

# QUARTERLY REPORT

## INDEPENDENT POLICE REVIEW AND CITIZEN REVIEW COMMITTEE

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FIRST QUARTER 2009

### IPR DIRECTOR'S REPORT

by Mary-Beth Baptista, Director

Many plans finally came into being in the first quarter of 2009. After having a vacant Community Outreach Coordinator position for one and a half years, the Independent Police Review (IPR) is pleased to announce the hiring of Irene Konev. Irene has extensive community outreach experience and a proven track record of building coalitions with diverse members of our community. She served as the Outreach Coordinator for Clackamas Women's Services for over three years, providing her with a unique understanding of police-community concerns and relations. She has a positive outlook, calm demeanor, and a willingness to listen.

I would like to thank Maria Lisa Johnson, Director of the City's Office of Human Relations, and CRC member JoAnn Jackson for serving on the interview panel to fill this very important position with IPR. I would also like to express my gratitude to Sanjeev Balajee. IPR was fortunate to draw on his outreach experience and expertise on a temporary basis. He assisted greatly by laying the foundation for a successful outreach effort.

The New Year brought with it a few other process changes. Within five days of receiving a complaint, IPR investigators are sending an initial contact letter to each complainant that provides a brief synopsis of the case and potential outcomes; a mediation form is also enclosed. Further, to increase transparency and access, IPR will enclose the appeal form in all findings letters.

Perhaps the most significant change for IPR came with the announcement that Gary Blackmer will step down from his position as Portland City Auditor. IPR is a leader in police oversight because of his singular wisdom and leadership. I know that you will join me in thanking him for his extraordinary leadership as City Auditor since 1998.

#### 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



The beginning of 2009 was a time of transition for the Citizen Review Committee (CRC or Committee). We were sorry to see Sherrelle Owens and Robert Milesnick leave the Committee, but are excited to greet our new members: Barbara Anderson and Rochelle Silver (their biographies appear in the previous *Quarterly*). We've already assigned Rochelle and Barbara mentors to assist them in learning CRC processes.

Special kudos go to Sherrelle who chaired the Bias-based Policing Workgroup over the past couple of years. The workgroup presented its interim report during the February CRC meeting and then issued it to the community with a press release. Current members of the workgroup will continue toward a final report (other updates are on the back page).

Other presentations during the quarter included Anne Pressentin of *EnviroIssues* who presented the newly-drafted IPR Community Outreach Plan and Commander Mike Reese of Portland Police Bureau's (PPB or Bureau) Central Precinct who discussed the various downtown partnerships the precinct has with neighborhood associations, social service providers, the business community, and private security firms. We are excited about the hiring of the new IPR Community Outreach Coordinator Irene Konev and we appreciated Commander Reese taking time to speak with us.

Loren Eriksson and I are the public members of the Force Task Force. We have asked to have time set aside on the agenda to address community concerns. Any community concerns should be forwarded to Loren or myself.

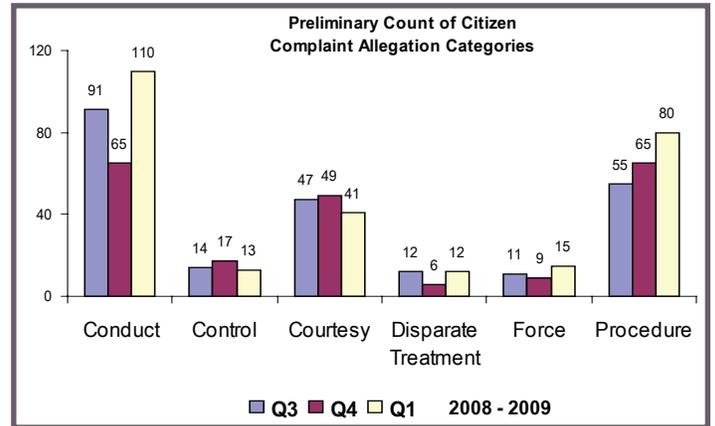
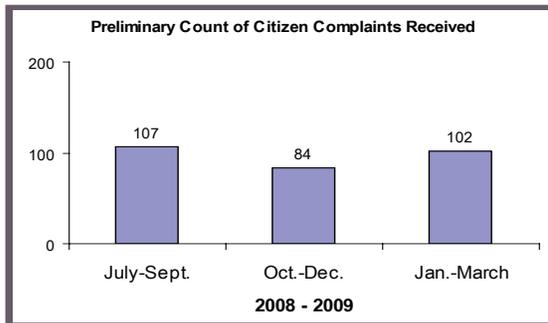
Finally, the February CRC retreat was a success. Special thanks to Lewellyn Robison for her efforts in planning the event (details are on the back page).

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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

- One of the five precincts forwarded to IPR an anonymous, third-party complaint, regarding an officer acting in an intimidating and coercing manner. **Status:** After determining the subject officer's identity, IPR dismissed the complaint due to insufficient evidence, but referred the complaint to the precinct commander for his or her information.
- A complainant came to the IPR office to file a complaint regarding a speeding ticket he received earlier that day. He felt the officer was courteous and professional, but that he was not exceeding the speed limit at the rate the officer reported on his traffic ticket. **Status:** IPR dismissed the complaint due to other judicial remedy for the complaint.
- Two separate complaints came in regarding an officer's off-duty behavior at a youth sporting event. They stated that the officer used profanity and offensive gestures around children, verbally assaulted the volunteer youth coaches, and generally acted unprofessional toward community members attending the event. **Status:** IPR completed an initial intake and has referred the complaint to Internal Affairs Division (IAD) for investigation.
- An officer was dispatched to speak with the complainant about phone threats he allegedly made to an insurance company over the

rejection of a claim. The complainant stated the officer was discourteous during the interaction, stating he was acting tough and pointing his finger. **Status:** IPR dismissed the complaint due to insufficient evidence of misconduct.

- Complainant called the police to report a "hostage situation" because his friend was being detained by bouncers at a "strip club" for not paying for services. Complainant states that the officers that responded threatened to arrest him and with out cause, took him to Hooper Detoxification Center, where he spent five hours. **Status:** IPR dismissed the complaint due to insufficient evidence of misconduct.

## 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.

Five cases were mediated last quarter. Five other complainants requested their cases be handled through mediation. In three of those cases, the complainant eventually changed his or her mind about mediation. In the other two cases, the supervising commander or named officer declined the mediation request.

Also this past quarter, a complainant chose to have an informal mediation with a PPB captain rather than appeal the investigative findings to CRC.

## INVESTIGATED CASES

Senior PPB management reviewed 12 completed misconduct investigations. Five of the reviewed investigations were bureau-initiated and seven were on complaints initiated by community members. Many of the complaints involved more than one officer and alleged several acts of misconduct.

Commanders recommended a sustained finding for a least one allegation in five cases (two from the community) and officer debriefings in another three of the 12 cases. *Examples include:*

- Complainant stated a detective misused the law enforcement data system (LEDS) by looking up criminal information for a friend about him and others. The complainant could not be reached for follow-up questioning despite numerous attempts by IAD. Bureau witnesses consistently said that the detective did not engage in the behavior described. There was no record of a LEDS request made by the detective in the data system log. **Finding:** PPB made a finding of *Exonerated*, no Bureau policy or procedure was violated.
- A complainant said officers failed to arrest the man who robbed him, but a witness on the scene told the two officers the complainant had given the “robber” money for a sex act or drugs. Complainant said one officer refused to listen; the other officer was rude; both officers refused to give their names; only part of his money was returned; and his backpack had not been retrieved (though no one on the scene recalled a backpack). Complainant was involved in a physical altercation after he was transported to Hooper Detoxification Center with Hooper staff. **Finding:** PPB *Exonerated* the officers of all allegations, no Bureau policy or procedure was violated.
- A mother filed a complaint after learning that her teenage son was pushed by an officer and held down by the upper chest or neck. The officer admitted using profanity during a heated exchange; the officer said he did so to get through to the boy. The officer also admitted he failed to write a report about the profanity and use of force. **Finding:** PPB made findings of *Sustained* regarding the use of force and failure to properly document the incident.

*From left to right: City Auditor Gary Blackmer swearing in CRC members appointed by City Council: Barbara Anderson, Rochelle Silver, and Michael Bigham (Lewellyn Robison—was not available)*

## 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 president of a downtown neighborhood association commended the efforts of an officer who has become a regular presence at their board meetings and helped arrange additional police coverage for the heavily-attended First Thursday events. The officer brings helpful updates of criminal activity and trends to the meetings, serves as a valuable resource, and offers a reassuring perspective.
- A woman from the greater Seattle area wrote to commend two officers and one sergeant who were involved in the safe return of her teenage daughter who had run away from a treatment facility and was found on the street in a high vice area of Portland. The mother was very impressed with the professional, kind, and supportive nature of the three PPB members.

## CRC WORKGROUPS

- **Bias-based Policing**  
The Bias-based Policing (BBP) Workgroup presented its interim report at the February 2009 CRC meeting. Former CRC member Sherrelle Owens and IPR Senior Management Analyst Derek Reinke gave an overview of the report’s findings and recommendations. The report represents the four workgroup members’ evaluation of IPR’s and PPB’s handling of disparate treatment complaints. A total of 60 IPR case files were reviewed.

The recommendations include: improved interviewing and intake techniques; office policies; IPR, IAD, and officer training; and additional follow-up research. The workgroup plans to discuss some areas of concern with the Bureau, such as providing business cards at the time of a stop and general cultural competency. BBP has also been gathering public feedback on the interim report and possible



next steps from various community groups and the general public.

The interim report was adopted by CRC at the February meeting and released by IPR the next morning. The interim report is available on the IPR web site. Later the same week, the Bureau released a *Plan to Address Racial Profiling* covering many of the same community concerns. The Bureau's plan can also be reviewed online.

#### ■ 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 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.

#### ■ CRC Retreat

The biennial CRC Retreat was held on Saturday, February 28<sup>th</sup>. The meeting covered the CRC issue tracking list and the new workgroup template (stating specific objectives, deliverable work products, and timelines). CRC established the following goals for the next two years: increase credibility among stakeholders regarding the IPR/CRC complaint process; review and make recommendations regarding satisfaction with PPB; and evaluate and develop in-house training for CRC.

#### ■ IPR Structure Review

The IPR Structure Review Workgroup was formed to evaluate, prioritize, and respond to the remaining recommendations made in the 2008 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. It is reviewing the current practice in each area and the various recommendations for improvement. The workgroup is preparing a comprehensive report and is on target to complete a draft by this summer.

#### ■ 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 first two follow-up reports (in 2005 and 2006). The workgroup drafted an initial assessment, compared its findings against additional documentation provided by the Bureau, and is currently drafting a report with recommendations.

#### ■ Protocol and CRC Executive Committee

The Protocol Workgroup reviews the 21 protocols addressing the complaint process. Revisions to two protocols (5.12 – workgroup and 5.14 – request for reconsideration of CRC decision) were approved at the March CRC meeting. The workgroup also reviewed the appeal process (protocol 5.03) – suggesting revisions to make the process more user-friendly.

The CRC Executive Committee then met in March to discuss the overall appeal process and specific procedures associated with holding an appeal hearing.

### OUTREACH AND PUBLICATIONS

In her first three weeks with IPR, Community Outreach Coordinator Irene Konev booked speaking engagements at six community based organizations and community meetings – such as the Multnomah County Family Violence Coordination Council, the Tri-County Directors meeting, and a staff training of 120 at the Immigrant and Refugee Community Organization – providing the directors and direct service staff of the programs with information about IPR. She has been networking with multicultural organizations, building relationships with the Latino, African-America, and Russian population. She linked IPR to the Oregon Coalition's web site for Communities of Color. A Spanish-speaking volunteer has been recruited to help reach the Latino population and the first 'Community Conversations' session has been booked. Over 25 agencies have responded, and bridges are being built for solid relationships. Finally, a process has begun to update and revise the brochures and the IPR web site.

Also during the quarter (in late February), PARC's third follow-up report was published. The report reviewed 12 officer-involved shootings (dating to 2002), examined the Bureau's response to the remaining original 2003 recommendations, and offered nine new recommendations. In the report, PARC describes PPB as "an increasingly excellent police department" that is "indeed in a progressive mode, with an increased capacity for self-critical identification of issues and formulation of solutions." To date, PARC has made 124 recommendations after reviewing a total of 70 closed officer-involved shooting or in-custody death incidents. All four PARC reports are available on the IPR web site.

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

May 19	City Hall – Lovejoy Room @ 5:30 PM
June 16	City Hall – Lovejoy Room @ 5:30 PM
July 21	City Hall – Lovejoy Room @ 5:30 PM