

## **PSF-5.08 - Independent Police Review - Supervisory Investigations**

### **Independent Police Review - Supervisory Investigations**

*Administrative Rules Adopted Pursuant to Auditor's Office Rule-Making Authority*

ARB-PSF-5.08

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#### **Definitions:**

**Command Counseling:** Formal non-disciplinary corrective action that involves verbal counseling in response to a sustained finding for a minor policy violation. Command counseling is conducted by the officer's supervisor or a designee and is documented in a memo to Internal Affairs.

**Complaint:** Any complaint of alleged misconduct made to the City by a member of the public, a Portland Police Bureau officer, or a non-sworn employee about a Bureau member.

**Misconduct:** Conduct by a Police Bureau member that violates regulations, orders, directives, or other standards of conduct required of City employees.

**Supervisory Investigation:** A formal, non-disciplinary process where the involved member's supervisor is tasked with reviewing a complaint alleging a member provided poor service or committed a rule violation that, if substantiated, would not result in corrective action greater than command counseling.

**Supervisory Investigation Findings:** A conclusion based on a preponderance of evidence as to whether a member's conduct violated Bureau directives. A "substantiated" finding means that the evidence was sufficient to prove a violation of directives. A "not substantiated" finding means that either: the evidence was insufficient to prove a violation of directives; the act described by the complainant occurred but was within policy; or the allegation was demonstrably false.

#### **Policy:**

1. The Portland Police Bureau and the Independent Police Review (IPR) will work together to address complaints of poor service quality and/or rule violations to promote and underscore the importance of individual and organizational accountability.
2. The goals of the supervisory investigation process are to improve Police Bureau service delivery by addressing community member concerns in a timely manner and to review and correct member behavior that may violate established rules but do not rise to the level of an IPR or Internal Affairs investigation.

#### **Procedure:**

- 1) IPR will refer to Internal Affairs complaints which, if proven, would result in no more than command counseling, such as:
  - a) Minor rule violations;
  - b) Poor quality of service.

- 2) The following complaints are not eligible for a Supervisory Investigation:
  - a) Disparate treatment as described in Police Bureau Directive 344.05 - Biased -Based Policing/ Profiling Prohibited;
  - b) Use of force;
  - c) Criminal conduct; and
  - d) Any alleged misconduct that would result in discipline if sustained.
- 3) Upon receiving any IPR referral, the Internal Affairs Captain or designee shall independently determine whether a case may appropriately be resolved as a Supervisory Investigation.
- 4) Upon Internal Affairs' receipt of a complaint meeting the criteria, pursuant to Directive 331.00 – Supervisory Investigations, the Internal Affairs Captain or designee shall notify IPR and assign the Supervisory Investigation to the involved member's supervisor or designee for resolution. If the Director disagrees with the Captain's categorization of the complaint as a Supervisory Investigation, the Director may initiate an independent investigation of the complaint pursuant to City Code 3.21.120(D). The Director will notify Internal Affairs immediately upon determining that IPR will conduct such an investigation.
- 5) Police Bureau Supervisors conducting a Supervisory Investigation shall follow the procedures outlined in Police Bureau Directive 331.00 (Supervisory Investigations).
- 6) All completed Supervisory Investigations will be documented in the form of a Supervisory Resolution Memorandum. The memo must include the action taken by the supervisor during the investigation of the complaint. A copy of each Supervisory Investigation Resolution Memorandum will be forwarded to Internal Affairs and IPR.
- 7) IPR will review a Supervisory Investigation Resolution Memorandum and notify Internal Affairs if the following criteria have not been met:
  - a) The complainant has been contacted or an explanation provided documenting the supervisor's efforts to contact the complainant.
  - b) The supervisor has documented reasonable investigative steps to address the complaint.
  - c) Includes a finding.
- 8) IPR shall close out the complaint with a letter to the complainant, utilizing their preferred means of communication.
- 9) No appeal of a Supervisory Investigation shall be permitted.
- 10) The Citizen Review Committee may periodically appoint a workgroup to review a sample of completed Supervisory Investigations. The workgroup will report its findings to the Committee in a public meeting. The Committee may adopt the workgroup's report and make recommendations to IPR and Internal Affairs for improving the Supervisory Investigation process. As required by PSF 5.04 (Communication Guidelines) no member of the workgroup shall publicly represent its work without the prior approval of a majority of the Committee.

