

QUARTERLY REPORT

INDEPENDENT POLICE REVIEW AND CITIZEN REVIEW COMMITTEE

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WWW.PORTLANDONLINE.COM/AUDITOR/IPR

FIRST QUARTER 2008

IPR DIRECTOR'S REPORT

by Pete Sandrock, Acting Director

This report covers the two calendar quarters from October 1, 2007 through March 31, 2008.

IPR Director Stevens Departs

IPR Director Leslie Stevens was hired away by the Portland Police Bureau (PPB or the Bureau) to head the Bureau's newly-created Office of Professional Standards. Auditor Gary Blackmer anticipates naming a permanent replacement in May, following a nationwide search.

City Council Review of IPR and CRC

In mid-March the City Council received a consultant's report and public comment on the performance of IPR and CRC. Questions were raised about community outreach, staff support for CRC, IPR investigations, CRC review of IPR case-handling decisions, and a closer working relationship with the City Council. The Auditor, IPR, and CRC agreed to report back with a plan to address the Council's questions. The Council agreed to provide additional support for IPR and CRC, if needed. The consultant's report and the Auditor's responses are posted on IPR's website at www.portlandonline.com/auditor/ipr.

2005-2006 Annual Report

IPR released the report; it is posted on the website.

New Use-of-Force Policy

The Bureau adopted an important new non-deadly physical force policy in response to recommendations from last year's IPR-initiated Force Task Force. The policy is posted under "View Bureau Directives" at www.portlandonline.com/police. Go to Revised Dir. 1010.20 Physical Force (at bottom of bookmarks).

Standards for Reviewing Civil Claims

IPR adopted an administrative rule (protocol) for reviewing tort claim notices and lawsuits against Portland police officers. It is posted on IPR's website under IPR/CRC Protocols.

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 would like to welcome two new CRC members, JoAnn Jackson and Mark Johnson, whose biographies appear on page 4. They already are hard at work as members of CRC's Bias-based Policing Workgroup.

I also want to express my gratitude for the extraordinary contributions made by two departing CRC members and the IPR Director.

- Bob Ueland was a founding member of the CRC, serving from 2001 to 2007. I will miss Bob's historical perspective and thoughtful advice.
- Marcella Red Thunder, who served on the CRC from 2005 to 2007, was a passionate advocate for the underprivileged and underserved in our community.
- Leslie Stevens, the IPR Director from 2005 to 2008, used persuasion, humor, and relentless attention to detail to achieve enormous improvements in investigations, accountability, and policies that matter.

City Council Review of IPR and CRC

Although the CRC wished it had been consulted more closely on questions related to our duties, we welcome the challenge to reach out and hear the concerns of all of Portland's communities, to improve our oversight of IPR's case-handling decisions, and to develop a closer working relationship with the City Council.

Vehicle Towing Policy

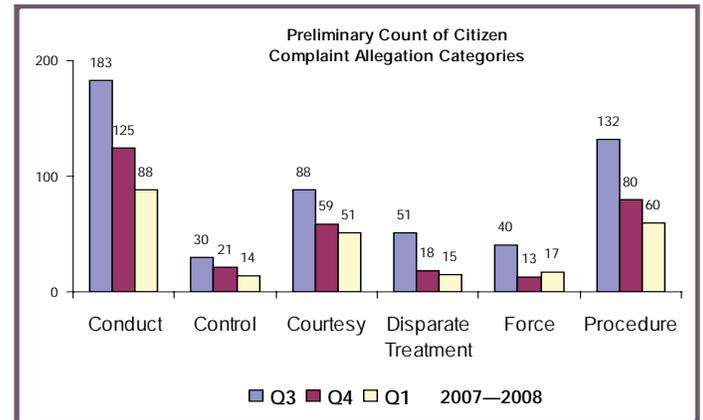
Each year IPR receives about 25 complaints against officers from drivers who were upset about having their vehicles towed. Another 150 drivers appeal officers' towing decisions to the City's Tow Hearings Office. Because the practice appears to generate so much citizen dissatisfaction, CRC and IPR conducted a study and presented Chief Sizer with nine policy recommendations. The Chief accepted eight, which will be implemented over a period of time. CRC's report and the Chief's letter are on IPR's website.

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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 woman alleged that officers pulled her 17-year old son off a TriMet bus by the neck and slammed his face on a patrol car. PPB officers were dispatched to the Lloyd Center after the teen allegedly told security officers that he had a gun in his backpack. According to police reports, the teen resisted when they tried to remove him from the bus and frisk him. Complainant and her son did not respond to two phone calls and a letter requesting additional information. **Status:** IPR dismissed, subject to reopening if complainants responded after receiving IPR's dismissal letter. Complainants did not respond. Case closed.

An eye-witness complained of excessive force used by an officer in a drug-related arrest in downtown Portland. He stated that the subject was much smaller than the officer and was not resisting. He described the force used as a choke hold, leg sweep, and some kicks as the officer brought the subject face down to the sidewalk. **Status:** Pending IAD investigation. Case open.

A woman was rushing her dog to an emergency veterinary hospital when she entered a school zone. Seeing no children present, she continued at the posted speed rather than slowing to 25 MPH. She saw the flash of photo radar and noticed an officer present. She later returned to the scene and tried to explain her situation to the officer. She alleged that

the officer unnecessarily caused her to stand on the traffic side of his vehicle and was rude. **Status:** Service complaint. Case open pending IPR's acceptance of the service complaint resolution memorandum.

A man complained that an officer had not properly performed his duties after the two exchanged numerous e-mails regarding harassing, suspicious, and potential drug activity on the part of a neighbor. According to the complainant, the officer declined to take action and was demeaning in referring to the situation as a childish feud. **Status:** IPR dismissed—no misconduct—with post-dismissal referral to the precinct commander for information.

INVESTIGATIVE FINDINGS BY BUREAU

COMMANDERS

An officer observed a pedestrian walk into a busy street, causing a driver to slam on his brakes. The officer took the pedestrian into protective custody based on intoxication. The pedestrian alleged injurious excessive force by the officer. IAD added an allegation that the officer did not complete a required use-of-force report. The commander sustained the procedural violation and found that the force violation was unproven, but required the officer to be critiqued by a supervisor. **Dispositions:** One allegation sustained; one unproven with debriefing.

INVESTIGATIVE FINDINGS

(Continued from page 2)

Officers arrested a woman on an arrest warrant. While transporting her to jail, they temporarily diverted their route to follow a suspected drunk driver. The complainant alleged that one officer used profanity and that they endangered her by becoming engaged in a vehicle pursuit. The commander found that the officers violated policy when they diverted their route but concluded that there was insufficient evidence to prove the profanity allegation. **Dispositions:** One allegation sustained; one unproven.

A man told an officer that he was involved in identity theft activity with the female complainant. The man claimed she manufactured the checks: he cashed the checks and split the proceeds. He voluntarily handed a letter and a check to the officer who issued a property receipt. The woman alleged the officer inappropriately handled these items, which were addressed and made out to her. The commander found that the officer's actions complied with policy, subject to a critique by a supervisor. **Dispositions:** Allegation unproven with debriefing.

Two officers arrested a woman at her residence on an arrest warrant. The woman, whose arm was in a cast, alleged that the officers used too much force when they tried to put handcuffs over the cast. She also alleged that the officers unlawfully entered her apartment. The officers reported that they used "flex cuffs," rather than conventional handcuffs in order to avoid injuring her. They also reported that they re-entered her apartment to help her put on clothes and gather some personal items prior to being transported to jail. The commander found the officers complied with policy. **Dispositions:** Exoneration of all allegations.

An officer responded to a disturbance call involving the complainant who had been drinking. She alleged that the officer used excessive force when arresting her and did not ask her side of the story regarding the altercation with her neighbors. The commander found that the officer's actions complied with policy. **Dispositions:** Exoneration of all allegations.

SUMMARY OF INVESTIGATIVE FINDINGS BY COMMANDERS

Portland Police Bureau commanders reviewed 22 completed misconduct investigations. Thirteen investigations were citizen-initiated; eight were bureau-initiated; and one was 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 against four out of 27 officers (15 percent) named in citizen complaints. Seventeen officers received no sustained findings; six received supervisory counseling (debriefings).

Bureau Complaints

Commanders sustained one or more allegations against 16 out of 18 officers (89 percent) named in bureau complaints. One officer received no sustained findings and another officer received supervisory counseling.

IPR Tort Complaints

A commander recommended supervisory counseling for the two officers named in the IPR tort complaint.

SUMMARY OF APPEAL

In 2006, an off-duty police officer confronted a construction worker late at night at a job site near the officer's home.

The Bureau's Performance Review Board found that the officer used profanity, intimidated the worker with a gun, and failed to write a report, but did not sustain allegations that he inappropriately pointed a gun at the worker and failed to identify himself as a police officer. The worker appealed.

CRC challenged the non-sustained findings and recommended that the Bureau sustain the allegation about inappropriately pointing a gun and add a debriefing to the unproven finding about failing to identify himself. The Police Chief accepted CRC's recommendations.

SUMMARY OF COMMENDATIONS

The Bureau received an average of 65 community commendations over the past three quarters. Examples include an elementary school-aged boy who sent a note thanking an officer for his assistance with a book report and school project. Also, delegates from Victoria, B.C. expressed their appreciation for a Central Precinct sergeant who coordinated presentations on homelessness and downtown policing issues. The delegation said their visit to Portland was an "invaluable experience" and the sergeant was a "first class ambassador" for the city.

NEW CRC MEMBERS

JoAnn Jackson was a board member of the Oregon Mediation Association for six years, as well as a 10-year member of the Association of Conflict Resolution. Ms. Jackson has degrees in Business Management and a Master's Degree in Business Administration, and has been a diversity trainer for the City of Portland employees. Her career has included being a Manager and Regional Donor Resources Director with the American Red Cross, Blood Services in Portland (1994-2006). She is a long-time resident of Portland and lives in Northeast Portland.

Mark Johnson is a graduate of Reed College and of the Boalt Hall School of Law at the University of California, Berkeley. Mr. Johnson is a former president of the Oregon State Bar and a past chair of Oregon's State Professional Responsibility Board. He currently serves on the American Bar Association's Standing Committee on Professional Discipline. Mr. Johnson has a long record of state and national service to the bar as well as to the gay and lesbian community. He lives and works in Southeast Portland, where he practices in the areas of appellate litigation, family law, and professional ethics.



Auditor Gary Blackmer welcomes newly appointed CRC member JoAnn Jackson



Mark Johnson sworn in as new CRC member by Auditor Gary Blackmer

CRC WORKGROUPS

Bias-based Policing

The Bias-based Policing Workgroup is evaluating IPR's and PPB's handling of biased-policing complaints. The four workgroup members are reviewing a total of about 60 cases. Each case will be reviewed independently by at least two workgroup members using a detailed checklist. Their final recommendations to the full CRC will rely on their case reviews, although, they may also consider additional evidence and sources.

Workgroup Chair Sherrelle Owens met with the Mayor's Racial Profiling Committee on March 20. Although the CRC is focused on the complaint-handling process, it is clear that their work will be useful to the Mayor's committee.

Police Assessment Resource Center Reports

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 three-member PARC Workgroup is evaluating PPB's implementation of the recommendations PARC made in its original and two follow-up reports.

CRC PRESENTATIONS

CRC heard three PPB presentations during the reporting period. At the November 2007 CRC meeting, Commander Bret Smith presented a summary of the Curfew Pilot Project that was carried out in Northeast and Central Precincts during the previous spring break. At the same meeting, Lieutenant Eric Brown and Officer Barry Hosier discussed the Enhanced Safety Program Pilot Project (implemented in North Precinct) that aims to assist landlords in reducing the incidence of crime on their rental properties.

At the March 2008 meeting, Commander Vincent Jarmer provided an overview of PPB's Transit Division including staffing levels and the interagency agreements that make the division possible (only half of the officers are Portland Police members). Commander Jarmer asked to be invited back to a future meeting to more thoroughly address CRC's expressed concerns about accountability of officers from other jurisdictions assigned to the Transit Division.

CRC Public Meetings Schedule (Subject to Change)

May 20	City Hall in the Lovejoy Room @ 5:30 PM
June 17	City Hall in the Lovejoy Room @ 5:30 PM
July 15	City Hall in the Lovejoy Room @ 5:30 PM