	40%	44%	42%	47%	191	46%	50.5%
Male	60%	56%	58%	53%	220	54%	49.5%
Unknown					5	-	
Race/Ethnicity							
Asian	2%	2%	2%	3%	7	2%	7.1%
Black or African American	22%	20%	20%	20%	60	20%	6.3%
Hispanic or Latino	4%	5%	3%	5%	11	4%	9.4%
Native American	1%	3%	3%	1%	8	3%	1.0%
Native Hawaiian/ Other Pacific Islander	0%	0%	0%	0%	0	0%	0.5%
White	68%	66%	70%	66%	209	69%	76.1%
Two or More Races	1%	3%	1%	2%	7	2%	4.7%
Other Race/Ethnicity	2%	1%	1%	1%	2	1%	4.2%
Unknown					112	-	
Age							
24 Years and Younger	14%	15%	11%	18%	60	17%	28.9%
25-34 Years	30%	24%	27%	25%	101	29%	19.6%
35-49 Years	32%	33%	35%	31%	98	28%	22.6%
50-64 Years	20%	23%	24%	21%	74	21%	18.5%
65 Years and Older	3%	4%	3%	4%	17	5%	10.4%
Unknown					66	-	
Total Complainants	395	386	453	418	416		

* Percent calculations exclude responses of 'unknown.'

** From U.S. Census Bureau Data.

COMPLAINT HANDLING PROCEDURES

1. COMMUNITY COMPLAINTS

Community 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.

IPR may initiate an investigation when a police action becomes the subject of widespread community concern or after a review of a civil claim (or tort claim notice). In 2013, IPR opened one community complaint after reviewing 113 civil claims. An additional 16 of the 113 civil claims were already the subject of a community or bureau complaint. Overall, about 15% of the claims (17 of 113) had a concurrent complaint.

IPR INITIAL INVESTIGATION

IPR investigators interview the complainant and any other civilian witnesses to determine the nature of the complaint. 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 the evidence gathered during the investigation.

IPR SCREENING DECISION

Once the initial investigation is complete, it is forwarded to the assigned case manager. The case manager (IPR Director or designee) reviews the investigation and individually assesses each allegation. The case manager may also revise or add an allegation. The reviewing case manager has several options in handling community complaints, including:

- Mediation;
- Dismissal;
- Referral to Internal Affairs with a recommendation for a Service Improvement Opportunity; or
- Formal Administrative Investigation.

Mediation. A community member may request to resolve their complaint through mediation. Mediation is a voluntary alternative to the disciplinary process. Generally, the IPR case manager decides whether a complaint is eligible for mediation on a case-by-case basis. The officer, the officer's unit commander and the captain of the Professional Standards Division (PSD; which includes IA) must agree that the complaint is appropriate for mediation.

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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.

IPR Dismissal. In 2013, IPR dismissed 76% 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. The most common dismissal category is “no misconduct.”

Detailed Allegations	Cases
Action or Assistance - Inadequate	100
Rude Behavior or Language	86
Use of Force	41
Investigation - Inadequate/Improper	41
Arrest/Cite - Unjustified/Improper	36

* Within the 409 community complaints opened.

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: IPR received a complaint about an officer who responded to a dispute in a SE Portland alley. The complainant felt the officer should have arrested the other man involved in the dispute. Witnesses stated that the officer attempted to deescalate the situation and it was the complainant who used profanity and racial slurs. After an initial investigation, IPR dismissed the case. In 2013, 127 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. Example: A man called IPR to report that officers, who were responding to a scene of an accident on the freeway, drove too fast for conditions and subsequently the complainant’s car was pelted with gravel and possibly damaged. IPR obtained police car speed information, but excessive speed given the conditions could not be proven. IPR dismissed the case, but referred the complainant to Risk Management as a possible remedy for damage to his car.

IPR Reconsideration. Any community member who is dissatisfied that their 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.

IPR Dismissal with Precinct Referral. IPR refers some dismissed complaints to precinct commanders for their information and possible informal supervisory action. Precinct referrals may stem from complaints in which IPR cannot identify the officer who is the subject of the complaint. The referrals typically involve complaints that do not rise to the level of a Service Improvement Opportunity but are worthy of management’s attention. Some commanders’ report taking remedial action even though it is not required.

Intake Decision	2009		2010		2011		2012		2013	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
Dismissed by IPR *	226	60%	234	66%	268	71%	323	77%	256	76%
Referred to IA	140	37%	106	30%	102	27%	85	20%	75	22%
Pending or Completed Mediation	8	2%	14	4%	4	1%	6	1%	7	2%
Resolved at Intake	1	<1%	1	<1%	1	<1%	3	<1%	-	-
Referred to Other Agency	-	-	1	<1%	-	-	-	-	-	-
Total**	375		356		375		417		338	

* IPR subsequently referred 53 of the 256 dismissals to precinct commanders or division captains for information.

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

Example: A woman called IPR to report that the officer who responded to her report of domestic violence assault made insensitive and demeaning statements to her while describing his investigation and arrest of her assailant. The initial IPR investigation instead found the officer conducted a thorough, immediate investigation resulting in arrest. Because the context of officer's alleged statements was unclear, IPR referred the matter to officer's chain of command as a precinct referral after dismissing the complaint. In 2013, IPR referred 53 dismissals to precinct commanders or other division managers.

Dismissal Reason	2009		2010		2011		2012		2013	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
No Misconduct	141	62%	105	45%	142	53%	129	40%	127	50%
Cannot Prove Misconduct*	-	-	43	18%	42	16%	80	25%	43	17%
Complainant Unavailable	20	9%	16	7%	15	6%	19	6%	27	11%
Unable to Identify Officer	15	7%	27	12%	17	6%	32	10%	22	9%
Filing Delay	10	4%	12	5%	10	4%	17	5%	7	3%
Not Reliable, Credible, or Logical	12	5%	9	4%	10	4%	17	5%	2	1%
All Other Reasons	28	12%	22	9%	31	12%	29	9%	28	11%
Total Dismissals	226		234		267		323		256	

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

IPR Referral to IA. After IPR's initial investigation and subsequent review by the IPR case manager, 75 cases were referred to IA in 2013 (see table 5). The case manager may refer a complaint to IA in either of the following circumstances:

- 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.
- 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.

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IPR Oversight of IA Case Handling. IPR closely tracks cases it refers to IA and additional community complaints that originate at a Police Bureau precinct or PSD. IA management has three options for handling complaints: Service Improvement Opportunity (SIO), Administrative Investigation, or Declination.

Table 7
Internal Affairs Assignment Decisions for Community Complaints

Assignment Decision	2009		2010		2011		2012		2013	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
Service Improvement Opportunity	93	58%	67	52%	66	57%	65	53%	46	46%
Investigation	27	17%	28	22%	33	28%	40	33%	34	34%
Declined	40	25%	33	26%	17	15%	18	15%	19	19%
Total	160		128		116		123		99	

A. Service Improvement Opportunity. 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.

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.

An SIO is not a disciplinary action but it remains on the officer's IA record for three years. In 2013, 46 complaints were handled as SIOs.

Table 8
Most Common Complaint Allegations
Closed as Service Improvement Opportunities in 2013

Detailed Allegations	Cases
Rude Behavior or Language	19
Action or Assistance - Inadequate	10
Investigation - Inadequate/Improper	6
Failure to Provide Name/Badge/Card	5
Reports/Receipts/Notes - Failure to Write/File	5

Example: a woman complained to IPR about an officer failing to treat her and her son with dignity and courtesy. She stated that the officer spoke in an abrupt manner and demanded their ID's for no apparent infraction or explanation. The woman's son spoke of the interaction similarly. The case was resolved as an SIO.

B. Administrative Investigation. IA conducts an administrative investigation when there is a reasonable likelihood that a formal administrative investigation would produce enough evidence to sustain a disciplinary action against the officer. In order to sustain a disciplinary action, the evidence must be sufficient to prove that the officer violated a Police Bureau directive.

Table 9 Administrative Investigations Opened in 2013	
Community Complaints	34
Bureau Complaints	20
Total	54

IPR is involved in an IA investigation of an officer 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 investigative report. IPR reviews the investigation 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 10-11 weeks to complete an administrative investigation.

C. Declination. Subject to IPR approval, IA may decline to take any formal action on a complaint. Example: IPR received a complaint by phone regarding concerns officers did an inadequate investigation and were untruthful. The complainant's child was involved in a conflict with neighborhood youth, being accused of stealing their bikes. The complainant stated when contacting precinct for follow up, information relayed to her by the precinct sergeant about the incident was not accurate.

IPR's investigation determined the responding officer's report included interviews with multiple witnesses and collection of evidence. However, additional documents from the Bureau of Emergency Communications (BOEC; 9-1-1 call center) did not match the information in the Police Bureau report.

IPR dismissed the allegation of inadequate investigation, but made an SIO referral to IA regarding the discrepancy between the BOEC documentation and the police report. IA dismissed the SIO request stating there was no evidence of a directive violation. In 2013, IA declined 19 complaints. IA must write a detailed letter to the community member explaining the basis for its decision to decline a complaint.

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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.

Detailed Allegations	Cases
Improper Vehicle Pursuit	11
Other Conduct	8
Unprofessional Conduct - On-duty	5
Other Procedure	5
Next Three Allegations Tied	4

IPR OVERSIGHT OF BUREAU COMPLAINTS

With few exceptions, bureau complaints lead to either formal administrative investigations or an internal SIO. IPR has the same authority and responsibility in Bureau cases as it does in complaints involving community members. Unlike complaints involving community members, involved officers do not have a right to appeal Bureau complaint investigations to the CRC.

3. FINDINGS

In community and Bureau complaints, 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.”

The IPR case manager, the PSD Captain (or designee in IA), and the supervising Assistant Chief also make an individual determination whether the allegation was proven by a preponderance of the evidence. If any of the fact finders disagree on either the recommended finding or recommended discipline, the Bureau will convene a Police Review Board (PRB or Board). IPR controverted (disagreed with) findings in the following three cases in 2013.

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.

2013-C-0084

In one controverted case (previously summarized in IPR's 2013 Q4 Quarterly Report), the complainant's son was stopped by two officers on the corner of NE 162nd and Glisan Street while she was on the phone with him. The community member told her son to remain on the phone with her and to get the officers' names. The son stated that he could not because the officers were covering up their name tags. The son was ordered by the officers to hang up his cell phone and the call terminated. Concerned, the community member called 911 but hung up. The involved officers (one of whom was involved in the interaction with her son) were dispatched to complainant's apartment in response to the 911 hang up.

In a tense encounter with the officers, the complainant demanded to know why her son had been stopped while officers attempted to discuss with her what they felt was an inappropriate use of 9-1-1.

In her complaint, the community member stated that the earlier stop of her son had been racially motivated. According to the complainant one of the officers said, "She should stop playing the race game." The IA investigation showed that the involved officer in response to complainant's comment said she "should stop playing the race card, the reason your son was stopped was because he was jaywalking."

At the findings stage, the woman's allegation that the officers had treated her son differently because of his race (disparate treatment) was exonerated. The verbal exchange (including the alleged "race card" comment) was categorized as a courtesy allegation and was initially found to unproven, with a debriefing. Using the IPR's code authority, the Director controverted the finding of the courtesy allegation due to there being no material dispute as to what the officer said and the use of the term "race card" was not in keeping with the Directives' expectation that Bureau members will treat members of the public and each other with respect and courtesy. The PRB voted 3-2 to sustain the courtesy allegation. The Chief ultimately sustained the allegation.

2012-B-0096

The complainant was a participant in a large demonstration on November 17, 2011 that worked its way through downtown Portland. The protest, also known as N17 was part of the nationwide Occupy Movement demonstrations aimed at large banks and other financial institutions. N17 eventually made its way to SW 6th Avenue and SW Morrison Street in front of the Chase Bank, with many protestors on the sidewalk and in street. A skirmish line developed between the officers present and a crowd of demonstrators estimated at over 600 persons. According to the complainant, an officer made several announcements over a public address system that the protestors had to clear the street and proceed to the sidewalk. The complainant remained in the street and yelled at Officer A. Officer A pushed the complainant back with her baton and then in quick succession Officer B deployed pepper spray at the complainant's face and mouth.

The investigation showed that clearing of the street was a kinetic and volatile situation, with demonstrators actively resisting the police efforts to clear the area. The complainant stated in her interview that while she was yelling at officers, she was nonviolent. Both officers said

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the complainant was engaged in active physical resistance that justified their use of force. Officer B also stated that his use of pepper spray was aimed at preventing the incident with the complainant from escalating further.

Officer A and B's commander found that Officer A's use of the baton as exonerated with a debriefing and Officer B's use of pepper spray as exonerated. IPR management controverted the finding for Officer B based on the totality of circumstances as prescribed in Directive 1010.20. The PRB voted to exonerate the officer 4-1.

A third controverted case became an appeal heard by CRC and is summarized on page 15.

THE POLICE REVIEW BOARD

The Police Review Board (PRB or 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. In addition to controverted cases, the Board hears: 1) investigations with recommended sustained findings and proposed discipline of suspension without pay or greater; 2) all policy reviews of officer-involved shootings (OIS) and in-custody deaths (ICD); 3) uses of force that cause physical injury resulting in hospitalization; and 4) less-lethal incidents where the recommended finding is "out of policy." Board findings are published in biannual public reports available on the Police Bureau website (<http://www.portlandoregon.gov/police/55365>). The IPR Director or designee is now a voting member of each PRB (since 2010). The Chief and the Police Commissioner make the final disciplinary decision.

Table 11 presents the Police Bureau's findings in community complaints summarized at the case or investigation level.

Completed Investigations	2009		2010		2011		2012		2013	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
All Non-sustained Findings	46	78%	12	63%	25	74%	21	55%	16	52%
One or More Sustained Findings	13	22%	7	37%	9	26%	17	45%	15	48%
Total	59		19		34		38		31	

On average, complaints include two or three allegations of misconduct (or multiple officers). Each allegation requires a separate finding. Table 12 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	8	0	2	0	0	9	19	25%
Not Sustained								
Unproven	3	0	3	0	1	1	8	11%
Unproven with Debriefing	7	0	1	0	1	2	11	15%
Exonerate	2	1	2	4	13	4	26	35%
Exonerate with Debriefing	7	0	0	0	4	0	11	15%
Combined Total	27	1	8	4	19	16	75	
Number of Completed Investigations with Findings in 2013							31	

Table 13 presents the Police Bureau’s findings in bureau complaints summarized at the case or investigation level.

Completed Investigations	2009		2010		2011		2012		2013	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
All Non-sustained Findings	14	39%	11	42%	3	17%	3	14%	3	13%
One or More Sustained Findings	22	61%	15	58%	15	83%	18	86%	20	87%
Total	36		26		18		21		23	

Table 14 presents the findings in bureau complaints detailed at the allegation level.

	Conduct	Control Technique	Courtesy	Disparate Treatment	Force	Procedure	Total	Percent
Sustained	14	0	1	0	0	6	21	60%
Not Sustained								
Unproven	2	0	0	0	0	0	2	6%
Unproven with Debriefing	4	0	0	0	0	0	4	11%
Exonerate	6	0	0	0	0	0	6	17%
Exonerate with Debriefing	2	0	0	0	0	0	2	6%
Combined Total	28	0	1	0	0	6	35	
Number of Completed Investigations with Findings in 2013							23	

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 materials. At an appeal hearing, CRC members decide by majority vote one of the following:

- Recommend either IA or IPR conduct additional investigation
- The finding recommendation is supported by the evidence
- The finding recommendation is not supported by the evidence and recommend an alternate finding.

If the CRC recommends an alternate finding, and the Chief and Police Commissioner accepts the recommendation, the appeal is concluded. If the Chief and Police Commissioner do not accept the recommendation, then the CRC may, by majority vote, present the appeal to Council. In its hearing Council shall decide if the finding is or is not supported by the evidence. Council's decision is final.

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 conducted five formal appeal hearings in 2013 and one in January 2014 (for which the case file review was held in late 2013). All six cases are summarized below. Five appeals resulted in CRC suggesting different findings to the Police Bureau - four of which were accepted.

2012-X-0005

An officer pushed or guided (via escort hold) a protester away from a disturbance that was closing a downtown park. The woman protestor complained of excessive force and was troubled that the officer did not account for her disabilities. The Police Bureau's original findings exonerated the officer. CRC voted 5-2 to recommend "unproven" instead and the Bureau agreed.

2012-X-0003

An officer dislocated a man's elbow during a takedown. The interaction may have triggered a downward spiral into depression. The man's family filed a complaint on his behalf after his death (a suicide). A key allegation in the case - taken from the man's written account - was that the officer broke the man's arm on purpose and admitted that at the scene. For his part, the officer stated he did acknowledge the injury at the scene after the man's repeated questioning. However, the officer was clear that he did not cause the injury on purpose nor did he admit to that. CRC voted to uphold the "unproven" findings on whether the use of force was excessive and/or out of policy.

2013-X-0001

This case was first opened by IPR after receiving an anonymous tip from a City of Portland employee. The case involved officers responding to a call of a suspicious subject rifling through mailboxes in SE Portland. The subject was described as a Hispanic male about 5'4" tall and a slight build. The appellant, a 4'10" African-American female, was spotted and contacted by officers waiting near a bus stop some blocks away from the original report. The appellant stated that both officers conducted an improper search of her and her belongings and used unnecessary force to detain her. She also stated that one officer used profanity during the incident.

At the appeal hearing in June, the CRC Chair requested that IA or IPR conduct further investigation on this case based on the fact that CRC had received additional information from the appellant's son with regard to a rudeness allegation that was not previously available. In October, CRC members unanimously voted to challenge the finding on the rudeness allegation and recommend that the finding be changed to from exonerated to unproven. The Chief accepted CRC's recommendation.

2013-X-0002

The appellant was stopped by two officers who cited him for jaywalking and asked him about the identity of a woman he was speaking with. He stated that one officer made disrespectful remarks about him, a bystander with whom he was speaking, and about his place of residence. The appellant also alleged that another officer inappropriately searched him.

At the appeal hearing in August, CRC voted 4 to 2 to challenge the Bureau findings and recommend a change from unproven to sustained. The Chief declined CRC's challenge in writing, which resulted in a conference hearing in October. At that hearing, CRC members were unable to reach the majority decision required by CRC's protocol to be able to move the case to City Council for further consideration. The CRC Chair then exercised his executive power and ruled that the impasse would result in case closure with the original finding.

2013-X-0003

An ex-wife of a Portland detective reported that the officer had conducted himself in an unprofessional manner in his (off-duty) dealings with her and her husband. During November 2012, three incidents occurred between the appellant and the detective related to his visitation of their son. The detective admitted to engaging in the conflicts, and that they reflected poorly on the Police Bureau. The key disagreement in the case seemed to be how much off-duty, personal behavior could be considered for possible violations of Bureau Directives. IPR management controverted the findings in this case which resulted in a full review by the Board. In a split vote, the Board recommended an unproven finding to the Chief.

At the appeal hearing in November 2013, CRC members unanimously voted to challenge Police Bureau findings and suggest changing them from unproven with debriefing to sustained. The Chief initially declined CRC's challenge and delayed a conference hearing. The detective resigned from the Police Bureau in early 2014 as additional incidents were under investigation.

Chapter 2: Complaints, Investigations, Appeals, and Discipline

2013-X-0004

A man reported that an off-duty officer flashed his badge and gun during an interaction outside a health club. After identifying the most likely Portland officer, more and more of the evidence seemed to suggest that he was not at the scene at all. The Police Bureau proposed a finding of unproven. The officer felt the finding still left the impression that he may have been involved, and appealed the case in hopes of receiving a clear exoneration. CRC agreed that the officer should be exonerated and the Bureau accepted the change.

5. DISCIPLINE

If a PRB recommends formal discipline in a community or bureau case, and after any CRC appeals have been resolved, the Chief and Police Commissioner make the final disciplinary decision. Disciplined officers have the right to seek arbitration of discipline in accordance with their labor agreements. Table 15 presents the corrective actions taken by the Police Bureau based on sustained findings from formal administrative investigations.

Bureau or Member Action	2009	2010	2011	2012	2013
Termination	1	3	2	0	2
Demotion	0	0	0	1	0
Resignation or Retirement with Investigation Pending*	5	5	3	3	3
81+ Hours SWOP**	3	1	3	3	0
10-80 Hours SWOP**	4	13	7	9	7
Letter of Reprimand	9	5	5	15	7
Command Counseling	7	7	6	13	17
Total***	29	34	26	44	36

* 4 of the 19 resignations or retirements appear unrelated to the pending complaint.

** SWOP = suspension without pay

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

ALLEGATIONS OF USE OF FORCE

In 2013, 41 community or bureau complaints contained at least one allegation that an officer violated the Police Bureau's use-of-force policies. Eight officers had two force complaints, no officers had more than two.

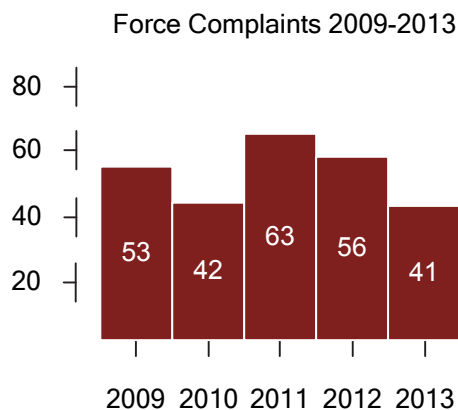


Figure 2

Number of Force Complaints	Count of Employees by Year				
	2009	2010	2011	2012	2013
5+	0	0	0	0	0
4	0	0	0	0	0
3	1	1	2	1	0
2	12	4	7	9	8
1	57	42	78	66	49
Total*	70	47	87	76	57

* Includes bureau and community complaints

OFFICER-INVOLVED SHOOTINGS (OIS) AND IN-CUSTODY DEATHS (ICD)

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 in 2010 and a member of IPR’s management team has been on call to respond to each incident scene since early 2011. The on-call IPR representative is notified by the captain of PSD 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 does not have the authority to conduct an independent investigation in an OIS or ICD. However an IPR representative participates with IA and the Training Division in all aspects of OIS and ICD reviews. IPR has the same responsibilities in OIS and ICD policy reviews 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 public reports. OIS and ICD reviews are not included in other complaint and allegation counts. There were two OIS incidents in 2013 (both fatal) – and one high-speed vehicle ramming that was similarly reviewed as a use of deadly force.

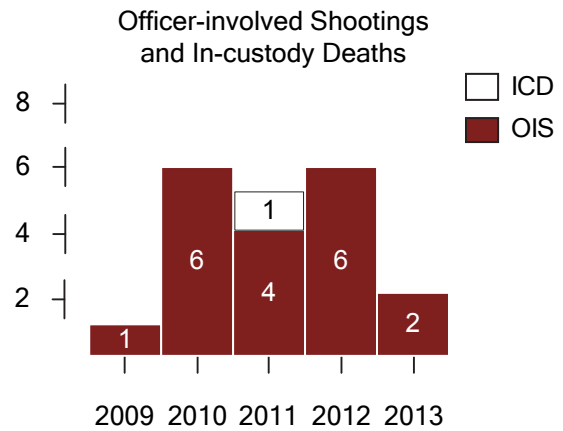


Figure 3

OUTSIDE EXPERT REVIEW OF OIS AND ICD POLICY REVIEWS

After the Chief and Police Commissioner make the disciplinary decision in OIS and ICD cases and the policy review is closed, the Auditor hires independent experts to review the investigations and report any policy-related or quality-of-investigation issues that the Police Bureau should address. Through the end of 2013, the Auditor’s Office had released seven reports covering 81 OIS and four ICD incidents that occurred between 1997 and 2010. The Office of Independent Review (OIR) – a Los Angeles-based law enforcement oversight group – completed the most recent report in July 2013. It focused on tactical decision making by Police Bureau members that may have led to the use of deadly force and made 31 recommendations for systemic changes.

CHAPTER 3: OUTREACH, FEEDBACK, AND CHANGES

COMMUNITY OUTREACH

Presence in the Community

The IPR Community Outreach Coordinator (Coordinator) conducts outreach and speaks at meetings, fairs, tabling events, conferences and in one-on-one conversations. During the year, the Coordinator 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.

The Coordinator worked with numerous local chambers such as Asian Pacific American Chamber of Commerce, Hispanic Metropolitan Chamber of Commerce, and Philippine American Chamber of Commerce of Oregon. The Coordinator is known to many of Portland's diverse community leaders who encourage their program participants to engage in the IPR process. IPR continues to offer to conduct complaint and witness interviews outside of City Hall.

The Coordinator and IPR also host international civic leaders. In 2013 that included visitors from Moldova, France, Iraq, and various Latin American countries.

Diverse Community Engagement in CRC and PRB Recruitments

To promote diverse community engagement in Citizen Review Committee (CRC) and Police Review Board (PRB or the Board) recruitment, the Coordinator worked with numerous stakeholders such as Urban League of Portland, Latino Network, Partners in Diversity, 211 Info Oregon and SW Washington, Oregon Tradeswomen Inc., Center for Intercultural Organizing, Oregon Women Lawyers, PDX Women in IT, Oregon Asian Pacific American Bar Association, Partners in Diversity, Oregon Association of Minority Entrepreneurs and many others. This culturally-inclusive recruitment strategy resulted in 53 applicants for the CRC and 26 new applicants for the PRB, reflecting Portland's diverse community.

Media Coordination

For public awareness of police accountability reforms, CRC and PRB recruitment, IPR Director held interviews with Russian Radio 1010, Russian - American Magazine Kanon. He spoke on OPB, KBOO Radio and met with the Portland Mercury, The Oregonian, Willamette Week, The Skanner, and the Portland Observer. A Public Service Announcement was created in Spanish and launched on a Hispanic TV station. IPR is now on Twitter: <https://twitter.com/PortlandIPR>

Chapter 3: Outreach, Feedback, and Changes



IPR Community Outreach Coordinator Irene Konev (right) with Antoinette Edwards (left) and Avel Gordly at National Night Out.

Slavic Outreach

The Coordinator participated in numerous events connecting the Police Bureau and the public. A culmination of three years of networking with the Slavic/Russian-speaking community and the Police Bureau led to the formation of the Slavic Council to the Chief’s Office where Slavic community leaders and the Command Staff of the Police Bureau attend monthly meetings to promote mutual understanding and cooperation in community enhancement and problem solving. The Coordinator continues to facilitate meetings with Slavic parents of local elementary schools and Officers to promote awareness of the IPR commendation and compliant process and to facilitate relationship building with the Police Bureau. The Coordinator was recognized with a Portland Police Bureau Achievement Medal for her work with the Slavic/Russian-speaking Advisory Council to the Chief’s Office.

Community Feedback

The Auditor’s Audit Services Division (ASD) conducted its 23rd Annual Community Survey in 2013. One question asked a sample of Portlanders how they rated the City’s efforts to regulate the conduct of Portland Police officers, and it sought separate ratings

Table 17 Community Satisfaction with IPR				
	2010	2011	2012	2013
Good/Very Good	34%	33%	35%	34%
Neutral	42%	46%	44%	46%
Bad/Very Bad	24%	21%	21%	20%

Police Bureau member Natasha Haunsperger (right) with Anastasia Yakiymchuk at Slavic Youth Conference 2013.



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 2013 survey (including its response rate and methodology), you can view the report on the Auditor’s website: www.portlandoregon.gov/auditor/auditservices.

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.

IPR Staffing Changes in 2013

In June, Mary-Beth Baptista left IPR after five years as Director. She was replaced by then-Assistant Director Constantin Severe. Anika Bent-Albert was hired in August to replace Severe as Assistant Director. Also in August, David Nguyen was hired as the new Office Support Specialist and CRC Liaison.

Earlier in the year, the Auditor and Director Baptista secured funding to add 2.5 additional investigator positions to IPR. The retirements of long-serving investigators Mike Hess and Steve Morrow (who was working half-time), meant that IPR was able to welcome a total of four new investigators during the summer of 2013. They are: Eric Berry, Casey Bieberich, Eric Nomura, and Erin Playman.

Finally, the IPR office moved locations in mid-2013. The Division is now located on the first floor of City Hall in Room 140.

Chapter 3: Outreach, Feedback, and Changes

2013 Code Change Effort

In October 2013, the Auditor submitted to City Council a package of police accountability reforms aimed at building upon the City's 2012 settlement agreement with the United States Department of Justice (DOJ) and the 2010 code changes that significantly altered Portland's police accountability landscape. The 2010 code changes increased IPR's role administrative investigations, created the Police Review Board (PRB or the Board) which makes recommended findings and discipline to the Chief, and led to IPR's role monitoring all policy reviews of officer-involved shootings and in-custody deaths.

On January 8, 2014, City Council unanimously approved the police accountability reforms. The code changes provide a mechanism for IPR to be able to conduct independent investigations, increase CRC's role in force cases that go to the PRB, and provide greater transparency in cases that go to the Board.

1. Changes to IPR

- Ability for IPR to directly interview all Police Bureau employees.
- IPR jurisdiction over civilian supervisors of sworn Police Bureau employees.
- All investigations of excessive force will be subject to full and completed investigations, unless IPR has clear and convincing evidence that dismissal is warranted.
- IPR must receive notification from the Police Bureau prior to the termination of any misconduct investigation.

2. Changes to CRC

- Expand CRC from 9 to 11 members
- Have a rotating pool of CRC members serve on the Board for use of force cases

3. Post Investigation/Police Review Board Code Changes

- Implement a discipline guide for Police Bureau fact finders and the Board, when an officer is facing corrective action.
- Recommended format for all PRB public reports, including final discipline imposed by Chief.
- In officer-involved shootings and in-custody deaths the public report will provide a more detailed public report than current practice.
- When the Chief's and Police Commissioner's final discipline is outside of the recommended range of the discipline guide, requirement that there be an explanation provided.

CHAPTER 4: CITIZEN REVIEW COMMITTEE

ADVISORY COMMITTEE

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. In early 2014, City Council voted to expand CRC from 9 to 11 members. 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.

Outreach

The Coordinator and CRC's Outreach Workgroup networked with various houseless/homeless advocacy organizations including Transitions Projects, Portland Rescue Mission, St. Michael the Archangel Catholic Church, Right to Dream Too, Sisters of the Road Café, and several others. CRC members attended tabling events and participated in CRC recruitment info sessions to inform incoming CRC members on the powers and duties of CRC.

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. After a series of meetings with the Police Bureau and City representatives examining ongoing recruitment, retention, and promotion practices of the Police Bureau, the workgroup began to focus on a research project. However, CRC membership on this workgroup has been too small to effectively study the various issues.

Recurring Audit

The Recurring Audit Workgroup evaluated a sample of community members' complaints that were dismissed by IPR to assess whether case-handling guidelines were appropriately followed. That effort continues into 2014 and should yield a public report with recommendations.

Use of Deadly Force

Use of Deadly Force Workgroup was formed to review the Police Bureau's policies and training regarding the highest levels of physical force. It heard presentations from, and directed questions to, the Police Bureau's Training Division Commander, Special Emergency Response Team, Behavioral Health Unit, the Police Association President, and the OIR Group.

Crowd Control

The Crowd Control Workgroup was formed to study the Police Bureau's response to large public events such as protest marches. The group met with the Police Bureau's Central Precinct Commander (who often steps into the Incident Command role for large events), Rapid Response Team, and the OIR Group. In late 2013 (and into 2014) the workgroup began writing a report based on its observations and review.

CRC Membership and Turnover

Vacancies and turnover have often been issues for the nine-person, volunteer CRC. These issues were prominent in 2013 as several members resigned, including two members who served only a few months of their three-year term. As of early 2014, CRC was an 11-member body with full membership.

APPENDIX A

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). Most of the nine timeliness measures show general improvement since 2009. The most notable exception is the median days for IPR intake investigations, which has grown (and peaked in 2012). The median days to complete an IA Investigation has fluctuated around the 70-80 day range while the full investigation process (with Command Review, Findings, and a Review Board if necessary) has dropped under 180 days.

Appendix Table 1					
Timeliness Measures in Median Days					
	2009	2010	2011	2012	2013
Combined Timeliness Measure:					
Overall Case Closure ¹	83	67	58	56.5	55.5
IPR Timeliness Measures:					
Completion of Intake Investigations (w/ IPR Director Decision) ²	18	27	33	39	33
IA and Other Police Bureau Timeliness Measures:					
IA Assignment of (Non-declined) Cases ³	22.5	13	11	10.5	5
IA Investigations Completed ⁴	74	81	69	81	71.5
IA Declines Completed ⁵	97	53.5	35	55	43
Service Improvement Opportunities Completed ⁶	42	28	26	26	19
Command Review of Investigations ⁷	25.5	21	18	14	12
Review Board Scheduled and Held ⁸	106	108.5	112	95	66
Full Investigation Process Complete (w/ Findings, Review Level, etc.) ⁹	343.5	247	216.5	221.5	176.5

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.

Appendix A

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 at least three-fourths of the community complaints received, followed by the Traffic Division.

Appendix Table 2 Complaints by Precinct								
	2010		2011		2012		2013	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
East	116	30%	109	26%	126	31%	125	31%
Central	104	27%	119	28%	106	26%	120	29%
North	70	18%	94	22%	78	19%	72	18%
Precinct Subtotal	290	75%	322	76%	310	75%	317	78%
PPB Traffic	38	10%	36	8%	29	7%	36	9%
PPB Detectives	6	2%	13	3%	11	3%	8	2%
PPB Transit	16	4%	11	3%	5	1%	7	2%
PPB Tactical Operations Division	2	<1%	2	<1%	9	2%	3	1%
Large Event/Multiple Precincts*	-	-	12	3%	23	6%	-	-
All Other PPB Divisions	16	4%	14	3%	11	3%	11	3%
Unknown/Other Agency	17	4%	16	4%	15	4%	27	7%
Total	385		426		413		409	

* new in 2011

Complaints by Employee

Complaints were made against 365 individual Police Bureau employees in 2013. Of that number, 203 received a single complaint and 162 received two or more complaints. Two employees received six complaints each.

Appendix Table 3 Frequency of Complaints Against Employees by Year					
Number of Complaints	Count of Employees by Year				
	2009	2010	2011	2012	2013
8+	1	0	0	0	0
7	1	0	0	1	0
6	0	1	0	0	2
5	5	3	1	4	6
4	13	5	9	10	11
3	23	23	27	30	39
2	93	71	95	76	104
1	220	230	233	240	203
Total*	356	333	365	361	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 4 Community Complaint Allegations Reported by Category										
Allegation Category	2009		2010		2011		2012		2013	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Conduct	363	36%	302	33%	275	27%	231	26%	253	27%
Control Technique	63	6%	32	4%	35	3%	36	4%	26	3%
Courtesy	181	18%	196	22%	227	22%	182	20%	199	21%
Disparate Treatment	50	5%	40	4%	32	3%	34	4%	44	5%
Force	71	7%	62	7%	116	11%	101	11%	73	8%
Procedure	284	28%	278	31%	338	33%	304	34%	342	36%
Total Allegations	1,012		910		1,023		888		937	
Complaints Received	405		385		426		413		409	

Appendix Table 5 Bureau Complaint Allegations Reported by Category										
Allegation Category	2009		2010		2011		2012		2013	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Conduct	85	74%	38	75%	52	96%	62	85%	32	44%
Control Technique	0	0%	0	0%	0	0%	0	0%	0	0%
Courtesy	2	2%	0	0%	1	2%	0	0%	3	4%
Disparate Treatment	2	2%	0	0%	1	2%	0	0%	0	0%
Force	16	14%	1	2%	0	0%	0	0%	0	0%
Procedure	10	9%	12	24%	0	0%	11	15%	37	51%
Total Allegations	115		51		54		73		72	
Complaints Received	48		24		25		39		45	

APPENDIX B

ADDITIONAL EXAMPLE CASES FROM 2013

Some of the following case summaries were included in IPR/CRC Quarterly reports.

Dismissals

2013-C-0128

A complainant called IPR to report his concern that he was the subject of a racially motivated traffic stop when he was stopped and cited for failure to wear a seatbelt at roughly Northeast Martin Luther King Boulevard and NE Jarrett Street. The complainant said he had been driving 60 years and the first thing he did when enters a car is put on his seatbelt. He felt that the officer was “very racist” but could not point to any particular moment during the contact where he felt that the officer acted inappropriately and noted that the officer was polite to him throughout the contact. IPR dismissed the complaint after a reviewing the dispatch records and the complainant’s interview.

2013-C-0381

A man called IPR after receiving a jaywalking ticket. He admitted to crossing against a ‘no walk’ signal, but felt that the ticket was excessive and there were other motivations behind the stop (possibly profiling). IPR was able to obtain video from officer’s patrol vehicle that provided an audio record of complainant’s interaction with the involved officer. IPR dismissed the complaint after reviewing the video and other evidence.

2013-C-0365

An individual contacted IPR after a physical confrontation with officers in front of his ex-girlfriend’s residence. He stated that officers used excessive force and fabricated portions of their report(s) to justify the physical force used. The IPR investigation was able to ascertain that police had contacted the complainant after his ex-girlfriend contacted 9-1-1 about an unwanted male subject. When police arrived and attempted to make contact with him a struggle ensued. The involved officers wrote in their police reports that the complainant kicked at them, refused to follow commands, and that force was used to take the complainant into custody. IPR dismissed the complaint after reviewing the IPR investigation, reading the officer reports (including an after-action force report completed by a supervisor), and listening to a recording of the complainant’s guilty plea to charges of resisting arrest and assault of a public safety officer.

2013-C-0279

Officers were called to a downtown bar and grill to check on a man who was bleeding and seemed intoxicated. He was taken into custody and offered medical attention. The man contacted IPR several days later stating that the responding officers used unnecessary force and mocked his race and religion. IPR was able to contact an independent witness at the bar who remembered the incident and noted that the complainant was stumbling down the street with blood on his head and “seemed drunk.”

The complainant entered the bar and was given napkins to stop the bleeding. The complainant was then asked to leave by the bar as he was still bleeding and he refused to do so, leading to the police being called. On arrival, the officers noted that the complainant had a black eye, a cut above his eye, a swollen left cheek, and dried blood on his face. In the police reports the complainant initially states that it was bar staff that caused his injury. The report documents that the complainant was “obviously very drunk”, smelled of alcohol, and had slurred speech.

When the involved officer attempted to place the complainant into custody there was a struggle between him and the officers. Once handcuffed in the back seat of the patrol car, the complainant hit the already injured area around his eye causing him to bleed further. After a review of all of the evidence gathered during the IPR investigation, IPR dismissed all of the allegations

2013-C-0184

A cyclist was riding in the parking lot of the Jantzen Beach Home Depot where he was struck by car backing up into a parking space. The community member felt that the involved officer was biased in favor of the motorist and that the officer was unprofessional. After contacting multiple individuals within the officer’s chain of command, the community member filed a complaint with IPR electronically. Attempts to make contact with the community member were unsuccessful and the case was dismissed.

2013-C-0038

IPR received a written complaint about the Police Bureau’s response to a tense landlord-tenant situation. The complainant did not like the way that the involved officers facilitated a civil standby for a tenant in the process of being evicted from a residence. The complainant and a listed witness did not respond to requests for additional information, and IPR dismissed the case.

2013-C-0372

A complainant witnessed and recorded officers deploying a Taser on a man in a grocery store in NW Portland. Although store employees called 9-1-1 to report, “Transient threatening with knives...drunk, [physical and clothing description provided],” he did not believe the man was armed. He also believed the blood he saw on the subject and the floor was the result of Taser deployment.

Additional 9-1-1 information confirmed that the subject was armed with two knives stolen from the store and that he suffered a bloody nose, but was otherwise uninjured.

The investigation found the use of force was appropriate and complied with Police Bureau Directives. The subject was in a busy grocery store and armed himself with two large knives from a display in the store and was threatening customers. When officers arrived, they saw the knives in his hands and gave him orders to drop the knives. He did not comply. After at least four minutes of calling the subject by name and attempting to get him to drop the knives, the officers deployed a Taser. IPR dismissed the complaint after the initial investigation.

Appendix B

2013-C-0254

A woman called IPR with a complaint that she should not have received a traffic citation for failing to obey a red light. She stated that the light changed from green to yellow (not yellow to red), while she was making a left hand turn from an intersection in SE Portland. IPR dismissed the case as the woman had an upcoming court hearing for the citation and that is the proper venue for challenging the citation. She was not alleging misconduct or rude behavior.

2013-C-0286

A man called IPR about a car accident he had with a Portland officer. The man believed that the officer who responded to investigate made an incorrect determination of responsibility for the accident in order to protect the other officer. The man was issued citations for the accident. IPR dismissed the case, writing that the case “does not rise to the level of misconduct” because “officers have discretion as to whether to issue citation.” IPR communicated with the complainant that the case could be reviewed in the upcoming traffic court proceedings.

2013-C-0285

A man called IPR to report that officers are harassing him. He said that Police Bureau members pull him over in his car frequently. He said that they attempt to obtain information from him and inappropriately discuss gang matters in front of his children. The case was dismissed after some attempts to have a Gang Unit officer meet with the complainant.

2013-C-0205

A man who has an adult son with mental health issues submitted an online complaint to IPR regarding the officers who responded to his house to conduct a welfare check on his son. The officers conducted the welfare check after a psychologist told 9-1-1 the complainant’s son was suicidal. While at the scene the officers contacted the psychologist was said the son was at a very high risk to commit suicide and needed medication. Officers were unable to talk to the young man, who left the home while police were talking to his father. The investigation by IPR found no evidence of police misconduct, and IPR dismissed the complaint.

2013-C-0260

IPR received an online complaint regarding a Transit Officer being rude and threatening to arrest the complainant. Through Tri-Met security video, it was determined the officer in question was not a Portland Officer, as Transit Division is a multi-jurisdictional unit. IPR provided information to the complainant on how to file a complaint with the identified officer’s bureau before dismissing the complaint as it lacked jurisdiction over the involved officer.

2013-C-0221

A man came to the IPR office to make a complaint regarding the police response to a neighbor’s call for assistance. The man indicated his neighbor called to report a man trying to break in to an apartment building, but when police responded they told the neighbor the man was drunk and they would take no further action. The initial investigation found no record of a police response

to the area, and the Investigator followed up with the complainant for more information. The complainant contacted his neighbor, who did not choose to provide additional information. Because the officer and incident could not be identified, IPR dismissed the complaint.

2013-C-0276

A man filed two online complaints regarding separate incidents at a shopping mall. IPR combined the complaints into one intake investigation because of their similarity. One allegation was regarding the complainant feeling he was being treated rudely by the officer when the officer mentioned he was wearing large pants. This was dismissed for no misconduct as it did not meet the criteria for a directive violation. The second allegation was regarding an officer fabricating evidence that caused the complainant to receive an unfairly long exclusion from a local shopping mall. This complaint was dismissed as a filing delay since the incident allegedly took place in 2011, and the shopping mall had no record of his exclusion.

Dismissals with Precinct Referral

2013-C-0209

A babysitter reported that an officer was dismissive when she tried to report seeing a daycare provider slapping the hand of a child at a community center. By all accounts, the officer was attempting to explain the exceptions for modest corporal punishment. An initial investigation revealed that the officer followed procedures and was correct in his explanation, but could have delivered the message with more tact. IPR referred the case to the precinct commander before dismissing.

2013-C-0154

A loss prevention officer with a second-hand store in SE Portland reported less than desirable service from a few different responding police officers over several weeks. The complainant felt some officers were dismissive and rude, and wanted shoplifting suspects arrested rather than given a citation to appear in court at a later date. IPR dismissed the case but referred the issue to the East Precinct Commander.

2013-C-0243

A man wrote that he was unnecessarily shoved by an officer while filming him and his partner. The incident reportedly occurred in Old Town/China Town. The IPR investigator could not find any dispatch records or reports relating to this incident. IPR also reached out to the complainant on multiple occasions for an interview, follow-up information, and to view the video - but he did not respond.

Uncertain that the events took place as alleged, the case was dismissed (as 'Cannot Prove') but was still sent as a precinct referral as a reminder of best practices. Bureau policy dictates that members use only the force reasonably necessary under the totality of the circumstances to perform their duties and resolve confrontations effectively and safely.

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2013-C-0303

IPR received an online complaint regarding an officer's conduct while at the Multnomah County Courthouse. The officer was reported by the complainant as bragging to fellow officers about how many tickets were issued during a particular traffic operation. The complainant attempted to speak with the officer about how such actions caused traffic delays, but took issue with the officer's demeanor and attitude when approached by the complainant. IPR's attempts to make contact with the complainant after the complaint was filed were unsuccessful, and the case was dismissed. However, a precinct referral was sent to the Traffic Division to remind officers their interactions are often under scrutiny in public areas.

2013-C-0308 & 2013-C-0309

An officer's motorcycle impeded bicycle access onto the Macadam sideway during construction related to the Sellwood Bridge. Two cyclists were annoyed that they had to dismount to go around the motorcycle and each called IPR. IPR identified the officer, but dismissed the complaint after an initial investigation as this did not constitute misconduct. However, IPR referred the concern to the Traffic Division for review.

2013-C-0165

A woman in SE Portland called with a complaint that an officer told her she would go to jail if police had to respond to her residence again. Records indicated that police respond often to the property, and that the complainant was likely intoxicated on this occasion. The complainant denied being intoxicated, did not recall calling the police, and denied that police responded frequently to the property. After an initial investigation, the case was dismissed with a referral to the involved precinct, as the complainant made it known to the IPR investigator that she did not want further contact with the involved officer.

Mediations

2013-C-0048

A community member walking home from a sports bar with headphones on ignored an officer's requests to stop and talk. While the man did eventually comply, he reported that the officer was visibly upset and held his hand near his firearm. The complainant believed he was well within his rights to continue walking and was confused why his actions had so clearly unsettled the officer. This case was successfully mediated between the parties

2013-C-0023

A woman was involved in an accident with an armored delivery vehicle. The parties began exchanging insurance information, but the woman felt the other driver was not fully cooperating. The responding officer knew a passenger in the delivery vehicle and seemed to take their side in the minor disagreement. From the woman's perspective, she received less than adequate service and the officer should have considered calling another (impartial) officer to the scene. The complaint against the officer was successfully mediated.

2013-C-0050

A complainant was stopped and cited for failure to properly use a seatbelt. The complaint said the officer pulled her over improperly, yelled at her to get back in her car, failed to tell her immediately why he had pulled her over, talked down to her, and unfairly cited her rather than just explaining the proper use of seatbelts. The case was mediated.

2013-C-0185

A woman emailed a complaint to the Chief of Police, regarding her contact with an officer after she witnessed an automobile accident. The woman, a trained Emergency Medical Technician, indicated the officer was rude to her, and endangered the health of the victims of the car accident. Upon learning of the IPR mediation program, the complainant indicated she was interested in mediating her complaint with the officer. The officer was also willing, and a successful mediation session was subsequently completed.

Service Improvement Opportunities

2013-C-0149

A front desk worker at a downtown apartment building contacted IPR after an interaction with two police officers. The officers asked the desk worker to confirm if a particular person still lived in the building and the apartment number, but the worker cited privacy policies and withheld the information. It subsequently turned out that the officers were trying to perform a welfare check on a recent resident at the request his out-of-state mother (via 9-1-1). They apparently did not fully explain their request (other than stating they were police officers) to the front desk worker. The case was ultimately handled as an SIO.

2013-C-0313

A man who walks late at night for health reasons called IPR after he was stopped close to midnight and detained by two officers. He was transported to a local night spot and identified by two patrons as being involved in an incident. The man maintained he didn't know about the incident. He was then returned to where he was initially contacted by the officers. He said the officers removed the handcuffs and did not issue a citation. He said he still has no idea why someone contacted police about him.

That night the complainant spoke with a Police Bureau supervisor who the complainant said did an "excellent job" dealing with his concerns and said he would speak with both officers on how they might have done their job better. That supervisor referred him to IPR if he still wanted to initiate a complaint. After an initial investigation, IPR management felt the SIO process (partially complete at that point) was the appropriate resolution.

2013-C-0266

An officer responded to a call about a dispute between a teenager and residents of a home in East Portland. The caller complained that the officer believed the teenager, and did not respond

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in person to the residence. An additional complainant alleged that the officer used profanity and pushed the co-complainant, who had followed the teenager in his vehicle and grabbed the teenager in front of the officer. The case was handled as an SIO.

2013-C-0323

A woman filed a complaint to IPR over the telephone that an officer failed to interview her and her family and take their witness statements after a car accident. The complainant's primary concern was that although her children were not injured in the accident, by failing to conduct an interview, the officer would not have known if her children had been hurt. IPR forwarded the case to IA as an SIO.

2013-C-0171

A mother contacted IPR regarding the officers who arrested her 9-year-old daughter following a fight at a Boys and Girls' Club. The woman had not been able to obtain police reports describing her daughter's arrest, and an IPR Investigator initially assisted her by facilitating the release of the police reports to the complainant.

The woman subsequently obtained legal representation, and her attorney submitted a lengthy complaint with several allegations regarding the arrest of her daughter. IPR was able to confirm that the child had been taken into custody as the result of a police investigation into a "juvenile assault" but also found little documentation of the reason a young child needed to be arrested.

IPR referred the complaint to IA as an SIO, citing concerns about the young age of the arrested child, noting that there was no directive that covered the arrest of minors. In her referral to PPB, the IPR Assistant Program Manager made a recommendation that PPB create a directive or standard operating procedure that would list the considerations that should be taken in making the decision to take children under the age of 12 into custody.

The officer's chain of command disputed the need for an SIO, criticized the IPR report, and attempted to decline the SIO. Ultimately, IPR closed the case after the officer's sergeant conducted what was in effect, if not name, an SIO.

The woman was not satisfied with the resolution of her complaint, and spoke to CRC about the matter in 2014. This prompted widespread local and national media attention. This in turn has prompted the Police Bureau to review its policies regarding juvenile arrest.

IA Declinations

2013-C-0264

A complainant said he returned to his apartment to find he had been evicted. Later, as he was removing his property, two officers told him to leave or be arrested for trespassing. He said the bigger of the two officers pushed his younger brother, who was outside holding the complainant's

young daughter. He said he told the officer to stop and the officer said he had “slipped.” When he said he was going to record them, this officer reportedly slapped his phone away. He felt this officer used unnecessary force against his brother and against him.

Another witness said the officer told the man to leave the apartment or he would be arrested for trespass. Witnesses said the interactions between the complainant, his brother, and the officer were “all verbal” and that the officer did not touch anyone.

Because the accounts differ, IPR requested that IA interview the involved officer for his account because it was “not clear and convincing that excessive force was not used.” IA found the complaint lacking credibility and declined to take further action on the complaint after the completion of a preliminary review.

2013-C-0137

The owner of a building hosting Narcotics Anonymous meetings asked the complainant to leave her dog, reportedly a certified “companion dog,” outside the building. When she refused, the owner called 9-1-1. Officers were dispatched on a disturbance involving a subject refusing to leave, causing a disturbance, and being aggressive. They ultimately asked the complainant to leave.

The complainant said they failed to review the companion dog certification/paperwork and laughed when she shamed them. Note: The paperwork indicates the dog is a companion dog registered with a non-government organization.

IPR forwarded this complaint to IA as a possible SIO. IA assigned it for additional information and ultimately declined further action, explaining that an IA investigator interviewed yet another witness who described the officers as courteous, stating they did not laugh or make fun of the complainant. This witness described the officers as “firm,” but said it seemed necessary to gain compliance after the complainant refused to obey their orders to leave.

The IA declination letter also outlined the difference between companion animals and service animals, noting companion animals are not afforded the same rights to public access.

Investigations

2013-C-0382

A man working in retail loss prevention reported that on two separate occasions the same officer failed to process juveniles caught shoplifting. He reports that both suspects had concealed merchandise and were in possession of drugs. The officer did not write a citation or file a report in either case. The allegation against the officer was sustained.

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2013-C-0078

An officer transported a man to detox who was not handcuffed and was in possession of a small knife and possibly an alcoholic beverage. The officer's commander and the Police Review Board found some of the allegations to be sustained and discipline is pending.

2012-C-0209

Over the course of four hours, a number of officers were involved with a roaming group of 20 or more juveniles in SE Portland, described by witnesses as a "flash mob." The group started off at the Mt. Scott Community Center where they were kicked out after pushing a lifeguard and threatening staff members. The group then proceeded to a local convenience store, which barred its doors when it saw the group coming. At the Holgate Street MAX Station several members of the group were arrested on a variety of charges, including a set of three siblings.

One of the officers was reported as saying after the siblings were arrested that the events of the day was the sort of thing that occurred when people don't know who their fathers are and have parents that don't care. The eldest sibling and her mother reported the interaction to IPR. After a number of attempts were made to follow up, the use of force allegations were dismissed. The allegation that an officer made demeaning and/or derogatory comment(s) was sustained.

2012-C-0133

A community member complained that an officer living next door mentioned knowledge of his criminal history during a (dog-related) personal altercation. An investigation was unable to prove that the officer acted unprofessionally in interactions with his neighbor, but the allegation for improperly accessing confidential information for personal reasons was sustained and the officer faced discipline.

2013-C-0305

IPR received a complaint from a witness to an incident regarding three homeless people camped underneath the west end of the Morrison Bridge that were pepper-sprayed by a PPB member. Portland officers were present at the homeless camping site as back up to cleaning crews who needed the area cleared. An officer attempted to secure a loose dog, belonging to the one of the campers, causing a tense situation to escalate dramatically. The same officer who took the dog into custody also was the one who deployed pepper-spray at the three protesting campers.

The initial complaint made to IPR was that the officer used excessive force during the incident. Upon review of video documentation, statements from witnesses, statements from subjects who were pepper-sprayed, and review of an After Action (940) report, IPR added an additional allegation that the officer violated the Precipitation of Use of Force Prohibited directive. The allegation of excessive force was exonerated, but the precipitation of use of force allegation was sustained.

The complainant filed an appeal to CRC, the committee challenged the Bureau's finding of the officer's use of pepper spray as a violation of the Bureau's use of force directive. A conference hearing between the CRC and the Chief has been scheduled.

2013-C-0355

IPR received a complaint from an attorney who reported he was denied the ability to provide counsel to a client, arrested on a suspicion of driving under the influence, when an officer hung the phone up on a conversation between the attorney and client. The young man was being processed for DUI testing at Central Precinct. The client's personal cell phone, along with a landline telephone, were provided by the officer with instructions to contact whoever the suspect wanted within a certain time period. The officer and a sergeant entered the holding cell after time had passed to transport the suspect to the DUI testing area. The officers handcuffed the suspect at the time, thus ending the conversation with the attorney.

IA declined to conduct an administrative investigation on the matter, citing Oregon case law specifying 15-20 minutes is a reasonable period of time to contact an attorney. IPR initiated an independent administrative investigation so all parties could be interviewed about the incident.

The suspect was charged with DUI and through his new attorney filed a motion to suppress the evidence gained during the police investigation due to the lack of ability to adequately consult counsel. A Multnomah County Circuit Judge granted the motion after a hearing, determining the suspect did not have enough time to consult with the attorney. The charges were dismissed. The complaint is currently awaiting findings.

APPENDIX C

LIST OF ACRONYMS

ASD = Audit Services Division

BOEC = Bureau of Emergency Communications

CRC = Citizen Review Committee

DOJ = United States Department of Justice

DUII = Driving Under the Influence of Intoxicants

IA = Internal Affairs

ICD = In-custody Death

IPR = Independent Police Review

OIS = Officer-involved Shooting

PPB = Portland Police Bureau

PRB = Police Review Board

PSD = Professional Standards Division

RU = Reporting Unit

SIO = Service Improvement Opportunity

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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.

