

INDEPENDENT POLICE REVIEW

Annual Report 2012



LaVonne Griffin-Valade
City Auditor

Mary-Beth Baptista
IPR Director



Office of the City Auditor
Portland, Oregon



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Independent Police Review

Mary-Beth Baptista, Director

1221 S.W. 4th Avenue, Room 320, Portland, Oregon 97204

503-823-0146

www.portlandoregon.gov/auditor/ipr



May 8, 2013

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

IPR has undergone a number of changes since its inception in 2002 to improve the efficiency and responsiveness of the organization. Police accountability requires thoughtful, honest, and persistent analysis of police conduct and policies over the course of years. The attached annual report details the outcomes in 2012.

I want to express my sincere appreciation for IPR staff and involved community members, as well as the Portland Police Bureau and the Police Commissioner. The Auditor and IPR will continue to work diligently to serve all members of Portland's diverse community.

Mary-Beth Baptista
Director

TABLE OF CONTENTS

Chapter 1: Introduction	1
Chapter 2: Complaints, Investigations, Appeals, and Discipline	3
Chapter 3: Outreach, Feedback, and Other Reviews	15
Chapter 4: Citizen Review Committee	19
Appendix	23

CHAPTER 1: INTRODUCTION

Scope and History

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

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

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

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

CHAPTER 2: COMPLAINTS, INVESTIGATIONS, APPEALS, AND DISCIPLINE

COMPLAINT SUMMARY

Complaints against police officers fall into two categories:

A. Community Complaints

Complaints about police conduct that involves interactions with community members.

B. Bureau Complaints

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

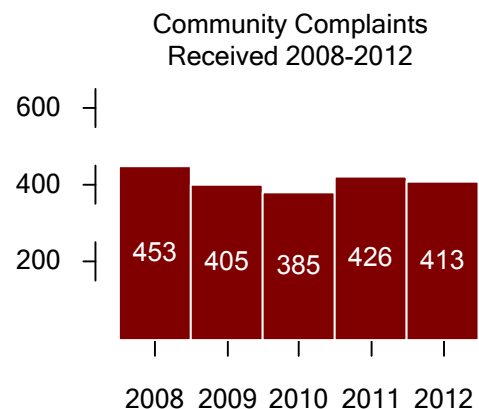
Table 1 Complaints Opened in 2012	
Community Complaints	413
Bureau Complaints	39
Total	452

COMPLAINT HANDLING PROCEDURES

1. COMMUNITY COMPLAINTS

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

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



Chapter 2: Complaints, Investigations, Appeals, and Discipline

In 2012, IPR opened four community complaints after reviewing 163 civil claims. An additional 25 of the 163 civil claims were already the subject of a community or bureau complaint. Overall, about 18% of the claims (29 of 163) 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 his/her investigation.

Detailed Allegations	Cases
Rude Behavior or Language	89
Action or Assistance - Inadequate	86
Use of Force	56
Arrest/Cite - Unjustified/Improper	51
Inadequate Communication	29

* Within the 413 community complaints opened.

Intake Decision	2008		2009		2010		2011		2012	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
Dismissed by IPR *	329	62%	226	60%	234	66%	268	71%	323	77%
Referred to IAD	175	33%	140	37%	106	30%	102	27%	85	20%
Pending or Completed Mediation	15	3%	8	2%	14	4%	4	1%	6	1%
Resolved at Intake	8	2%	1	<1%	1	<1%	1	<1%	3	<1%
Referred to Other Agency	2	<1%	-	-	1	<1%	-	-	-	-
Total**	529		375		356		375		417	

* IPR subsequently referred 30 of the 323 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.

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.

A. 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.

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.

B. IPR Dismissal

In 2012, IPR dismissed 77% of the complaints reviewed. IPR may dismiss a complaint for a variety of reasons; for example, the timeliness of the complaint, the lack of witnesses, or the lack of sufficient evidence to prove alleged misconduct. When IPR dismisses a complaint, a written rationale for dismissal is provided to the complainant. Two of the most common dismissal categories are “no misconduct” and “cannot prove misconduct.”

Dismissal Reason	2008		2009		2010		2011		2012	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
No Misconduct	140	43%	141	62%	105	45%	142	53%	129	40%
Cannot Prove Misconduct*	-	-	-	-	43	18%	42	16%	80	25%
Unable to Identify Officer	22	7%	15	7%	27	12%	17	6%	32	10%
Complainant Unavailable	50	15%	20	9%	16	7%	15	6%	19	6%
Filing Delay	18	5%	10	4%	12	5%	10	4%	17	5%
Not Reliable, Credible, or Logical	32	10%	12	5%	9	4%	10	4%	17	5%
All Other Reasons	67	20%	28	12%	22	9%	31	12%	29	9%
Total Dismissals	329		226		234		267		323	

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

The “no misconduct” category is meant to apply to cases where even if all aspects of the complainant’s allegation are true, no act of misconduct occurred. Example: a young man was skateboarding on the sidewalk when an unidentified male “shoulder blocked” him for riding too close to his female companion. Another person ran across the street and began hitting the skateboarder, injuring him. Officers broke up the fight, but according to the skateboarder they did not write a police report. IPR dismissed his complaint because the investigation showed that the officers wrote reports regarding the incident. In 2012, 129 cases were dismissed because of no misconduct by the involved officer(s).

Chapter 2: Complaints, Investigations, Appeals, and Discipline

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 contacted IPR after being arrested and removed from a downtown bank where he was causing a disturbance. IPR investigators interviewed witnesses who said the man refused to comply and resisted the officers. Additional accounts suggested that the man had caused similar disturbances in the past (at the same bank and a nearby office building).

C. IPR Reconsideration

Any community member who is dissatisfied that his/her complaint was dismissed by IPR may request a reconsideration of that decision by an IPR case manager not initially assigned to the dismissed case. The reconsideration process allows IPR to provide an additional layer of review. In 2012, 21 complainants requested reconsideration of their cases.

D. 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.

Example: a woman was rear-ended by a young driver who did not have proof of insurance. The responding officer facilitated an exchange of information and filled out a standard traffic accident report. IPR dismissed the woman’s complaint that the officer failed to cite the driver as that is within an officer’s discretion. The woman also mentioned that there were some minor errors in the report (e.g., wrong year listed for one vehicle). IPR referred that portion of the complaint to the officer’s division manager. In 2012, IPR referred 30 dismissals to precinct commanders or other division managers.

E. IPR Referral to IA

After IPR’s initial investigation and subsequent review by the IPR case manager, 85 cases were referred to IA in 2012 (see table 3). 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 polices.

Assignment Decision	2008		2009		2010		2011		2012	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
Service Improvement Opportunity	95	51%	93	58%	67	52%	66	57%	65	53%
Investigation	47	25%	27	17%	28	22%	33	28%	40	33%
Declined	46	24%	40	25%	33	26%	17	15%	18	15%
Total	188		160		128		116		123	

IPR OVERSIGHT OF IA CASE HANDLING

Once a complaint is referred by IPR, IA management has three options for handling complaints:

A. Service Improvement Opportunity (SIO)

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

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 2012, 65 complaints were handled as SIOs.

Example: a community member called IPR after a frustrating experience with an officer who responded to the scene of a car accident involving her family. The parents and officer apparently disagreed over the seriousness of various injuries and need for paramedic response. The caller described the officer as rude and mentioned that she failed to provide identification. The

Detailed Allegations	Cases
Rude Behavior or Language	27
Inadequate Communication	7
Action or Assistance - Inadequate	6
Next Four Allegations Tied	5

Chapter 2: Complaints, Investigations, Appeals, and Discipline

complainant was contacted by the involved officer's sergeant and they discussed how she perceived the officer's actions as disrespectful and dismissive. The sergeant then mentored the officer to more carefully weigh the perspective of members of the public they encounter.

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.

Community Complaints	40
Bureau Complaints	24
Total	64

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 9-10 weeks to complete an administrative investigation.

C. Declination

Subject to IPR approval, IA may decline to take any formal action on a complaint. Example: a complainant assumed that an officer accessed confidential information and spread news of her DUII arrest among mutual acquaintances. IPR referred the complaint to IA as it was in a better position to research whether the officer had retrieved the woman's records from various databases. IPR supported the decline when initial evidence suggested that he had not. In 2012, IA declined 18 complaints. IA must write a detailed letter to the community member explaining the basis for its decision to decline a complaint.

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
Unprofessional Conduct - On-duty	13
Other Conduct	10
Unprofessional Conduct - Off-duty	5
Untruthfulness	4
Use of Authority for Personal Gain	4

IPR OVERSIGHT OF BUREAU COMPLAINTS

With few exceptions, bureau complaints lead to formal administrative investigations. IPR has the same authority and responsibility in bureau cases as it does in complaints involving community members. 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 (Board).

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.

The Board is an advisory body to the Chief. It makes recommendations to the Chief regarding the completeness of investigations, appropriateness of findings and recommended discipline. Board findings are published in biannual public reports found on the Police Bureau website. The Chief and the Police Commissioner make the final disciplinary decision.

The Board reviews the following categories of investigations:

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

Chapter 2: Complaints, Investigations, Appeals, and Discipline

Table 9 presents the Police Bureau’s findings in community complaints summarized at the case or investigation level.

Completed Investigations	2008		2009		2010		2011		2012	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
All Non-sustained Findings	28	78%	46	78%	12	63%	25	74%	21	55%
One or More Sustained Findings	8	22%	13	22%	7	37%	9	26%	17	45%
Total	36		59		19		34		38	

On average, complaints include two or three allegations of misconduct (or multiple officers). Each allegation requires a separate finding. Table 10 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	12	0	3	0	3	8	26	21%
Not Sustained								
Unproven	4	0	2	0	2	0	8	6%
Unproven with Debriefing	3	0	0	0	1	0	4	3%
Exonerate	14	11	5	2	33	9	74	59%
Exonerate with Debriefing	6	0	0	0	5	2	13	10%
Combined Total	39	11	10	2	44	19	125	
Number of Completed Investigations with Findings in 2012								38

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

Completed Investigations	2008		2009		2010		2011		2012	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
All Non-sustained Findings	4	21%	14	39%	11	42%	3	17%	3	14%
One or More Sustained Findings	15	79%	22	61%	15	58%	15	83%	18	86%
Total	19		36		26		18		21	

Table 12 presents the findings in bureau complaints detailed at the allegation level.

	Conduct	Control Technique	Courtesy	Disparate Treatment	Force	Procedure	Total	Percent
Sustained	43	0	0	0	0	2	45	60%
Not Sustained								
Unproven	16	0	0	0	0	0	16	21%
Unproven with Debriefing	11	0	0	1	0	0	12	16%
Exonerate	2	0	0	0	0	0	2	3%
Exonerate with Debriefing	0	0	0	0	0	0	0	0%
Combined Total	72	0	0	1	0	2	75	
Number of Completed Investigations with Findings in 2012							21	

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 investigation. At an appeal the CRC members shall 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 accept 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.

In 2012, CRC conducted three formal appeal hearings (summarized below). Two other appeals filed in 2012 were heard in early 2013. In one of the appeals heard in 2013, CRC twice requested additional investigation. IPR and IA declined the recommendation. The Police Commissioner intervened and directed IA to conduct the additional investigation.

2012-X-0002

The appellant stated that during his arrest in East Portland an officer struck him in the chest when he was handcuffed on the ground and threatened to use a Taser. CRC unanimously voted to affirm the Police Bureau’s recommended exoneration on both allegations (i.e., that the level of force was reasonable given the circumstances).

Chapter 2: Complaints, Investigations, Appeals, and Discipline

2011-X-0001

An officer responded to a bar near Portland State University on a report of disturbance in the fall of 2007. The officer deployed a Taser on the appellant and took him into custody. The complaint was initially dismissed by IPR because it was received nearly 10 months after the interaction. After the City paid a civil settlement in a tort claim regarding the incident several years later, IPR and IA reopened the administrative investigation. CRC voted to challenge the Police Bureau's recommended finding of 'exonerate' and recommended a finding of 'unproven' on the allegation of unjustified Taser use. However, CRC voted to affirm the recommended exoneration on an allegation that the officer submitted an inaccurate police report regarding the use of force. The officer's supervisor was apparently responsible – and held accountable – for the reporting issue. Both CRC votes were 7-2.

2012-X-0004

The appellant stated that an officer entered her home without permission or a warrant and used excessive physical force during her arrest. The officer was sustained for the improper entry. The complainant appealed the recommended finding of exonerate (with a debriefing) on the use of force allegation. CRC voted 5-2 to affirm the Police Bureau's recommended finding.

5. DISCIPLINE

If a Board 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 13 presents the corrective actions taken by the Police Bureau based on sustained findings from formal administrative investigations.

Bureau or Member Action	2008	2009	2010	2011	2012
Termination	1	1	3	2	0
Demotion	0	0	0	0	1
Resignation or Retirement with Investigation Pending*	6	5	5	3	3
81+ Hours SWOP**	4	3	1	3	3
10-80 Hours SWOP**	10	4	13	7	9
Letter of Reprimand	10	9	5	5	15
Command Counseling	8	7	7	6	13
Total***	39	29	34	26	44

* 4 of the 22 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.

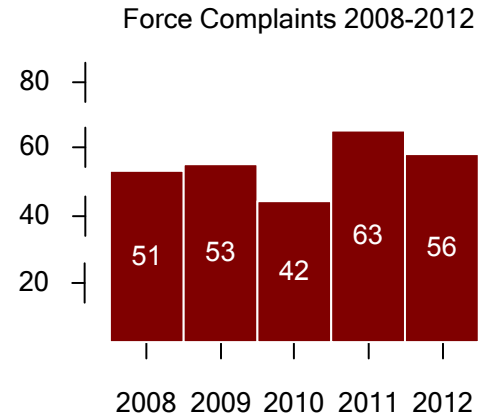
ALLEGATIONS OF USE OF FORCE

In 2012, 56 community or bureau complaints contained at least one allegation that an officer violated the Police Bureau’s use-of-force polices. Nine officers had two force complaints, while one officer had three.

Table 14
Frequency of Force Complaints Against Employees by Year

Number of Force Complaints	Count of Employees by Year				
	2008	2009	2010	2011	2012
5+	0	0	0	0	0
4	0	0	0	0	0
3	1	1	1	2	1
2	1	12	4	7	9
1	69	57	42	78	66
Total*	71	70	47	87	76

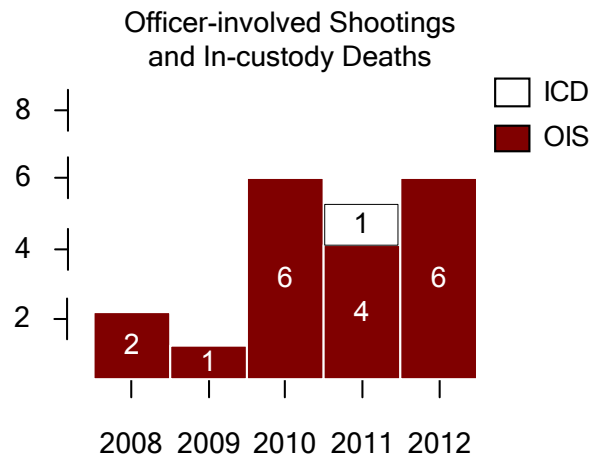
* Includes bureau and community complaints



OFFICER-INVOLVED SHOOTINGS AND IN-CUSTODY DEATHS

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

IPR’s role in the review of OIS and ICD cases was expanded 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 Professional Standards Division of any OIS or ICD incident and briefed on the details of the situation. The representative responds to the scene of the incident to monitor the start of the policy review, attends the first briefing given by the Detectives Division the day after the incident, and has the authority to attend officer and witness interviews.



Chapter 2: Complaints, Investigations, Appeals, and Discipline

IPR does not have the authority to conduct an independent investigation in an OIS or ICD. However an IPR designee 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 six OIS incidents in 2012 – two were fatal.

OUTSIDE EXPERT REVIEW OF OIS AND ICD INVESTIGATIONS

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 2012, the Auditor had released six reports covering 75 OIS and three ICD incidents that occurred between 1997 and 2010. The Office of Independent Review (OIR) – a Los Angeles-based law enforcement oversight group – completed the latest report in May 2012. It focused on subjects who were experiencing some level of mental or emotional crisis and made 13 recommendations for systemic changes.

CHAPTER 3: OUTREACH, FEEDBACK, AND OTHER REVIEWS

COMMUNITY OUTREACH

PRESENCE IN THE COMMUNITY

The IPR Community Outreach Coordinator conducts outreach to hear community concerns and build community trust. The Coordinator continues to attend and speak at meetings, fairs, tabling events, conferences, and in one-on-one conversations. 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. CRC members attend numerous outreach events with IPR staff.

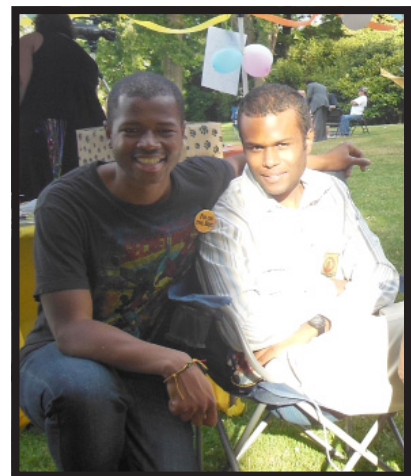
The Coordinator worked with several local chambers such as Asian Pacific American Chamber of Commerce, Native American Chamber of Commerce, Hispanic Metropolitan Chamber of Commerce, Oregon Commission on Asian & Pacific Islander Affairs, and Philippine American Chamber of Commerce of Oregon. The Coordinator works closely with Portland’s diverse community leaders. IPR continues to conduct complaint and witness interviews outside of City Hall.

SUMMER INTERN

IPR hired an intern from the Mayor’s Summer Youth Connect Program. The goal of the program is to expose youth from Portland’s diverse community to career opportunities and enhance academic and marketable skills. The intern worked on revisions of IPR outreach material and on research projects for IPR and CRC.

DIVERSE AUDIENCES

The Coordinator participated in numerous events connecting the Police Bureau and the public - for example, the Slavic Festival at Oaks Park where a commander attended and gave the welcoming address to Slavic festival attendees. A culmination of three years of networking with the Slavic community and Police Bureau led to the formation of the Slavic Council to the Chief’s Office. Slavic community leaders and Police Bureau command staff attend monthly meetings to promote mutual understanding and cooperation in community enhancement and problem solving. IPR 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 build relationships with the Police Bureau.



IPR Summer Intern Christopher Anderson (right) and community member Cameron Whitten

Chapter 3: Outreach, Feedback, and Other Reviews

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. Uniting to Understand Racism, Oregon Women Lawyers, PDX Women in IT Oregon Pacific Asian Bar Association, Oregon Association of Minority Entrepreneurs and many others. IPR also hosted International visitors from Europe and Eurasia.

MEDIA COORDINATION

Kanon Magazine – a Russian American Magazine – interviewed the IPR Director and Coordinator about the division’s powers and duties and published the interview in Russian in two monthly magazines to promote IPR to the Slavic community. The IPR Director and Coordinator also held an interview on Slavic Family TV.

OUTREACH WORKGROUP, PUBLIC FORUMS, AND TRAININGS

The Coordinator attended monthly Race Talks dialogues at Kennedy School to cultivate positive relationships within the community. In November 2012, CRC held their community public forum with Race Talks in collaboration with Uniting to Understand Racism, Resolutions Northwest, the City’s Office of Equity, McMenamins Kennedy School, and Donny Maxey creator of Race Talks. Over 30 volunteer facilitators of the above mentioned stakeholders facilitated the small group dialogue on policing in Portland. Over 150 community members including Police Bureau staff attended and participated in the dialogue. The Coordinator helped plan the January 2012 CRC forum as well.

IPR staff and CRC members of the Outreach Workgroup worked with the Office of Neighborhood Involvement to coordinate a three-hour diversity and equity training for CRC. This well-attended training provided the CRC an opportunity to build relationships with each other and the community, and to learn new communication strategies.

COMMUNITY FEEDBACK

The Auditor’s Audit Services Division (ASD) conducted its 22nd Annual Community Survey in 2012. 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 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 2012 survey (including its response rate and methodology), you can view the report on the Auditor’s website: www.portlandoregon.gov/auditor/auditservices.

	2010	2011	2012
Very Good	7%	6%	8%
Good	27%	27%	27%
Neutral	42%	46%	44%
Bad	16%	15%	15%
Very Bad	8%	6%	7%



IPR Community Outreach Coordinator Irene Konev (right) with Tatiana Menenok of Belarus (left) and Teri Papino (City of Portland) at a World Affairs Council Networking Event

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 2012

IPR welcomed two new staff members as a result of retirements in the first part of 2012. Rachel Mortimer serves the office half-time as an Assistant Program Manager, replacing Pete Sandrock. Kelsey Lloyd serves as the Management Assistant, replacing Carol Kershner. Office Support Specialist Marilyn Sheppard also retired later in the year, but her position has not yet been filled.

OTHER REVIEWS IN 2012

AUDIT SERVICES' REVIEW OF POLICE BUREAU LEARNING

In May 2012, ASD published a review of the Police Bureau's organizational learning from critical incidents. The report made seven recommendations including development of a discipline matrix, employee performance reviews, and better utilization of the Employee Information System.

Chapter 3: Outreach, Feedback, and Other Reviews

DEPARTMENT OF JUSTICE REVIEW

The United States Department of Justice (USDOJ) concluded their investigation into whether Police Bureau members engage in a pattern or practice of using excessive force against people with mental illness or in mental health crisis. In September 2012, the USDOJ's Civil Rights Division found that – while most uses of force reviewed were constitutional – there was reasonable cause to believe that the Police Bureau engages in a pattern or practice of unnecessary or unreasonable force during interactions with people who have or are perceived to have mental illness.

As a result of this finding the City of Portland (City) negotiated a settlement agreement with the USDOJ Civil Rights Division that provides a guide toward new policies and procedures, oversight and community involvement. The agreement covers new force-related policies, new training requirements, a new unit within the Police Bureau that will oversee and organize how police officers interact with people experiencing mental illness.

There are also several requirements aimed at improving officer accountability. Specifically, it requires a more in-depth and complete intake investigation prior to IPR management making a case-handling decision. In particular, the agreement directs IPR to meet a higher standard of evidence prior to dismissing any allegation of the use of excessive force. It also requires the City to develop a plan to enable IPR to conduct meaningful independent investigations when IPR determines such an investigation is necessary. Finally, the agreement requires all investigations be completed within a much-shortened timeline of 180 days.

Council unanimously passed the agreement between the City and USDOJ on November 14, 2012. The Portland Police Association (PPA) subsequently filed a motion in federal court in December to block approval of the settlement agreement, delaying its implementation.

AUDITOR'S REVIEW OF FRASHOUR ARBITRATION

Officer Ronald Frashour was terminated by the City following a review of his fatal shooting of Aaron Campbell in January 2010. In March 2012, an arbitrator directed the City to re-hire Officer Frashour. Following the arbitrator's decision, PPA representatives stated that the City's decision to terminate Officer Frashour was due to political pressure – with particular attention drawn to the training analysis written by two lieutenants – and that the City's witnesses gave false testimony during the arbitration hearing. In response, Mayor Adams requested that the Auditor conduct a review of the testimony of all Police Bureau members involved in the case.

The Auditor's review looked at whether any members were untruthful in this case, the development of the training analysis, and general policy recommendation to the Police Bureau. During the review, the Auditor and her team conducted interviews of Police Bureau members and reviewed the transcripts of IA interviews, grand jury proceedings, civil depositions, and arbitration hearings. The Auditor released the review in October 2012 finding that no Police Bureau member had engaged in untruthfulness and stating that the authors of the training analysis had come to their conclusions independently. The report recommended development of a Standard Operating Procedure for consistency in writing and developing training analyses.

CHAPTER 4: CITIZEN REVIEW COMMITTEE

ADVISORY COMMITTEE

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

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

CRC WORKGROUPS

CRC members also form and serve on special-purpose workgroups to address particular short-term issues and needs, and to aid them in fulfilling their primary duties. A list of active workgroups and updates on their various activities are provided in each IPR/CRC Quarterly Report. Two workgroups were formed in 2012.

APPEALS

The Appeals Workgroup completed revisions on Protocol 5.03 (Appeals Procedures) and Protocol 5.16 (City Council Protocol for CRC Appeals) to comply with the late-2011 Ordinance provisions and to clarify the roles of CRC and IPR in an appeal before Council. Both protocols were approved by vote of the full CRC in March. The workgroup suspended activity for the remainder of the year, but may reform to address any necessary changes emerging from implementation of the USDOJ agreement.

OUTREACH

The Outreach Workgroup held a community public forum on January 26, 2012 at the East Portland Community Center. Community members (many from the Occupy Portland movement) attended and addressed CRC regarding police conduct. CRC also informed attendees on how to access IPR services.

Chapter 4: Citizen Review Committee

A second forum (on November 13, 2012) was held in conjunction with the Kennedy School Race Talks. There were over 150 attendees (including some current and retired Police Bureau members) who participated in dialogue on community policing.



CRC Vice-Chair Michael Bigham (right) attends the public forum at McMenamins Kennedy School

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 focused on research. It plans to review literature and conduct a study of various officer characteristics (e.g., age, gender, education level) in relation to the likelihood of engaging in misconduct.

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 2013 and will yield a public report, potentially with recommendations.

TASER/LESS-LETHAL FORCE

The Taser/Less-lethal Force Workgroup completed its report in 2012 and presented it to the full CRC and then to Council. It contains 11 recommendations and can be reviewed on the IPR/CRC website.

USE OF DEADLY FORCE (NEW IN 2012)

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 the City Attorney's Office and a local employment attorney involved in the bargaining and arbitration processes. In the fall, the workgroup concentrated on draft changes to a Bureau directive written to comply with provisions in the USDOJ agreement.

CROWD CONTROL (NEW IN 2012)

The Crowd Control Workgroup was formed to study the Police Bureau's response to large public events such as protest marches. Two members of the workgroup joined the IPR Director in walking along with the Police Bureau response to a protest march in May 2012. The workgroup held an evening public forum in North Portland in late August to gather public feedback. The group also interviewed a number of attorneys with direct experience with public protests or experience representing clients with charges or tort claims stemming from similar events. In November, the workgroup met with a Deputy City Attorney to discuss legal issues surrounding crowd control in Portland. As 2013 began, the workgroup was focused on meeting with key Police Bureau personnel.



CRC monthly meeting February 2012

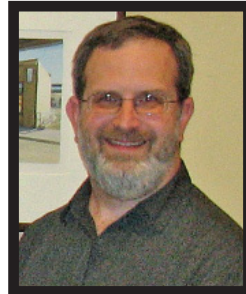
CITIZEN REVIEW COMMITTEE MEMBERS 2012



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



*CRC Vice-Chair
Mr. Michael Bigham*



*CRC Recorder
Mr. Jeff Bissonnette*



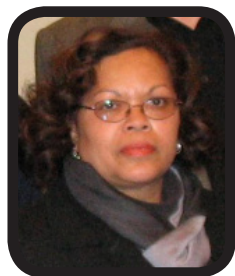
*CRC Member
Mr. David Denecke*



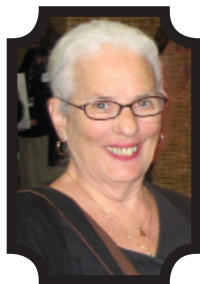
*CRC Member
Mr. Rodney Paris*



*CRC Member
Mr. André Pruitt*



*CRC Member
Ms. KA Lalsingh*



*CRC Member
Dr. Rochelle Silver*



*CRC Member
Mr. Steve Yarosh*

APPENDIX

WHO FILES COMPLAINTS AND HOW THEY FILE

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

Appendix Table 1 Complainant Demographics							
Gender, Race/Ethnicity, and Age of Complainants	2008	2009	2010	2011	2012		Proportion of Portland's Population**
	Percent	Percent	Percent	Percent	Number	Percent*	
Gender							
Female	42%	40%	44%	42%	187	47%	50.5%
Male	58%	60%	56%	58%	213	53%	49.5%
Unknown					18	-	
Race/Ethnicity							
Asian	2%	2%	2%	2%	11	3%	7.1%
Black or African American	21%	22%	20%	20%	73	20%	6.3%
Hispanic or Latino	3%	4%	5%	3%	19	5%	9.4%
Native American	2%	1%	3%	3%	5	1%	1.0%
Native Hawaiian/ Other Pacific Islander	0%	0%	0%	0%	1	0%	0.5%
White	69%	68%	66%	70%	238	66%	76.1%
Two or More Races	1%	1%	3%	1%	8	2%	4.7%
Other Race/Ethnicity	2%	2%	1%	1%	3	1%	4.2%
Unknown					60	-	
Age							
24 Years and Younger	14%	14%	15%	11%	65	18%	28.9%
25-34 Years	22%	30%	24%	27%	90	25%	19.6%
35-49 Years	37%	32%	33%	35%	110	31%	22.6%
50-64 Years	24%	20%	23%	24%	74	21%	18.5%
65 Years and Older	3%	3%	4%	3%	14	4%	10.4%
Unknown					65	-	
Total Complainants	480	395	386	453	418		

* Percent calculations exclude responses of 'unknown.'

** From U.S. Census Bureau Data.

	2008		2009		2010		2011		2012	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Phone	249	49%	233	55%	212	52%	208	46%	185	41%
E-mail	92	18%	71	17%	90	22%	92	20%	105	23%
Walk-in	35	7%	29	7%	27	7%	47	10%	60	13%
Mail	76	15%	54	13%	54	13%	53	12%	41	9%
Unknown/Other	4	1%	7	2%	9	2%	17	4%	26	6%
Precinct	29	6%	12	3%	10	2%	15	3%	16	4%
Inter-office	9	2%	7	2%	5	1%	8	2%	9	2%
Tort Notice**	-	-	-	-	-	-	7	2%	4	1%
Fax	11	2%	8	2%	3	1%	6	1%	2	<1%

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

** New category for 2011.

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

TIMELINESS MEASURES

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

In 2011, IPR published a comprehensive analysis of how cases flow through the system in an effort to understand the factors that affect timeliness and to identify potential moderating variables. A recommendation in that report was to state timeliness measures in terms of median days and to include all cases (including bureau complaints and OIS/ICD policy reviews). Most of the nine timeliness measures show general improvement since 2008-2009. The most notable exception is the median days for IPR intake investigations, which has grown steadily since 2009.

Appendix Table 3					
Timeliness Measures in Median Days					
	2008	2009	2010	2011	2012
Combined Timeliness Measure:					
Overall Case Closure ¹	77	83	67	58	56.5
IPR Timeliness Measures:					
Completion of Intake Investigations (w/ IPR Director Decision) ²	27	18	27	33	39
IA and Other Police Bureau Timeliness Measures:					
IA Assignment of (Non-declined) Cases ³	12	22.5	13	11	10.5
IA Investigations Completed ⁴	119	74	81	69	81
IA Declines Completed ⁵	64	97	53.5	35	55
Service Improvement Opportunities Completed ⁶	33	42	28	26	26
Command Review of Investigations ⁷	23	25.5	21	18	14
Review Board Scheduled and Held ⁸	52.5	106	108.5	112	95
Full Investigation Process Complete (w/ Findings, Review Level, etc.) ⁹	280	343.5	247	216.5	221.5

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

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

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

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

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

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

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

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

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

MISCELLANEOUS COMPLAINT DATA

COMMUNITY COMPLAINTS BY PRECINCT

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

Appendix

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

* new in 2011

COMPLAINTS BY EMPLOYEE

Complaints were made against 361 individual Police Bureau employees in 2012. Of that number, 240 received a single complaint and 121 received two or more complaints. One employee received a total of seven complaints.

Appendix Table 5 Frequency of Complaints Against Employees by Year					
Number of Complaints	Count of Employees by Year				
	2008	2009	2010	2011	2012
8+	0	1	0	0	0
7	2	1	0	0	1
6	1	0	1	0	0
5	5	5	3	1	4
4	12	13	5	9	10
3	32	23	23	27	30
2	78	93	71	95	76
1	238	220	230	233	240
Total*	368	356	333	365	361

* 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.

Allegation Category	2008		2009		2010		2011		2012	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Conduct	436	38%	363	36%	302	33%	275	27%	231	26%
Control Technique	66	6%	63	6%	32	4%	35	3%	36	4%
Courtesy	218	19%	181	18%	196	22%	227	22%	182	20%
Disparate Treatment	61	5%	50	5%	40	4%	32	3%	34	4%
Force	74	6%	71	7%	62	7%	116	11%	101	11%
Procedure	302	26%	284	28%	278	31%	338	33%	304	34%
Total Allegations	1,157		1,012		910		1,023		888	
Complaints Received	453		405		385		426		413	

Allegation Category	2008		2009		2010		2011		2012	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Conduct	62	71%	85	74%	38	75%	52	96%	62	85%
Control Technique	1	1%	0	0%	0	0%	0	0%	0	0%
Courtesy	1	1%	2	2%	0	0%	1	2%	0	0%
Disparate Treatment	0	0%	2	2%	0	0%	1	2%	0	0%
Force	8	9%	16	14%	1	2%	0	0%	0	0%
Procedure	15	17%	10	9%	12	24%	0	0%	11	15%
Total Allegations	87		115		51		54		73	
Complaints Received	40		48		24		25		39	

Independent Police Review Division
1221 SW 4th Avenue, Room 320
Portland, Oregon 97204

Phone: 503-823-0146
Fax: 503-823-3530
TTD: 503-823-6868

ipr@portlandoregon.gov
crc@portlandoregon.gov



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.

