

QUARTERLY REPORT

INDEPENDENT POLICE REVIEW AND CITIZEN REVIEW COMMITTEE



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FIRST QUARTER 2010

IPR DIRECTOR'S REPORT

by Mary-Beth Baptista, Director

City Auditor LaVonne Griffin-Valade, Independent Police Review (IPR) Assistant Director Constantin Severe, and I worked with Commissioner Randy Leonard for several months on proposed changes to IPR's governing Ordinance. Portland City Council voted unanimously March 31, 2010, to adopt the changes after having two public hearings. At both sessions, community members filled City Hall to express their overwhelming support for this significant first step to strengthen IPR's authority and increase transparency in the police accountability process. Specifically, the revisions strengthen IPR's ability to conduct independent investigations, strengthen our role in Portland Police Bureau (Bureau) investigations, and replace the current review board structure with a more transparent "Police Review Board."

Drafting and promoting the revisions to the Ordinance was a tremendous undertaking and its passage is a testament to the hard work and dedication of the IPR staff, Citizen Review Committee (CRC) members, and members of the community who have all worked tirelessly for years on these issues. In the months and weeks leading up to its passage, Outreach Coordinator Irene Konev, Severe, and I met with several community leaders and attended community meetings

to discuss the proposed Ordinance; including the Center for Intercultural Organizing, Oregon Assembly for Black Affairs, Community and Police Relations Committee, and the Human Rights Commission. Among the topics of discussion were concerns about IPR's current oversight authority, recent success by IPR building trust with the community, and the need for the proposed Ordinance to be implemented. I am extremely thankful to the CRC members and members of the community for all of their encouragement, support, and perseverance.

OFFICE OF THE CITY AUDITOR

The City Auditor's division of the Independent Police Review (IPR) receives and screens complaints about officers of the Portland Police Bureau (Bureau). IPR may dismiss, mediate, investigate, or refer complaints to the Bureau. IPR analyzes complaint patterns, conducts policy reviews, as well as oversees investigations.



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CRC CHAIR'S REPORT

by Michael Bigham, Chair



The new year brought a flurry of activity for CRC. March 14, 2010, CRC hosted its first public forum on police accountability at Portland State University (PSU). The forum was well attended by members of the community and the discussion was spirited and wide-ranging.

CRC would like to thank Resolutions Northwest (RNW) and the PSU Student Veteran's Association for helping the forum be a success. CRC members agreed that they will try to host forums on a regular basis.

March 16, 2010, CRC held a special meeting to discuss the proposed police accountability Ordinance. IPR Director Baptista and City Auditor Griffith-Valade presented the main points of this Ordinance to CRC members who then responded with their questions and suggestions. I testified at City Council in support of the Ordinance and reminded the members that this Ordinance was just the beginning. There is so much more to do.

CRC heard three appeals during this quarter: affirming findings in two cases and challenging findings in the third case. The Bureau is now deciding if it wants to accept CRC's challenges. The National Lawyers Guild (NLG) acted as the advocate for the appellant in the third appeal, marking the beginning of a new program that will offer appellants the opportunity to use the pro bono services of the NLG when they present their cases.

Finally, I would like to welcome our new members, Jeff Bissonnette, Jamie Troy, Ayoob Ramjan, and Lindsey Detweiler.

CITIZEN REVIEW COMMITTEE

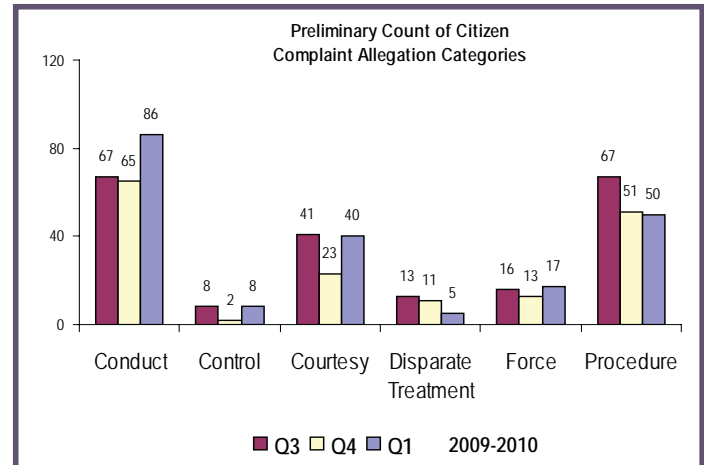
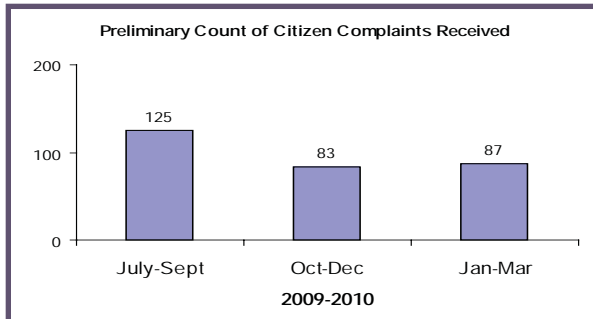
Community Oversight of Portland Police Bureau

As community volunteers, the nine members of the Citizen Review Committee (CRC) are appointed by Portland City Council to monitor and advise IPR, hear appeals, and receive public concerns.

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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 called IPR to file a complaint due to a police officer knocking loudly at her home around 8:30 AM, which she did not answer. The loud knocking greatly disturbed the complainant because she has a one-year old child and her husband sleeps during the day since he works at night. IPR was able to determine that the involved officer was engaged in contacting homes in the neighborhood due to on-going crime issues in the area. *Status: Dismissed.*
- A complainant stated that he received a ticket with an excessive fine for a traffic infraction in retaliation for his request that a warning be issued instead of a ticket. He said that the officer went back to his patrol vehicle and changed the ticket from one with a base fine to one that had an enhanced fine. *Status: Referred to IAD.*
- A man was stopped by a Bureau member and said he felt that he was treated very rudely. When the complainant attempted to contact the officer's supervisory sergeant, he never received a call back from anyone: *Status: In Mediation.*

- A community member was concerned about the online postings of a possible Bureau member. The complainant was reading an online news story of a local television station and noticed a comment posted by an individual who made references to being a police officer and how that person wanted to pepper spray a belligerent TriMet driver. IPR was unable to identify if this person was either a police officer or had any affiliation with the Bureau. *Status: Dismissed.*

MEDIATIONS

Mediation allows community members and officers to voluntarily come together to discuss their concerns in a respectful, constructive manner; an impartial, professional mediator facilitates the session. Both parties are heard in a confidential and neutral setting with the goal of gaining a better understanding of one another's perspective about the incident.

One case assigned for mediation was carried over from 2009 into the 2010 quarter. Three cases for mediation were declined by Bureau commanders and one case for mediation was declined by the officer. Three cases were mediated successfully and three more cases are currently assigned to mediators. Another case has been "on hold" because the officer is on family leave until April.

INVESTIGATED CASES

Senior Bureau management reviewed 18 completed misconduct investigations during the quarter. Many of the complaints involved more than one officer and alleged several acts of misconduct.

Commanders recommended a sustained finding for at least one allegation in nine of the 18 cases. Seven of those cases were bureau-initiated, one was initiated by a community member, and another was initiated by IPR – based on its review of a tort claim against the City. *Examples include:*

- This case originated from IPR's regular review of all tort claims filed against the Bureau. While complainant and a friend were crossing a downtown Portland street, he noticed a police vehicle partially blocking the crosswalk. Complainant proceeded to do a "drum tap" on the trunk of a police car. When officer A and B yelled at him, complainant ran and entered a nearby club, where the officers apprehended him. IPR referred the following allegations to IAD: Officer A used excessive force in arresting him; the officers engaged in an improper foot pursuit that endangered the officers, the public, and the subject; and that Officer A used force to terminate an unjustified pursuit. *Findings:* The allegations were modified by the Precinct Commander after the completion of the investigation and in preparation for his findings. Officer A and B used profanity when they exited their vehicle and contacted complainant. *Officer A and B: Unproven with a Debriefing.* Officer A and Officer B engaged in an improper foot pursuit that unnecessarily endangered the officers, the public, and the subject. *Officer A and B: Sustained.* Officer A and Officer B used more force than reasonably necessary to affect an arrest on the subject. *Officer A: Exonerated. Officer B: Sustained.*
- Complainant witnessed an altercation between an officer and several individuals who were placing traffic cones in the middle of traffic lanes on a busy street. When the officer approached one individual to speak to him about his behavior, there was an altercation and the officer took him to the ground and arrested him for disorderly conduct and Interfering with a police officer. Complainant stated that she witnessed the entire incident from her front porch and believed the officer used excessive force. *Finding: Exonerated with a Debriefing.*

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:*

- A man said the sergeant he spoke to about his complaint was amazing and helped out in a great way. The sergeant responded quickly, listened, and had great manners.
- An apartment complex worker explained that two officers have helped with crime issues in his area. He said the officers showed patience and professionalism with the special needs tenants who have been taken advantage of by local drug people (crimes committed – an arrest resulted).



Left to right: City Auditor LaVonne Griffin-Valade swearing in new CRC Member Lindsey Detweiler March 31, 2010.

CRC WORKGROUPS

1. Appeals and Recurring Audit

The new Appeals and Recurring Audit (previously Case Handling) Workgroups are working on their work plans, mission statements, and project needs.

2. Bias-based Policing

The Bias-based Policing Workgroup completed its work and issued its final report. It reviewed 36 complaints received between 2005 and 2007 – all alleging some form of disparate treatment. The report has recommendations and suggestions, which can be read @: <http://www.portlandonline.com/auditor/index.cfm?c=44653&a=295201>. They are:

- Four suggested areas for follow-up discussions topics between the workgroup and the Bureau;
- Two areas of interest and potential research and follow-up;
- Three recommendations for CRC; and
- Seven recommendations for improvement for IPR.

3. IPR Structure Review

The IPR Structure Review Workgroup was formed in September 2008 to evaluate, prioritize, and respond to the remaining recommendations made in the 2008 Performance Review of IPR, the complaint handling process, and citizen oversight. The workgroup defined six-primary focus areas: the complaint process, the mediation policy, staffing and training issues, policy development, outreach, and transparency.

The workgroup members reviewed and considered the current practice in each area, evaluated the changes, and made recommendations for improvement. Also, every recommendation of the 2008 Performance Review was both considered and discussed.

The workgroup met its target by completing the comprehensive report by this first quarter. Currently, the report is under review by the full CRC.

4. Outreach

The Outreach Workgroup had a very busy quarter planning outreach activities. It coordinated a public forum which was held March 14, 2010, at the PSU campus. The workgroup has scheduled further work to complete the action plan and has started planning for another public forum in late summer or early fall.

The public forum was facilitated by Resolutions Northwest and the PSU Student Veteran's Association provided the facility and equipment. Approximately 60 community members attended and offered many comments concerning the Portland police and their desires for the community. A complete summary of the public forum will be published and placed on the website in about six weeks. The RNW facilitator will provide the workgroup with a written summary of the forum showing the public comments.

5. Police Assessment Resource Center (PARC)

The PARC Workgroup is tasked with reviewing the Police Assessment Resource Center recommendations on officer-involved shootings and in-custody deaths. The workgroup completed its draft report and sent it to the Bureau for comments. The draft report will be presented to the full CRC in April, and will hopefully be presented to City Council in the second quarter.

6. Protocol

The Protocol Workgroup has been inactive but will meet in the second quarter, and plans to review several reports of possible CRC protocol deficiencies.

7. Taser / Less-lethal Force

The new Taser/Less-lethal Workgroup will examine the policies and use of tasers and other less-lethal options by Portland police. Workgroup members

met to discuss its mission statement and started gathering information on the research topics.



Left to right back row: Jeff Bissonnette, Ayoob Ramjan, Hank Miggins, Michael Bigham, F.G. (Jamie) Troy II, and Loren Eriksson. Front row: Lewellyn Robison and Rochelle Silver — all CRC Members (February 2010).

IPR OUTREACH UPDATES

Community Outreach Coordinator Irene Konev had a busy and fruitful quarter. The focus was building new relationships and strengthening existing relationships with Portland's public; and helping build bridges between the Portland Police Bureau and historically marginalized communities — without compromising IPR's effective oversight roles.

An example of this work is the follow-up meeting with the Hispanic community at Morrison Family Services. A Bureau officer attended to field questions about traffic stops and to build trust. Also, Konev coordinated a meeting with officers and command staff (all from East Precinct) as well as six members of the Slavic and Asian communities — to begin addressing crime prevention and public trust. Several organizations have requested to have a police officer and IPR staff attend subsequent meetings.

The awareness and trust of IPR was demonstrated by the ease of booking meetings with organizations to talk about the new Ordinance that strengthens IPR. Many meetings (lasting over an hour) took place with minority groups. Several organizations have added IPR's website link to their home pages. Konev has marked a year now with IPR. The success of this outreach program has already proven an engaged interest in Portland's police accountability process.

CRC Public Meetings Schedule

Second Wednesday Each Month
(Subject to Change)

May 12	City Hall — Lovejoy Room @ 5:30 PM
June 9	City Hall — Lovejoy Room @ 5:30 PM
July 14	City Hall — Lovejoy Room @ 5:30 PM