

Independent Police Review

Annual Report 2023

August 2024



Independent Police Review

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Highlights from 2023

Independent Police Review (IPR) provides impartial civilian oversight of the Portland Police Bureau. It receives, investigates, and monitors allegations of officer misconduct submitted by community members or Police Bureau employees.

Community member complaints remain below previous years

Complaints from community members decreased sharply in 2021 and have remained at a similar level. IPR received 176 complaints from community members in 2023, a small increase from the 174 received in 2022. The decrease in community complaints over the last three years lowers the five-year average to 258. Complaints from Bureau members increased to 81 in 2023. This was a significant increase; however, many of these were Supervisory Investigations opened to address adequate completion of newly required traffic stop paperwork. Out of 97 Full Administrative Investigations opened in 2023, IPR conducted 19, the same number of Full Administrative Investigations conducted by IPR in 2022.

2023 AT A GLANCE

 **176** Misconduct complaints from community members

 **81** Misconduct complaints from Bureau members

 **132** Intake investigations conducted by IPR

 **19** New full investigations conducted by IPR

City regains compliance with timeliness requirement

The City entered into a settlement agreement with the U.S. Department of Justice in 2014. Part of the agreement requires the Police Bureau and IPR to complete the investigative process in 180 days from the date a complaint is filed until the Chief decides if discipline will be imposed.

The City first achieved substantial compliance with this provision in January of 2020. Police response to the 2020 protests contributed to the city falling in and out of compliance with this requirement over the next few years. Most recently the City regained substantial compliance with the timeliness provision of the settlement agreement during the third quarter of 2023.

View the Settlement Agreement:

www.portland.gov/police/doj/doj-settlement-agreement

View evaluations of the City's compliance with the Settlement Agreement:

www.portlandcocl.com/reports

Investigations into decisions made during 2020 protests continue

The DOJ found the city out of compliance with sections of the settlement agreement regulating use of force after the protests in 2020. An addendum was made that tasked IPR with investigating supervisory decisions around training, deployment, and review of uses of force during the protests. IPR opened four of these investigations during 2022 and two additional investigations in 2023 as investigations uncovered new information. These investigations are wider in scope than IPR's usual investigations and involve complex reviews of police bureau actions. All of these investigations remain open.

View this addendum on page 60 of the settlement agreement, under Paragraph 192:

www.portland.gov/police/doj/doj-settlement-agreement

Body-worn camera pilot aids IPR investigations

Select units of the Portland Police Bureau participated in a short pilot program testing the implementation of body-worn cameras. Footage from body-worn cameras aided in the review of a few community member complaints in 2023 by helping investigators quickly identify actions, witnesses, and other sources of evidence involved in incidents. IPR anticipates the added benefit of full implementation in the future.

City moves forward with changes to police oversight

Voters in the City of Portland passed a ballot measure in November of 2020 to establish a new system of police oversight and accountability. The City formed a board of community members called the Police Accountability Commission (PAC) to determine the structure and operations of the new system.

In 2023 the PAC proposed its final recommendations to the City Council and the Council approved a modified version after edits from the City Attorney's Office.

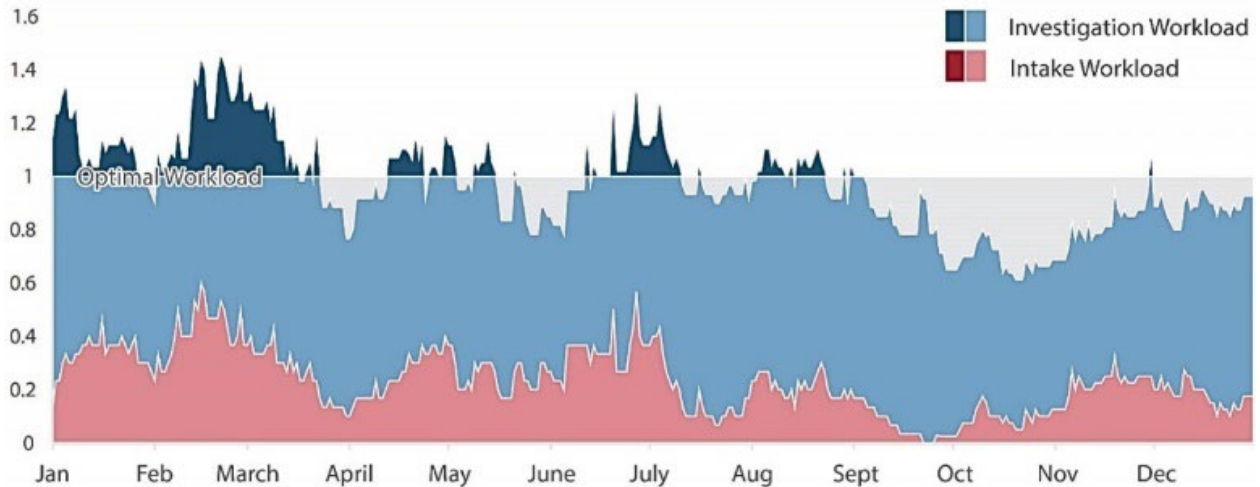
The new system will replace IPR and other parts of the accountability system when it is implemented. IPR will continue to take complaints and investigate misconduct until there is a way to bridge the gap between the current system and the future one.

View the Police Accountability Commission website: www.portland.gov/police-accountability

IPR fills two vacant investigator positions

Investigator staffing returned to pre-pandemic levels with the hiring of two more investigators in 2023. The addition of these two investigators helped disperse investigator responsibilities and bring the workload under capacity towards the end of the third quarter.

Four Full Administrative Investigations opened in 2023 exceeded 180 days. Seven investigations conducted by IPR in 2023 were closed in under 180 days. Another eight remain open and under 180 days



IPR also completed 132 Intake Investigations in 2023. These initial reviews of the evidence involve interviewing the complainant, gathering police reports and evidence, and writing an initial report that helps IPR Directors decide what path the complaint should take.

View our quarterly reports with timeliness updates:
www.portland.gov/ipr/publications/quarterly-reports

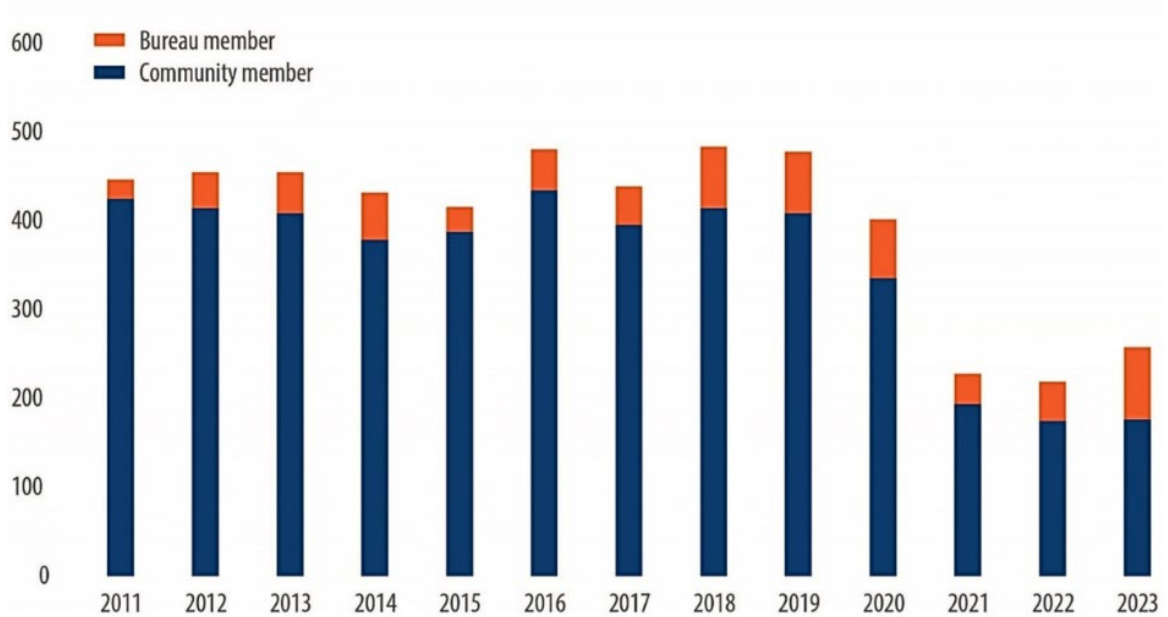
What complaints were made in 2023?

Community members submit complaints to IPR online, through the mail, or over the phone.

IPR received 176 complaints from community members in 2023. IPR received an average of 400 complaints per year from community members between 2011 and 2020. Over the last three years, the average number of community complaints received decreased to 181.

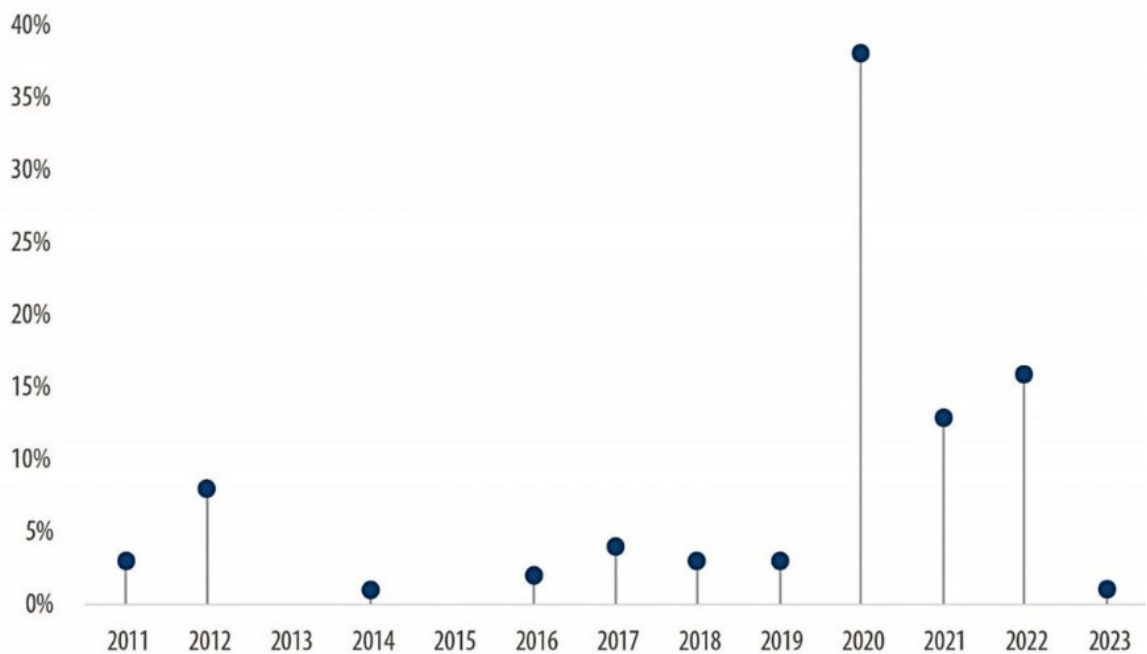
Complaints filed by Police Bureau members and non-sworn employees increased substantially in 2023 compared to the previous two years. IPR received 81 such complaints, 36 more than the number received in 2022 and well above the five-year average of 59. Most of these cases came from a procedural issue with required paperwork and were handled as Supervisory Investigations.

Community member complaints similar to 2022



Complaints related to police actions during protests tapered off in 2023 after the large spike in 2020 after the murder of George Floyd. One of the 176 complaints made by community members was about a police interaction during the 2020 protests. The graph below shows the history of complaints that involved a mass event or protest.

Protest complaints return to pre-2020 levels



Misconduct investigations may take many paths

A complaint against a police officer goes through many stages before receiving potential findings. When a complaint is submitted to IPR, an investigator conducts an initial Intake Investigation. During the Intake Investigation, investigators interview the complainant, gather police reports and evidence, and write an initial report. An IPR manager reviews the report and evidence to decide what happens with the case. There are many possible resolutions for a case at this point including closure, Full Administrative Investigation, Supervisory Investigation, precinct referral or mediation.

Of the 176 community complaints IPR and Internal Affairs opened in 2023, 69 were administratively closed after an initial review of the evidence. Eighty percent (55) of those complaints were closed because the conduct described would not be a violation of a Bureau directive. Thirty-six percent (62) were opened for full investigation.

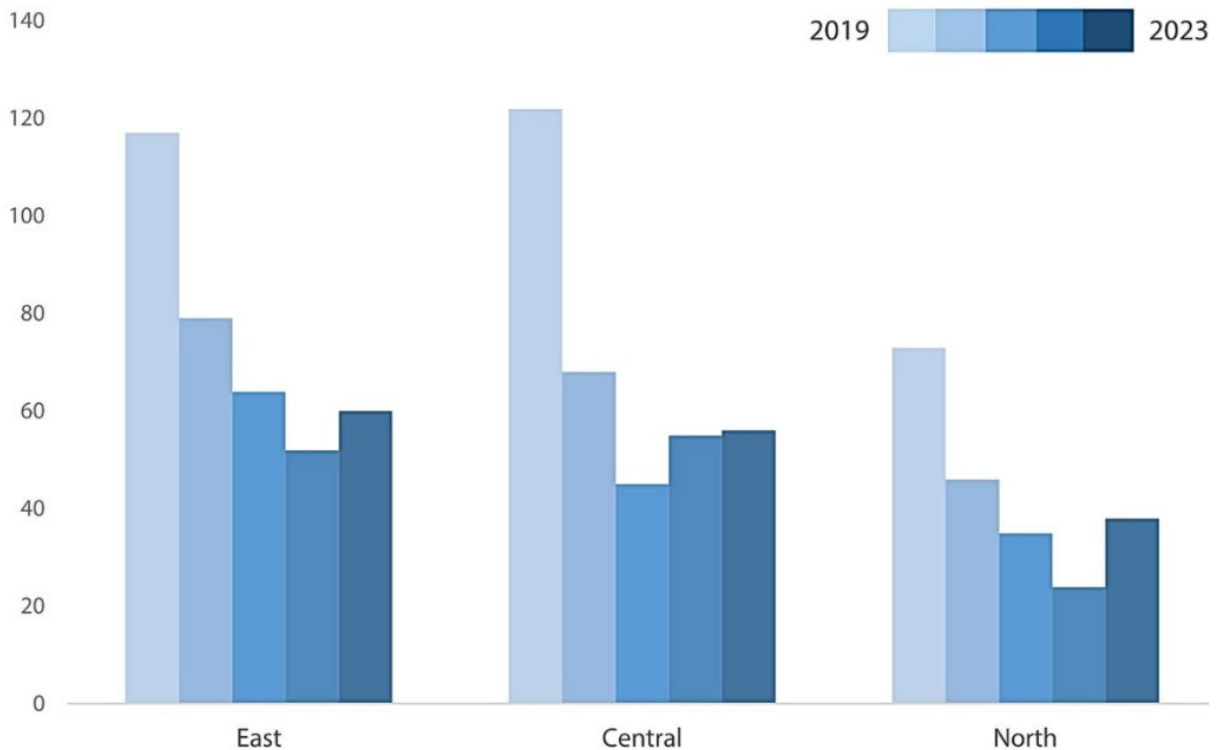


Of the 81 complaints initiated by Bureau members in 2022, 42 were handled as Supervisory Investigations. Thirty-seven percent were opened for full investigation and 6 percent (5) were administratively closed. Four of those five complaints were closed because the conduct described would not be a violation of a Bureau directive.



Officers assigned to Portland’s three precincts were the subjects of 88 percent of community member complaints. All three precincts received a higher number of complaints in 2023 than 2022. East and North precincts both experienced an increase after four years of decreases. East precinct officers were the subjects of 60 complaints in 2023, eight higher than in 2022. North precinct officers were the subjects of 38 complaints, higher than their numbers received in 2022 (24) and 2021 (35). Officers assigned to Central precinct were the subjects of 56 complaints, similar to 2022 (55) and more than 2021 (45).

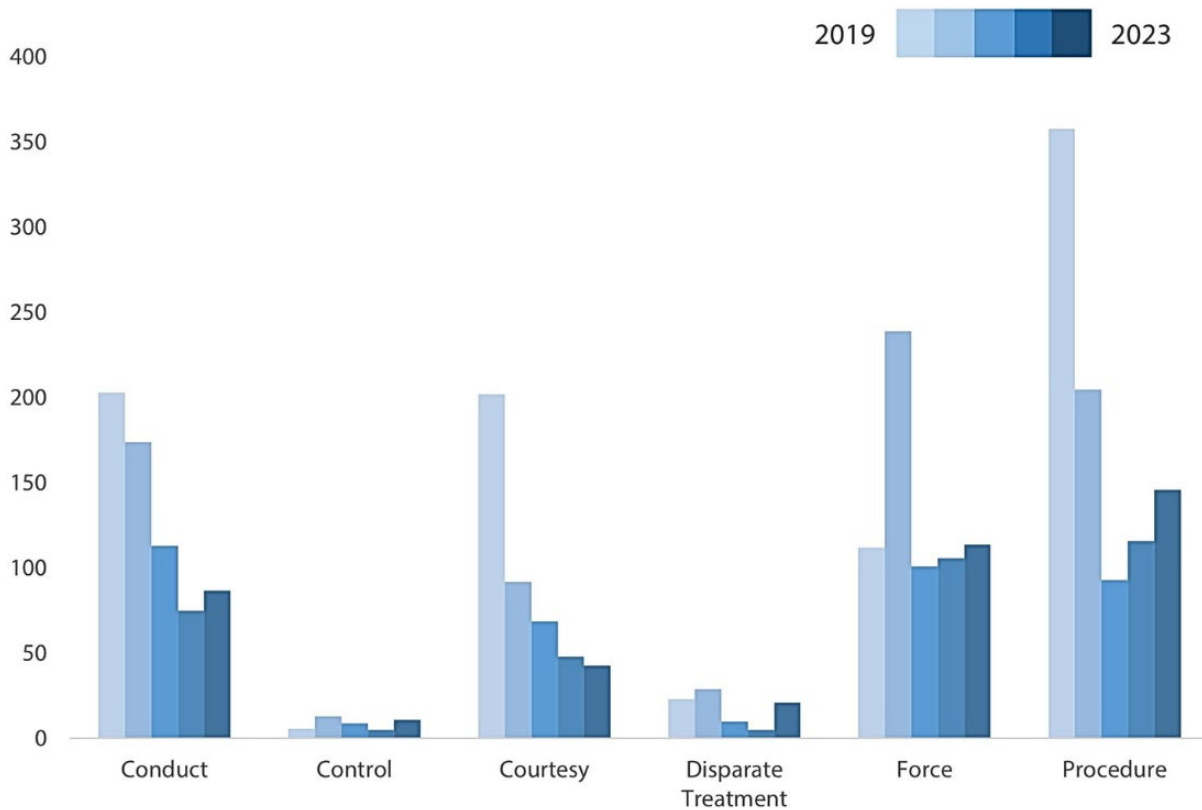
Community member complaints increase for all precincts



What were complaints about?

A complaint of misconduct can involve multiple allegations. The 176 complaints filed by community members resulted in 422 allegations of misconduct that have been assigned findings so far. These numbers will change as cases opened in 2023 continue to close. Allegations are categorized by type and the specific Bureau policy involved.

Uncommon allegations see 2023 increases



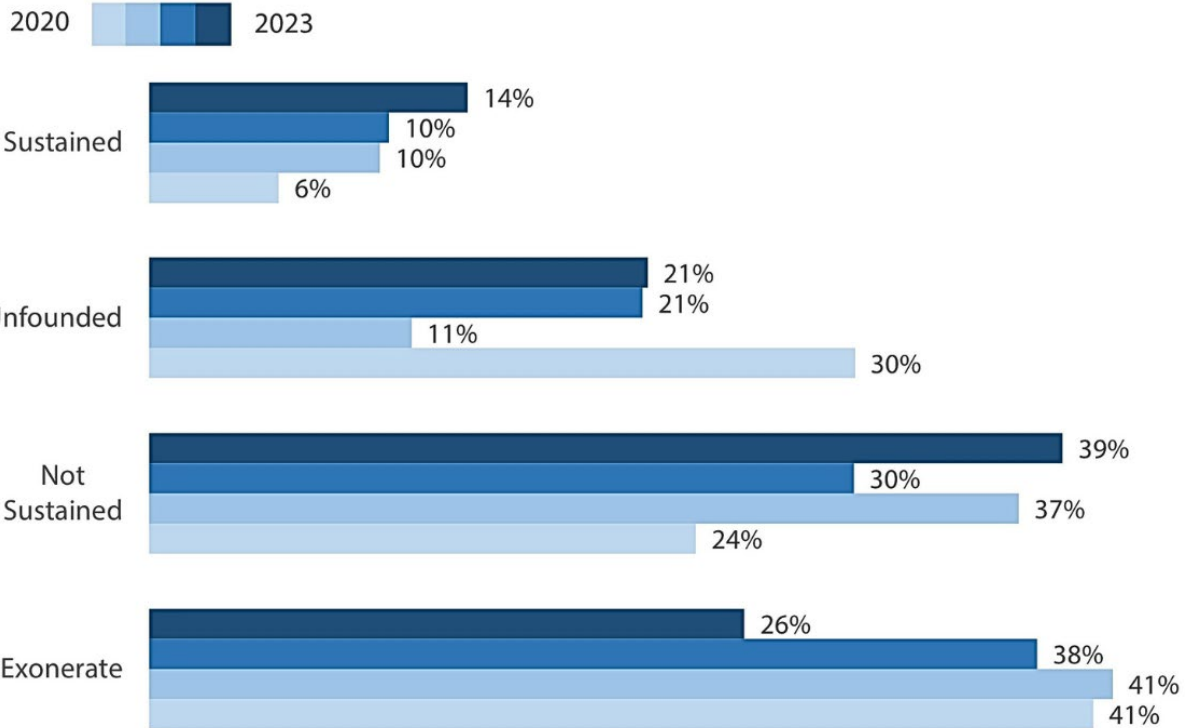
The two smallest categories of allegations, Control and Disparate Treatment, saw the largest increases in 2023. Allegations of Disparate Treatment increased the most, quadrupling from five allegations in 2022 to 21 in 2023. Allegations of Control policy violations increased from five in 2022 to 11 in 2023. Procedure allegations also increased compared to 2022, raising from 116 to 146. Force allegations remained similar to the previous two years after the large spike seen after the 2020 protests.

What happened to investigated complaints?

After an investigation is completed, a Police Bureau supervisor reviews the investigation and provides a recommendation about whether the officer violated a Bureau policy. Of cases that went through a Full Administrative Investigation, fourteen percent of community member allegations (23) were found to be a violation of Bureau policy in 2023. Ten sustained allegations were Procedure violations, nine were Conduct violations, and four were Force violations.

These findings may change as cases opened in 2023 continue to close.

Police supervisors sustained more allegations in 2023

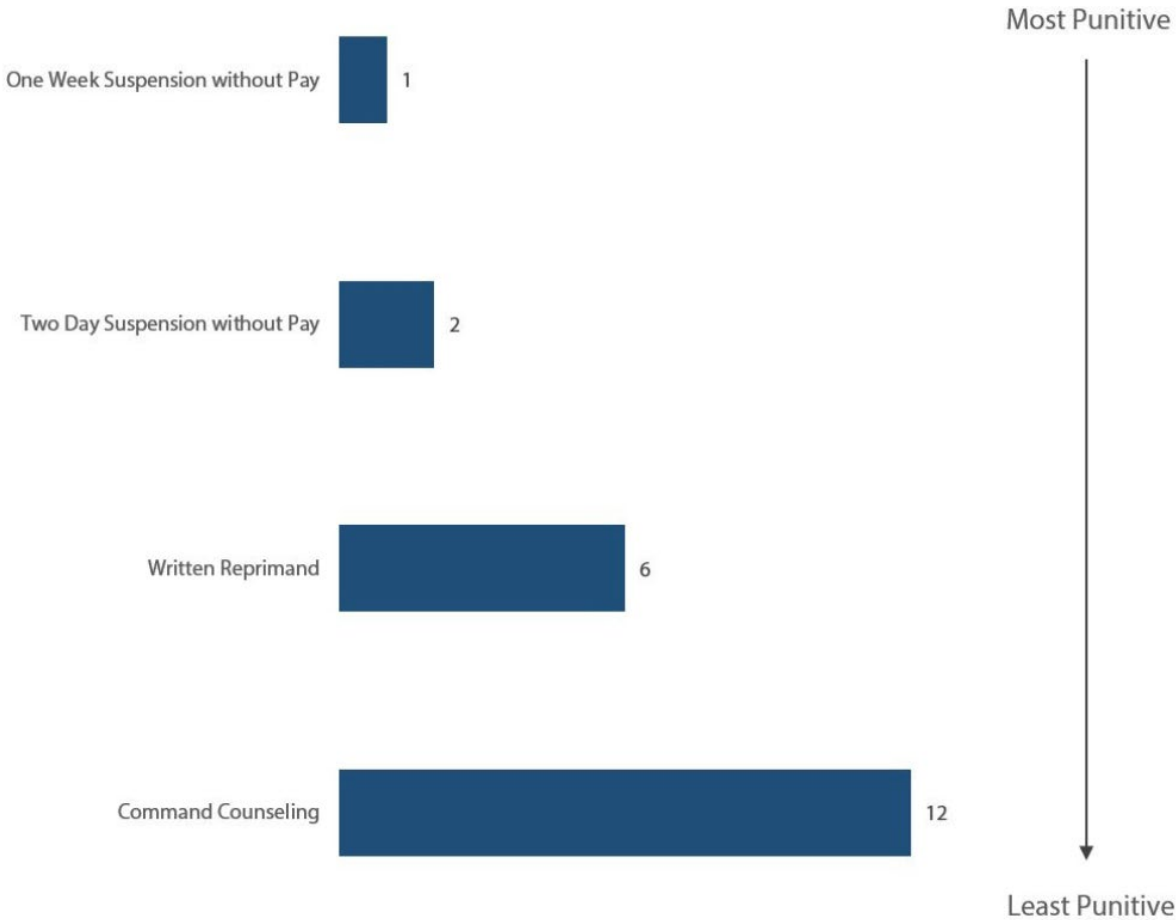


Thirty-nine of 78 allegations in cases initiated by Bureau members were found to violate a Bureau policy after investigation.

What happened to officers with sustained allegations?

Discipline for a sustained allegation falls within a range. The mildest discipline an officer can receive is command counseling or a letter of reprimand. More serious forms of discipline are demotion, suspension from work without pay, or termination of employment. Some officers also resign or retire while an investigation is pending.

Twenty-one officers were disciplined in 2023 and seven resigned before discipline was imposed. Most officers received command counseling for allegations brought by community members and Bureau members. Of the seven officers who resigned, five resigned after termination was recommended.



Background

How does the accountability system work?

The accountability system is comprised of people inside and outside the Police Bureau who take complaints and gather evidence, offer perspectives on whether work rules were violated, and recommend levels of discipline to the Police Chief and Police Commissioner, who make the final decisions. If decisions are appealed, an arbitrator can weigh in to uphold or overturn their decisions.

Task	IPR	Portland Police Bureau					Arbitrator
	Independent Police Review	Internal Affairs	Commanders	Police Review Board	Chief	Commissioner (Mayor)	
Receives complaints	●	●					
Assigns/Closes complaints	●						
Investigates complaints	●	●					
Recommends whether violation occurred	●	●	●	●			
Decides if violation occurred					●	●	●
Recommends discipline			●	●	●		
Decides discipline					●	●	●
Monitors process	●						

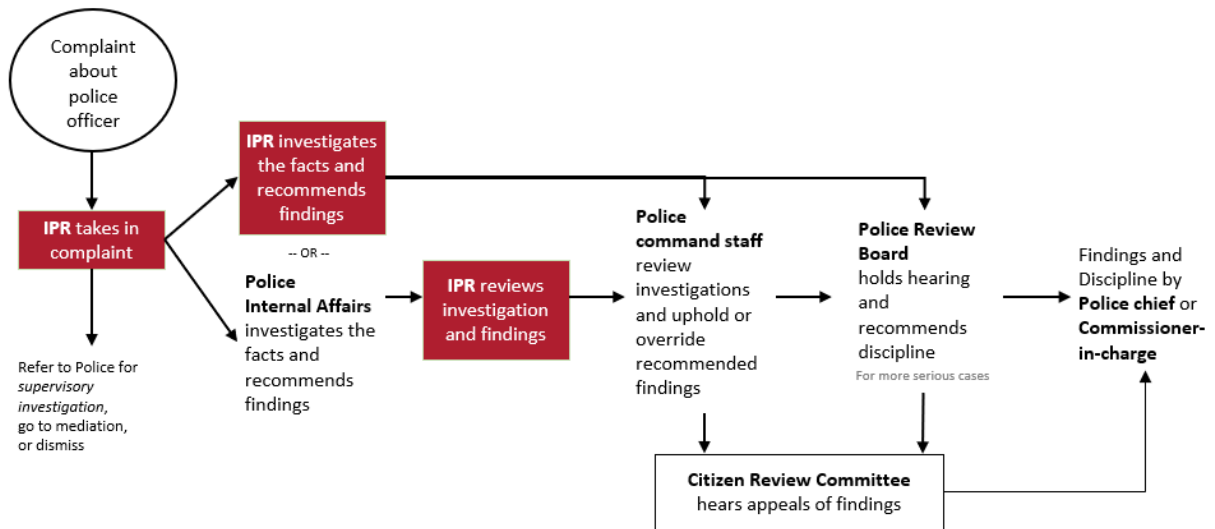
Roles and responsibilities are shared across agencies

Independent Police Review is housed outside of the Police Bureau and is comprised solely of civilians. Internal Affairs is a unit of the Police Bureau and is staffed by both sworn officers and civilians. IPR receives and investigates complaints, makes recommendations on whether violations occurred, and monitors all cases investigated by Internal Affairs, including officer-involved shootings.

IPR investigators engage people who want to file a complaint about an officer to understand the circumstances and evaluate evidence collected during the initial intake process. An IPR manager then decides what happens with the case depending on the available evidence. Cases can be closed, retained for further investigation by IPR or Internal Affairs, or referred to the officer’s supervisor for follow-up and action. Complaints that do not qualify as misconduct can be referred for voluntary mediation or to a precinct commander to follow-up with the complainant.

Complaints that may be substantiated and have the potential to result in discipline of unpaid leave are heard by the Police Review Board, which is an internal advisory body to the Chief. It is made up of command staff and officers, an IPR manager, and community volunteers. All officer-involved shootings or in-custody deaths go before the Police Review Board.

Members of the Police Review Board vote on what findings and discipline to recommend to the Chief of Police. The Chief considers the recommendations and makes a final determination, sometimes in consultation with the Police Commissioner, about whether to sustain an allegation and what discipline to impose.



Glossary of Terms

The City of Portland’s Independent Police Review (IPR) and the Portland Police Bureau’s Internal Affairs share many similar duties with nuanced differences. The following definitions focus on the explicit meaning of terms as they apply to IPR’s side of the misconduct investigation process.

Independent Police Review – The Independent Police Review (IPR) is a city agency separate from the Portland Police Bureau that investigates alleged misconduct by Portland Police officers. IPR is staffed solely by citizen employees. Most complaints received by IPR come from members of the community. Community members can directly submit a complaint about officer misconduct to IPR in person, online, or over the phone.

IPR, established in 2001, is different from the upcoming Community Board for Police Accountability that will replace IPR and other parts of the current accountability system when implemented.

Internal Affairs – Internal Affairs is a division of the Portland Police Bureau, supervised by sworn-Police staff, that investigates alleged officer misconduct. Most complaints opened by Internal Affairs originate from Bureau members or review of Bureau reports.

Investigator – Investigators at both IPR and Internal Affairs conduct investigations of alleged misconduct. Investigators at IPR are non-sworn civilians who take complaints from community members, collect evidence, interview community member and Bureau witnesses and complainants, and write reports on their collected information.

Complaint – A description of alleged misconduct by a Portland Police Bureau officer. A complaint can be made by both community members and Portland Police Bureau employees and submitted to IPR in person, online, or over the phone. A complaint can also be initiated by IPR or Internal Affairs without a community member or Bureau member description if there is reason to believe misconduct may have occurred but a complainant has not come forward.

Complainant – The person who experienced or was impacted by the alleged misconduct.

Intake Investigation – Investigators conduct an *Intake Investigation* on complaints of alleged officer misconduct. During Intake Investigations, investigators collect reports related to the complaint, look for video of the incident, compile lists of witnesses and involved Bureau members, and may conduct initial interviews. Investigators generally have two weeks to conduct an Intake Investigation, at the end of which they submit a written report on their investigation to an IPR Director.

Director Decision – IPR has a Director and a Deputy Director who read all Intake Investigations written by investigators. They use the information in the Intake Investigation to decide what path the complaint should take next. The most common decisions for a complaint after an Intake Investigation are:

Administrative Closure – The complaint is closed based on review of the evidence. Reasons for Administrative Closure include:

No Misconduct – The behavior alleged in the complaint is not a violation of Bureau policy.

Clear and Convincing Evidence – There is clear and convincing evidence that the alleged behavior did not occur, such as video of the incident.

Complainant Unavailable – IPR is unable to contact a complainant and the complaint cannot move forward without more information. This can happen when attorneys representing complainants deny IPR's request to interview their client, a complainant wishes not be interviewed, or the contact information IPR has for a complainant is incorrect.

Judicial Remedy – The underlying complaint is regarding the validity of a violation or criminal citation that is best determined through the legal system. For example, a Complainant says they received a traffic ticket but were not speeding. This should be resolved through traffic court.

No Jurisdiction – The behavior alleged in the complaint was not committed by a Portland Police officer. This may include complaints about other city employees or members of other public safety agencies. In this case, IPR may direct the complainant to the correct agency or forward the complaint to the corresponding oversight body.

Unidentified Officer – The Intake Investigation was unable to identify the officer allegedly involved in the incident.

Supervisory Investigation – Directors may refer a case for Supervisory Investigation if the alleged behavior would not result in serious discipline if proven true. Supervisory Investigations are conducted by the involved officer's supervisor, who will review the Intake Investigation, contact the complainant, talk with the officer, and collect their own evidence if needed. Supervisors will find the allegation of misconduct either Substantiated or Unsubstantiated and meet with the officer to discuss their findings. If an allegation is Substantiated, the supervisor may impose discipline of either Command Counseling or a Letter of Reprimand.

Precinct Referral – The behavior described in the complaint does not amount to misconduct but the Bureau could benefit from knowing about the complaint. In this case a Director will forward a summary of the complaint to the corresponding precinct’s Commander. This can be used when a Director notices patterns of behavior that are not misconduct but could benefit from intervention, or when a Bureau policy is causing confusion amongst community members.

Mediation – A Director can seek permission from the complaint to recommend the complaint for mediation. If the complainant and the involved officer agree to mediation, both parties sit with a professional mediator to discuss the incident and explain their perspectives. If a complainant agrees to mediation but the officer declines to participate, the complaint can still proceed through a different case path.

Full Administrative Investigation – A Director will assign a complaint for full/administrative investigation if none of the conditions for Administrative Closure are met. Investigators have 70 days to conduct a Full Administrative Investigation that includes interviews with community members and Bureau employees, collecting and reviewing evidence, writing a report, and making recommended findings. Full Administrative Investigations end with finding determinations of either Exonerated, Sustained, Not Sustained, or Unfounded and can include discipline if Sustained.

Allegation – A violation of Bureau policy described in a complaint. Similar to how a criminal case can involve multiple charges of wrongdoing, a complaint can involve multiple allegations. Allegations are formally written for each potential policy violation in an incident and each allegation is assigned a finding. The allegation categories are:

Conduct – Unjustified, unprofessional, or inappropriate actions, unsatisfactory performance

Control – Inappropriate use of a hold or other technique to control a person’s movement

Courtesy – Discourteous or rude statements or conduct

Disparate Treatment – Inappropriate action or statement based on a characteristic of a person such as race, sex, age, or disability

Force – Inappropriate use of physical force or pointing a firearm at a person

Procedure – Failure to follow an administrative or procedural requirement

Finding – Determination at the allegation level of whether a policy violation occurred. The four possible findings for Full Administratively Investigated allegations are:

Sustained – The alleged behavior occurred and violated Bureau policy.

Not Sustained – There is not enough evidence to prove the behavior violated policy.

Exonerated – The alleged behavior did occur but was not a violation of Bureau policy.

Unfounded – The allegation is false or without a credible basis based on the evidence.

Ongoing Investigation – A complaint assigned for Full Administrative Investigation that is still in the investigation stage and has not been assigned findings yet.

Closed Investigation – A complaint that has been assigned findings and formally closed.

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View this report online: www.portland.gov/ipr/2023-annual-report

Independent Police Review

We provide impartial oversight of police conduct, practices, and policies to increase accountability and public trust.

Independent Police Review | 1221 SW 4th Avenue, Room 140, Portland, OR 97204

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