

# QUARTERLY REPORT

## INDEPENDENT POLICE REVIEW AND CITIZEN REVIEW COMMITTEE

WWW.PORTLANDONLINE.COM/AUDITOR/IPR

FOURTH QUARTER 2008

### IPR DIRECTOR'S REPORT

by Mary-Beth Baptista, Director

Independent Police Review (IPR) and Citizen Review Committee (CRC) had another productive quarter. CRC members Loren Eriksson, JoAnn Jackson, and Mark Johnson, along with IPR Assistant Director Constantin Severe and I, attended the National Association for Civilian Oversight of Law Enforcement (NACOLE) conference in late October 2008. It was both an educational and eye-opening experience. Although substantial work lies ahead, we should be proud of our accomplishments, pleased that we enjoy a professional relationship with the Portland Police Bureau (PPB or Bureau), and encouraged that we are developing trust with the community.

We also successfully completed the recruitment process for the four open seats on CRC. I am pleased to announce that current members Michael Bigham and Lewellyn Robison are nominees to serve another term. Two new members nominated for appointment are Barbara Anderson and Rochelle Silver.

Anderson has a degree from Marylhurst College in English Literature and has volunteered for several community organizations including: the Start Making a Reader Today (SMART) Program, Doernbecher Hospital Christmas Cards, Lincoln High and Jesuit High PTAs, and is a former member of the Discipline Board of the Oregon State Bar.

Silver holds a Ph.D. from the University of Portland. She volunteers for organizations: tutoring students in the SMART Program in the Portland Public School system, teaching English as a Second Language (ESL) through Educate Ya, and acting as a Certified Long-term Ombudsman for Oregon—advocating for the rights of elders and other long-term care residents.

The nominees will be presented to City Council for appointment at 10 AM on January 28, 2009, in the City Hall Council Chambers.

#### CIVILIAN OVERSIGHT—WHO WE ARE

IPR receives and screens complaints about Portland police officers. IPR may investigate, mediate, dismiss, or refer complaints to the Police Bureau. IPR oversees investigations, analyzes complaint patterns, and conducts policy reviews.

The nine members of the Citizen Review Committee are appointed by the City Council to monitor and advise IPR, hear appeals, and receive public concerns.

### CRC CHAIR'S REPORT

by Michael Bigham, Chair



As 2008 came to an end, CRC continued to work hard to reach out to City Council. JoAnn Jackson and Lewellyn Robison met with Commissioner Fish to explain the purpose of CRC and listen to his ideas about policing in Portland. Commissioner Fish said that he would be pleased to attend one of our general meetings. Also, Loren Eriksson and I met with Commissioner Leonard. We discussed his recent public safety assessment report and his recommendations regarding the Bureau.

Eriksson and I also met with Marc Jolin of the outreach organization JOIN and Acting Lieutenant Michael Marshman of PPB to discuss problems which might arise because of the towing and impound of a vehicle belonging to a homeless person. Marshman determined that the towing of any vehicle deemed as abandoned would require 72 hours notice, giving a homeless person adequate notice before his/her vehicle was impounded. PPB will generally not be involved in these impounds.

CRC partnered with PPB in several endeavors. Eriksson and I are citizen participants assigned to the reconvened Use of Force Task Force. Also, Director Baptista and I participated in interviews for new Internal Affairs Division (IAD) investigators.

Several CRC members assisted IPR in the CRC recruitment process. We are sad to see some of our members depart, but are excited to greet those who will be joining us soon.

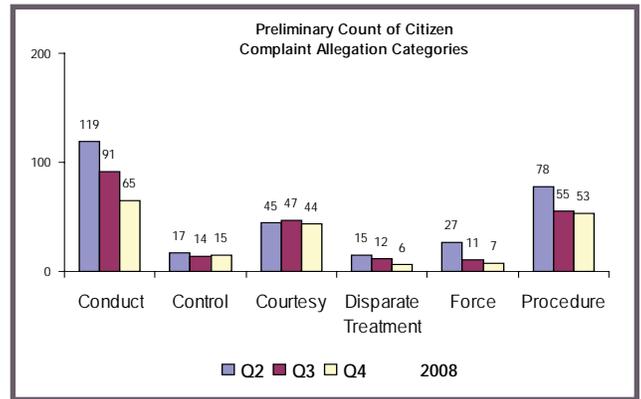
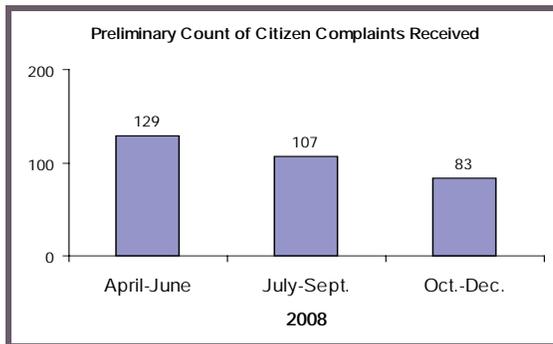
Finally, CRC would like to congratulate IAD Captain John Tellis on his promotion to Commander. Unfortunately for us, he is being transferred to the Training Division, but we are confident that his replacement, Captain Dave Famous, will do a great job at IAD.

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## CASE STATISTICS

IPR records and tracks all citizen-initiated complaints. The following charts show the number of complaints received and the total allegations in each complaint category over the past three quarters. Most complaints contain multiple allegations, each classified and tracked separately, so allegations outnumber new cases.



IPR *randomly* selects a few new citizen complaints, completed investigations, and community commendations from the reporting period to provide examples for the following sections.

## NEW CASES

- A woman was issued a citation for failing to move left for a police vehicle that was on the side of the road. She agreed that she was speeding but felt the two officers were pulling over vehicles in an “entrapment sting.” The complainant alleged that one of the officers responded to her with a cavalier attitude while she was visibly upset. **Status:** Pending scheduling for Mediation. The woman agreed to mediate with the officer and was sent an informational packet and request form.
- A woman was involved in a traffic accident three years ago. She stated that the responding officer failed to issue a citation to the driver of the car who caused the accident and failed to test the driver for sobriety. **Status:** IPR Dismissal. No further action was taken due to the age of the case. The woman was satisfied that IPR would keep a record of her complaint.
- A man reported that he was injured during an altercation with a former acquaintance at his parents’ house. He stated that the reporting officer did not photograph his injuries and did not inquire whether he needed medical assistance. **Status:** IPR Dismissal with Precinct Referral. At intake, IPR learned that the officer did ask the complainant’s father whether the complainant needed medical assistance, and his father refused aid on behalf of his son. The portion of the complaint regarding failing to photograph his injuries was referred to the officer’s precinct commander for review.
- A complainant allowed his friend to drive his vehicle, which had expired registration tags. The friend was cited for the expired registration violation and for driving while suspended. The complainant was called to the scene to retrieve his car. Officers learned the complainant’s license was also suspended and had the vehicle towed. The complainant alleged it was improper for the officer to have his vehicle towed. **Status:** IPR Dismissal due to insufficient evidence of officer misconduct.
- A man called the police when he was threatened by another person. The person making the threats was cited for menacing and released. The complainant alleged that one of the responding officers was rude to him and failed to adequately investigate the physical threat, and both officers did not return his calls. **Status:** IPR referred the case to IAD recommending allegations of failure to return phone calls and rude behavior be handled as a service improvement opportunity (a.k.a. Service Complaint). The allegation of an inadequate investigation: IPR Dismissal due to insufficient evidence of misconduct.

## INVESTIGATED CASES

Senior PPB management reviewed 10 completed misconduct investigations. Six of the reviewed investigations were citizen-initiated, three were bureau-initiated, and the remaining case was initiated by IPR upon review of a tort claim. Many of the complaints involved more than one officer and alleged several acts of misconduct.

Commanders recommended officer debriefings in six of the 10 cases and a sustained finding for an allegation in another case. *Examples include:*

- A man was refused service at a local tavern because he was intoxicated. After the refusal, a patron and her companion observed him standing outside “shouting incoherently” and called 911. The complainant alleged that when officers arrived, she observed two police officers grab the man’s arms and throw him onto the pavement. **Finding:** PPB found the allegation of excessive force was Unproven. The officers stated that as they were helping the man up to search him, he went limp, and fell forward—landing on his face. They tried to stop the man’s fall but were unable to do so.
- A complainant received a traffic citation and was given the option of attending a *Share the Road* class to mitigate the citation. When the complainant went to Traffic Court, the officer told him he might not accept the Certificate of Attendance for the class due to a letter of complaint the man had written to the officer’s commander. **Finding:** PPB found that the allegation was Unproven, but a debriefing was conducted with the officer.
- A woman alleged that officers pulled her husband over for a traffic stop because of his race and the officers searched the car illegally. **Findings:** PPB made a finding of Exonerated with a debriefing regarding the disparate treatment allegation. The officers pulled the vehicle over in response to a radio broadcast reporting that the vehicle was speeding. The officers were debriefed regarding improving communication by advising a driver as to why a traffic stop is being conducted. PPB made a finding of Exonerated on the second allegation because the driver stated he gave the officers permission to search the car.

*Photo (left to right): CRC members Michael Bigham, Hank Miggins, and Lewellyn Robison are joined by City Auditor Gary Blackmer at a CRC meeting.*

## COMMENDATIONS

The Bureau receives community commendations — thanking specific officers for their exemplary work. Copies of a commendation are sent to the officer and his/her supervisor, and are retained in the officer’s history file. *Examples include:*

- The subject of a traffic stop commended the officer’s professional attitude. He said the officer taught him more than any class or court he could have attended.
- A woman e-mailed via the IPR website that she was pulled over for a broken tail light and commented on the officer’s professional demeanor. She admitted being nervous, the officer sensed it, and quickly responded by helping to settle her nervousness.
- A mother and father thanked three officers for assisting them with their mentally ill son, who needed transport to a local hospital for evaluation. They commended the officers for their professionalism, attitude of caring, and problem solving skills.

## MEDIATIONS

The IPR Mediation Program is an alternative to the disciplinary process that permits community members and officers to meet with professional mediators to resolve their issues together. Two cases were mediated last quarter.

Eight complainants requested their cases be handled through mediation. One was mediated; a second case was declined by the officer’s commander and is currently under intake investigation. Mediation fell through in a third case due to the complainant’s failure to appear. That case was returned to IPR for a disposition decision and was dismissed. The remaining five cases are scheduled to be mediated in January 2009. For more mediation information: [www.portlandonline.com/auditor/ipr](http://www.portlandonline.com/auditor/ipr).



## CRC WORKGROUPS

### ■ Bias-based Policing

The Bias-based Policing (BBP) Workgroup is evaluating IPR's and PPB's handling of disparate treatment complaints. The four workgroup members completed their review of 60 IPR case files and worked with IPR staff to draft an interim report. The workgroup expects to release its interim report, including preliminary findings and recommendations, in the next quarter.

### ■ Case Handling

The Case Handling Workgroup is reviewing three particular dispositions that result in quick resolutions, but do not presently provide recourse for appeal: dismissals by IPR, declines by IAD, and service complaints. The objective is to gauge effectiveness, adherence to case-handling protocols, complainant satisfaction, and to consider whether to provide some type of process for challenging the IPR or IAD decision. The workgroup is currently completing the first stage of its work, reviewing a sample of cases in which the complainant voiced a protest to the case-handling decision.

### ■ IPR Structure Review

The IPR Structure Review Workgroup (formerly called the Performance Review Workgroup) was formed to evaluate and prioritize the remaining recommendations made in Luna-Firebaugh's performance review of IPR. The workgroup has defined six-primary areas of focus: *the complaint process, mediation, policy development, staffing and training, outreach, and transparency*. They are reviewing the current practice in each area and the various recommendations for improvement.

On December 10, 2008, Mary-Beth Baptista (IPR Director) and JoAnn Jackson (Workgroup Chair) successfully presented an update to City Council, which included a number of examples of improvements IPR has already made. The presentation included the workgroup's intent to complete a draft report by mid-2009. The Mayor and Council members said they were very satisfied with the work of IPR and CRC. A copy of the full update memo is available on the IPR website @ [www.portlandonline.com/auditor/ipr](http://www.portlandonline.com/auditor/ipr).

### ■ Police Assessment Resource Center

Police Assessment Resource Center (PARC) was hired by IPR to develop recommendations for improving PPB's investigations and policies related to officer-involved shootings and in-custody deaths. The PARC Workgroup has worked to evaluate PPB's implementation of the recommendations PARC made

in its two follow-up reports (in 2005 and 2006). The workgroup drafted an initial assessment and is currently comparing its findings against additional documentation that was recently provided by the Bureau.

### ■ Protocol

The Protocol Workgroup reconvened in late 2008 to continue its review of the 21 protocols addressing the complaint process. As part of its review of the complaint appeal process, the workgroup is evaluating two steps designed to make the process more user-friendly. Revisions to the workgroup protocol are under consideration by the full CRC and should be finalized in the next quarter.

### ■ Retreat

The Retreat Workgroup has selected Saturday, February 28, 2009, for the CRC retreat. The all-day meeting is set to begin at 9 AM at the Portland Water Bureau Facility on North Interstate. The retreat agenda includes discussion of CRC's goals and objectives for the coming year. In addition, refresher training will be provided.

## CRC PRESENTATIONS

- At the October 2008 CRC meeting, CRC member Josey Cooper gave a summary of a *Sisters of the Road* meeting ([www.sistersoftheroad.org](http://www.sistersoftheroad.org)) on Portland's Sit—Lie Ordinance ([www.portlandonline.com/auditor/index.cfm?c=28513#cid\\_158261](http://www.portlandonline.com/auditor/index.cfm?c=28513#cid_158261)). She spoke on a variety of homeless issues. An open discussion followed regarding CRC outreach to the homeless populations.
- At the November 2008 CRC meeting, CRC members Mark Johnson, JoAnn Jackson, and Loren Eriksson gave a summary of their experiences while attending the NACOLE Conference in Cincinnati, OH. IPR Director Baptista and IPR Assistant Director Severe also attended. NACOLE brings people and oversight agencies together—who are committed to fair and professional law enforcement—and offers beneficial training and networking. The 2009 NACOLE conference information can be found @ [www.nacole.org](http://www.nacole.org).
- The December 2008 CRC meeting was rescheduled due to severe weather conditions.

### CRC Public Meetings Schedule (Subject to Change)

February 17	City Hall — Lovejoy Room @ 5:30 PM
March 17	City Hall — Lovejoy Room @ 5:30 PM
April 21	City Hall — Lovejoy Room @ 5:30 PM