



CITY OF
PORTLAND, OREGON
OFFICE OF THE CITY AUDITOR

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MEMORANDUM

To: Mayor Tom Potter
Commissioner Sam Adams
Commissioner Randy Leonard
Commissioner Dan Saltzman
Commissioner Nick Fish

From: Mary-Beth Baptista, Director, IPR
JoAnn Jackson, CRC member, IPR Structure Review Workgroup Chair

Date: December 9, 2008

Subject: Citizen Review Committee and Independent Police Review progress report to Council
December 10, 2008 at 2pm

BACKGROUND – PERFORMANCE REVIEW OF THE INDEPENDENT POLICE REVIEW (IPR) DIVISION, INCLUDING THE CITIZEN REVIEW COMMITTEE (CRC) 2002-2007

In May of 2007; Mayor Tom Potter commissioned a request for a performance review of the Independent Police Review Division including the Citizen Review Board for the years 2002-2007. In January of 2008, Ms. Eileen Luna-Firebaugh completed a report assessing the effectiveness of the Independent Police Review. In Ms. Luna-Firebaugh's Performance Review of the Independent Police Review Division (Performance Review) she made a number of recommendations to address issues she found present in the current system.

IPR STRUCTURE REVIEW WORKGROUP

In September of 2008, members of the CRC formed a workgroup to address the recommendations made in the Performance Review, along with recommendations made in several responses to the report. Members of the workgroup include the Chair, JoAnn Jackson, CRC member Mark Johnson and CRC Chair Michael Bigham. Director, Mary-Beth Baptista is the IPR staff member on the committee. We have also had regular citizen participation from Dan Handelman of Portland Copwatch and Debbie Aiona of The League of Women Voters. The members named the workgroup "IPR Structure Review".

OBJECTIVES OF THE WORKGROUP

After a review of the report and multiple responses, the goal of the work group is to complete a work plan for review by City Council, the full CRC, IPR staff and the public by mid 2009. The members have preliminarily identified six major focus areas they would like to address. Including:

- **The Complaint Process**
 - Reviewing IPR decisions in dismissals, service complaints and IAD declines.
 - Discussion regarding guidelines for cases to be independently investigated by IPR.
 - Discussion of methods for establishing an effective review process for the formulation of allegations.
 - Review of the appeal process and discussion regarding how to improve the system.

- **Mediation**
 - Re-examining the procedures related to mediation.
 - Discussion on how to make the advantages of mediation more clearly understood by complainants and officers.

- **Policy Development**
 - Identification and analysis of policy issues.
 - Outreach to stakeholders and public hearings on recommendations.
 - Promulgation and implementation of policy recommendations.

- **Staffing and Training Issues**
 - IAD
 - Assist the Commissioner of Police; the Chief and PPB to foster a culture in which officers view IAD service as an honor.
 - IPR
 - Look for avenues for IPR staff and / or CRC members to receive training that is adequate and appropriate to their responsibilities.
 - CRC
 - Assesses whether the length of term or the number of members should be increased.
 - Re-examine the relationship between IPR and CRC.

- **Outreach**
 - Strengthen the CRC / IPR relationship with Council.
 - Engage in a more positive dialogue with members of the Police Bureau.
 - Increase outreach to our communities.

- **Increase Transparency**

PRELIMINARY PROGRESS

We are encouraged by the thoughtful analysis that has occurred in this group as well as the attention to detail and organization of the members of the workgroup. It is also clear that both IPR and CRC did not wait for this workgroup to start addressing recommendations made in the Performance Review, as well as other recommendations made in response. Below are some examples of work that has been done or is on going:

- **Complaint Process:**
 - **Case Handling Workgroup:** The CRC and IPR formed a workgroup to address the Council's concerns. The workgroup is currently reviewing a sample of *service complaints*, *IPR dismissals*, and Internal Affairs Division (IAD) *declines* - with a particular focus on cases where the complainant voiced disagreement with our case-handling decision. The workgroup will evaluate the appropriateness of the case-handling disposition and consider the suggestion that some type of appeal rights be extended to this subset of complainants.
 - **Efforts to Improve Appeal Process:** The IPR Director has committed to include appeal forms with investigation finding letters starting January 1, 2009.

- **Mediation:** IPR has reviewed and revised the mediation letters mailed to complainants. Now the letters provide a clear explanation of the process and emphasize the safeguards and benefits of the mediation process. Further, IPR sends a thank you letter to the PPB officer's commander, commending the officer for participating in the mediation, and explaining the benefit of the process for both the Bureau and our communities.
- **Staffing and Training Issues:**
 - **Staff Additions:** IPR hired a new director in May and added a new full-time assistant director position in September. The additional staff position has been especially helpful in addressing concerns about the timeliness of case-handling decisions. IPR expects to fill its community relations position in early 2009. In direct response to a Performance Review recommendation, IPR also requested a half-time position to coordinate CRC and Mediation activities. Unfortunately, there was no funding available for that position.
 - **CRC and Staff Training:**
 - Thanks in part to funding from the Mayor's Office, the CRC was able to send a record number of three CRC members to the National Association of Civilian Oversight of Law Enforcement (NACOLE) conference for training.
 - IPR and IAD staff also began joint monthly trainings focused on interview and listening techniques and inter-office consistency.
 - **Community Outreach Plan:** IPR contracted with a consulting firm to assist with communication and community outreach strategic planning. Their draft report is currently posted on the IPR website for public comment. Three CRC members, as well as community members, were interviewed by the firm and offered ideas and suggestions that are incorporated in the draft report.
 - **Stronger Relationship With Council:** IPR and CRC have engaged in activities to build stronger connections with the office of each council member:
 - For the first time in several years, IPR formally presented its Annual Report to City Council – with an opportunity for public testimony.
 - The IPR Director has made the effort to hand-deliver IPR Quarterly and Annual Reports to City Council offices.
 - CRC members have reached out to form liaison relationships with City Council offices.
 - **Research Collaboration with Portland State University:** IPR staff worked with PSU faculty to obtain an independent review of collected data on bias-based policing concerns.
- **Increasing Transparency:**
 - **Timeliness of Reports Improved:**
 - IPR has released two Annual Reports covering three years of operations.
 - Two Quarterly Reports have been released within 4-5 weeks after the close of each quarter. These reports now feature current instead of previous quarter statistics and case summaries.
 - The IPR Director now presents written monthly case load reports to the CRC and makes those reports available to the public on its website.
 - Preliminary proposals of the communication plan were shared with the CRC Executive Committee members for feedback.

- The draft of communication plan was distributed widely and is posted on the IPR website for public comment for a two week period.

**ALL ADDITIONAL STRUCTURAL IMPROVEMENT RECOMMENDATIONS
CONSIDERED:**

This progress report is to ensure that the Council is briefed on the steps that CRC and IPR have made to date on responding to the consultant's report. There are a number of additional review recommendations that the CRC workgroup is helping us evaluate and prioritize.