Timeliness of Administrative Investigations

A Case Flow and Timeliness Analysis

Office of the City Auditor

Independent Police Review

July 2011

Introduction:

The Auditor's Independent Police Review division (IPR) has published a series of timeliness measures as part of its Annual Report since 2002. Through the 2009 report, these measures were stated in terms of percentages of cases that met a particular timeline. Only a few of the timelines were based on some formal guidance (in City Ordinance or Portland Police Bureau Directive), and even fewer targeted goals had supporting documentation.

Overall, the data from these measures provided little actionable information for making improvements. For example, the measures only presented information on community complaints referred by IPR rather than all Internal Affairs (IA) investigations. In addition, the measures focused on specific stages in the investigative process, while providing little information about time lags in the numerous assignments of a fully investigated case.

Methodology:

This study reviewed the timeliness data associated with these benchmark stages for nearly 700 investigations conducted from 2002 through 2010. However, it had a broader scope than the traditionally reported measures in several ways. This study:

- included additional case types investigated by IA and reviewed by IPR (including tort claims, bureau complaints, officer-involved shootings, and deaths in police custody);
- examined the time involved in the more detailed, individual assignments of more than 50 recent investigations (reported since the beginning of 2009); and
- evaluated the influence of several potential moderating variables and offered recommendations.

Finally, this study tested a new approach of reporting median number of days for each stage in addition to percentages.

Summary of Key Findings:

The case flow and timeliness analysis found:

1) The overall timeliness of investigations is beginning to improve, but current performance is short of expectations.

2) Recent tracking enhancements have helped pinpoint time lag concerns. Further enhancements are possible.

3) The traditional approach of reporting only the percent of cases that meet a particular timeline provided limited information for tracking improvements.

4) The numerous review stages add substantial amounts of time to the end of a case.

Recommendations:

The following recommendations are based on the analysis findings:

1) IPR and IA should enhance the tracking of case timeliness for future reviews, division management, and reporting. These tracking improvements should include:

> a) More specific assignments within the IA command and IPR review groups since a case can pass through those stages multiple times and for a variety of reasons (e.g., review of investigation scope and content, review of proposed findings, review of training analysis). Both divisions also have multiple people at the management level.
>
> b) Continued separate tracking of the time a case spends with an RU manager versus with an AC for review. IPR and IA should look for similar situations where tracking could be more focused and provide a clearer picture of case flow through the oversight system.
>
> c) Adding these new details to the caseload and timeliness reports, which are currently provided to management on a weekly basis.

2) IPR should improve its reporting on timeliness in several ways:

> a) State all timeliness measures in median days to better capture the length of time for a typical case and track incremental changes.
>
> b) Work with the Police Bureau and other stakeholders during 2011 to set realistic targets for the timeliness measures going forward.
>
> c) Parse out the different types of cases that have vastly different expected timeframes. There should be different timeliness performance targets for cases dismissed by IPR, closed as a service improvement opportunity, or fully investigated by IA. Further refinements are possible within categories as well. For example, investigated cases that include a review board are likely to take longer than cases that do not - so timeliness targets might be different for those cases.

3) IPR and IA should work on improved communication with the Police Bureau's Detectives Division to ensure that administrative phases of investigations are initiated as soon as possible.

4) IPR and the Police Bureau should explore whether Review Board scheduling can be streamlined.

5) The Police Bureau should explore whether the Reporting Unit and Assistant Chief reviews can be streamlined.

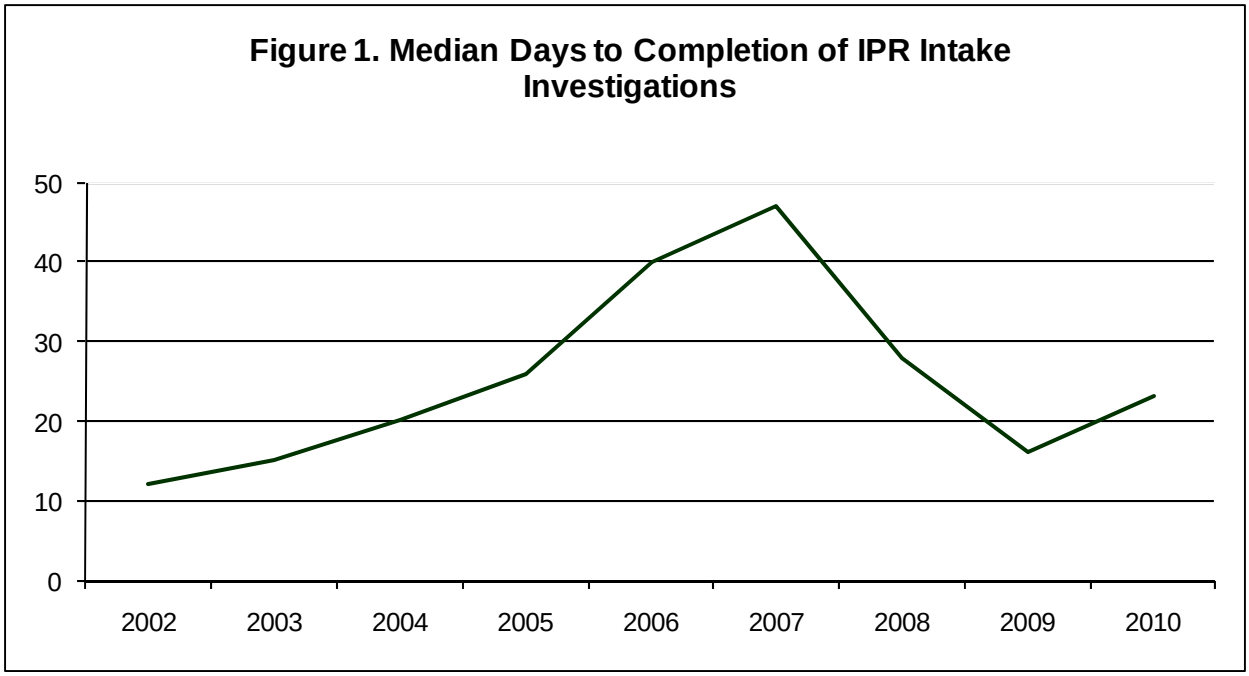
6) IPR should continue to refine quality, scope, and tone expectations with IA so that fewer investigations (or investigative materials) require edits and additional review.

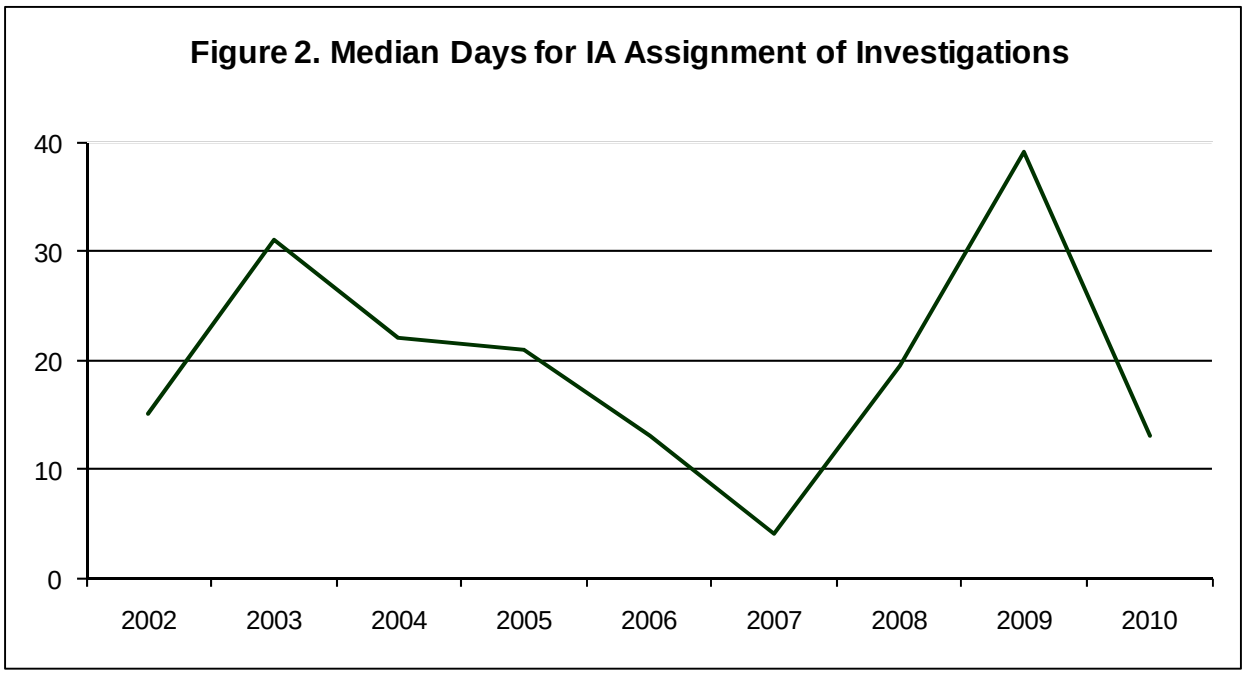
Detailed Findings and Trends:

The following analysis (and the data presented in Figures 1-7) is based on the median numbers of days that a case spends at various stages of an administrative investigation. The median is defined as the midpoint of any distribution of data. Half of the cases spend more time than the median at each stage and half spend less. In other words, the median represents a typical case or most likely scenario for time spent at each stage of the process. This report offers only brief descriptions of each stage, but additional information is provided in IPR's annual reports (which are available on line).

Intake and Assignment - For community generated complaints, the first stage is IPR intake. IPR began conducting more complete intake investigations in mid-2005. The pace of all intake investigations slowed during this time, and that was especially true for cases that were later fully investigated by IA. The median rose from around two weeks in 2003 to nearly seven weeks in 2007 (see Figure 1).

The median number of days for intake on a full investigation was 23 in 2010. This time includes the case handling decision by the IPR Director or an assistant director. IPR added a full-time assistant director focused on case handling in the fall of 2008. Also, the overall incoming community complaint numbers have been lower by half over five years (771 in 2005 to 385 in 2010).



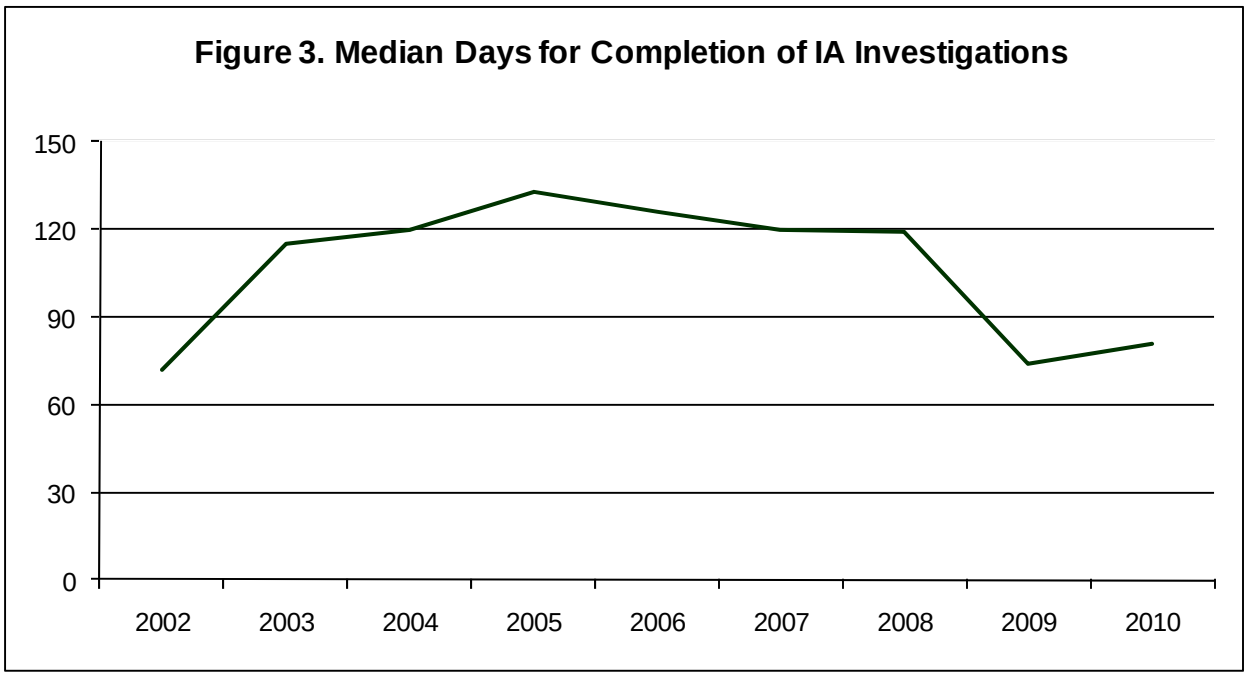


The median time for IA to assign a case to an investigator was 13 days in 2010 (see Figure 2). Historically IA has assigned internal cases more rapidly than complaints from the community. This tendency was exacerbated in late 2008 and throughout 2009 as the Police Bureau opened a record number of internal cases. This approach also led to increased time lags in those years as most community cases were already several weeks older (from the incident date) than the internal cases that were assigned ahead of them.

Investigated cases typically spend a few additional days awaiting a new assignment after they have been returned from a file review by the Reporting Unit (RU) Commander, IPR, or an Assistant Chief of Police (AC).

Investigation Stage - The median length of time for an IA investigation was around 120 days from 2003-2008, but dropped to 81 days in 2010 (see Figure 3). Police Bureau Directive 330.00 suggests a 10-week timeline for the investigation phase. IPR referred fewer community complaints to IA from 2007-2010, but a corresponding rise in Bureau-initiated cases largely evened IA's workload.

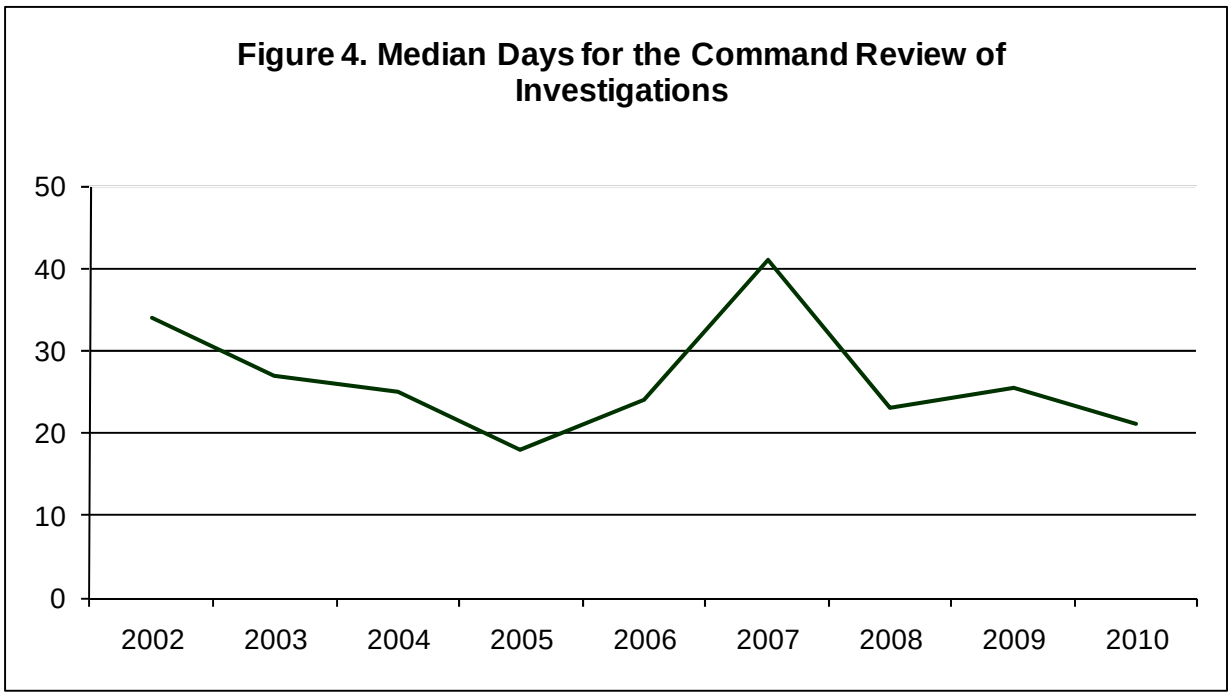
Upon completion, managers at IA and then IPR review the investigation for accuracy, completeness, and quality assurance. Time spent at these review stages was not consistently tracked before 2008 and has not specifically been analyzed or reported before (other than as a component of the full investigation process or overall case closure measures). The median time at these stages is about seven days each.



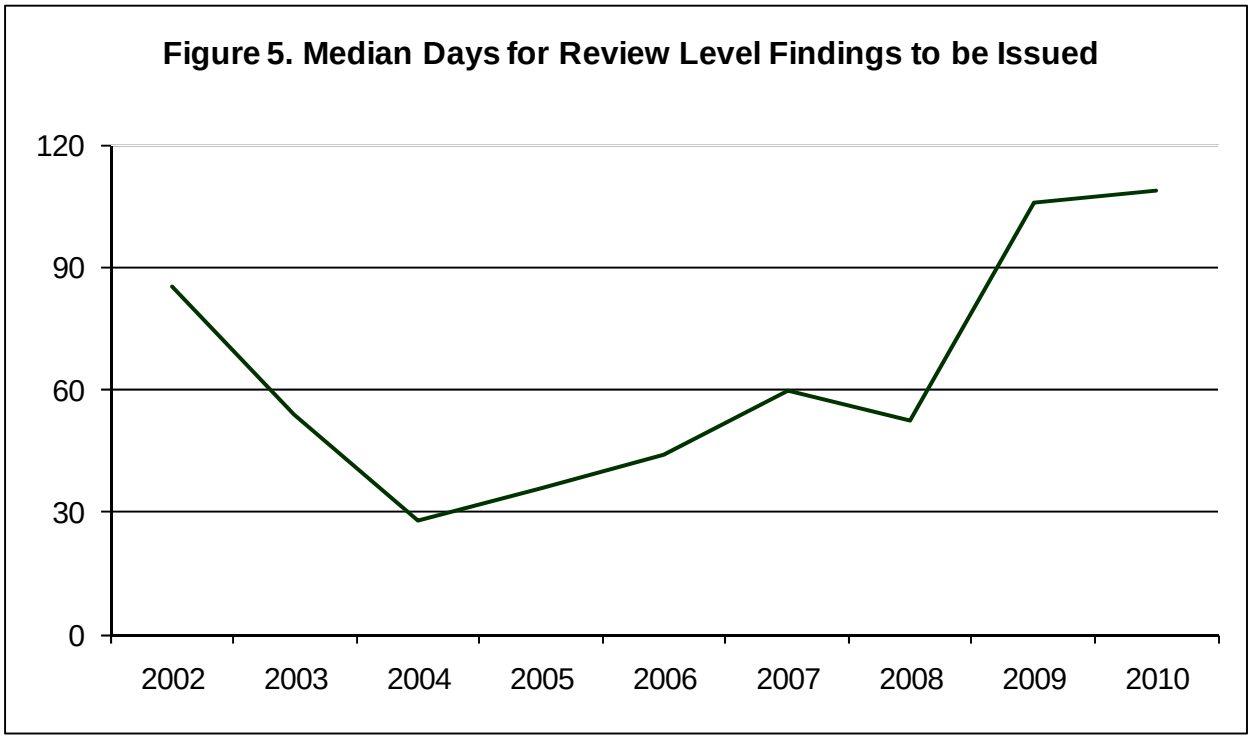
IA managers review investigated cases for about another week in later stages of the process. For example, they review proposed findings and requests for additional investigation by IPR or an AC. It is not yet clear whether IPR managers are spending a similar amount of additional review time on cases now that they have the authority to challenge the proposed findings in more cases and serve as a voting member on the redesigned review boards. Subsequent analyses will address this question.

Command Review – Police Bureau Directive 330.00 gives RU managers two weeks to prepare findings on most cases. (Directive 335.00 provides an extra week for review of a death, shooting, or other serious use-of-force investigation). The median days at this stage have mostly been around 3 or 3.5 weeks, besides peaking at 41 days in 2007 (see Figure 4). In 2008, RU managers began receiving a weekly report listing cases awaiting their review.

The branch chief (or AC) then has a week to review the investigation and proposed findings. This is another stage that was not tracked before 2008. The median time lag at this stage is two weeks.



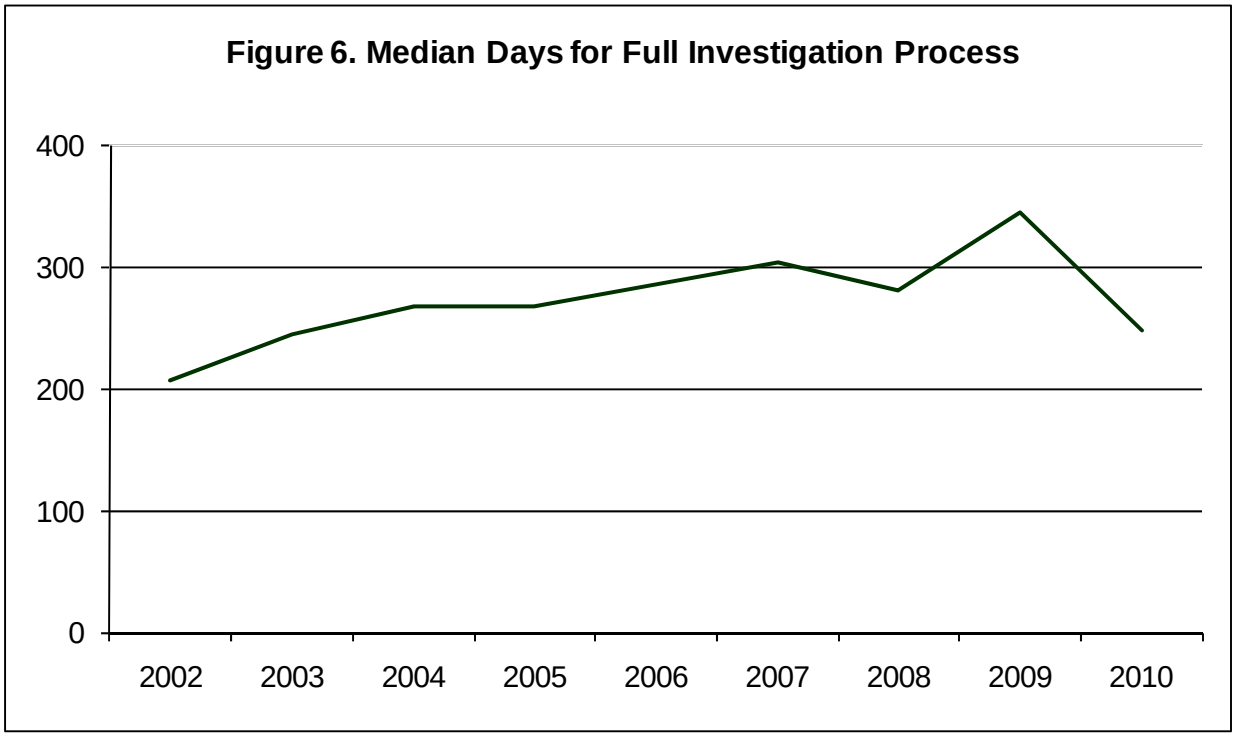
Review Level - The next stage for sustained or serious use-of-forces cases is review level (also known as review board). The median days at this stage increased from four weeks in 2004 to over 15 weeks in 2010 (see Figure 5). However this may be a temporary spike. A factor in the increase was the Police Bureau catching up to the current case flow by completing a number of older investigations and holding several review boards to work through the volume of cases. Whether the reconfigured boards can shorten the length of this stage is yet to be determined.



Case Closure Processing - The final processing stage is case closure. IA first closes the case with a complete review of the file, notice to the involved officer(s), and a proposed closing letter to any community members involved. The median time for that process is two weeks. For community complaints, IPR also completes a few steps to close out a case – such as reviewing proposed IA letters, crafting cover letters, and double-checking entries in the physical and electronic files. This also takes about two weeks.

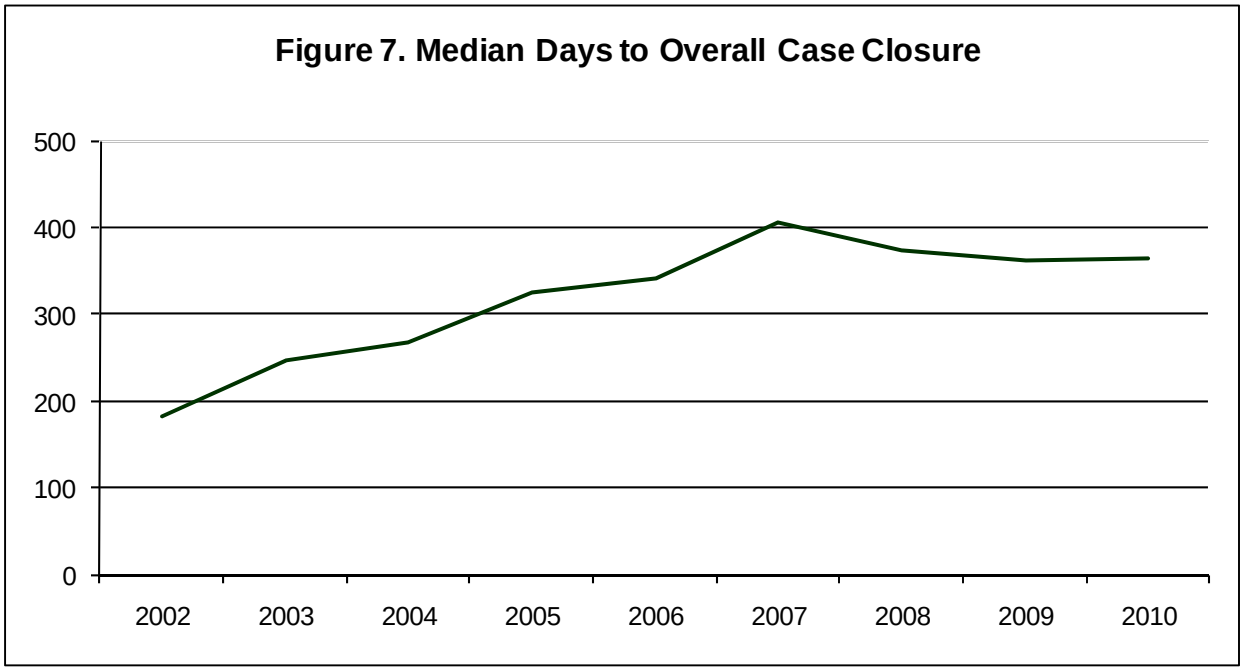
Overall Investigation and Case Closure Timeliness - The final two previously reported timeliness measures summarize across several stages of the process. The first is the total time for a full investigation with findings. This includes the case assignment, investigation, proposed finding(s), several review steps, and a review board (when necessary). The second measure is total days to case closure, which adds the IPR intake and closure processing to the full investigation time.

The median number of days for the full investigation process rose from 2002 to 2009 (see Figure 6). In 2010, the median dropped under 250 days for the first time since 2003. Previous IPR annual reports list goals of completing 80% of full investigations within 120 days and 95% within 150 days, but provide little evidence that those goals have been updated since 2003.



The final measure is days to case closure. When all case types are counted, IPR usually meets the target of 90% within 150 days. The measure is quite easily met (and may be too lax) for many complaint dispositions like dismissals and service improvement opportunities. But the same measure shows a very different result when only full investigations are considered. Rather than meeting the target 90% of the time, the system usually misses the 150 day target when only full investigations are considered.

The median days to final case closure for fully investigated cases was around one year 2010 (see Figure 7). The median peaked in 2007 at over 400 days.



Moderating Variables - Numerous variables affect the timeliness of an investigation. This study evaluated some possible moderating variables such as sustained findings, use-of-force allegations, criminal investigations, additional investigation requests, and appeals.

Generally it takes longer to investigate and review a case that results in at least one sustained allegation, but commanders do not take any additional time attaching those findings to a case. Investigations of community complaints resulting in sustained findings take a little longer than do bureau cases. The additional time in sustained cases is primarily the result of the need to convene a review board.

Use-of-force allegations take at least a couple weeks longer for IA to investigate; and that is especially true for community complaints and tort claim cases.

Cases that include possibly criminal officer conduct are first investigated by the Detectives Division. This can add a few months to the front-end of a case; from when a case is first reported to the start of an administrative investigation by IA (or IPR).

Requests for additional investigation and/or other edits to the case file or letters hinder timeliness, but the effects vary. Some requests are simpler such as reconsidering the tone of a closing letter. Others are more substantial, as new elements of an investigation might cause a second review by IA management, the RU commander, and/or an AC.

Finally, appeals to the Citizen Review Committee (CRC) can add several months to the end of a case. The complainant is given a month to consider whether to appeal. If he or she chooses to appeal, CRC schedules the next available monthly meeting for a case review. A full hearing might be held at the following meeting. So an appeal is a three month process at the least. Many appeals have added six months or more to the end of a case.

Other observations - Reviewing the assignment-by-assignment tracking provided a clearer picture of where cases spend time as they travel through the various stages. The current review was enhanced by drilling into that level of detail rather than relying on previously reported benchmark dates. But the tracking assignments still do not capture all the data that is really needed to pinpoint issues and suggest necessary improvements. For example, a case can be assigned to IAD command two or three times during its lifecycle. Because those separate reviews typically represent distinct stages in the system, more detailed tracking would be helpful.

Timeliness Measures and Median Days for Investigated Cases	2002	2003	2004	2005	2006	2007	2008	2009	2010	Goal
Completion of IPR Intake Investigations (w/ IPR Director Decision)[1]										
Percent within 14 Days	64%	49%	35%	21%	11%	15%	21%	43%	27%	**60%**
Percent within 21 Days	85%	76%	63%	42%	20%	19%	31%	57%	35%	**90%**
Median Number of Days	12	15	20	26	40	47	28	16	23	-
IA Assignment of Investigations[2]										
Percent within 14 Days	49%	12%	30%	29%	59%	83%	46%	12%	57%	-
Percent within 30 Days	84%	50%	62%	62%	69%	83%	66%	32%	87%	-
Median Number of Days	15	31	22	21	13	4	19.5	39	13	-
IA Investigations Completed[3]										
Percent within 70 Days	49%	25%	25%	25%	27%	21%	26%	43%	40%	-
Median Number of Days	72	115	120	133	126	120	119	74	81	-
Command Review of Investigations[4]										
Percent within 30 Days	47%	54%	69%	71%	65%	33%	55%	54%	58%	-
Median Number of Days	34	27	25	18	24	41	23	25.5	21	-
Review Level Findings Issued[5]										
Percent within 45 Days	20%	44%	88%	53%	54%	20%	29%	10%	19%	-
Percent within 90 Days	50%	80%	97%	95%	83%	85%	83%	48%	50%	-
Median Number of Days	85	54	28	36	44	60	52.5	106	108.5	-
Full Investigation Process Complete (w/ Findings, Review Level, etc.)[6]										
Percent within 120 Days	12%	5%	5%	5%	4%	2%	6%	0%	0%	**80%**
Percent within 150 Days	25%	12%	17%	13%	7%	3%	12%	4%	0%	**95%**
Median Number of Days	207	244	267	267	286	304	280	343.5	247	-
Overall Case Closure[7]										
Percent within 150 Days	35%	9%	7%	11%	4%	2%	5%	2%	6%	***90%***[7]
Median Number of Days	183	247	268	324	340	406	374	362.5	364	-

[1] 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.

[2] 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.

[3] Measured from the day IA management assigns a case to an investigator to the day the investigator completes the investigation.

[4] Measured from the day IA sends the case to a Bureau Manager for the finding to the day the Bureau Manager makes the finding.

[5] Measured from the day the Bureau Manager makes the finding to the day of the Review Level hearing.

[6] Measured from the day the case is sent from IPR to IA to the day IPR receives the completed case including findings from IA.

[7] Measured from the day the case is received by IPR to the day IPR closes the case. Goal of 90% case closure within 150 days when all case dispositions are considered. Complaints that are dimissed by IPR or closed as a service improvement opportunity are generally resolved in less time. IPR has typically met the overall 90% goal.