

Portland Police Bureau

Assessment of Performance Measures: Internal Affairs Division (IAD)

Conducted for:

City of Portland, Bureau of Police

www.portlandpolicebureau.com

December 2001

**CAMPBELL
DELONG
RESOURCES, INC.**

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The findings in this report are based on research conducted by Campbell DeLong Resources, Inc. (CDRI) regarding the performance of the Portland Police Bureau's Internal Affairs Division. The recommendations in the report draw from the research findings as well as from our experience working with public safety and community policing issues in Portland and in other communities across the nation. Questions or comments for CDRI regarding this report should be directed to Campbell DeLong Resources, Inc. at (503) 221-2005 or e-mail cdri@cdri.com.

Questions about the research for the Portland Police Bureau should be directed to the Planning and Support Division, Bureau of Police, City of Portland, 1111 SW 2nd Avenue, Room 1552, Portland, OR 97204 or call (503) 823-0283.

METHODS

OBJECTIVES

There were two overall objectives of this assessment:

1. Review and analyze existing Internal Affairs Division (IAD) data to provide objective, quantitative information on the impact – particularly regarding the speed of case handling – of adding five additional Sergeants to IAD in the fall of 2000.
2. Make recommendations regarding the use of existing data, as well as new data that could be collected, in order to provide more complete information on IAD performance.

As the project progressed, the scope of the objectives was expanded to include development of officer and complainant surveys that can be implemented after the closure of each IAD complaint.

METHODS

The project included the following tasks:

- ▶ **Interview managers.** Because performance measures only have relevance if they address issues that managers need to know in order to make changes, the assessment began with interviews of key managers regarding IAD issues, concerns, and measurement needs.
- ▶ **Interview IAD staff.** In order to assess the changes that have occurred in IAD, interviews were held with both sworn and nonsworn IAD staff. The purpose of these interviews was both to gain an understanding of the perceived changes that have occurred since the additional sergeants were added and to begin identifying which of those perceived changes could be documented in available hard data as well.
- ▶ **Review of existing data.** To determine the most viable means to assess performance at IAD, existing data were reviewed to determine information that, when analyzed, would be most likely to show an accurate picture of past performance.
- ▶ **Review of related materials.** A number of other documents were reviewed for this assessment to provide background and perspective on the data collection needs and potential pitfalls associated with reporting internal affairs information. Police investigation of internal affairs is a subject that raises sensitivities among both officers and citizens, thus magnifying the need to understand the nuances of internal affairs issues before developing appropriate measurements.
- ▶ **Conduct analysis and prepare reports and surveys.** This phase necessarily included analysis of information and then additional culling of data as analysis revealed blind spots and missing perspectives that a more complete analysis would require.

INTERVIEW SUBJECTS

The following individuals were interviewed in the course of this research:

- Gary Blackmer, City Auditor
- Steven Bechard, Lieutenant, IAD
- Derrick Foxworth, Commander, Northeast Precinct
- Stan Grubbs, Commander, Southeast Precinct
- Debbie Haugen, Director of the Records Division
- Robert King, Officer, President of the Portland Police Association
- Elise Marshall, Office of the Mayor
- Bruce Prunk, Assistant Chief of Police
- Darrel Schenck, Captain, Internal Affairs Division
- Rosie Sizer, Commander, Central Precinct (and recently commander of the Detective Division)
- Bret Smith, Commander, North Precinct (immediate predecessor to Captain Schenck at IAD)
- Nancy Sturdevant, IAD staff
- Judy Taylor, intake specialist at IAD (transferring to same position at IPR)
- Ron Webber, retired, past captain of IAD

In addition to individual and small group interviews conducted with the above, larger group interviews were conducted with IAD sergeants and nonsworn staff members. Additional meetings were also held at the office of the City Auditor to review database management software being considered for the office of Independent Police Review and to review a draft of the complainant survey.

DOCUMENTS REVIEWED

In addition to a range of memos, drafts, and e-mails covering various details of the IAD process, the following documents were reviewed for this assessment:

Citizen Advisors to the Police Internal Investigations Auditing Committee (PIIAC) Monitoring Report for the First and Second Quarters Year 2001, approved by PIIAC Advisors on 6/14/01.

Portland Police Bureau General Orders and draft Policy and Procedures materials regarding issues related to the handling of Internal Affairs Division complaints.

Addressing Citizen Complaints about Police: A Proposal for Change, March 2001, Office of the City Auditor, Portland, Oregon.

Police Accountability: The Role of Citizen Oversight. By Samuel Walker. Copyright 2001 Wadsworth Group.

International Association of Chiefs of Police Internal Affairs Automated Case Tracking System Installation and Operation Instructions, version 3.3.

Draft summaries of information from a study sponsored by the National Institute of Justice on *Citizen Complaints Against Police*, conducted by the School of Public and Environmental Affairs at Indiana University, Indianapolis and the Criminal Justice Center at Sam Houston State University, Huntsville Texas.

TERMINOLOGY USED IN THIS REPORT

This report includes the use of the term “*officer*” when referring to the subject of an internal affairs complaint. Technically speaking, sworn and nonsworn members of the Bureau from all ranks and positions can, and occasionally are, the subject of a complaint. However, as in any police agency, the overwhelming majority of complaints are against Bureau members who hold the rank of officer. The reasons for this are straight forward: officers constitute the most common position in the Bureau and they deal most often with situations where emotions can run high – making arrests, giving traffic citations, breaking up fights, stopping drunk drivers, or otherwise dealing with difficult, dangerous, or threatening behavior. We use the term *officer* in this report when referring to the subject of an IAD complaint, because that is common practice in the City of Portland to do so and it is simpler than the alternatives. The reader should keep in mind, however, that a phrase such as “the subject Bureau member” is the meaning intended in that context.

This report includes the use of the term “*citizen*” when referring to people who are not members of the Portland Police Bureau. We acknowledge the inaccuracy in this choice of terminology – both because not all members of the community the City of Portland serves are citizens and because Bureau members are also citizens. Again, we use the term because it is in common practice and seems simpler than alternate phrasing.

In addition, this report refers to classifications of complaints and findings that are used by the Portland Police Bureau. Most references should give sufficient meaning from the context. For reference, the following shows the Bureau’s definitions for each of the terms.

IAD Complaint Categories¹

- A. **Force:** An allegation of use of excessive or inappropriate physical or deadly physical force. This includes, but is not limited to, all instances where there is actual injury or an impact weapon was used.
- B. **Control Techniques:** An allegation that a “control technique” was used unreasonably or improperly. This would include control holds, hobble, “take downs” and handcuffing. Temporary discomfort, skin discoloration or marks, or temporary pain are considered normal consequences of the use of a control technique.
- C. **Conduct:** An allegation that tends to bring reproach or discredit upon the Bureau or the City. It involves behavior by a member that is unprofessional, unjustified, beyond the scope of his or her authority, or unsatisfactory work performance. Typically this would

¹ The complaint categories listed are those in use on all cases from January 1, 2000 to the present.

include violation of the Bureau's Standard of Conduct, Conform to Laws, Unsatisfactory Performance, Truthfulness, etc.

- D. **Disparate Treatment:** Allegations of specific actions or statements that indicate inappropriate treatment of an individual that is different from the treatment of another because of race, sex, age, national origin, sexual orientation, economic status, political or religious beliefs, handicap, etc.
- E. **Courtesy:** Allegations relating to attitude and rude or discourteous conduct other than disparate treatment.
- F. **Procedure:** Allegations that an administrative or procedural requirement was not met. This normally would include issues such as identification, report writing, notebook entries, and property/evidence handling.

IAD Findings:

- A. **Unfounded:** Claim is unsubstantiated. The available facts of the investigation do not support the allegation.
- B. **Unfounded (D) with a debriefing:** While the available evidence does not support the allegations, a critique of the complaint with the member should be conducted.
- C. **Exonerated:** Actions of the member were within the guidelines of policy and procedure.
- D. **Exonerated (D) with a debriefing:** While the member's actions were within guidelines and/or policy and procedures, a critique of the complaint with the member should be conducted.
- E. **Insufficient Evidence:** There was not enough evidence to prove or disprove the allegation(s).
- F. **Insufficient Evidence (D) with a debriefing:** While there is not sufficient evidence available to prove or disprove the allegations, a critique of the complaint with the member should be conducted.
- G. **Sustained:** Member found to be in violation of policy or procedure.
- H. **Declined:** Complaint is without merit or obviously fallacious. Members are not interviewed regarding the allegation(s).
- I. **Inquiry:** Allegation of minor rule violation that, if sustained, would not result in discipline.
- J. **Mediation:** Complaint received mediation processing.

FINDINGS AND RECOMMENDATIONS

ACCELERATING INVESTIGATIONS: IAD PERFORMANCE EVALUATED

The first question asked of this research process is straight forward: *Since five additional Sergeants were added to the IAD staff in the fall of 2000 has the Bureau's ability to process internal affairs complaints in an effective and timely manner improved?*

Uncovering the answer to the question requires digging into existing data at IAD to analyze the length of time that cases have been open. Interestingly, it also requires determining the most appropriate way to “view” the data. We begin with a discussion of the appropriate method for analysis and then look at the actual results.

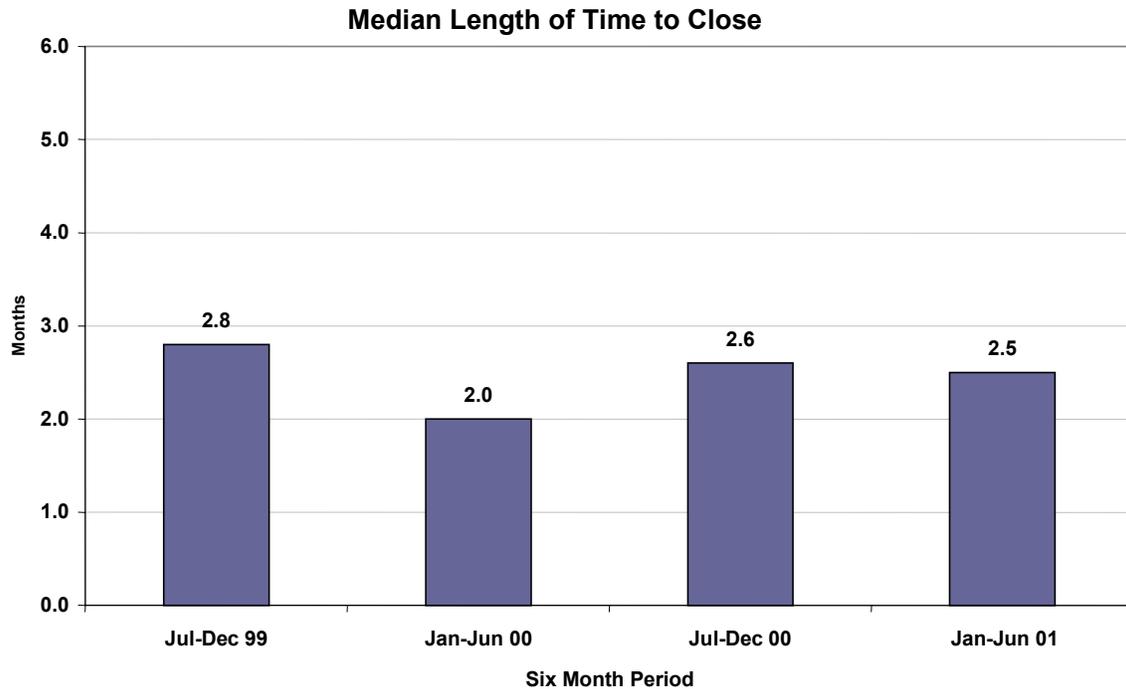
A. AVERAGES AND MEDIANS CAN MASK MORE THAN THEY REVEAL FOR THIS TYPE OF DATA.

Conducting an analysis of the average or the median length of time that cases have been open reveals very little about the characteristics of this type of data. That is, significant changes can occur without measures of central tendency¹ moving substantially. The reason: although the greatest attention is focussed on the few cases that take six months or more, the great majority of cases are resolved much more quickly, resulting in midpoint measurements that don't move much even when the speed of the longer cases is shortened. The following graphic shows an example of this. In the following chart, the median length of time required to close complaints that were reported in each of four six-month time periods² shows no substantial trend in length of time to close the case. More than half the complaints in each time period were closed within three months. Note that the data show all cases reported in the time period – it is not a sample of the data; it is all of the data.

¹ Average (or means), medians, and modes.

² Prior to May of 1999, complaints that were declined were not given a complaint number. After that date, all complaints regardless of whether they were eventually declined were give a number, which results in consistent, comparable data sets only from that date forward. For this reason we have elected not to show results for prior time periods in this report.

Measures of central tendency (esp. medians & averages) can mask more than they reveal for this type of data



B. THE INTAKE BACKLOG — THOSE CASES WHERE THE INITIAL INTAKE INVESTIGATION HAD NOT BEEN COMPLETED — DECLINED STEADILY, BUT NOT DRAMATICALLY IN 2001.

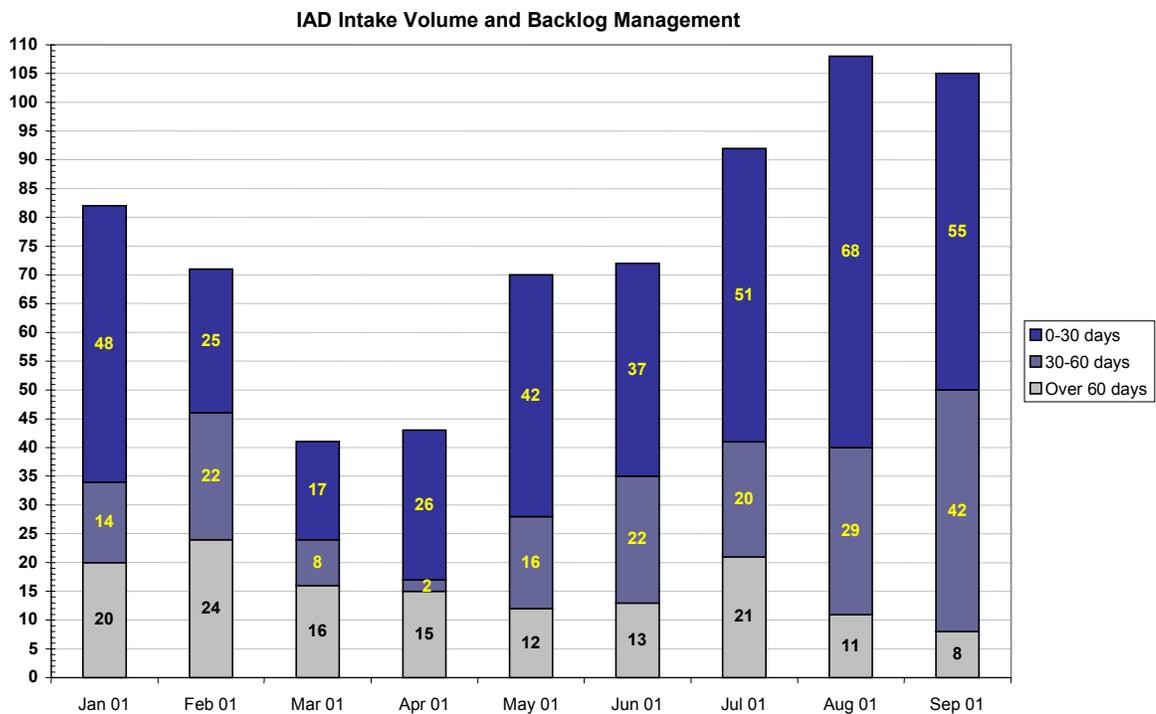
As the following chart shows, the effort to move cases more rapidly out of the intake phase has resulted in fewer cases held at intake for lengthy periods. The “intake” process includes an interview with the complainant by an intake investigator and collection of other readily-available information about the incident in question, such as 9-1-1 dispatch information, call reports, and other relevant information. After the intake investigation, a decision is made regarding the next steps for the complaint.

Cases involving allegations that, if proven, could result in discipline against an officer are typically assigned for investigation to a sergeant in IAD or the case is referred out to the precinct or other RU (division) for investigation. Cases that include certain types of allegations, such as use of force or disparate treatment, are consistently investigated by IAD sergeants and are not referred out to precincts.

For some complaints, the intake interview constitutes the last step in the investigation. For example, a complaint may involve allegations that, even if proven, would not constitute any violation of Bureau policy or procedures. Occasionally, an investigator will determine that an entire complaint is unfounded by virtue of determining that the incident simply could not have occurred (e.g. contrary to complaint allegations, 9-1-1 dispatch information shows no record of any call or the specifically-named officer was out of town at the time the incident was alleged to have occurred). These cases are declined for further investigation with an explanatory letter written and sent to the complainant.

The length of time a case is held at intake is primarily a function of workload, as the following chart illustrates. Moving cases rapidly out of intake is important to ensure that investigative interviews can be conducted as close to the event as possible. As we understand it, the historic backlog has been an issue of allowing cases with too many loose ends (e.g. information that hasn't come in yet or a complainant who has been unavailable for an interview) to languish without resolution. Apparently, efforts to solve these time delaying issues have proven effective in the last 12 months. The following chart shows the raw number – not percentages – of intakes still open at the end of each month. Showing these numbers by percentages could be misleading since the volume changes from month to month.

The backlog of cases at the intake stage beyond 60 days has declined



C. SINCE ADDING MORE SERGEANTS, THE SPEED OF IAD INVESTIGATIONS HAS SIGNIFICANTLY IMPROVED, WHILE TOTAL-TIME-TO-CLOSURE IS ONLY BEGINNING TO DECLINE.

Regarding the question of whether adding more sergeants in the fall of 2000 at IAD has improved the speed of case investigation, the answer is an emphatic *yes*. Unfortunately, regarding the question of whether or not this accelerated speed has resulted in more rapid closure of the longer and more complex cases, the answer is an equally emphatic *not yet*.

The data on the following page should help explain why there has been some mismatch in perception between those who observe the actions of the Bureau from outside and those who work on the inside.

Without fail, each Bureau member interviewed spoke with enthusiasm about the increased speed of the IAD investigations and how the additional sergeants have plainly made a significant difference to the Bureau's ability to clear the backlog and get on track. Equally reliably, external observers say they are not seeing any improvement in speed of investigations. Finding a clear explanation, based in hard data, in light of these two very different views became a key challenge in this research. The answer, in a manner of speaking, is that both are right.

The Portland Police Bureau *has* been very successful in accelerating the pace of IAD investigative work. In the past, almost all of the backlog of longer cases was held up in IAD – that is, IAD had not completed its investigative work on the complaint. Today, IAD's backlog has been reduced dramatically, with the effect of moving a large number of more complex cases up the review pipeline. Today, the majority of cases that are still open after six months have all IAD investigative work complete, but await such steps as determination of a finding from the precinct commander, completion of review-level work on the case, drafting of discipline letters by the Personnel Division, or review of such letters by a City Attorney.

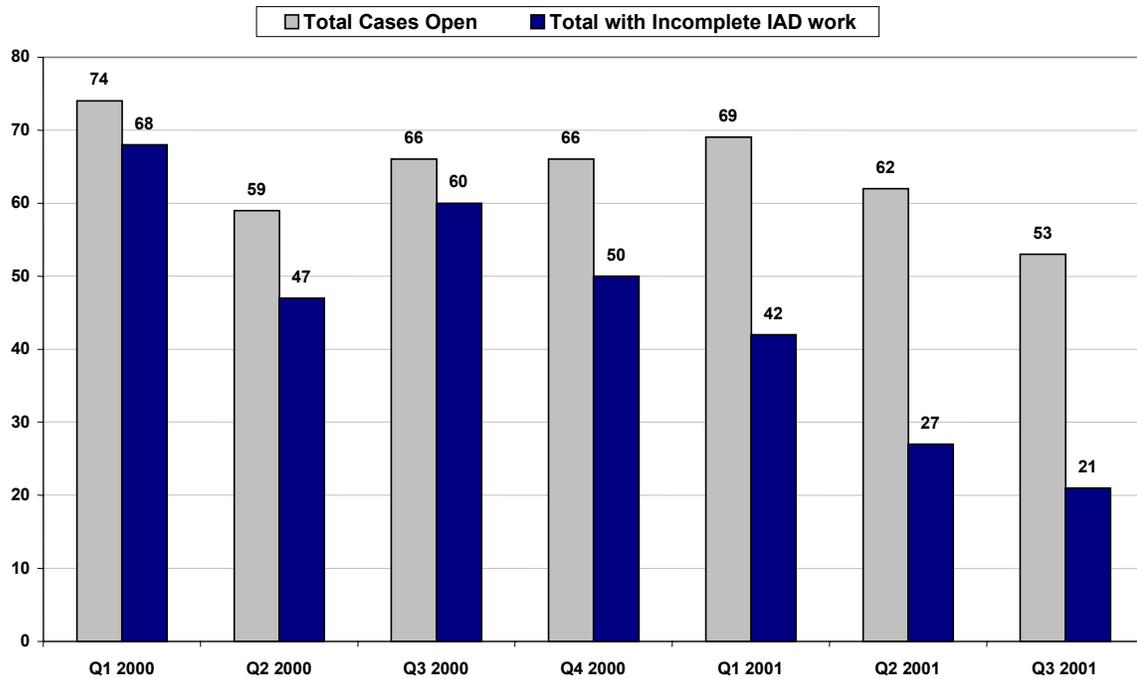
The result is that, within the Bureau, the investigations themselves are taking less time, while the length of time it takes to “close” a case – where both the officer and the complainant are aware of the outcome – has only begun to show a consistent downward trend. Of course, what matters most is the total length of time to closure of the case – both complainants and officers benefit by having the process completed much more quickly. The additional sergeants in IAD have contributed substantially to reducing the backlog in IAD. They have not, however, solved the full challenge facing the Bureau: completing the entire process more rapidly.

The charts on the following page show the total backlog of longer cases remaining open at the end of each quarter (light gray bars) next to a bar showing the number of those cases where the IAD investigation is not yet complete (dark blue bars). The dark blue bar explains the source of enthusiasm within the Bureau for the accelerated pace of IAD investigations. The light gray bar explains why complainants, individual officers who are the subject of complaints, and those who are tasked with overseeing the Bureau from the outside are still waiting for faster performance.

We address recommendations for improving this picture in the following section on performance measures.

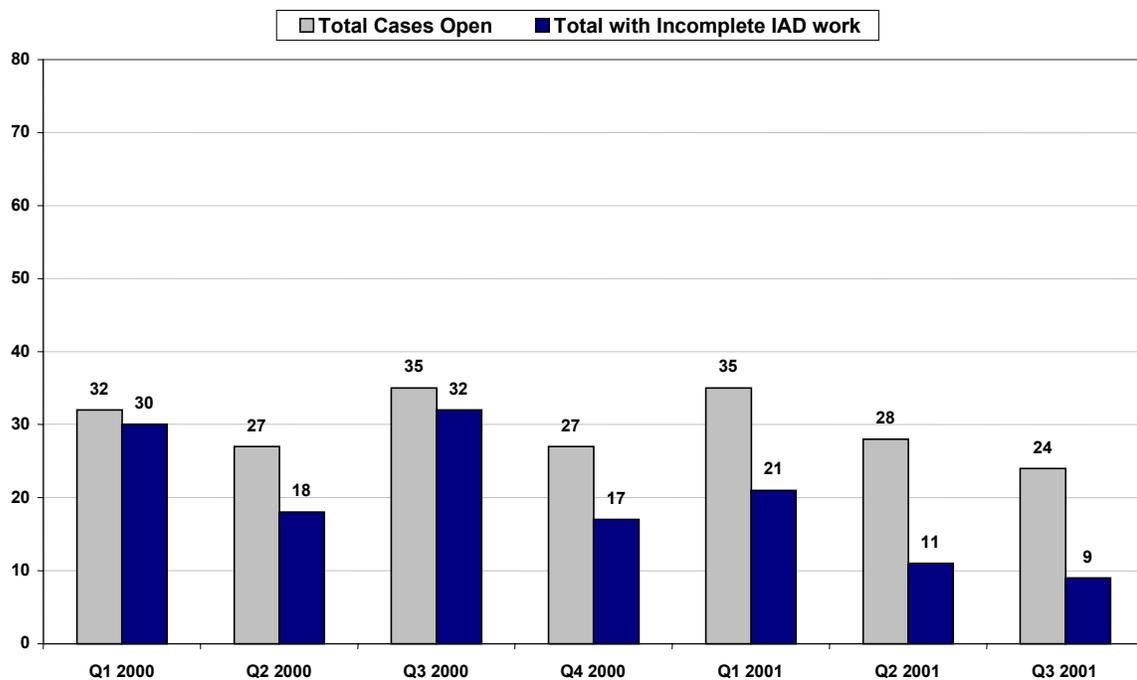
With added sergeants, the speed of IAD investigations has significantly improved; however total-time-to-closure remains high

Cases Open Longer Than Six Months At Close of Quarter



Similar trends are seen with the cases that are especially long — over one year

Cases Open Longer Than One Year At Close of Quarter



IMPROVING PERFORMANCE MEASUREMENTS

The second question asked of this research process is more complex than the first: *As IAD continues its work, how can performance measure data be improved to do a better job of providing timely, relevant information about internal affairs work?*

This question has particular relevance because the differing opinions regarding IAD performance rest, at least in part, on the different information that internal and external observers have of the Bureau. To the degree that the Police Bureau can improve its ability to clearly communicate relevant performance measure information, the chance of all decision makers reaching a common set of conclusions can be increased. However, before we consider approaches to performance measures, key measurement criteria are important to outline. This section begins with a discussion of factors to consider when developing and reporting on performance and concludes with some specific measurement suggestions.

A. EFFECTIVE PERFORMANCE MEASUREMENTS MUST BE BUILT ON AN UNDERSTANDING OF THE FULL MISSION OF IAD WORK.

At its simplest level, the core mission of IAD is to identify problem behaviors by officers that would not otherwise have been discovered and addressed without the benefit of a complaint-driven system. But this mission must be carried out in a manner that does not further contribute to such problems. Such a task is more complicated than it sounds. Done poorly, internal affairs work can:

- ▶ Increase officer resentment toward the administration, which serves only to reinforce an unhealthy “us versus them” culture at the officer rank – a factor that has been associated with officer misbehavior.¹
- ▶ Increase citizen mistrust of the Bureau, which serves only to increase the likelihood of antagonistic confrontations between citizens and police in the future.

Before examining appropriate measures, it is important to emphasize that *how IAD handles all complaints – not just sustainable cases – is important*. The way in which the Bureau responds to complaints that are unfounded, lack sufficient evidence to prove, or are even about behaviors that do not violate Bureau policy is a test of the effectiveness of internal affairs work. Almost every complaint is an opportunity to build trust with citizens or to take that trust away. Equally, each complaint is an opportunity to give officers a reason to believe in the validity of IAD work or to give officers another reason to resent management.

B. PERFORMANCE MEASURES SHOULD GIVE EVEN THE CASUAL OBSERVER A BALANCED PICTURE OF THE RESULTS.

One of the challenges in reporting performance is presenting the data in such a manner that an outside observer can quickly obtain an accurate picture of the scope of the problems

¹ See *Law Enforcement Ethics: The Continuum of Compromise*, by Kevin M. Gilmartin, Ph.D. and John J. Harris, M.Ed., published by the Police Chief Magazine, January, 1998.

reported. For example, to use year 2000 data, the most recent year for which complete data are available, we can say that:

- ▶ **There were 1,518 allegations made against Police Bureau members.** This number alone can be misleading. For example, one might conclude that 1,518 separate incidents occurred that caused people to call in, which is not the case. This number alone doesn't tell us enough to accurately understand the issues.
- ▶ **There were 831 complaints made against Police Bureau members.** This is the actual number of complaint incidents which generated the 1,518 allegations. This tells us that 831 different incidents occurred which generated complaints, but it still doesn't give us a sense of proportion to the scope of work being done nor to the number of those complaints that potentially have legitimacy. For example, tracking the raw number of complaints alone can result in unfair comparisons from year-to-year if new programs that substantially increase the number of contacts are put in place.
- ▶ **Fewer than one incident in every 1,000 police-citizen contacts results in a potentially legitimate complaint to IAD.** The total number of officer-citizen contacts in 2000, combining all self-initiated contacts with all calls for service was at least 433,554 separate contact incidents.¹ Dividing the number of contacts that generate complaints into the total number of contacts, we find that 0.2% of the contacts that Bureau members made generated complaints, while 99.8% of the contacts did not. This same percentage of complaint-to-contact ratio is observable in the first six months of 2001.

If we removed the number of complaints that were plainly without merit – that is, those that are unfounded, exonerated, or declined and keep all others, including service complaints, inquiries, “insufficient evidence” complaints, along with those that are sustained – the percentage of contacts that yield potentially legitimate complaints is very small, less than 0.1%. Put another way, out of every 1,000 citizen contacts made by police – including every arrest, every domestic fight, every burglary, every gang incident, every traffic stop, every incident of drunk or disorderly conduct, and every neighbor-to-neighbor dispute – two generate complaints and no more than one of those has a potential to be legitimate.

Too often, it is the first statistic about number of allegations that police detractors are tempted to quote, while it is the last statistic that police supporters quote. It is important to ensure that decision makers have the data necessary to see the picture in a more balanced way. Yes, we should be proud of the fact that extremely few police-citizen contacts generate complaints, while at the same time recognize that even one legitimate complaint – particularly of a serious nature such as force or disparate treatment – is too many.

Allowing the data to be presented in a manner that takes it out of proportion leads to resentments from one side or the other and undermines the trust necessary for effective police-citizen partnerships. When police officers perceive that they are being criticized for consistent mistreatment of citizens when the data don't support that finding, the temptation is to retreat further into an already isolating culture. When citizens perceive that police are not giving due consideration to legitimate complaints, mistrust grows along

¹ This number combines the 230,743 calls for service that were dispatched in 2000 with the 202,811 “self-initiated contacts” that police officers reported during that same time period. The actual number of contacts is likely slightly higher because not all self-initiated contacts are called in.

with a suspicion that the Bureau may be dedicated only to hiding its problems. Neither perception is helpful to building effective partnerships.

Therefore, to avoid the human tendency toward resentment when one feels misunderstood, we must begin with data that can give each participant in the conversation a balanced understanding of what is working well and what is not. That requires showing data in appropriate context and developing the data necessary to answer more of the questions that inevitably arise around internal affairs issues.

C. HISTORIC PERFORMANCE, POOR COMMUNICATION, AND LENGTHY PROCEDURES HAVE CONTRIBUTED TO A CREDIBILITY GAP IN PERCEPTION OF HOW THE POLICE BUREAU HANDLES INTERNAL AFFAIRS ISSUES.

In conducting the interviews for this research, we were consistently struck by the quality and commitment of the individuals working to address IAD issues, particularly in light of persistent external perceptions regarding how the Portland Police Bureau addresses internal affairs. To be sure, changes are still needed, but the existing state of internal affairs work at the Bureau is far more effective than external groups have been led to believe. Observations in favor of the work the Bureau has done include:

- ▶ **The staff, intake specialists, and sergeants at IAD are clearly committed to doing a highly professional job.** The sergeants interviewed included many long-time Bureau employees who see their jobs as helping to ensure the integrity and reputation of the Bureau. They want to identify the officer who misbehaves as early as possible because doing so is good for the officer, good for the Bureau, and good for the community. They also work to pass on their learning to officers in roll calls and in-service trainings to review common, avoidable complaint situations.
- ▶ **Letter writing practices to complainants and officers have been refined and improved in recent years.** There has been a concerted effort to write more effective explanatory letters to complainants regarding their complaints – whether it is a quickly denied complaint or a lengthy sustained complaint with very serious allegations.
- ▶ **Intake specialists are taking the time to explain police practices and policies as necessary to complainants.** Intake specialists conduct the initial interview and turn a citizen’s complaint of ill treatment into the specific allegations of violations of Bureau policy and procedures. The job requires the skills of an investigator and the patience of a therapist, and it appears that people well qualified for the effort are in place.
- ▶ **IAD has improved its management of cases sent out to precincts as well.** When an investigation is conducted into a complaint, some are handled directly at IAD while others are conducted by the precincts or other RUs (divisions). Apparently, systems in place to encourage the precinct-based investigations to be completed on time have been improved significantly.

Although important improvements have been made, external perceptions have not changed. Unfortunately, while the level of commitment to effective IAD work is clearly observable to a person who has the time to interview the majority of the IAD staff, isn’t clear at all to the majority who can’t afford such an in-depth look. The question of why this

disparity in perception exists is therefore relevant. Three factors seemed to stand out most prominently to describe the disconnect in public perception of the Bureau's internal affairs work.

- ▶ **Historically, the Bureau's commitment to internal affairs has been inadequate.** While positive changes at IAD have occurred over the entire past decade, the history of internal affairs helps explain part of the public distrust. Apparently it does not overstate the case to say that there was a time when working in IAD was considered by many to be the Police Bureau's version of career purgatory.¹ According to one example given by an interview participant, in the 1980s there was a period when two detectives (instead of the current ten sergeants) were available to handle the internal affairs investigative workload. The positions were so undesirable that the system developed to select detectives for IAD was nicknamed the lottery, with the losers having to work internal affairs cases.

Today the benefits to sergeants of working in IAD are sufficient to make the positions more acceptable to a broader range of candidates. But an organizational culture that in the not-so-distant past could produce such a poor commitment to internal affairs work will necessarily pay a price in considerable public skepticism long after better efforts are in place.

Further, given the generalized national reputation that police departments have earned for handling internal affairs issues poorly, even a theoretically perfectly performing police department would have to be expert communicators to address the public's natural skepticism on this issue.

- ▶ **The Police Bureau has not done an effective job of communicating the result of internal affairs work in a manner that addresses what the public wants to know.** Some of the mistrust that has developed between the Police Bureau and the citizens is not a result of poor complaint handling by the Bureau but a result of poor communication about how complaints are handled. Unless the Bureau can better communicate its complaint results, conversations with citizens and external decision makers will focus too much on ironing out differences of opinion regarding what is being done and too little on reaching agreement on what could be done.

Regarding internal affairs work, citizens want to know how many complaints are sustained, what the consequences are for those situations, whether or not "debriefings" are meaningfully done, and what else the Bureau is doing to reduce the incidence of misbehavior by officers whether or not sufficient evidence is available to reach a finding of fact for each complaint. It is only a slight caricature to say that the Bureau often responds by explaining the number of complaints received, the percentage that are declined, unfounded, sustained or exonerated and the speed with which cases are "closed." These conversations don't match, with the predictive result that neither side is satisfied. Our recommendations include evaluating the effectiveness of how well the Bureau addresses the information needs of the citizens.

¹ Our experience with other large police departments in the nation suggests that the Portland Police Bureau was not unique in this regard.

- ▶ **Long investigations lose credibility with everyone.** Plainly, lengthy investigations wear out the patience of the complainant and put a level of stress on the officer and the organization that is not beneficial to behavior management goals. Managers cannot expect to control behavior in their line staff if the consequences for inappropriate behavior are expressed in mandatory days off two years or more after the event. Citizens cannot be expected to believe that there is value in calling in a complaint when the length of the process stretches out as long as some cases have. Too often, the Portland Police Bureau's otherwise appropriate investigation process has lost credibility simply by virtue of the length of total time to closure.

D. MEASURES SHOULD DO A BETTER JOB OF TRACKING THE ISSUES THAT CONTRIBUTE TO, OR REDUCE, OFFICER RESENTMENTS TOWARD IAD WORK.

Effective measures are not simply a question of improving measurements of those elements that outside observers need to understand. To fulfill the mission of IAD, it is also important to consider those elements that will indicate to officers the degree to which the process is fair and appropriate. Certainly, many of the same indicators that citizens are concerned with will also be of interest to officers. Additional data points that officers, in particular, will want to know include information about how IAD (and now IPR) handles chronically dishonest complainers and steps that are taken to accelerate the speed of both the longer cases and the shorter service complaint issues.

E. A METHOD TO REPORT ON THE CORRECTIVE STEPS TAKEN AS A RESULT OF THE WORK SHOULD BE IMPLEMENTED.

When outside observers of the Bureau ask, *"What discipline steps have been implemented when officers misbehave?"* concrete answers are needed. When observers ask, *"What has the Bureau learned from the complaints it receives and how has the organization responded as a result?"* there should be data that tracks the answer to that question.

The data that answers these two questions constitutes the core information that a responsible citizen will want to know – it reveals the degree to which the Bureau is listening to the community's complaints. While many anecdotes are available, there has not been a consistent effort to document either the learning or the discipline that results from IAD work. For responsible citizens, even more important than wanting a sense of justice for an individual complaint is the desire to have one's complaint reduce the likelihood of other such incidents occurring in the future. Therefore, this issue needs to be addressed more effectively in Police Bureau communications. The result will not necessarily be an instant reversal in public perceptions, but it will help to ensure that more meaningful conversation can be had between the Bureau and concerned citizens regarding the steps that need to be taken.

Reducing the number of legitimate complaints against the Bureau requires effective training, timely investigative work, timely discipline, and all possible steps that can improve the likelihood of officers choosing "integrity over loyalty" as one interview participant described it. This may also require elevating internal faith in the integrity of internal affairs work and its self-correcting value to the organization. As one internal

interview participant describes it, this also requires examining the culture and training to determine why it is that some officers acquire the belief that they can misbehave or otherwise do not understand their role and mission in the community.

Examples of data that would be valuable to report on include:

- ▶ **Negative reinforcement steps taken**, such as documenting the disciplinary action in days of suspension without pay and or other standard disciplinary steps taken. Reporting this data shouldn't require revealing private information. It can be done in aggregate, much the same way that the total number of sustained complaints is reported on already. The value of reporting the information is that outside observers of the Bureau will have information about the consequences of a sustained finding. And even more to the point: so strong is the need to know this information that when it is not reported, both citizens and officers "fill in" their own answers based on whatever scraps of information are available, be they rumors, preconceived notions, or unfounded opinions. In effect, both citizens and officers are already sharing information about the degree of discipline that the Bureau implements. It would be better if that information were accurate.
- ▶ **Positive reinforcement steps taken**, such as feedback loops that show officers the practical benefit of doing an effective report, careful documentation, or applying effective communication skills. These efforts are currently being used, but they are not documented, logged, or communicated in a way that is readily accessible. IAD sergeants periodically attend roll calls to make brief presentations and participate in other efforts to pass on the learning that comes from investigating complaints. However, in the absence of there being communication about these issues, given traditional assumptions about police management, it is natural for some observers to assume that such steps are rarely taken.
- ▶ **Administrative/institutional changes**, such as changes in policies and practices that have arisen from IA work or the introduction of new in-service training adjustments. Again, there are many anecdotes about changes that have resulted from internal affairs work, but little concrete documentation. There is no "record" per se of how the Bureau has learned from mistakes it has identified. The information exists, but not in one place that would allow an outside observer to understand it (a new policy clarifying that officers may not leave stranded motorists whose cars have been towed is just one of many examples scattered throughout the Bureau). This lack of concrete documentation allows a perception to develop that the Bureau doesn't change or learn from mistakes identified through the complaint process. This perception feeds citizen antipathy toward police which reinforces the victimization culture found in many large police departments – the perception by officers that they'll never be understood by citizens.

These changes in policy, general orders, training practices, and similar adjustments are some of the most meaningful and most desired outcomes of good internal affairs work. Better communication about the Bureau's ability to listen and learn from incoming complaints would further help to bridge the credibility gap with the citizens the Bureau serves.

What is needed to communicate each of these points more effectively is not anecdotes, but quantitative, measurable facts. Given the history of police internal affairs issues in the nation, natural public skepticism will best be addressed with hard data.

F. IMPLEMENT AND TRACK EFFORTS TO REDUCE THOSE COMPLAINTS THAT ARE ESSENTIALLY UNRELATED TO OFFICER MISBEHAVIOR.

In addition to those complaints that address legitimate concerns about the behavior of Portland police officers, there are two other types of Internal Affairs complaints the Bureau receives. Assuming accountability for reducing these types of complaints is an important part of building stronger trust and better opportunities for partnership with the citizens. These types of complaints include:

- ▶ **Complaints based on a lack of understanding of police procedures.** A significant portion of the complaints brought against the Bureau involve citizen misunderstanding of necessary police practices and procedures. These complaints should be viewed by the City for what they are: one indicator of the size of the distance between a service the City provides and the community it serves. In our view these complaints can and should be reduced through significantly improved efforts by the Bureau to create a common understanding between Bureau members and the community regarding basic police practices and training. This type of communication is all too lacking in most departments, with the exception of now-popular “citizen academies” which are typically designed to reach only a tiny percentage of the community. While some efforts in developing brochures that explain certain police practices have been done in Portland, major new innovations in this arena are necessary to make meaningful headway. This is a community outreach and training issue with potential for tremendous benefits if done well. The Bureau would benefit by tracking and measuring the number of cases that are declined for this reason and documenting the effectiveness of what is being done to address it.

- ▶ **Complaints provided by “professional” complainers.** This small portion of the complaints that are filed creates a significant perception problem within the Police Bureau. The archetypal situation: a suspect is legitimately arrested and then files a false or frivolous complaint against the arresting officer primarily as a potential tool to use in the suspect’s defense at trial. The other commonly cited example is the person known to police officers for his/her multiple criminal convictions who continues to engage in a variety of plainly suspicious behaviors and who is therefore stopped by police officers more frequently than would otherwise be the case. Apparently a few such persons make it routine practice to report a complaint after every stop as a means to retaliate against those police officers and dampen the interest in stopping them.

Whether this is a monthly routine for a small number of criminals or is a less frequent event, the idea that this is a source of some of the complaints fuels resentment among officers. In this regard, we are not as worried about the source of the complaints as the psychological effect of the perception among officers that the Bureau may give the benefit of the doubt even to these chronic dishonest complainers over its officers. This

perception, legitimate or not, widens the traditional fracture lines between management and line staff by implying that management doesn't support its officers. Our research did not include an independent count of the number of these complaints and we take no position on their relative frequency. We have determined, however, that legitimate efforts have been made at IAD in recent years to deal with complainants differently who have a history of crying wolf and believe that more should be done to communicate the success of those efforts, particularly to officers.

A second aspect of this issue is more delicate – a sense of outrage was expressed in multiple interviews, though not by all interview subjects, over the fact that there is no penalty for filing a plainly false report when the issue is officer misconduct. On the one hand, it would make sense to revisit this issue and consider some type of penalty associated with filing a false report. On the other hand, because this step could have the unintended consequence of preventing an already nervous complainant from coming forward, efforts to address this issue differently from the current system should be weighed with care. We understand that the office of Independent Police Review will implement a system that requires complainants to sign the complaints, something which the Police Bureau does not currently require. This may help with the issue of false reports, but should be watched for issues associated with dampening interest in providing legitimate complaints.

G. RAISE CREDIBILITY WITH COMPLAINANTS, THE PUBLIC, CITY COUNCIL, AND OFFICERS, BY SPEEDING UP THE ENTIRE PROCESS – FROM THE MOMENT OF THE COMPLAINT TO THE IMPLEMENTATION OF DISCIPLINE.

Absolutely no one gains from a slow internal affairs process. While the public outcry for a faster complaint investigation process has been from the complainant's side of the table, there is an equally high level of frustration within the Bureau about the length of time that cases can take. To be sure, the great majority of complaints are handled comparatively quickly – since January of 2000, 6 out of 10 complaints have been closed within three months and 8 out of 10 closed within six months.¹ However, it is that last 20% that creates the most problems for both officers and complainants. Complainants wait for answers while officers – attempting to do their jobs while under investigation – wait too long to find out the outcome and possible discipline. As many within the Bureau have pointed out, when discipline is imposed, too often it is implemented so far after the fact that the possibility for credible on-the-job learning is lost. The lengthy waiting period degrades credibility with the public and breeds cynicism with the officer – both of which detract from the potential for healthy police-community partnerships.

Further complicating the problem of long investigations is that rumors grow in an information vacuum. There is a tendency for all observers, be they citizens, officers, or the media, to speculate on the Bureau's motives for taking so long and to add breath to rumors and urban legends that gain strength when the actual facts are not yet available. Some recommended steps:

¹ Based on an analysis by CDRI of all complaints filed in 2000.

- ▶ **Find a way to reduce the number of different individuals who must write about a case.** Currently, from the point of intake interview forward, if a case goes all the way to a sustained finding and discipline of the officer, the number of separate individuals who must immerse themselves in the details of the case is considerable and includes, *at minimum*:

- The intake interviewer who conducts the initial interview and prepares an initial report.
- The investigator – most commonly an IAD or precinct sergeant – who prepares a report upon completion of the investigation.
- The RU (division) manager – most commonly a precinct commander – who reviews the investigation report and then prepares a separate report, which constitutes the findings of the investigation.
- A staff person in the Personnel Division who drafts a letter outlining the discipline steps to the officer, based on the case.
- A City Attorney who reviews, approves, or modifies the letter from the Personnel Division.
- The IAD captain or lieutenant who writes a letter reviewing the outcome of the case to the original complainant, with a copy going to the officer as well.

Each of these individuals must take the time to immerse themselves in the details of the situation and prepare communication that fairly addresses the issues. With a gauntlet like this one to run, it seems unlikely that the final letter the complainant receives will reflect an understanding of the particular concerns the complainant first called in. As one internal interview participant observed about the value of a letter sent long after the original complaint, “Sometimes a letter can create more problems than it solves.” From a performance measure standpoint, it is important to record the date that each step is completed in order to ensure that bottlenecks can be identified and addressed.

- ▶ **Consider methods to accelerate, or even decentralize, discipline for all but the most serious of allegations.** The drawback of decentralized discipline is that commanders of two different precincts may implement discipline differently. This raises legitimate fairness and collective bargaining concerns. The benefit is that it raises the likelihood of discipline occurring closer to the event, which can allow for better learning for the officer and faster closure for both the officer and the complainant. While these factors need to be weighed in determining a way to make the process work more effectively, the overriding recommendation is that a faster discipline process be implemented. While such a system must remain fair and consistently applied, management theory is highly consistent on the need for approaches that both reward and discipline as close to the event as possible.
- ▶ **Focus on the length of the short cases also.** In addition to concerns that the more complex cases take too long, there is also concern that the length of time for the simple and less serious cases is often too long as well. As one internal interview participant notes, “All service complaints should be handled within 72 hours of the complaint,

period.” Whether or not this goal is attainable we cannot judge. Nevertheless, it is important to make sure that complaints about courtesy and other issues that are best resolved through timely conversations and an understanding ear from a person in authority are handled quickly. Citizens want such issues addressed efficiently and officers will benefit by the reassurance that, while IAD will look into serious complaints in detail, it will not make mountains from molehills when a service complaint comes in.

H. MAKE IT EASIER TO UNDERSTAND INVESTIGATION OUTCOMES BY THE CATEGORIES THAT WILL INTEREST OUTSIDE OBSERVERS.

The materials we have reviewed typically show the findings of the complaints listed in roughly the same order they appear in the Bureau’s policy and procedure manual:¹

- Unfounded
- Unfounded with debriefing
- Exonerated
- Exonerated with debriefing
- Insufficient evidence
- Insufficient evidence with debriefing
- Sustained
- Declined
- Inquiry
- Mediation

Listed in this order, it becomes difficult to aggregate the data in one’s mind into categories that a manager needs to make decisions. For example, during the course of this research we heard with frequency the statistic that fewer than 10% of all complaints are typically sustained. We did not hear as clearly about the other categories that a manager would require information on in order to understand complaint outcomes. As all officers and citizens should know, a finding of “not guilty” is not the same thing as a finding of “innocent.” Effective managers, therefore, immediately understand that, if 10% of complaints are sustained, one cannot conclude that for the other 90% the officers are entirely “innocent.” This is why the above categories are used and also why better organizing of the categories when reporting results will give decision makers a sense of greater clarity in understanding the results. Summarizing the complaint outcomes into the following “macro” result categories will assist all in understanding the work that IAD does:

- ▶ **Sustained complaints.** These are complaints of a comparatively serious nature that the Bureau has found to be valid – the Bureau’s finding is that the officer did not follow established policies or procedures. This includes only those cases with a finding of “sustained.”
- ▶ **Complaints with insufficient evidence.** These are only those complaints of a serious enough nature to be investigated where insufficient evidence was available to make a finding. This includes all cases with a finding of “insufficient evidence” and “insufficient evidence with debriefing.” There are apparently relatively few of these each year, but their size should be tracked separately from the other categories as they are the only category without a real conclusion attached.

¹ The definitions of these terms are shown in the Methods section of this report, on page 4.

- ▶ **Mediations, inquiries, and other debriefings.** These are complaints where it is possible that some degree of inappropriate behavior occurred, but not of a nature serious enough to warrant disciplinary action. These include all cases with findings of: Unfounded with debriefing, exonerated with debriefing, inquiry, and mediation. This would also be the category in which to place the occasional miscellaneous finding. These cases warrant management attention, but not at the level of more serious findings.
- ▶ **Complaints that are not valid.** This category includes complaints that are “declined,” as well as those categorized as either “unfounded” or “exonerated” *without* debriefing – those instances where the Bureau’s finding is roughly one of “innocent.”

Together the four categories above should add to 100% of all allegations and give the decision maker a simpler set of data to track and understand complaint outcomes.

I. USE TERMINOLOGY THAT BETTER COMMUNICATES WHAT THE BUREAU DOES WITH COMPLAINTS.

There are a number of examples of terminology used in the IAD process that unnecessarily complicate the challenge of communicating internal procedures with naturally interested external constituents. Examples that have been suggested during this project:

- ▶ **Giving officers “days off.”** Officer discipline should no longer be described as a given number of “days off.” For most citizens, “taking a day off” is an attractive thing to do. Better to call it what it is: a given number of days of suspension without pay.
- ▶ **“Declining” a complaint.** Cases in which the initial intake investigation reveals that the complaint is plainly without merit or that, even if all allegations were sustained, that the behavior about which the complaint was filed does not represent a breach of expected officer behavior are often described as cases which have been “declined” with the implication that nothing was done to investigate the complaint. Better to describe it more accurately as resolved, or declined, after preliminary investigation.
- ▶ **The term “complaint” itself is somewhat misleading.** The way that “complaints” have been tracked by IAD is actually by complaint-generating *incident*. It is possible, therefore, to have multiple allegations for one “complaint” and, occasionally, there are even multiple complainants for one complaint. It makes sense to use this approach, but the terminology can be misleading.
- ▶ **Treating case “closure” data as an outcome goal instead of a process goal.** The speed with which cases are closed is certainly important, because the speed of the process matters to both complainants and officers. However, it is important to keep in mind that reporting on the rate of complaint closure (a process goal) will not fully satisfy a decision maker whose interest is outcomes (e.g., reducing complaints, improving community trust).

J. TRACK INVESTIGATION TIME.

External observers express frustration, on occasion, that the Bureau hasn't done enough to investigate a specific complaint. Internal Bureau members express frustration, on occasion, that external expectations of the scope of an investigation are sometimes out of line with what is reasonable to do in the situation. We doubt it will bring both sides to a perfect meeting of the minds, but the conversation may benefit by making sure that the approximate resources spent on each investigation are tracked. One of the simpler ways of doing this is to include a field for an estimation of total hours spent by Police Bureau personnel on the subject adjacent to the date fields specifying when investigation milestones are met.

DATA DISPLAY ISSUES

An important issue to track regarding internal affairs complaints is the trend in the frequency of complaints, particularly by type of complaint. Decision makers benefit by knowing whether the number of complaints against officers is increasing, decreasing, or changing in the type of allegations made. Here again the potential for misleading conclusions has resulted in poor communication about what is actually happening with complaints.

A. FOR THIS TYPE OF DATA, PERCENTAGES CAN MASK MORE THAN THEY REVEAL.

Some approaches that *do not* work include:

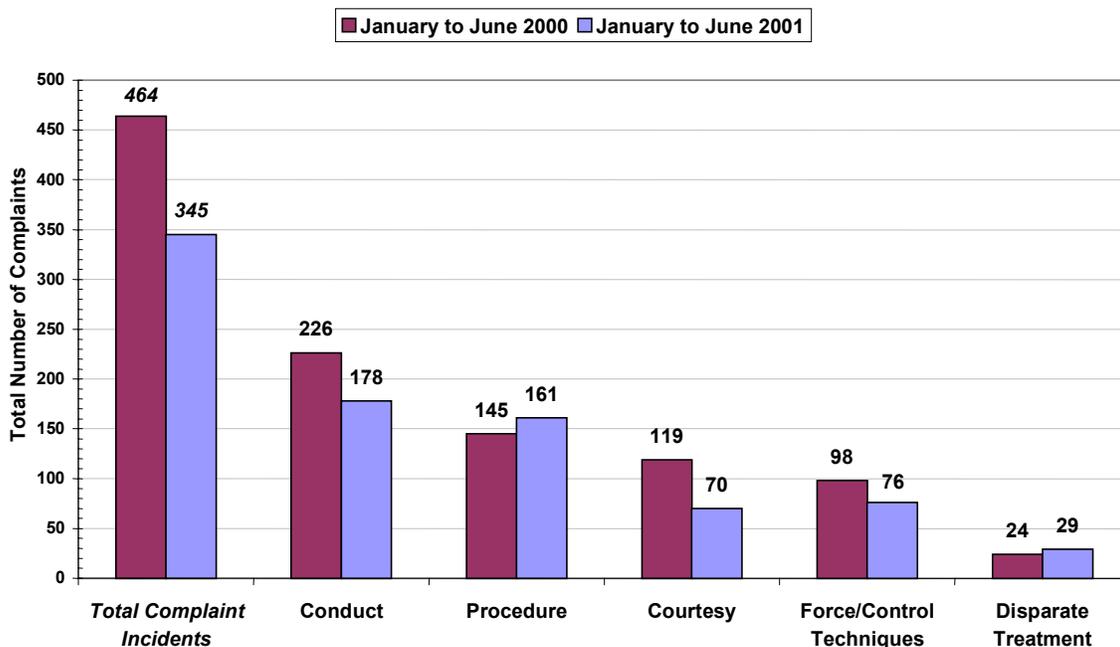
- ▶ **Bar and pie charts that show the percentage of types of allegations** are misleading because the incidence of a given allegation – use of force for example – could remain steady yet appear to be in decline simply because complaints about courtesy issues have increased, thus reducing the overall proportion of complaints represented by force issues.
- ▶ **Showing case outcomes based over closed cases for a given complaint reporting period** is generally not a satisfactory means to show the data until at least a year after the reporting period. The issue is that outcomes can be reported only for closed cases and, in general, cases that remain open for a longer time period are more likely to involve sustainable complaints. The results can be confusing and somewhat skewed from the actual outcome of all complaints reported in the period. This is why, when showing results for a complaint reporting period, including the number of cases that remain open in the total will provide a more accurate picture.

B. FOR MOST DATA, SHOW RAW NUMBERS OR PUT PERCENTAGE DATA IN THE CONTEXT OF THE BUREAU ACTIVITY LEVELS.

Some approaches that *do* work include:

- ▶ **In general, raw numbers, not percentages, should be used when the “base” or population “N” is the total number of complaints or the total number of allegations.** The following chart is a good example of this. It shows a breakdown of allegations reported in the first half of 2000 compared with the first half of 2001. The total number of complaint incidents is shown first, followed by the number of the different type of allegations. Note that the total allegations added together will add to more than the number of complaint incidents because a complaint can have more than one allegation associated with it. This table demonstrates that the raw number of complaints between the two time periods has declined, and that, in three out of five allegation categories declines are seen as well. Keep in mind, of course, that these are *allegations*, only some of which will be sustained.

Allegations Made and Total Number of Incidents that Generated a Complaint



- ▶ **Percentages are most relevant when they are related to Bureau workload or to results of a specific allegation.**

Percentages become most relevant when the base or “N” used is:

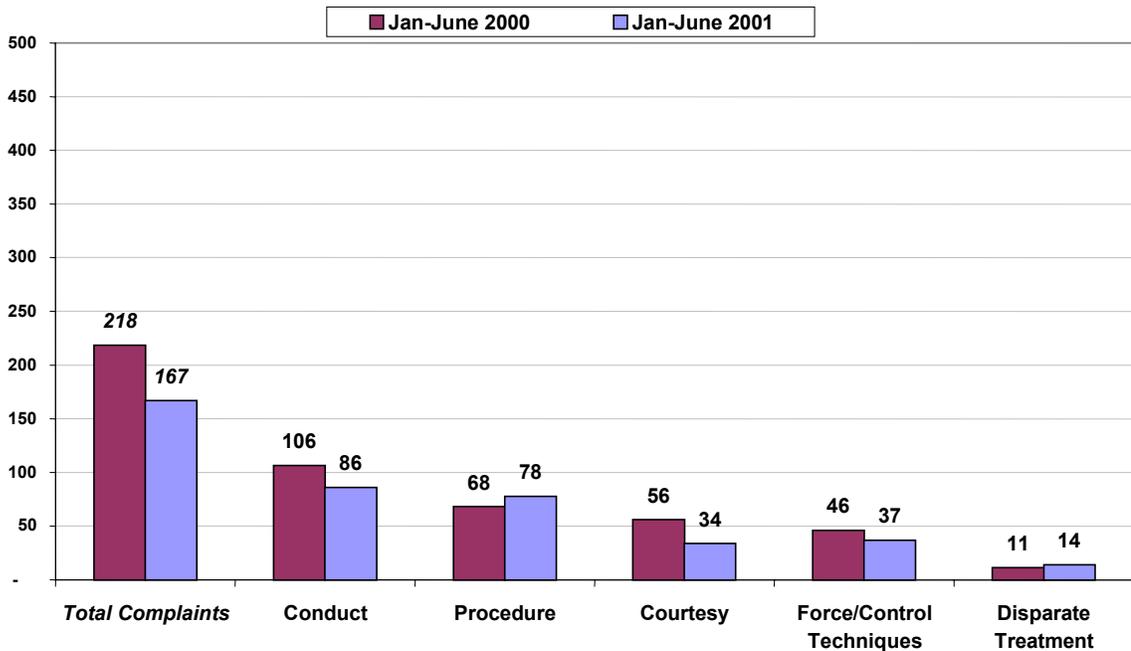
- **The number of a *specific* allegation.** For example, it is relevant to show the percentage of all force allegations that have findings of sustained, exonerated, unfounded, insufficient evidence, or others. It is less relevant to examine the generalized percentage of sustained allegations from year to year (that is, based over all allegations), because too many other factors could cause the number shown to mask the relevant information.
- **The total number of citizen contacts made by all officers.** Comparing complaints, allegations, and other internal affairs data to the total number of contacts made should provide some of the most reliable data for comparison over time. If the Portland Police Bureau implements programs that increase the number of contacts with citizens by 20% over the course of a year, yet the number of complaints increases by 5%, the actual rate of complaints per contact made has declined. Equally, if the number of contacts declines, but the number of complaints stays constant, the actual rate of complaints per contact has increased. Using these types of measurements, decision makers outside the Bureau will have the data necessary to understand the trends, while decision makers within the Bureau can choose to increase citizen contacts without fear of being unfairly accused of becoming less sensitive to citizen concerns.

As one interview participant noted, in some cities where crime has declined recently, internal affairs complaints increased over the same time period. In contrast, in the City of Portland crime has declined while the number of internal affairs complaints has not increased.

The following chart is one example of how to show the same raw data just displayed, but this time in a modified percentage format. Given that extremely few police contacts generate complaints (0.2% or fewer), and in order to show whole numbers on the chart, we have stated the percentages in rates per 100,000 contacts. On the table below, 100 complaints per 100,000 contacts is equivalent to one-tenth of one percent of all contacts; while 10 complaints is equivalent to one one-hundredth of one percent.

Complaints and Allegations per 100,000 Contacts

On the scale below (shown in rate per 100,000 contacts) the top of the scale (500) is equivalent to 1/2 of 1% of all contacts, 100 is 1/10th of 1%, and 10 is 1/100th of 1%.



For reference, combining calls-for-service and self-initiated contacts, the Portland Police Bureau recorded 212,406 contacts in the first half of 2000 and 207,138 contacts in the first half of 2001.¹ Note that the total number of contacts is conservative – apparently some, but not all, traffic stops are tallied as “self-initiated contacts.” As such, the actual number of contacts is likely to be somewhat higher, which would result in the rate of complaints per 100,000 contacts being, if anything, lower than shown here.

¹ See footnote for related discussion on page 11.

DATA COLLECTION NEEDS

While questions of data collection and measurements have been important to internal affairs work for some time, the issue is particularly topical during the transition to the new IPR-IAD interagency approach. Most, but not all, of the following information has historically been tracked by IAD, but it has not been kept consistently in one database in a manner that is easy to access for analysis. Integrating the information for ease of analysis and reporting will be critical to providing timely reports in the future.

Our recommendation is that the following data be tracked for every single complaint incident called or reported to IPR, *whether or not a complaint is signed*. (Tracking the data only for signed complaints would immediately render IPR data incompatible with past IAD data, where, since May of 1999, all complaints, whether or not they were declined and regardless of severity, have been given a case number.)

1. **Key completion dates.** These should be easy to analyze by such groupings as seriousness of allegation, precinct, and other issues:
 - ▶ **Date tracking for case progress.** This should be for standard milestones in the investigation process, such as the *date reported*, which would apply to all complaints, and then as applicable, the following dates:
 - **Complaint signed** (in the case of IPR's new process, not applicable to IAD's past procedures).
 - Completion of **intake interview**, if applicable.
 - Date **assigned out** to investigator, if applicable.
 - Completion of **investigation**, if applicable.
 - Delivery of **finding** by RU (division) manager, if applicable.
 - Completion of review-level decision regarding **findings and discipline**, if applicable.
 - Delivery of **final letter to complainant** regarding the outcome of the case (which would apply to all cases). This is the "closure date" as currently defined – the date on which the complainant is sent information on the final outcome of the investigation.
 - Delivery of **letter regarding discipline to officer**, if applicable. This is the closure date from the officer's perspective. Our understanding is that this date can postdate the final complainant letter in some instances.
 - **Appeal dates** and milestones, if applicable.
 - ▶ **Other non-statistical data.** Other date-tracking information could also be valuable for case management, but not as necessary for statistical analysis. For example, it may be valuable to have the database support response deadlines to trigger case follow-up tasks for each stage.

2. Incident data.

- ▶ **Date.**
- ▶ **Time of day.**
- ▶ **Location.** Ideally, an address or other data that can be directly transferred into current geo-mapping programs used by the City.
- ▶ **Precinct location.** This is a means of recording the geographic location by precinct and is not the same as identifying the responsible division within the Bureau. For example, an incident involving an officer from the Traffic Division that takes place in Southeast Precinct would be classified with a Southeast location. (Under point 3 below -- *other basic case information* -- we recommend recording the responsible division/RU as well.)
- ▶ **Type of contact.** For example, traffic stop, self-initiated stop, or type of dispatched call (e.g. assist, assault, burglary, chase, civil, disturbance, down, drunk, family dispute, fight, gang, noise, theft, traffic, others).
- ▶ **Allegations.** Each allegation associated with a complaint should, of course, be entered into the database, not as a separate complaint, but as a separate allegation within the same complaint. In addition, there may be substantial value in providing subcategories for the use of force allegations – for example, categorizing the specific type of force used so that statistical sorts can be conducted with the data. IAD materials reviewed for this research suggest such subcategories as: physical, impact weapons, chemical, handcuffs, and other.
- ▶ **Incident subject data.** Note that the following information is about the citizen who was directly involved in the complaint incident – in many cases, but not in all, this is the same person as the complainant. In some cases (e.g., the complainant was a witness to the event and not a participant in it) these would be different people.
 - Injuries sustained, if any, during the incident. A rating system could be used here indicating levels of severity.
 - Under the influence (Y/N).
 - Arrested, detained, or cited. If yes on any, indicate the charge(s).
 - If not the complainant: Additional identifying information similar to that collected for the complainant such as name, date of birth, race/ethnicity, gender, and contact information.
- ▶ **Other non-statistical data.** All other complaint-specific data regarding the incident necessary for the investigation are also important to record, but are not needed for statistical analysis purposes. This could include the full range of information that is taken now, including data about witnesses, incident descriptions, and other details.

3. Other basic case information. The same data as is currently collected in each case should be recorded, including such elements as:

- ▶ **Case numbers.**
- ▶ **For each complainant, identifiable by allegation:**

- **Date of birth.**
 - **Gender.**
 - **Race/ethnicity.** Unlike the current system, it is important that these be recorded in categories identical to those used by the U.S. Census – that is, allowing multiples in the same manner, and tracking Hispanic/Latino separately from race as well. This will permit better comparability to the incidence of complaints relative to the incidence of race. (We also note that it would be valuable to record *education* background and household *income* for analysis purposes, but we question whether such information could be collected without raising a host of concerns about the potential for inappropriate use of such information.)
 - Rating for complainant/police **contact history.** For example, “light” might be no more than two contacts in 12 months. “Moderate” might be three to five contacts in the last 12 months and “heavy” more than six contacts.
 - Number of **other complaints filed**, if any, in the preceding 12 months.
 - Relationship to the allegation made: **Subject, witness, not present.**
 - *Other non-statistical data on the complainant:* Information such as full name, previous/other names used if any, address, phone numbers (day, evening, cell, fax, pager), and e-mail are not needed for statistical analysis purposes, but certainly for case investigation.
- ▶ **For each officer/Bureau member** associated with a complaint-incident, identifiable by allegation and complainant:
- **Division/RU.** Note that this is the division within the Bureau for which the officer works – it is not necessarily the geographic precinct in which the incident occurred. This will permit sorting of complaints and allegations by division, rather than simply by geographic precinct, giving managers better and more useable information about complaints.
 - **Supervisor at time of incident.**
 - **Rank.**
 - **Gender.**
 - **Race/ethnicity.** Recorded in same manner as complainant.
 - Length of service or **year started.**
 - **Date of Birth.**
 - **Injuries sustained**, if any, by the officer during the incident. The same rating system used for subject injuries could be used here as well.
 - **Other complaints.** For example, number of non-declined complaints, if any, in preceding 12 months.
 - *Other non-statistical data on the officer/Bureau member.* Information such as full name, DPSST number, and relevant contact information are not needed for statistical analysis purposes, but certainly for case investigation.

- ▶ Case assignment codes for RU or IAD investigation.

4. Results.

- ▶ **The finding**, sortable by allegation, incident, and complaint. It may be worthwhile to consider additional detail on the levels of declined cases – for example, we may want to delineate those declines that are a result of lack of follow-through by the complainant versus those that are a result of there not being actionable allegations made in the original complaint.
- ▶ **Incident-specific corrective action taken**, including discipline, if any, per incident, e.g., none taken, mediation, briefing, days off (number), other categories. Reporting should show per-incident results and never per-officer results.
- ▶ **Organizational/administrative action recommended**, if any. At minimum a Yes/No field here. This could be expanded to such fields as in-service training, roll call trainings, public relations, and general order development.

5. **Cost-benefit measures.** If the data are available, it would be valuable to track the number of hours invested in the work done at each date milestone, such as hours for intake interview and reporting, investigation and reporting, IAD management review and letter writing, RU manager finding preparation, and every other step of the way. To keep the process efficient, unless exact numbers are already tracked, estimates by the party with primary responsibility for the given procedural step should be sufficient.

6. **Quality measures.** Consider integrating data from self-administered questionnaires collected at the closure of the case and showing a rating for:

- ▶ The satisfaction of the complainant with the process at closure.
- ▶ The satisfaction of the officer with the process at closure.

Note that this recommendation would be possible only if the surveys are not done anonymously – a step that would have drawbacks of its own.

7. **Ability to export.** The raw data, with officer and complainant names deleted, should be exportable to other databases and statistical processing packages for analysis.

SUGGESTED COMPLAINANT AND OFFICER SURVEY TOOLS

Included in this project was a request to review an existing survey instrument and make recommendations for a means to modify the survey to fit the City of Portland's needs. The survey instrument, based on one used in another city for complainants, included the following questions (in addition to demographic data):

- Do you feel you had a chance to tell your side of the story? (Yes/No)
- Do you feel the staff member listened to you? (Yes/No)
- Do you feel you were treated with respect? (Yes/No)
- Do you feel you received useful assistance? (Yes/No)
- Do you feel the outcome of our contact was fair? (Yes/No)
- Is there anything you would like to tell us about your experience with the complaint process? (An open-ended question – respondents write in their opinion.)

After reviewing the survey, CDRI recommended an approach that would more closely measure management objectives for effective internal affairs complaint handling at the Portland Police Bureau. In addition, a second survey, to evaluate the perceptions of officers who have been the subject of a complaint, was also developed. The following pages show the two surveys developed as a result of this research – suggested tools developed for surveying both complainants and officers who have been the subject of internal affairs complaints.

Why these surveys are labeled as "samples:" As experienced researchers, we understand the importance of designing survey questions to match the data processing needs and other issues that are unique to the style, standards, and preferences of the researchers who will be conducting the data analysis. Therefore, we have labeled these surveys as *samples* because they are just that: a suggested approach intended to assist the Police Bureau and Auditor's Office in creating a final approach.

SAMPLE APPROACH

Internal Affairs *Complainant* Satisfaction Survey

Our records show that you filed a complaint with the City of Portland regarding one or more members of the Portland Police Bureau. We would like your feedback about the assistance you received during the complaint process so that we can better understand how to improve our services.

Your responses to this survey will be anonymous — do not provide your name on this form. If you have questions about this survey, please call [number].

After you complete the survey, please return it by mail in the enclosed business reply envelope.

1. Please rate the assistance you received from the City of Portland regarding this complaint:

| | <u>Agree</u> | | <u>Disagree</u> | | <u>Not Sure/ N/A</u> |
|---|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| | <i>Strongly</i> | <i>Somewhat</i> | <i>Somewhat</i> | <i>Strongly</i> | |
| a) The complaint process, including the expected length of time, was explained well at the time I filed my complaint | <input type="checkbox"/> |
| b) The investigator(s) who interviewed me listened well and asked fair and thorough questions | <input type="checkbox"/> |
| c) I have been kept adequately informed of the progress of my case | <input type="checkbox"/> |
| d) Letter(s) I received from the City about my case indicate to me that a reasonable and fair effort was done to assess my complaint..... | <input type="checkbox"/> |
| e) The City of Portland was thorough in its evaluation of the merits of my complaint..... | <input type="checkbox"/> |
| f) The City of Portland handled my complaint in a timely manner..... | <input type="checkbox"/> |
| g) The outcome of my complaint was fair | <input type="checkbox"/> |
| h) Police procedures relating to the event I complained about have been well explained to me | <input type="checkbox"/> |
| i) I am satisfied the City of Portland is taking appropriate steps to prevent future incidents like the one I complained about | <input type="checkbox"/> |
| j) In my case, I am satisfied the complaint process worked as it should have | <input type="checkbox"/> |

2. My complaint involved the following allegations regarding one or more members of the Portland Police Bureau (**check all that apply**):

- a) Use of excessive physical force
- b) Unnecessary holding or handcuffing.....
- c) Illegal discrimination.....
- d) Rude or discourteous conduct
- e) Other unprofessional conduct.....
- f) Failure to provide appropriate service.....

3. Which statement best describes your involvement in the incident about which you complained (**CHECK ONE**):

- I was directly involved in the incident.....
- I was a witness to the incident and not otherwise involved
- I was neither involved nor a witness – I learned of the incident after it occurred.....

4. In the past two years, how many *other* times, if any, have you filed a complaint about an incident involving the Portland Police Bureau?

- No other complaints filed* – I have filed a single complaint about one incident in the past two years.....
- I have filed two complaints, about two separate incidents, in the past two years
- I have filed three or more complaints about three or more separate incidents in the past two years.....

5. Briefly, what are the *strengths* of the complaint process — what has worked particularly well?

6. Briefly, what are the *weaknesses* of the complaint process — how should it be improved?

To help us understand the answers better, please tell us about yourself:

7. Female

Male

8. African American

Asian/Pacific American

Hispanic/Latino

Native American

White/Caucasian.....

Multiracial

9. Under age 18

18-24

25-34

35-44

45-54

55-64

65 or over.....

Please return to [location], in the enclosed stamped envelope.

Thank you!

SAMPLE APPROACH

Internal Affairs Complaint Subject (Officer) Satisfaction Survey

Our records show that you were recently the subject of an IAD complaint. We would like your feedback about the process so that we can better understand how to improve the way we address internal affairs issues.

Your responses to this survey will be anonymous — do not provide your name on this form.

After you complete the survey, please return it by mail in the enclosed business reply envelope.

1. Please rate the process you experienced regarding this complaint:

| | <u>Agree</u> | | <u>Disagree</u> | | <i>Not Sure/ N/A</i> |
|---|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| | <i>Strongly</i> | <i>Somewhat</i> | <i>Somewhat</i> | <i>Strongly</i> | |
| a) I was notified promptly after the complaint was filed against me..... | <input type="checkbox"/> |
| b) The investigation interview(s) occurred soon enough after the complaint for me to remember the details of the situation..... | <input type="checkbox"/> |
| c) I have been kept acceptably informed of the progress of my case..... | <input type="checkbox"/> |
| d) The City of Portland has handled the complaint against me in a timely manner | <input type="checkbox"/> |
| e) The investigation into the complaint against me was commensurate with the seriousness of the allegations made | <input type="checkbox"/> |
| f) The investigation into the complaint against me was handled with appropriate – not wasteful – use of City resources..... | <input type="checkbox"/> |
| g) The complaint against me was handled in a manner that is consistent with the level of fairness and integrity that I want to see at the Bureau..... | <input type="checkbox"/> |
| h) The outcome of the complaint was fair..... | <input type="checkbox"/> |

2. The complaint against me involved the following allegations (**check all that apply**):

- a) Force
- b) Control techniques
- c) Conduct.....
- d) Disparate treatment.....
- e) Courtesy.....
- f) Procedure.....

3. In the goal of continuous improvement and regardless of whether the allegations were valid, did your supervisor or manager discuss with you alternatives for preventing complaints in the future? (**CHECK ONE**):

- Yes.....
- No.....
- Don't recall or not applicable.....

4. Briefly, what are the *strengths* of the internal affairs process — what worked particularly well?

5. Briefly, what are the *weaknesses* of the internal affairs process — how should it be improved?

6. Length of employment with PPB? (TO NEAREST YEAR).. _____

7. Age

- 18-24.....
- 25-34.....
- 35-44.....
- 45-54.....
- 55-64.....
- 65 or over

8. Gender

- Female.....
- Male.....

9. Race/Ethnicity

- African American.....
- Asian/Pacific American.....
- Hispanic/Latino.....
- Native American
- White/Caucasian
- Multiracial

Please return in the enclosed stamped envelope.

Thank you!

APPENDIX

QUESTION GUIDE USED IN THE RESEARCH

The following question guide was used as a checklist of information to cover during the qualitative interview process used to support this project. Interviews were qualitative in nature and not all interviewees were asked all questions.

**INTERNAL AFFAIRS ASSESSMENT
INTERVIEW GUIDE
AUGUST 2001**

Date _____

Name(s) _____

Department _____

Phone _____

RESEARCHER INTRODUCES PROCESS, THEN:

1. **Role:** Please give me an overall profile of the work that you do, including your role in internal affairs investigations.

2. **Recent improvements:** What *improvements*, if any, have you seen in the effectiveness of internal affairs investigations in the past 10 years? 5 years? 2 years?
 - ▶ Describe.
 - ▶ How do you know?
 - ▶ What data is available that could support that? [Collect/review hard data as available.]

3. **Setbacks:** What changes for the *worse*, if any, have you seen in the past 10 years? 5 years? 2 years?
 - ▶ Describe.
 - ▶ How do you know?
 - ▶ What data is available that could support that? [Collect/review hard data as available.]

-
4. **Impact:** What changes have been recommended in Police Bureau policy and procedures as a result of IA work in the past 10 years? 5 years? 2 years?
- ▶ How do you know? Where is that information recorded or tracked?
 - ▶ Has the Bureau's ability to use information about IAD complaints to adjust Bureau policies and procedures changed in the past 10 years? 5 years? 2 years? Direction of change? How do you know?
5. **Profile of ideal:** Consider for a moment a theoretically "ideal" IA approach – one that would be as effective as it is possible to be.
- ▶ What results would it be known for? That is, if it is as effective as possible, what does "effective" mean in this case?
 - ▶ How would those who are the subjects of complaints describe this approach?
 - ▶ How would Bureau supervisors and managers describe it?
 - ▶ How would the average citizen describe this ideal approach?
 - ▶ How would the average complainant describe this ideal approach?
 - ▶ In this ideal approach, would all complaints come through the Internal Affairs process, or would some be addressed at earlier levels?
 - ▶ Given these values, how well does the current IA approach compare to this ideal?
 - ▶ What measurements/data exists to tell us how we compare to this ideal?
6. **Available/desired data:**
- ▶ What data would you *like* to have to better understand what is working and what isn't? Whether or not you feel it is possible to measure or quantify, just describe the issues for which you would like to have measurements.
 - ▶ What data currently generated by the IA process do you find most valuable for keeping track of what is working and what isn't?
 - ▶ **FOR IAD STAFF.** What information, if any, are you currently collecting that does not seem of practical value? Is there anything you would like to stop collecting in order to improve efficiency?

-
7. **Assessment of specific changes:** [To be asked as necessary, if the topic has not already been covered.]
- ▶ To what degree, if at all, have recent changes in staffing at IAD resulted in *improved effectiveness*? Describe.
 - ▶ Has the *length of time required* to resolve cases at IAD improved since staff size was increased? Describe. How do you know?
 - ▶ Has the *quantity, and nature, of incoming complaints* changed in recent years? If yes, describe.
 - ▶ How, if at all, has the perceived degree of *fairness* in the process changed over time for complainants and for Bureau members against whom complaints have been filed?
 - ▶ What about the issue of *secondary charges* not related to the complaint? Recent changes? Does the current approach achieve the desired result? Is the reverse currently done as well? What changes, if any, need to be made?
 - ▶ What changes, if any, have you seen in the *quality* of IA investigations in recent years. Direction of change? Need for change?
 - ▶ **STAFF ONLY:** Please describe the process. When a call comes in, what do you say? What information do you ask for? What expectations do complainants have when they get off the phone? What steps are taken then?
 - ▶ What changes have been made in the IA process or approach as a result of the move to community policing?
8. **Desired change:** If you could make any changes you wanted in the way that the Portland Police Bureau responds to the complaints reported to IA, what would you change? Why? What has prevented those changes from occurring?
9. **Advice to researchers:** What advice, if any, do you have for the researchers in this project – that is, as we review the data and develop recommendations and suggested performance measures, what should we make sure to include? What pitfalls should we be particularly careful to avoid?
10. **Close:** [Arrange, as possible/appropriate, for copies of data referenced in the interview.]

