



# CITY OF PORTLAND

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Date: January 18, 2013

To: Mayor Hales  
Commissioner Fish  
Commissioner Fritz  
Commissioner Novick  
Commissioner Saltzman  
City Budget Office

From: LaVonne Griffin-Valade, City Auditor  
Sarah Landis, Chief Deputy

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Subject: Auditor's Office Winter BMP

## Winter BMP Changes

The Auditor's Office Winter BMP report contains the following budget actions and requests:

1. We have allocated our mid-year cut in the amount of \$24,994 to the Professional Services budget for the Independent Police Review Division (IPR). These funds were set aside for an outside review of Portland's system of civilian oversight of the Police Bureau. Given the extensive review of Police operations and oversight recently conducted by the U.S. Department of Justice, we have determined that it would not be advantageous to conduct an additional outside review at this time.
2. Per the Department of Justice agreement, we are requesting \$119,796 in additional allocation in the current fiscal year to fund 2.5 new Complaint Investigators and a .5 Office Support Specialist II position. These positions are necessary in order for IPR to meet the requirements in the agreement. Additional information is provided below.
3. Minor technical adjustments were made to increase an Interagency Agreement with OMF to provide \$2,383 for reimbursement of benefits costs following a severance and to transfer a total of \$72 from OMF Internal Service funds to the Local Improvement District and Assessment Collection Fund, which are managed by the Auditor's Office.

The Auditor's Office generated no vacancy savings to report during this reporting period.

## **Department of Justice Agreement Implementation**

### ***IPR complaint investigations will need to be considerably more thorough and timely***

The Auditor's Independent Police Review division (IPR) serves as the initial contact and intake point for all community complaints of the Police Bureau's nearly 1000 sworn members. In calendar year 2011, IPR received 426 community complaints (complete 2012 data not available at this time).

IPR currently has 2.5 investigators to conduct initial investigations of complaints. These investigators are responsible for conducting the initial interviews of complainants (usually by telephone or in person), contacting and interviewing eyewitnesses, and gathering pertinent police reports. The initial investigations are then reviewed by IPR management to determine whether the case should be dismissed or should advance to a formal administrative investigation for possible findings and discipline recommendations.

The DOJ agreement requires that all administrative investigations of alleged officer misconduct, from the point of complaint intake through case disposition, will now be completed within 180 days. In 2011, the average administrative investigation took 270 days. Currently, it typically takes IPR up to 45 days to complete the initial investigation of complaints that can lead to formal administrative investigations. DOJ viewed that as too lengthy, and to meet the terms of the agreement, that process will now need to be completed within 14 days.

In 2011, IPR dismissed 267 community complaints. The DOJ found that the number of IPR dismissals was unacceptable. DOJ officials pointed out that IPR has a backlog of complaints awaiting an initial investigation and stated that IPR's intake process permits the diversion of complaints without the benefit of full investigation. As a result, the DOJ agreement requires a more in-depth and complete intake investigation prior to IPR management making a case handling decision.

A more in-depth intake process will require IPR investigators to expand their efforts to identify officers, find and interview eyewitnesses, re-connect successfully with complainants to verify facts, pursue other investigative possibilities when appropriate, and generally exhaust every avenue in an effort to analyze all relevant evidence. In particular, the DOJ agreement directs IPR to meet a higher standard of evidence prior to dismissing any allegation of the use of excessive force. The DOJ agreement also requires that IPR take additional measures to reduce the time and effort consumed in redundant interviews of witnesses by both IPR and the Police Bureau's Internal Affairs unit. Again, all of these additional investigative steps must be completed within the much shortened timeframe of 180 days.

IPR is currently limited in its ability to independently conduct administrative investigations separate from the Police Bureau's Internal Affairs unit. The DOJ agreement specifically directs the City to develop a plan to enable IPR to conduct meaningful independent investigations when IPR determines such independent investigation is necessary. The Auditor and IPR very much support this concept, but without additional investigators, IPR does not currently have the staffing resources needed to conduct an independent investigation and meet DOJ's intensified investigation requirements and abbreviated timelines.

Separate from the community complaint process, IPR participates in the administrative investigations of Police Bureau members involved in officer-involved shootings and in-custody deaths. The DOJ agreement requires that the administrative investigations of involved officers in such critical events will now occur concurrently with the criminal investigations. Such investigations are resource and time intensive. In order for IPR to respond appropriately, IPR will need additional investigators available to participate in those investigations. This will allow IPR to keep up with the increased expectations and responsibilities of the regular caseload, including participation on Police Review Boards recommending officer discipline.

The DOJ agreement's focus on the Police Bureau's interactions with individuals with mental health needs comports with the Auditor and IPR's desire to be more responsive to historically underserved and/or disenfranchised individuals, including those with mental health issues. The Auditor has made a public commitment to hire investigators with professional mental health expertise and training. Having that staff resource available will enhance IPR's ability to recognize and respond effectively to complainants who may be under mental and/or emotional stress at the time of their contact with Police Bureau members or when presenting their complaints to IPR. Having more investigators available to accompany IPR's Community Outreach Coordinator to events will also increase the opportunity for individuals to file complaints in more comfortable community-based settings.

We anticipate that many of the service enhancements required by the DOJ agreement and generally described above will lead to an increase in the number of community complaints processed by IPR. That potential increase in caseload, along with doubling the number of IPR investigators from 2.5 FTE to 5.0 FTE, will create an additional administrative workload and require adding a .5 FTE Office Support Specialist position.

#### ***Implementation costs***

Anticipated costs for the 2.5 Complaint Investigators and .5 Office Support Specialist II are \$119,796 for the remainder of the current fiscal year (March through June 2013). Please see attached BMP report for details. Cost for FY2013-14 and into the future are based on the same assumptions for personnel and materials and services. The estimated cost for FY2013-14 is \$335,397:

- Salary and Benefits for investigators and support staff: \$296,349
- Materials and Services costs for investigators and support staff: \$39,048

## BUDGET AMENDMENT REQUEST

Office of the City Auditor

PERIOD Winter BuMP

FISCAL YEAR FY 2012-13

### AU\_008 - Winter Supplemental Technical Adjustments

Allocates \$24,994 mid-year budget reduction for the Auditor's Office. The cut is being taken from the Professional Services budget for the Independent Police Review Division. These funds were set aside for an outside review of Portland's system of civilian oversight of police. Also, adds \$2,383 to an Interagency Agreement with OMF to provide for the reimbursement of benefits costs following a severance.

Dollar Amount: \$0

Type: Technical Adjustment

Resources: Internal Transfer

## BUDGET AMENDMENT REQUEST

Office of the City Auditor

PERIOD Winter BuMP

FISCAL YEAR FY 2012-13

### AU\_009 - Adds DOJ-related funding to IPR

This request adds \$119,796 in funding to establish positions in the Auditor's Office Independent Police Review Division (IPR), pursuant to the City's agreement with the U.S. Department of Justice. The request adds 2.5 Complaint Investigators (\$85,808 for the remainder of the fiscal year) and a .5 Office Support Specialist II position (\$11,420 for the remainder of the fiscal year). These positions are necessary to accommodate the requirements of the agreement that shorten the timeframe and raise the standards for investigations conducted by IPR. The request also has \$22,568 in Materials and Services of costs for telecomm, computers, and incidentals, including \$6,000 one-time expenditures for office set up for the new position. Expenditures were calculated on the basis of positions being in place from March through June 2013.

Dollar Amount: \$119,796

Type: New Request

Resources: General Fund Discretionary

# BUDGET AMENDMENT REQUEST

Office of the City Auditor

PERIOD Winter BuMP

FISCAL YEAR FY 2012-13

## AU\_010 - OMF Mid-Year Cash Transfer to LID & ACF Funds

Cash Transfer from OMF Internal Service funds to LID and ACF funds for mid-year reductions. LID Fund = \$68.00 and ACF Fund = \$4.00. Off-set to increase in cash transfer revenue will be to fund contingency.

Dollar Amount: \$72

Type: New Request

Resources: New Revenues