

QUARTERLY REPORT

INDEPENDENT POLICE REVIEW AND CITIZEN REVIEW COMMITTEE

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SECOND QUARTER 2008

IPR DIRECTOR'S REPORT

by Mary-Beth Baptista, Director

I want to take the opportunity to introduce myself as the new Independent Police Review (IPR) Director. I am encouraged by the public support I have received and appreciate your patience through the first few months of my new post. IPR is looking forward to hiring a full-time, additional Assistant Director, drafting a comprehensive outreach plan, and beginning the recruitment of an outreach coordinator in the next quarter. Those positions will assist me in accomplishing IPR's goals of more timely case handling, releasing data regarding police complaints quickly, as well as improving communication with the public regarding what IPR does.

In the last quarter, half-time IPR Assistant Director Pete Sandrock significantly reduced a back log of cases while serving as Acting Director. There were over 100 new citizen complaints still at the initial investigation phase through the first week of March (with a median case age over seven weeks). As of June 30, there were only 22 complaints at that same investigation phase (with a median age of three weeks). I am grateful for Pete's concerted effort in processing cases and his outstanding leadership throughout the transition.

This is a very exciting time for IPR as there are significant changes occurring that I am confident will increase our level of service to the community and have a positive impact on our working relationship with Portland Police Bureau (PPB or Bureau).

I want to thank the Citizen Review Committee (CRC) members of for welcoming me into their work group sessions. As a result, I have a greater understanding of the complex issues surrounding bias-based policing; policies related to officer-involved shootings and in-custody deaths; and the impact of IPR's case handling decisions. I can not commend each of the members enough for their hard work and dedication.

CIVILIAN OVERSIGHT—WHO WE ARE

IPR receives and screens complaints about Portland police officers. IPR may investigate, mediate, dismiss, or refer complaints to the Police Bureau. IPR oversees investigations, analyzes complaint patterns, and conducts policy reviews.

The nine members of the Citizen Review Committee are appointed by the City Council to monitor and advise IPR, hear appeals, and receive public concerns.

CRC CHAIR'S REPORT

by Michael Bigham, Chair

I am proud to report that CRC members have made significant community outreach efforts in the last quarter. First, although CRC members and TriMet Commander Jarmer have worked closely, CRC is concerned that officers from outside jurisdictions were not responsible to the citizens of Portland. Three members went in front of City Council to ask that the Council slow down or reconsider its ratification of transit policing Intergovernmental Agreements (IGA) for several suburban jurisdictions. As a result, Mayor Potter asked Commander Jarmer to convene a committee in order to resolve the issues. Commander Jarmer invited me and CRC Vice-chair Hank Miggins to represent CRC on the committee.

Additionally, in response to the recently released assessment of police oversight in Portland, CRC is working toward forming a closer relationship between City Council and Citizen Review Committee. CRC has drafted a letter to each City Council member offering to create a link between them and a CRC member who would meet with them periodically. This will provide an avenue for CRC members to discuss recent and ongoing activities of CRC and to answer or refer questions and concerns from the Council member. Further, CRC discussed, and a subgroup of members met, to delegate some of the analysis out to existing workgroups of other recommendations made in the police oversight assessment.

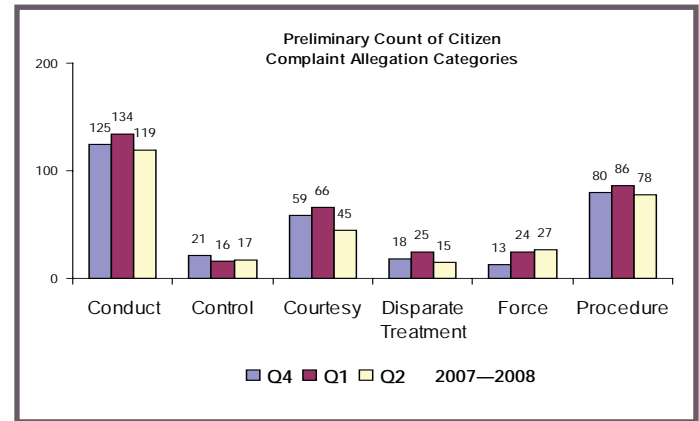
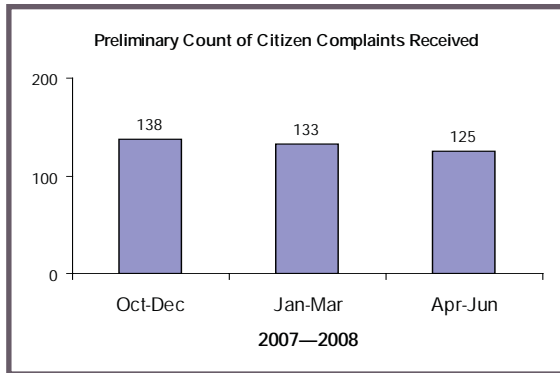
At the June CRC meeting, Assistant Chief Martinek gave a presentation on the Bureau's Use of Force Review Board (see page 4 for details). As a result of a discussion with CRC members following his presentation, the Bureau responded to CRC's request and released the names of current citizen members of the Use of Force Review Boards (UFRB) and Performance Review Boards (PRB). CRC also asked for anonymous Performance Surveys of peer and citizen members of the UFRB and PRB. Assistant Chief Martinek instituted CRC's request.

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CASE STATISTICS

IPR records and tracks all citizen-initiated complaints. The following charts show the number of complaints received and the total allegations in each complaint category over the past three quarters. Most complaints contain multiple allegations, each classified and tracked separately, so allegations outnumber new cases.



IPR *randomly* selects a few new citizen complaints, completed investigations, and community commendations from the reporting period to provide examples for the following sections.

NEW CASES OPENED

A man preparing to board a TriMet bus was assaulted by two men who had just left a sports bar. After his assailants fled, the complainant hit and broke a store window in anger. Responding officers arrested him for criminal mischief and resisting arrest and tased him to gain control. He said he was falsely arrested and was unnecessarily tased. He also said the officers did not make reasonable efforts to find the men who had assaulted him. **Status:** Force allegation is pending Internal Affairs Division (IAD) investigation. Remaining allegations were dismissed by IPR.

A man arrested for possession of methamphetamine alleged that an officer beat him up and was involved in drug dealing. **Status:** PPB assigned the case directly to the Detective Division. When interviewed by the Detective Division, the man recanted, and the case was then declined by IAD as a false claim.

An officer responded to a call regarding an altercation between two tenants in a laundry room. The complainant said that the responding officer used profanity in telling him to "shut up" and grabbed him by the neck and arm, and slammed him face first onto the hood of the police car. **Status:** IPR dismissed the case after determining that the officer's use of profanity was within policy. The allegation of

excessive force was also dismissed by IPR with a precinct referral. A full IAD investigation would not have been able to determine whether the officer's use of force was within Bureau policy. The case was referred to the Precinct Commander for review to determine if the officer's actions needed to be addressed by a supervisor.

A woman said that she witnessed two PPB officers (driving two separate police cars) go through a red light. **Status:** IPR was unable to identify the officers from the complainant's description. IPR dismissed the case and referred it to the Precinct Commander for his review and possible determination of the officers' identities

A man alleged that an officer used the Law Enforcement Data System (LEDS) to obtain confidential information for a personal friend (the complainant's ex-wife). **Status:** IPR dismissed this case after determining that the complainant's ex-wife did not receive any information from the officer but researched the information with Google on the Internet. The IPR investigator verified that LEDS and the Portland Police Data System (PPDS) could not have been the source for the kind of information that was obtained.

INVESTIGATIVE FINDINGS BY BUREAU COMMANDERS

Three officers took a man into custody based on his intoxication level and aggressive behavior while he was at a bachelor's party (a fight had broken out at the club). The man resisted arrest and alleged injurious excessive force by the officers. The commander included a debriefing with a Defensive Tactics Instructor, but exonerated all the force allegations as within Bureau policy. The complainant also claimed an officer refused to take the handcuffs off him even though he said he was in great pain. The commander exonerated the control technique because officers needed to remove the man from the scene to de-escalate the crowd. Dispositions: Four allegations exonerated and one allegation exonerated with a debriefing.

Officers had reasonable belief that a hit-and-run suspect may have been at a woman's apartment and conducted a search. She said the primary officer failed to identify himself by name, which violates Bureau policy. Her claim that the officer told her she could be arrested if she was interfering with his investigation was within Bureau policy. It was not proven by a preponderance of the evidence that the officer made rude comments that she alleged or that he questioned a minor late that night. Also, the commander found the officer's actions complied with policy: he could inform property owners about tenants who are involved in criminal activity and he could conduct a follow-up investigation (while attempting to identify the driver of the vehicle). Dispositions: Three allegations exonerated; three allegations unproven; and one allegation sustained.

A store owner called a local bar to tell the complainant to move his car. A disagreement occurred over the time restrictions as some signs state specific times of the day while others simply post a time limit. Later, it was determined the officer issued the parking citation in error; the man's ticket was dismissed. The man claimed the officer issued the citation due to his sexual orientation; although, none of the other people interviewed provided support of his claim. Dispositions: The procedure allegation was sustained and the disparate treatment allegation was unproven.

An officer had an informal connection with the complainant through the man's ex-fiancé. After contact at a social event, the man alleged several instances of unprofessional behavior by the officer. However, a witness said the officer never made the alleged comments and a recorded voicemail message

did not reveal any threats made by the officer to the complainant. The man also stated the officer went beyond the scope of his authority by operating outside his jurisdiction. The commander found the officer's actions complied with policy, subject to a critique by a supervisor (police officers in the State of Oregon have authority throughout the state). Dispositions: Five allegations unproven and one allegation exonerated with a debriefing.

SUMMARY OF INVESTIGATIVE FINDINGS BY COMMANDERS

Senior Portland Police Bureau commanders reviewed 30 completed misconduct investigations. Twenty investigations were citizen-initiated; eight were bureau-initiated; and two were IPR-initiated, based on a tort claim. Many of the complaints involved more than one officer and alleged several acts of misconduct.

Citizen Complaints

Commanders sustained one or more allegations in six of the 20 citizen complaints reviewed (30%).

Bureau Complaints

Commanders sustained one or more allegations in six of the eight bureau complaints reviewed (75%).

IPR Tort Complaints

Commanders sustained an allegation on one of the two IPR tort complaints reviewed.

MEDIATIONS

The IPR Mediation Program is an alternative to the disciplinary process that permits citizens and officers to meet (with professional mediators) to resolve their issues together. For this quarter, seven new cases were received. However, no mediations occurred because one complainant withdrew and one complainant did not appear for the scheduled mediation. Also, two officers declined to mediate. Three mediations are scheduled in August.

SUMMARY OF COMMENDATIONS

PPB averages 20 or more community commendations per month. Examples include:

A man commended police officers for their quick response time and tenacity in effecting an arrest.

SUMMARY OF COMMENDATIONS

(Continued from page 3)

He said that the officer who took his statement was focused and professional, and offered him some valuable suggestions on how he might have handled the situation better.

The Executive Director of the Bicycle Transportation Alliance commended a police sergeant for accelerating the investigation of a hit-and-run case in which a bicyclist was seriously injured. He expressed his appreciation for the hard work that the sergeant and other officers do to make the roads safer.

A police commander commended an officer for exemplary actions displayed in the performance of her duties, resulting in the arrest of a suspect who later confessed to 10 counts of arson.

CRC WORKGROUPS

Bias-based Policing

Bias-based Policing (BBP) Workgroup is evaluating IPR's and PPB's handling of biased-policing complaints. The four workgroup members completed their review of 60 IPR case files during the quarter. Each case was reviewed independently by at least two workgroup members using a detailed checklist. Currently, the workgroup members and IPR staff are reviewing the checklists and comparing notes to build consensus around the common issues and concerns that were identified. The BBP workgroup anticipates releasing an interim report during the third quarter. Next steps beyond the interim report have yet to be determined.

Police Assessment Resource Center

Police Assessment Resource Center (PARC) was hired by IPR to develop recommendations for improving PPB's investigations and policies related to officer-involved shootings and in-custody deaths. The PARC Workgroup is currently evaluating PPB's implementation of the recommendations PARC made in its two follow-up reports (in 2005 and 2006). During the quarter, the workgroup completed its initial phase of data collection including interviews with several PPB managers.

Service Complaints

Service Complaints (SC) Workgroup was formed in March, largely in response to City Council's concerns about that case handling designation. The workgroup held two organization meetings during the quarter discussing mission and scope. Current thinking is that the workgroup will review a wider sample of case

handling dispositions (including service complaints, IPR dismissals, and IAD declines) for effectiveness, adherence to protocols, and possibly complainant satisfaction. The workgroup anticipates a name change to better reflect its expanded scope.

CRC PRESENTATIONS

At the May 2008 CRC meeting, Director Leslie Stevens, Portland Police Bureau Office of Professional Standards, presented an overview the newly created Office of Professional Standards and the Employee Information System.

At the June 2008 CRC meeting, Assistant Chief Brian Martinek, Portland Police Bureau, presented an overview of the Bureau's Use of Force Review Board, which addresses officer involved shootings, in-custody deaths, serious injuries caused by officers, and other significant cases; and the Performance Review Board. He also answered questions from CRC members about the Bureau's response to the recommendations of the Police Accountability Resource Center regarding police shootings and deaths in custody and discussed the Bureau's efforts to improve timeliness of IAD investigations.

Also at the June 2008 meeting, Commander Vince Jarmer, Portland Police Bureau Transit Police Division (TPD), discussed actions taken (or to be taken) to increase accountability and improve performance and service delivery of TPD members to the community.



CRC Chair Michael Bigham, CRC member Loren Eriksson, and IPR Senior Management Analyst Derek Reinke attending a PARC Workgroup meeting.

CRC Public Meetings Schedule (Subject to Change)

August 19	City Hall — Lovejoy Room @ 5:30 PM
September 16	City Hall — Lovejoy Room @ 5:30 PM
October 21	City Hall — Lovejoy Room @ 5:30 PM