



# IPR Quarterly

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The Independent Police Review and Citizen Review Committee



August CRC Meeting

## Service Complaints Prove Useful Tools

by Director Leslie Stevens

The disciplinary process is not always the most effective tool for improving police services.

Some complaints involve little, if any, misconduct, but still raise management issues.

The service complaint process allows Bureau managers to track and respond to performance and quality of service issues with their employees.

It is a formal process in which supervisors are assigned to attempt to resolve the complaints and counsel their officers about the citizens' perceptions, Bureau expectations, and alternative approaches to improve service.

As an example, in one case, a man sheltered a woman and her child in his home to escape an abusive relationship. Her estranged boyfriend "barged in" to the man's home to take the child. Police were called but the man complained officers did not take appropriate action and ultimately allowed the boyfriend to leave with the child. It was assigned to a supervisor to handle as a service complaint.

After speaking with the man, the supervisor wrote, "even though the complainant no longer has any issues with this situation, I was not satisfied with how the call was handled." He spoke with the officers about how to provide better service in such cases, including leaving custodial decisions to judges, and informing the man of his option to file a complaint against the boyfriend for trespassing.

In another case, a woman complained an officer was rude and short-tempered while responding to a domestic disturbance call at her home, would not listen to her, and treated her "like crap." During the debriefing, the officer told his supervisor he was not rude, merely direct, and that any time one has to tell someone something they don't want to hear, they think it's rude.

The supervisor suggested maybe he needs to work on his delivery and non-verbal communication, as other officers are able to communicate that kind of information in ways that do not get complaints. The supervisor discussed with the officer how he could improve his service, then spoke with the complainant, who said she now felt much better about calling police for help in the future.

There were 84 complaints handled as service complaints in 2006, most commonly cases of rude behavior, profanity use, and unprofessional behavior. Satisfaction surveys indicate that service complaints, along with mediation, are most likely to result in satisfactory resolution of concerns.

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## Who We Are

IPR is responsible for handling complaints made by members of the community about Portland Police officers. IPR may investigate, mediate or dismiss complaints, or forward them to the Portland Police for further review, investigation, or resolution. IPR tracks and analyzes complaints and conducts policy reviews.

The nine citizen volunteers of the Citizen Review Committee are appointed by Portland City Council to hear appeals of investigative findings, help IPR identify patterns of complaints and develop policy recommendations, review how IPR handles complaints, and hear public concerns.

Together, IPR and the CRC work to improve police accountability to the public and help solve identified problems.

Independent Police Review  
1221 SW 4th Avenue  
Room 320  
Portland, Oregon 97204

Tel: (503)823-0146

IPRCRC@ci.portland.or.us

www.portlandonline.com/  
auditor/ipr

# Citizen Review Committee News



*Transit Division and Trimet speak to CRC*

## **Transit Police Presentation to CRC**

The May CRC meeting featured a presentation by Commander Donna Henderson of the Portland Police Transit Division and Shelly Lomax of TriMet.

TriMet is the 14th largest transit system in the U.S., covering 575 square miles in the tri-county area, with 93 bus routes and 18 major transit centers, and over a quarter of a million daily passenger boardings.

The 35 sworn officers of the Transit Division focus on fare missions, as well as criminal activity on buses, MAX trains, and at bus and MAX stops.

CRC members had questions arising from citizen complaints, particularly regarding fare missions and use of force, and accountability in a division with officers from multiple agencies with different training, policies, and disciplinary rules.

## **Appeals to the CRC**

Citizens and officers dissatisfied with the findings of complaint investigations may appeal to the IPR and CRC. Hearings are held in public meetings.

In the second quarter of 2007, 10 cases were eligible for appeal, and four requests for appeal were filed. The CRC heard two appeals in May and two more in June.

In the first case heard in May, a man alleged an officer used poor discretion by taking him from his home to detox; inappropriately hid his gun and would not tell him where; and stopped at a convenience store for a restroom and coffee break while enroute to detox. The Bureau findings for all three allegations were exonerated. The CRC voted to affirm the findings but requested the commander debrief the officer about the third allegation. The commander agreed.

In the second case in May, a woman alleged she was found guilty and fined for a traffic offense because the officer who cited her did not clearly explain her options. The CRC voted to affirm the Bureau's finding of exonerated.

In the first case heard in June, there were 12 allegations. A man alleged officers detained and handcuffed him without cause, told him that as a Mexican he had no rights, illegally searched him and threatened to arrest him, used excessive force by grabbing him, and told him they could shoot him and nobody would do anything about it. He alleged he was then falsely charged with jaywalking. The Bureau findings were exonerated for eight of the allegations, and unfounded for the other four. The CRC voted to affirm eight of the findings, and to recommend changing four others to insufficient evidence. The Bureau agreed to do so.

The second case heard in June, involved seven allegations from an incident in which a man alleged that when he asked officers if they were bothering him because he was Hispanic, one of the officers replied, "and dumb." The man said he was afraid of the officers and called 911 to ask for a supervisor to be dispatched to the scene. He alleged he was then harassed, falsely arrested for misuse of 911, and not read his rights. The Bureau findings were unfounded for five allegations, one was exonerated (the Miranda warning is required only if a suspect is questioned), and one insufficient evidence. The CRC voted to affirm five of the findings, and to recommend changing two others from unfounded to insufficient evidence. The Bureau agreed.

## **CRC Workgroups**

*Tow Policy Workgroup* has finished their work and will be releasing their final report soon, with recommendations for preventing or reducing tow-related complaints.

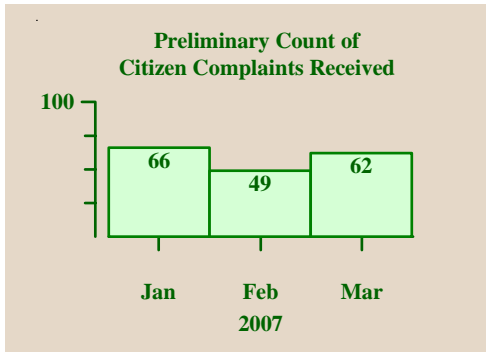
*Protocols Review Workgroup* is reviewing the mediation protocol, the proposing tort claim handling protocol, and finalizing a protocol establishing performance expectations for CRC members, as part of a periodic review of protocols.

*Bias-based Policing Workgroup* is developing their plan to review complaints alleging racial and other forms of bias by police.

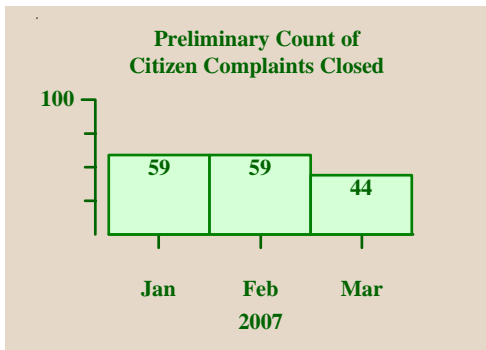
# Oversight Report

## Report for First Quarter 2007

The following charts show the number of complaints received, allegations in each complaint category, and cases closed from January to March 2007. (Complete figures are not available yet for most recent months).



IPR records and tracks all citizen-initiated complaints. In the first quarter, citizens filed 177 new complaints and staff closed 162 cases. January was the busiest month for intakes, with 66 new cases, and tied with February for most closures, each with 59 cases closed. There were 139 new commendations received during the first quarter.



Most complaints contain multiple allegations, each classified and tracked separately, so allegations outnumber new cases.

*Conduct* complaints involve “behavior bringing discredit” to the police or the City. This category includes conformance with laws, professionalism, and truthfulness.

*Procedure* complaints allege an administrative or procedural requirement was not met, such as evidence handling, identification, and reporting requirements.

*Courtesy* complaints allege rudeness, disrespect, or offensive language or behavior (not including disparate treatment issues).

## First Quarter Case Descriptions

IPR randomly selects one citizen complaint and one commendation from each month of the quarter to provide examples of cases received.

### January

\* A man was collecting pallets next to the dumpster of a business when an employee attacked him and threatened him with a knife. The responding officer was rude, treated him like a criminal, would not listen, called him stupid and a liar, and failed to take a report on the assault. The man was ordered to return to that business not only their pallets, but all those he had collected elsewhere. The officer incorrectly reported that both parties consented to a civil agreement, but the man had not agreed.

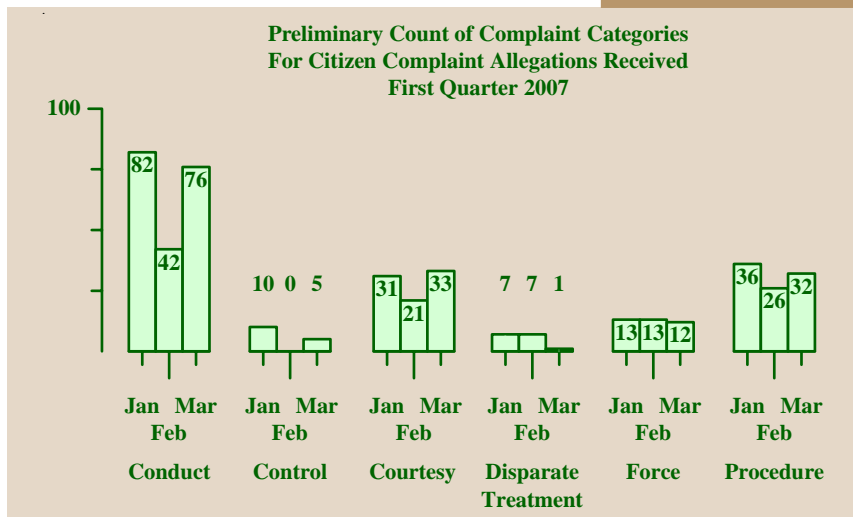
\* An investigation of a motel by the East Precinct Crime Reduction Unit found two people suspected of dozens of thefts from stores in the Portland area.

### February

\* A woman, stopped for having a defective license plate light, was cited for driving while suspended and child endangerment for not having her toddler in a car seat. She complained the citation was not legible, the tow was unnecessary as her passenger had a valid license, that officers were rude, degrading, treated them like criminals, and falsely accused her of possessing drugs. She said even her toddler’s jacket was searched, and he was left alone and upset in the car during the stop.

\* A woman thanked officers who intervened when she was contemplating suicide. She wrote, “they comforted me at a very difficult time... Most touching, they came back later in the afternoon to check on me... It meant the world to me because I was feeling so scared and alone. They helped save my life.”

(continued on page 4)



## Case Descriptions *(continued from page 3)*

### *March*

\* A woman complained police would not investigate her hit and run accident resulting from a road rage incident. Her insurance company dropped her policy, assuming she was at fault because the officer incorrectly wrote in his report that she was struck while merging rather than after she merged.

\* Officers responded to a call that a man had violated a restraining order and taken a two-year-old child. When officers located the man, he dropped the child and ran. He fought and injured the first pursuing officer and escaped. Pursuing officers used a taser to end the pursuit. A search of the man and his escape path yielded over 67 grams of crack and a quantity of cash. The child was returned to her mother.

### **First Quarter Mediations**

The IPR Mediation Program is an alternative to the disciplinary process that permits citizens and officers to meet and, with professional mediators, to resolve their issues together. The IPR Mediation Program received four new cases and mediated four in the first quarter of 2007.

### **First Quarter Investigation Findings**

The following summaries are all full investigations closed in the first quarter that were not appealed to the CRC. Appealed cases are described on page two. Possible findings of investigations:

- Insufficient evidence (there was not enough evidence to prove or disprove)
- Exonerated (actions were within policy)
- Unfounded (available evidence does not support the complaint)
- Sustained (officer violated policy)

\* Police were called to pick up a teenager trespassing at his school after being expelled. He alleged officers used unnecessary force arresting him and securing him after he pulled his hand from a handcuff. IPR added the allegation that one officer had failed to file a Use of Force report. (Exonerated: investigation found the force used was reasonable for the level of resistance and non-compliance by the youth, and a sergeant had told the officer he need not file a Use of Force report).

\* A woman accused officers of illegally entering and searching her mother's home while looking for her nephew. (Exonerated: the officers had a valid warrant and probable cause to enter). She said they were rude when she asked about it and told her it was none of her business. (Insufficient evidence to prove or disprove).

## Mediation *(continued from page 1)*

\* A woman complained officers entered her home without consent when responding to a false report of possible domestic violence, that one officer illegally searched items in her room, implied she was a prostitute while questioning her friends, and the other officer treated her like a criminal and asked how much she had drunk though she was at home. All allegations were exonerated except the illegal search allegation (insufficient evidence).

\* A woman complained officers used unnecessary force arresting her boyfriend on a warrant (exonerated), and were rude and swore at them while questioning them about mail theft (sustained: the officer admitted swearing).

\* A woman alleged police put a concealed camera in her car without her knowledge so her then boyfriend could conduct and record drug deals (exonerated with a debriefing: officers believed the boyfriend was the owner of the car). When she broke up with the man, an officer tried to coerce her into letting her unlicensed boyfriend take her car (exonerated: the officer stopped when he learned it was her car). She alleged the officer then tried to coerce her boyfriend into acquiring another car (unfounded).

\* After a man reported he had been assaulted, the responding officer yelled at him and treated him like the criminal instead of the victim, and overreacted to being touched on the shoulder by threatening the man (both insufficient evidence with a debriefing). The officer did not conduct a proper and thorough investigation of the assault (sustained). The man was offended when the officer asked if he was motivated by racism (exonerated with a debriefing).

\* A woman said she was run off the freeway by an off-duty officer. He was intimidating, aggressive, not allowing her to see the damage to her car (exonerated with a debriefing), and then lied to a state trooper about her causing the crash (insufficient evidence).

\* A woman alleged an officer used excessive force in arresting her for interfering with him during a traffic stop for driving with high beams (insufficient evidence).

### **CRC Public Meeting Schedule** (Subject to Change)

September 18 5:30 pm	E. Portland Community Center 740 SE 106 <sup>th</sup> Avenue
October 16 5:30 pm	City Hall Rose Room 1221 SW 4 <sup>th</sup> Avenue

*Independent Police Review*  
1221 SW 4th Avenue  
Room 320  
Portland, Oregon 97204

Tel: 503 823-0146  
Fax: 503 823-3530  
[www.portlandonline.com/auditor/ipr](http://www.portlandonline.com/auditor/ipr)