

QUARTERLY REPORT

INDEPENDENT POLICE REVIEW AND CITIZEN REVIEW COMMITTEE

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SECOND QUARTER 2009

IPR DIRECTOR'S REPORT

by Mary-Beth Baptista, Director

The focus of this second quarter was the release of the Independent Police Review Division's (IPR) 2008 Annual Report. It includes important information on trends at the Portland Police Bureau (Bureau), including a reduction in both officer-involved shootings and force complaints, and increased public confidence and satisfaction with IPR's efforts to control misconduct. Citizen Review Committee (CRC) Chair Bigham joined former Auditor Gary Blackmer and me at a press opportunity that resulted in coverage of the report in many media outlets. The following week, Blackmer, Bigham, Police Chief Rosie Sizer, and I also presented the report to City Council.

Early last quarter, citing personal reasons, Barbara Anderson and Josey Cooper resigned from CRC. The 2008 CRC Selection Committee decided that IPR should begin recruitment immediately for the two vacant member positions as well as the member positions whose terms expire December 2009. The 2009 CRC recruitment opened in June: two positions will begin around September 2009 and the remaining four positions will begin January 2010. The 2009 Selection Committee includes: former CRC member Robert Ueland, current CRC members Michael Bigham and JoAnn Jackson, community members Debbie Aiona (League of Women Voters) and Helen O'Brien (Coordinator for the Multnomah County District Attorney's Office Victim's Assistance Program), and myself.

I welcome Portland's new City Auditor, LaVonne Griffin-Valade, who was sworn in June 2009. Her mission is to promote open and accountable government by providing independent and impartial reviews, access to public information, and service for City government and the public. I know that she will provide the guidance for IPR in its efforts to increase police accountability and earn public trust.

CIVILIAN OVERSIGHT—WHO WE ARE

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

The nine members of the Citizen Review Committee (CRC) 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



There was more transition for CRC during the last few months. CRC welcomes the new City Auditor, Lavonne Griffin-Valade and our new Community Outreach Coordinator, Irene Konev. Their impact has already been felt by CRC and I am excited to be working with both of them. I'm sorry to see Josey Cooper and Barbara Anderson leave CRC. Because of existing vacancies on CRC, IPR has begun the annual recruitment early and we will fill two CRC positions immediately and four at the beginning of next year. The recruitment process will continue through July and August.

In April, City Attorney Linly Rees gave CRC members a training session on public records and open meeting laws. CRC elections were also held in April. By unanimous votes, I was re-elected as Chair, Hank Miggins was re-elected as Vice-chair, and Loren Eriksson was elected as Recorder. Thanks to Lewellyn Robison for her diligence and hard work as CRC Recorder over the past few years. In May, CRC did a case file review for two appeals that were scheduled to be heard during the June meeting.

CRC member JoAnn Jackson and IPR Outreach Coordinator Irene Konev attended the first of three community dialogues conducted by the City of Portland's Office of Neighborhood Involvement. Also, Jackson and IPR Assistant Director Constantin Severe went to the National Urban League Breakfast. In addition, Konev and CRC member Rochelle Silver met with Commissioner Amanda Fritz and her policy advisor, Dora Perry. They discussed the upcoming CRC recruitment, community member appeals, and an outreach plan.

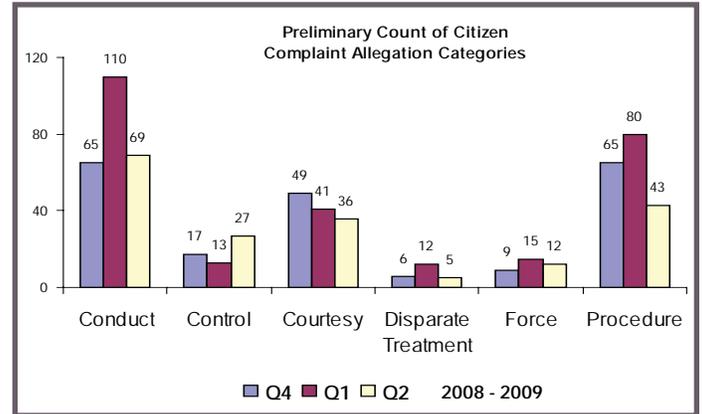
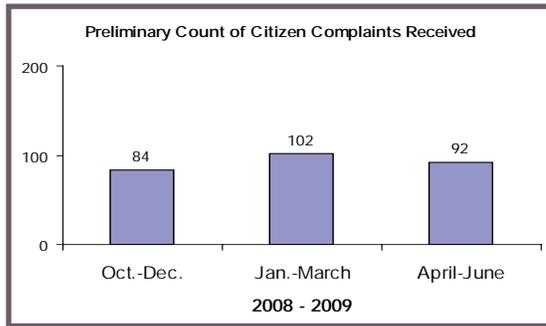
Finally, Loren Eriksson and I continued our work as community members of the Force Task Force through the second quarter. The Task Force released a public report in July.

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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

- Complainant was stopped and ticketed “about 10 minutes” before filing complaint with IPR claiming he was unfairly ticketed for failing to wear a seatbelt and driving without insurance. **Status:** IPR staff dismissal due to there being another remedy and no misconduct by officer.
- This complaint originated at one of the precincts and was forwarded to IPR, stating that the subject officer failed to take the appropriate action in dealing with a dog bite incident (canine not affiliated with the Bureau) at a transit camp near I - 84 and that the officer failed to produce a business card when one was requested. **Status:** Case handled as a service complaint.
- Complainant came into the IPR office complaining about 10 citations he received from either Portland Patrol, Inc., or the Bureau ordering him to move his “silver bullet” — a coffin-like wooden structure complainant built for secure sleeping on city sidewalks. **Status:** Dismissed due to there being a judicial remedy available to complainant.
- While waiting for a Greyhound bus in Old Town, complainants were arrested for offensive littering. While in custody, complainants state that they were improperly searched and handcuffed, left for an extended period of

time in an unventilated patrol car, and cited for offense in retaliation. **Status:** IPR completed an initial intake and referred case to Internal Affairs Division (IAD) for investigation.

MEDIATIONS

The IPR Mediation Program is an alternative to the disciplinary process that permits community members and officers to meet with professional mediators to resolve their issues together.

Three cases were mediated last quarter. One of these cases was originally declined by the supervising commander but he later determined that it should be handled through mediation instead.



City Hall was originally built in 1895 and renovated in 1998. It houses the Auditor's IPR office, which is located on the third floor. CRC workgroup and public meetings are held in City Hall.

INVESTIGATED CASES

Senior Bureau management reviewed 11 completed misconduct investigations. Three of the reviewed investigations were bureau-initiated and eight were on complaints initiated by community members. Many of the complaints involved more than one officer and alleged several acts of misconduct.

Commanders recommended a sustained finding for a least one allegation in two cases and officer debriefings in another five of the 11 cases.

Examples include:

- Complainant was stopped by Bureau officer for a traffic offense. The complainant was tased when he was slow in responding to officer commands. Complainant says the officers used excessive force in taking him into custody, even though he informed the officers that he was disabled. Complainant also said that the officers used inappropriate language and treated him differently due to his race. The involved officers denied all of complainant's allegations. **Finding:** Bureau made a finding of *Unproven* or *Exonerated* on all allegations.
- While driving in the neighborhood (behind his house) looking for a car that had driven into several mailboxes, complainant stated that the officer told him that he was not wanted in the area. Complainant stated that he was unfairly stopped, spoken to rudely by the officer, falsely accused of scaring neighborhood children, and made an accusation that his license plate may have been run inappropriately. **Finding:** Bureau made a finding of *Unproven* or *Exonerated* on allegations made by complainant; a separate bureau-generated allegation was *sustained*.
- The mother of a 15-year old filed an e-mail complaint saying that her son was subject to excessive and unnecessary force when he was chased by police and then tased for failing to comply with police directives. Officer stated that the young man crossed the street against a "Don't Walk" signal light and when he was directed to stop by the officer, he ran. Officer also stated that he gave a warning to the teen prior to deploying the taser. The young man admitted that he did jaywalk and attempt to flee. **Finding:** Bureau made a finding of *Exonerated* on the allegation made by the complainant.

COMMENDATIONS

The Bureau receives community commendations — thanking specific officers for their exemplary work. Copies of a commendation are sent to the officer and his/her supervisor, and are retained in the officer's history file. *Examples include:*

- A Portland resident wrote to thank an officer for making an extra effort in assisting him while community member was trying to get information.
- A local community group commended 23 police members for participating at an area event where residents were able to interact with bureau members while experiencing the different type of services the Bureau provides.

CRC WORKGROUPS

1. Bias-based Policing

The Bias-based Policing (BBP) Workgroup is examining IPR's and the Bureau's handling of disparate treatment complaints. CRC issued an interim report based on the workgroup's recommendation in the past quarter. This quarter, the workgroup met with Chief of Police Rosie Sizer to discuss the similarities and differences between CRC's interim report and the Bureau's Plan to Address Racial Profiling. Areas of agreement were identified and plans were discussed for moving forward collaboratively on racial profiling issues. The workgroup continues to refine its conclusions and recommendations based on community input received following the interim report and plans to publish a final report next quarter.



Farewell to Auditor Gary Blackmer

From left to right: (front center) City Auditor Gary Blackmer, CRC Member Barbara Anderson, (back row) IPR Assistant Director Constantin Severe, CRC Member Mark Johnson, CRC Member Lewellyn Robison, CRC Recorder Loren Eriksson, CRC Member Rochelle Silver, CRC Chair Michael Bigham, CRC Member JoAnn Jackson, IPR Director Mary-Beth Baptista, and CRC Vice-chair Hank Miggins

2. Case Handling

The Case Handling Workgroup is reviewing three particular dispositions that result in quick resolutions, but do not presently provide recourse to the complainant for appeal: dismissals by IPR, declines by IAD, and service complaints. The workgroup has prepared to undertake a full-scale file review of these cases, but its activities are currently in suspense pending the appointment of new CRC members and the receipt of additional appointments to the workgroup.

3. IPR Structure Review

The IPR Structure Review Workgroup was formed to evaluate, prioritize, and respond to the remaining recommendations made in the 2008 Performance Review of IPR. The workgroup has defined six-primary areas of focus: the complaint process, mediation, policy development, staffing and training, outreach, and transparency. It is reviewing the current practice in each area and the various recommendations for improvement. The workgroup has reviewed every recommendation of the 2008 Performance Review and is preparing a comprehensive report. It is on target to complete a draft by the third quarter.

4. Outreach

The Outreach Workgroup resumed meeting in June. The meetings are joint CRC and IPR work-sessions to maintain the partnership and consist of reviewing and updating actions previously undertaken before the workgroup was suspended, pending the hiring of the IPR Community Outreach Coordinator (Irene Konev) and the Community Outreach plan. The workgroup embarked on a planning effort to determine the most effective way to re-introduce CRC to the community and how to best inform citizens of CRC's role. The workgroup discussed: getting CRC membership involved in outreach, holding CRC meetings in the community, visiting neighborhood associations, developing better communication with CRC, and using media to communicate with the public. Konev has provided a good framework for the general direction of this workgroup. Workgroup Chair Hank Miggins and Konev attended a lunch meeting of The Portland NAACP. The workgroup plans to complete and present its work plan to the full CRC in the coming months.

5. Police Assessment Resource Center

Police Assessment Resource Center (PARC) was hired by IPR to develop recommendations for improving the Bureau's investigations and policies related to officer-involved shootings and in-custody deaths. The workgroup finished reviewing the Bureau response to the second and third PARC updates. It is formulating recommendations to present to the full CRC. A draft report should be completed by the end of the year.

6. Protocol

The Protocol Workgroup is reviewing the 21 protocols addressing the complaint process. Final revisions to PSF 5.19 - Policy Review Protocol are underway to make the protocol more user-friendly. The workgroup continues to evaluate changes to the appeal hearing process (PSF 5.03) which are being tested prior to incorporation in the revised protocol. The expected outcome is an appeal hearing process that is clearer for the appellant and is more transparent to the public.

IPR OUTREACH UPDATES

Community Outreach Coordinator Irene Konev had a very busy quarter. Relationships have been built with many community-based organizations, with specific focus on under-represented communities. She attended four networking events: Say Hey Northwest, Take Back the Night, Crime Victim's Awareness Day (in Salem), and Pride Northwest.

Presentations were made to various agencies' directors. As a result, some training occurred for direct-service staff on IPR and CRC functions and responsibilities. Examples of agencies attended: Center for Intercultural Organizing, Human Solutions, Sexual Assault Task Force, South Asian Women's Empowerment and Resource Alliance, and Immigrant and Refugee Community Organization. Konev spoke at the Citizen Advisory Council East Precinct meeting with police and community attending, presented to the Tri-county Network Director's meeting, Multnomah County Family Violence Coordination Council, Community and Police Relations Committee, and Urban League. She held six meetings with the Office of Neighborhood Involvement to network and form relationships as well as redirect police related calls from ONI to IPR. In addition, Konev presented to several Neighborhood Associations; (and in Russian) to 25 Russian pastors, and a Russian church congregation. Konev began an Outreach Coordinators' monthly meeting to network — for more access to community-based organizations, churches, and businesses.

Konev's goal is to bridge relationships with multi-cultural organizations; to bring greater awareness of IPR and CRC. This quarter, over 800 multi-language brochures were distributed. Much work remains to be done, but foundations for solid community relationships are being built.

CRC Public Meetings Schedule (Subject to Change)

August 18	City Hall — Lovejoy Room @ 5:30 PM
September 15	City Hall — Lovejoy Room @ 5:30 PM
October 20	City Hall — Lovejoy Room @ 5:30 PM