



IPR Quarterly

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The Independent Police Review and Citizen Review Committee



December 2006
CRC Meeting

IPR Mediation Program Starts Fifth Year

by Lauri Stewart

After more than four years and 100 mediations, IPR's Citizen-Police Mediation Program has become a national model.

Bad experiences with the police can cause long-term harm to individual and community attitudes. The disciplinary process is one remedy, but that process does not necessarily make peace or restore lost trust. Mediation is an effective alternative for many kinds of complaints, particularly those arising from miscommunication.

IPR offers people the option of mediating eligible complaints. The IPR Director, Police Bureau, and involved officers must also agree.

People choose mediation for many reasons: to get an explanation from officers, to explain their own concerns, repair damaged relations with police, or prevent similar problems. Some feel the complaint process is a negative way to address problems, and not constructive or healthy. Others want to retain a voice in how their complaints are resolved.

In mediation, complainants and involved officers meet with professional mediators to talk about the situations that led to complaints. The point is not to pass judgment, but to understand and try to resolve the issues.

Some examples of cases successfully mediated:

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Shooting Report Released

IPR released the second follow-up report on Officer Involved Shootings and In-custody Deaths on January 10, 2007.

As part of IPR efforts to improve police services, IPR coordinates expert reviews of officer-involved shootings and in-custody deaths by the non-profit Police Assessment Resource Center (PARC). This includes incidents of accidental discharges and shootings with no injuries.

The original 2003 report made 89 recommendations for changes to deadly force policies, investigation and review procedures, practices, tactics, and information management. The current and 2005 follow-up reports reviewed the responses of the Portland Police to prior recommendations, and cases closed since the original report.

The Portland Police have implemented most of the recommendations, including adding civilians to their review process and improved information management. Those PARC reports are available online on the IPR website.

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Who We Are

IPR receives complaints about Portland Police officers. IPR may investigate, mediate or dismiss complaints, or forward them to the Portland Police for further review, investigation or resolution. IPR tracks and analyzes complaints and conducts policy reviews.

The nine citizen volunteers of the Citizen Review Committee are appointed by Portland City Council to hear appeals of Internal Affairs investigative findings, help IPR develop policy recommendations, review how IPR handles complaints, and hear public concerns.

Together, IPR and the CRC work to improve police accountability to the public and help solve identified problems.

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Citizen Review Committee News

Message from the Chair

By Hank Miggins

The CRC wanted to check in with City Commissioners and determine if they were satisfied with the work of the CRC. Other CRC members and I requested meetings with the Mayor and each of the Commissioners to discuss expectations and CRC performance issues. After updating them on the recent work of the CRC, I asked if there was anything more they would like to see the CRC doing. Each indicated they were satisfied with the work of the CRC, and expressed their appreciation to the citizen volunteers. The only suggestion was for the CRC to begin making regular, direct reports to Council, beginning in January, 2007. I intend to do so.

Appeals to the CRC

Citizens and officers dissatisfied with the findings of complaint investigations may appeal to the IPR and CRC. In the third quarter of 2006, nine cases were eligible for appeal. One request was filed and the CRC held a hearing in October, the first under their new protocol of providing volunteer process advisors to assist appellants. A former CRC member assisted the appellant.

In this case, a man made several allegations including excessive force, illegal search of his wallet, that officers asked inappropriate questions, and did not tell him why (or when) he was under arrest. He was arrested during a TriMet fare mission for harassment, resisting arrest, and offensive physical contact. Of six allegations investigated, the Bureau exonerated two, found three unfounded and one had insufficient evidence to prove or disprove.

The CRC voted to change one excessive force finding from exonerated to insufficient evidence, affirm but add a debriefing to another, and affirm the remaining findings. CRC members also identified a number of policy concerns, including the need for officers to communicate early and clearly why citizens are being stopped, that they may be arrested if their behavior continues, and at what point they are under arrest. Also raised were concerns over accountability when officers from multiple agencies are involved, training issues for TriMet officers, and that the IAD investigation took over two years to complete.

CRC Workgroups

Appeal Process Workgroup created a guide for volunteers who assist people in the appeals process.

Tow Policy Workgroup is fine-tuning final recommendations for preventing or reducing tow-related complaints.

Protocol Review Workgroup has reviewed several protocols, as part of a periodic protocol review process. The election of officers has been reviewed. Next the pre-hearing and hearing procedures (PSF-5.03) will be reviewed.

Bias-based Policing Workgroup first met in December to begin defining the focus of their review of complaints of racial and other forms of bias by police, the methodology, and anticipated final work product and schedule.



Oregon ACLU
Director speaks to
CRC in December

Oregon ACLU Discusses Racial Profiling

David Fidanque of the American Civil Liberties Union was the guest speaker at the CRC meeting in December. He discussed several issues, including the history and challenges of efforts to track and address racial profiling in Oregon since 1992. After his presentation, Mr. Fidanque was invited to return to meet with the CRC Bias-based Policing Workgroup. This workgroup was recently formed to review citizen complaints of police bias, including discrimination, to evaluate current handling of those complaints and develop recommendations for possible improvements to handle those as constructively as possible.

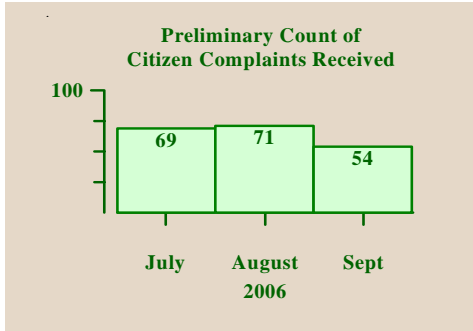
Street Roots Editor to Speak to CRC

Israel Bayer of Street Roots will speak at the March 20, 2007 meeting of the CRC in Old Town, at the Port of Portland Building at 121 NW Everett Street. The public is invited to attend. Street Roots is an award winning newspaper written by and about members of Portland's homeless community. It also provides a source of income to the homeless who sell the papers. A public discussion period will follow. The CRC meets in locations around the city, to be more accessible and hear local concerns.

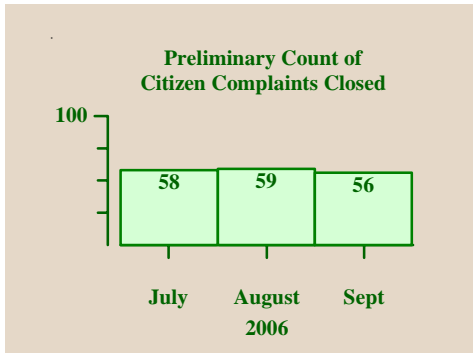
Oversight Report

Report for Third Quarter 2006

The following charts show the number of complaints received, allegations in each complaint category, and cases closed, from July to September, 2006. (Complete figures are not yet available for the quarter just ended).



IPR records and tracks all citizen-initiated complaints. During the third quarter of 2006, citizens filed 194 new complaints and staff closed 173 cases. August was the busiest month for both intake and closures. In the third quarter, 120 commendations were received.



Most complaints contain multiple allegations, each classified and tracked separately, so there are more allegations than cases. Most of the new cases involved conduct, procedure or courtesy allegations.

Conduct complaints involve “behavior bringing discredit” to the police or the City. This category includes conformance with laws, professionalism, and truthfulness.

Procedure complaints allege administrative or procedural requirements were not met, such as evidence handling, identification, and reporting requirements.

Courtesy complaints allege rudeness, disrespect, or offensive language or behavior (not including disparate treatment issues).

Third Quarter Case Descriptions

IPR randomly selects one citizen complaint and one commendation from each month of the quarter to provide examples of cases received.

July

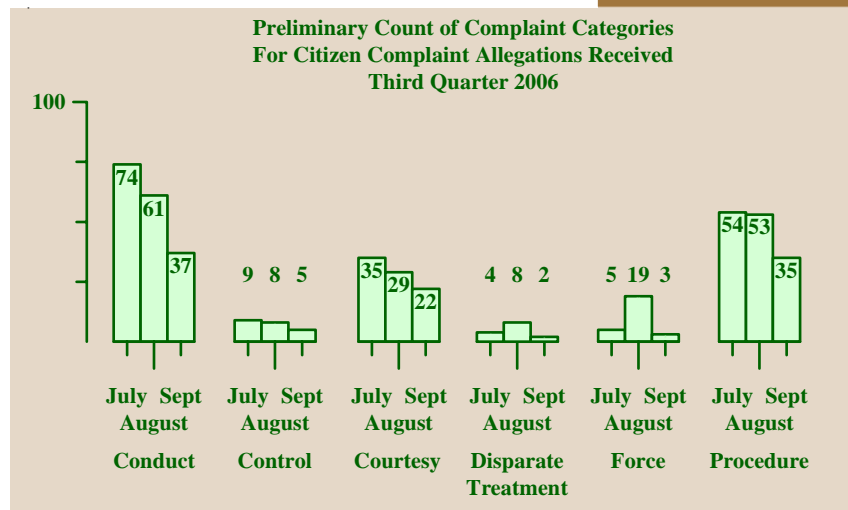
A woman’s small dog ran off with the tennis ball of two larger dogs in a park. The other dogs’ owner, believed to be a Portland Police instructor, “flew into a total rage,” threatening to hurt the woman’s dog (to “make sure it couldn’t walk again”). The woman thought the officer had anger management issues and displayed conduct unbecoming an officer. Investigation revealed the owner of the larger dogs was not a police officer or Portland Police employee

A woman commended an officer who assisted her in a “neighbor conflict” situation “that was heading out of control.” New neighbors and their many daily guests used the woman’s property for parking and turning. Unable to reach an amicable resolution, the woman had become increasingly afraid of them. The officer increased patrols, then spoke with the neighbor and the owner of their rental property. The woman wrote that the difference was “unbelievable.” She wrote the officer “should be recognized for his compassion, his dedication to his job, his city, and the people whom he works for. Us.”

August

A woman said she tried to drive away with her young children from where shots had just been fired. The route was blocked for a Low Rider Show, and an officer ordered her to turn around and return the way she had come. She refused and drove onto

(continued on page 4)



Case Descriptions *(continued from page 3)*

the sidewalk full of pedestrians. She believes the officer inappropriately endangered her and cited her for failure to obey a police officer and careless driving. Investigation showed the woman was cited nearly 25 minutes before shots were reported fired in the area. It was determined there was no misconduct. She was found guilty after failing to appear for her traffic court date.

A young man wrote to thank officers after an incident with a gunman at the Grotto, where his girlfriend was working. He wrote, "...I wanted to comment on the level of professionalism and bravery the officers showed in clearing the area... an officer even radioed in to have her escorted out... I am very thankful for the officers we have working this city..."

September

A woman complained of police harassing her by confusing her for her wanted sister. Both women are associated with the same vehicle, they look similar, but have different tattoos. When an officer stopped her for a traffic violation, she threatened to complain about him as she had about other officers. He asked to see her forearms for tattoos. She told him she had none on her face "...and that should be enough." He told her the profile described forearm tattoos, not facial. After more argument, she complied and was allowed to leave. IPR dismissed after a preliminary investigation showed no misconduct.

A LoJack company representative wrote to commend three officers for their work in quickly locating and recovering a car that had been stolen in Vancouver, Washington earlier in the day. "...Please pass on my thanks and congratulations to these personnel for their good work."

Calls for Assistance Received by IPR

In the third quarter of 2006, IPR received 624 phone calls, resulting in a total of 1,807 calls for the year so far. By comparison, by this time in 2005 the IPR received 2,424 phone calls.

Second Quarter Mediations

The IPR Mediation Program is an alternative to the disciplinary process that permits citizens and officers to meet and, with professional mediators, discuss and resolve their issues directly with each other. (See the article on the mediation program in this issue.) The IPR Mediation Program received six new mediation cases and mediated two in the third quarter of 2006.

Mediation *(continued from page 1)*

- * A man said police hurt his arm in a protest
- * A young woman stopped on suspicion of prostitution as she walked home at night
- * An immigrant couple unaware of why police searched their home, and afraid to refuse
- * A man said he was treated rudely when he tried to report a crime he had just witnessed
- * A bystander to a fight at a bus stop alleged racial bias after police assumed her involvement, treated her roughly and excluded her from TriMet
- * A social worker felt an officer did not properly investigate a crime against a client

Approximately 65% of mediation participants (both officers and citizens) reported being completely satisfied with the outcomes of their mediations. Another 30% were partially satisfied. Even of the 5% dissatisfied with the outcomes, many rated the mediation process itself highly, and said they would recommend it to others.

In 2006 a CRC workgroup reviewed the mediation program and found case selection and handling appropriate. The CRC recommended improvements including better documenting of informed consent, and preventing case attrition with unresponsive complainants. These recommendations have since been implemented. The full report is available online.

Mediation provides a valuable opportunity for officers and citizens to communicate, understand and learn from each other. It fosters mutual respect in place of resentment and distrust. In most mediations, everyone wins.

Mental Health/Public Safety Initiative

The Mayor's Mental Health/Public Safety Initiative was formed in the fall of 2006 to look for ways to improve mental health service provision, reduce or at least improve interactions between people with mental illness and the criminal justice system. An Action Plan released in January, 2007 included recommendations for mandatory Crisis Intervention Training for law enforcement officers (which Portland Police are starting) and improved mental health screening and advocacy in jails. For details visit www.portlandonline.com/mayor.

CRC Public Meeting Schedule

March 20 5:30 pm	Port of Portland Authority 121 NW Everett Street
April 17 5:30 pm	City Hall Lovejoy Room 1221 SW 4 th Avenue
May 15 5:30 pm	Southwest Community Center 6820 SW 45 th Ave