

QUARTERLY REPORT

INDEPENDENT POLICE REVIEW AND CITIZEN REVIEW COMMITTEE

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THIRD QUARTER 2009

IPR DIRECTOR'S REPORT

by Mary-Beth Baptista, Director

We had a very successful recruitment for Citizen Review Committee (CRC) volunteers. Thanks to the hard work of the Independent Police Review's (IPR) Outreach Coordinator Irene Konev, we had a strong and diverse pool of 21 applicants for CRC. The six nominees (including two returning members) went before Portland City Council for appointment on October 22, 2009.

With Portland City Auditor LaVonne Griffin-Valade, IPR released a follow-up report to the April 2007 Force Task Force Report on use of force by the Portland Police Bureau (Bureau). The initial report included 16 recommendations designed to improve the Bureau's management of force and reduce force complaints. I chaired the Task Force; CRC Chair Michael Bigham and CRC Recorder Loren Eriksson served as members. The Task Force report included analysis of force data collected by the Bureau, looked for patterns of use of force, and noted that the Bureau implemented all the recommendations made in the initial report.

The City Auditor also announced plans to hire a nationally recognized expert to evaluate how the Bureau handled the internal investigation regarding the in-custody death of James Chasse. Chasse, 42, who suffered from schizophrenia, died in police

custody on September 17, 2006. The final decision regarding the disposition of this case was made by Portland Police Chief Rosie Sizer in late September 2009. When selected, the expert will review the quality of the internal investigation as well as the adequacy of the Bureau policies that affected the actions of the officers. IPR will release the final report to the public, elected officials, and the Chief of Police.

OFFICE OF THE CITY AUDITOR

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



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CRC CHAIR'S REPORT

by Michael Bigham, Chair



At the September CRC meeting, we had the good fortune to have Chief Sizer and IPR Director Baptista discuss the Force Task Force Report. The report was presented to City Council in July. Loren Eriksson and I were citizen representatives on the Task Force.

The full CRC was busy with appeals last quarter. In August, CRC was scheduled to hear appeals of two cases from one appellant. The appeals stemmed from two separate incidents but involved the same officers. However, when CRC upheld the Bureau's findings in the first case, the complainant withdrew the appeal of the second case. Although the case was withdrawn, CRC members reviewed the second case for purpose of identifying any possible training or policy issues. After a discussion of the case, many CRC members were concerned about the conduct of the involved officers. The members voted to send a letter to the Bureau's Assistant Chief of Operations, Brian Martinek, expressing their concerns.

Several CRC members were involved in the CRC recruitment for new members. Former member Bob Ueland, current member JoAnn Jackson, and I reviewed the applications; and I served on the interview panel for the finalists. I am very pleased with the selection process and the outcome. Even before being appointed in October, some of the nominees attended CRC and workgroup meetings, completed six hours of intercultural competency training, and went to a Community and Police Relations Committee meeting. I also want to thank Irene Konev for her outreach diligence throughout the recruitment.

CITIZEN REVIEW COMMITTEE

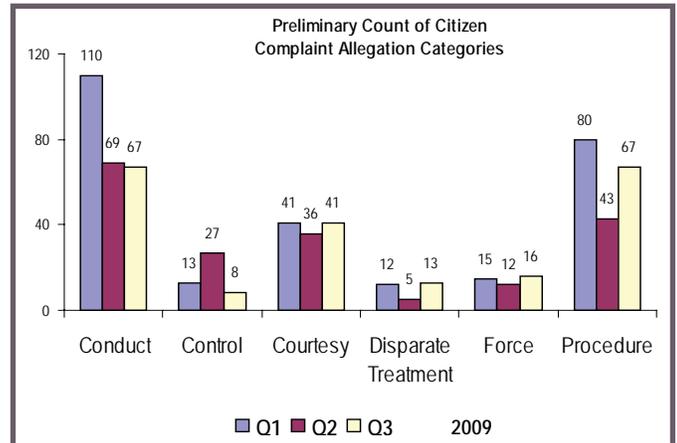
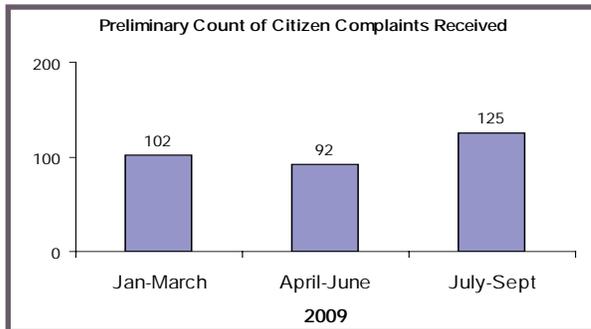
Community Oversight of Portland Police Bureau

As community volunteers, the nine members of the Citizen Review Committee (CRC) are appointed by Portland City Council to monitor and advise IPR, hear appeals, and receive public concerns.

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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

- Northeast Portland resident filed a complaint that Bureau officer's response to a hazard call was inadequate. Officer was called to location due to a construction trailer partially obstructing a sidewalk. Officer attempted to contact the owner of the home under construction to no avail. Complainant concerned about safety hazard created by trailer, felt that officer did not try hard enough to contact home owner. **Status:** Case in mediation.
- Complainant filed a complaint that his father-in-law, a Bureau officer, was using his personal computer to print reports and that the officer bad-mouthed him to family members to inappropriately spread false rumors about him. **Status:** Case dismissed.
- Complainant stated that unidentified officer treated her rudely while officer was checking MAX fares in the Lloyd Center area. **Status:** IPR investigation on-going.
- Complainant said that involved officers entered his apartment without a warrant and threatened to arrest a family member. **Status:** Case dismissed. Complainant failed to provide sufficient information for IPR to proceed.

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 complainants agreed to mediate their complaints. Two cases were successfully mediated. The third case was referred to IAD with a recommendation to conduct an investigation rather than proceed with mediation.



City Auditor LaVonne Griffin-Valade

The City Auditor is the sixth elected official in Portland City government, along with the Mayor and four City Commissioners. As an auditor that is accountable to the voters of Portland, the City Auditor is administratively independent from the Mayor and other City Council members. This allows the Office of the City Auditor to audit City government departments and programs, as well as provide other services that require independence and neutrality.

INVESTIGATED CASES

Senior Bureau management reviewed 38 completed misconduct investigations during the quarter. 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 10 of the 38 cases. Five of the cases were bureau-initiated and five were from complaints initiated by community members. Two of these cases involved sustained allegations of excessive force. *Examples include:*

- Officer had an individual who became uncontrollable in the back seat of his police car. After several commands and failed attempts to remove individual from vehicle and place him in maximum restraints, officer deployed his taser without supervisory approval. **Finding:** Bureau made a finding of *Sustained* on the allegation of failure to take appropriate action and *Exonerated* on the officer's use of the taser.
- Complainant said that a vehicle he was a passenger in (and being driven by his cousin) was improperly towed and cited for speed racing. Complainant also stated that an unidentified officer improperly followed and harassed both him and his cousin in the lead up to the stop and improperly drove the seized vehicle across the street. **Finding:** Bureau made a finding of *Exonerated* as to the allegation of improper tow and false traffic charges and *Unproven* for the harassment and unjustified behavior allegations.
- Complainant stated that officer assaulted him when he was arrested, failed to secure his possessions, causing his dog to be taken by county animal control officers, and that officer made a statement that he wanted to shoot complainant's dog. **Finding:** Bureau made a finding of *Exonerated* on the assault allegation, *Exonerated with a debriefing* on the failure to secure prisoner's property allegation, and *Unproven* for the remaining allegation.

Left to right:
CRC nominee Myra Simon, CRC Vice-chair Hank Miggins, CRC nominee Jeff Bissonnette, CRC member Lewellyn Robison, and CRC Recorder Loren Eriksson attending an Outreach Workgroup meeting.

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 woman's friend was involved in a car accident: no physical injuries just shaken-up. She said the officer's support was greatly appreciated and eased the tension of a difficult situation.
- A Portland resident said an officer was very professional and courteous while dealing with a vandalism issue. He gathered information thoroughly and responded to questions with genuine interest.

CRC WORKGROUPS

1. Bias-based Policing

The Bias-based Policing Workgroup examined IPR's and the Bureau's handling of disparate treatment complaints. The workgroup is currently writing a draft of the *final* report.

2. Case Handling

The Case Handling Workgroup activities were suspended pending the appointment of new CRC members to fill vacancies in the workgroup. It is prepared to undertake a full-scale file review of cases when new members are appointed.

3. IPR Structure Review

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



of the 2008 Performance Review and is preparing a comprehensive report. It is on target to complete a *draft* by the fourth quarter.

4. Outreach

The Outreach Workgroup held work sessions to develop a work plan which is near completion. They will present the plan to the full committee at the November 17th CRC meeting. The plan includes strategies to increase awareness of CRC's purpose, role, and responsibilities. It envisions improved communication between CRC and the general public by welcoming community members and stakeholders to CRC meetings, coordinating with IPR to identify possible outreach targets, setting up a formal liaison with community organizations, and making periodic presentations on the activities of the CRC. They will also obtain input from and listen to citizens about their concerns regarding the Bureau and IPR. It also has strategies for gaining access to the media, both print and electronic. The workgroup will hold public work sessions to refine the details and develop timelines.

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 PARC workgroup reviewed previous reports written by PARC and the Bureau's responses to its recommendations. The workgroup is currently writing a *draft* report of their findings. It plans to present the report to the full CRC for approval during the first quarter of 2010.

6. Protocol

The Protocol Workgroup continues its review of the protocols relating to the complaint process and the functions of CRC. The 5.18 - Policy Review Protocol was revised for clarity and to update duties and responsibilities. The CRC approved the revised protocol and will send it to the City Auditor for review. The workgroup is also testing different procedures to improve the appeal hearing process for the appellant. Any changes in the procedure will be incorporated into 5.03 - Appeals Procedures Protocol. The 5.03 - Guidelines for Declinations of CRC Appeals and 5.07 - Public Comment Protocol are under review.

7. Tracking List

The Tracking List Workgroup completed its charge of examining the existing process for keeping track of policy matters, unresolved issues, and questions raised by CRC during hearings and meetings related to the Bureau and IPR. The workgroup presented its report to the full CRC at the October meeting.



Irene Konev (left) at a networking event in Portland's Pioneer Place

IPR OUTREACH UPDATES

The summer presented opportunities for Community Outreach Coordinator, Irene Konev, to expand awareness of IPR through presentations, festivals, and fairs. She made several presentations to neighborhood associations, including: Southwest Neighbors Crime Prevention, North Neighborhood Association, East PDX Expo, and National Night Out. Konev worked with survivor based organizations such as Portland Women's Crisis Line, Domestic Violence Resource Center, and at survivor support group meetings at Russian Oregon Social Services. She also presented at African American organizations such as Africa House, Oregon Association for Minority Entrepreneurs, Oregon Assembly for Black Affairs, and individual community members.

Networking events she attended include-Say Hey Northwest, Ukrainian Church Festival, Colored Pencils Arts and Culture Night, etc. Specific outreach was done to the providers of services to the developmentally delayed and differently abled populations, such as Inclusion, Independence Northwest, and Mentor Oregon Brokerage. Konev also attended the Sexual Minorities Roundtable, went on a police ride-along in Southeast Portland, and began networking with the Community Relations Services from Department of Justice based out of Seattle.

Most recently, Konev worked with the Office of Human Relations (OHR) and completed its Intergroup Dialogues on Truth and Reconciliation Committee Training. Working with OHR, she will help begin peace dialogues with the community and police.

CRC Public Meetings Schedule (Subject to Change)

November 17	City Hall – Lovejoy Room @ 5:30 PM
December 15	City Hall – Lovejoy Room @ 5:30 PM
January 19	City Hall – Lovejoy Room @ 5:30 PM