

QUARTERLY REPORT

Independent Police Review (IPR) — Citizen Review Committee (CRC)



www.portlandoregon.gov/auditor/ipr

Fourth Quarter 2013

IPR DIRECTOR'S REPORT

by Constantin Severe, Director



The fourth quarter of 2013 capped off a full year of change at IPR. Earlier in the year, several key staff members moved on while the office added six new employees to bring us to a total of 12 staff members. IPR's investigative capabilities were

significantly improved by the addition of three investigator positions, for a total of five full time investigators.

In the opening days of 2014, Council unanimously approved the Auditor's police accountability reforms that clarifies IPR's ability to directly interview PPB employees, requires that the City use a discipline guide when officers are facing possible discipline, and will increase the amount of information made available to the public in disciplinary cases that go to the Police Review Board. In the lead up to the Council vote, IPR staff gathered feedback from community members, PPB employees, and reviewed recommendations from prior City facilitated police accountability workgroups such as the 2010 Stakeholder's report.

Going forward, one of IPR's ongoing tasks will be implementing the police accountability section of the City's settlement agreement with the US Department of Justice (DOJ) that will be going into effect this year. Another goal for the new year is to provide the public with a greater understanding of what we do at IPR, whether through our improved website, social media, or in-person contacts.

OFFICE OF THE CITY AUDITOR

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



INDEPENDENT POLICE REVIEW
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CRC CHAIR'S REPORT

by F.G. (Jamie) Troy II, Chair



The fourth quarter saw CRC lobbying for changes in the proposed DOJ settlement, losing two of its newest members due to workload issues, and conducting four meetings in three months, all of which involved some aspect of an appeal.

At the October 2nd Meeting, CRC conducted a Conference Hearing on an appeal where the Committee had challenged PPB's findings related to disrespectful comments an officer made to an appellant. Police Chief Michael Reese appeared for this hearing and offered his rationale in disagreeing with the Committee. Six of eight members were eligible to vote and the end result was a tie vote of three to three. Because the ordinance calls for appeals to City Council only when a majority of our committee votes for this, the tie vote ended the matter and the appeal was closed. Several members of the Committee voiced ongoing concern that the underlying investigation did not address disparate treatment. At this same meeting, we heard from members David Denecke and Rochelle Silver of their recent NACOLE and ACLU conference attendance.

At the October 28th Meeting, we concluded an appeal of a case that first came before us in June, but was put on hold to allow additional investigation by Internal Affairs and IPR. The appeal involved seven allegations ranging from an improper search to unnecessary force to use of profanity against an African American woman when police were responding to a report involving a Hispanic male. The Committee voted to challenge

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CITIZEN REVIEW COMMITTEE

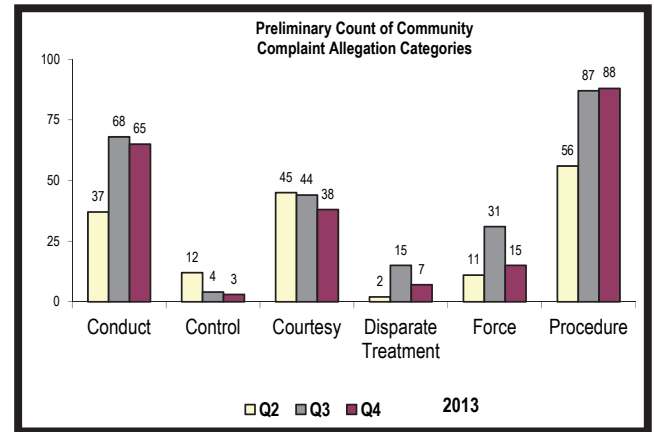
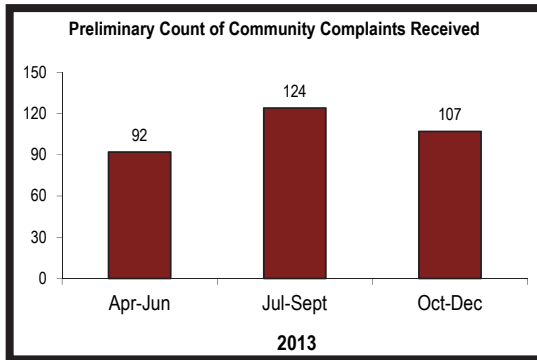
Community Oversight of Portland Police Bureau

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

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CASE STATISTICS

IPR records and tracks all community 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 community complaints, completed investigations, and officer commendations from the reporting period to provide examples for the following sections.

NEW CASES

- A man working in retail loss prevention reported that on two separate occasions the same officer failed to process juveniles caught shoplifting. He reports that both suspects had concealed merchandise and were possession of drugs. The officer did not write a citation or file a report in either case.

Status: Case was fully investigated and is awaiting policy and possible discipline findings.

- A man called IPR after receiving a jaywalking ticket. He admitted to crossing against a 'no walk' signal, but felt that the ticket was excessive and there were other motivations behind the stop (possibly profiling). Video evidence was available from one of the officers' vehicles.

Status: IPR dismissed the complaint after reviewing the video and other evidence.

- A man contacted IPR after a physical confrontation with officers in front of his ex-girlfriend's residence. He stated that officers used excessive force and fabricated portions

of their report(s) to justify the physical force used. The man later plead guilty to resisting arrest and assaulting a public safety officer.

Status: IPR dismissed the complaint after reviewing the entire case file, reading officer reports (including an after-action force report), and listening to the guilty plea.

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 was successfully mediated in the fourth quarter of 2013, and four recommended mediations are still pending - awaiting either response from the complainant or involved officers to confirm their participation.

INVESTIGATED CASES

Senior Police Bureau management reviewed 16 completed misconduct investigations during the quarter. Many of the complaints involved more than one officer and alleged several acts of misconduct.

Commanders recommended at least one sustained finding in 10 of the 16 cases, and suggested an officer debrief in four of the six 'non-sustained' cases.

INVESTIGATED CASE EXAMPLE AND FINDINGS

■ EXAMPLE:

A woman complained to officers stating they should have provided their names to her son during an earlier interaction. Verbal tensions grew and one officer accused the woman of playing the race game (or card). An allegation of disparate treatment was exonerated, but a courtesy allegation was sustained after the IPR Director controverted the originally proposed finding.

COMMENDATIONS

The Chief of Police for the City of Gresham wrote to commend and thank a Portland lieutenant who assisted in Gresham Police Department's promotional process.

A woman provided a written commendation at an IPR outreach event thanking an officer for her participation in a community workshop titled *Communication with Police*.

A member of the East Precinct Involved Citizens Committee provided examples of exemplary community service by command staff in an e-mail to the Chief of Police.



Community leaders testify before City Council in support of IPR code changes. Pictured are (left to right): Michael Alexander of the Urban League, Jan Freidman of Disability Rights Oregon, and Kayse Jama of the Center for Intercultural Organizing.

CRC WORKGROUPS

Use of Deadly Force

Use of Deadly Force Workgroup is reviewing the Police Bureau's policies and training regarding the highest levels of physical force. The Workgroup met with the Portland Police Association President in October and members of the Albina Ministerial Alliance in November.

Crowd Control

The Crowd Control Workgroup began assembling information and feedback received from community members and experts into a report on the crowd control policies and tactics of the Police Bureau.

Outreach

CRC members of the Outreach Workgroup decided not to hold a community forum during the fall. Instead, members gathered feedback on policing from several homeless community organizations in Portland. Members also held a meeting with the Police Bureau's Captain of Professional Standards to discuss officer communication in civilian-police interactions.

Recruitment, Retention, and Promotion

The Recruitment, Retention and Promotion Workgroup is reviewing the Police Bureau's policies and procedures in those critical personnel areas. The Workgroup is currently on hold pending additional members.

Recurring Audit

The Recurring Audit Workgroup is completing a report on the handling of complaints dismissed by IPR. The Workgroup did not meet during the fourth quarter.

CHAIR'S REPORT

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the bureau's finding on rudeness from exonerated to unproven. This recommendation ultimately was accepted by PPB.

After our formal vote, CRC members took a symbolic vote to address what our recommendation would have been under a preponderance of the evidence standard. By symbolic vote, CRC recommended PPB officers be found to have conducted an improper search of the appellant. CRC has begun taking these symbolic votes after consulting with the OIR Group in an effort to establish what result a less deferential standard of review would have on our appeals.

At our November 6th Meeting, we had a Case File Review to prepare an appeal where an officer was alleged to have acted unprofessionally while off duty as described by his ex-wife. The Committee found the investigation adequate and scheduled the appeal hearing for the following month. Notably, there was much discussion at this meeting about how civilian appellant's arrest histories are often contained in files the Committee reviews, but the discipline history of this accused officer was not included due to concerns for how that information might prejudice the process.

At our December 4th Meeting, we heard the appeal about an officer alleged to have acted unprofessionally while off-duty. While the Committee acknowledged that officers may act differently off duty, especially when interacting with ex-spouses, we found unanimously that this officer's use of sarcasm and profanity, among other factors, constituted unprofessional conduct. We look forward to learning of PPB's response.

CRC is struggling to retain members having lost two in quick succession. As a group, we have recommitted ourselves to making new members feel welcome and supported. We are working to improve the experience by continuing to work with the City to obtain remote access to files, decreasing the burden on members to constantly come downtown to review written material. We have also been vocal regarding the 21-day appeal timeline proposed in the DOJ settlement, which we find unworkable for our group. We appreciate Deanna Wesson-Mitchell, of the Mayor's Office, and Commissioner Steve Novick for their strong voices in this ongoing discussion.

IPR OUTREACH UPDATES



Irene Konev

IPR OUTREACH UPDATES

To gather community feedback on the police accountability reforms, IPR Director Constantin Severe, Assistant Director Anika Bent-Albert, or Community Outreach Coordinator Irene Konev met personally with the following:

- Albina Ministerial Alliance
- Center for Intercultural Organizing
- Urban League
- Sisters of the Road
- League of Women Voters
- Disability Rights Oregon
- Basic Rights Oregon
- Gateway Domestic Violence Center
- American Civil Liberties Union
- Human Rights Commission
- Oregon Assembly for Black Affairs
- New Avenues for Youth
- Outside In
- Transition Projects
- Right to Dream Too
- African American Chamber of Commerce

Media

For public awareness of police accountability reforms, IPR Director Severe held a one-hour interview with Russian Radio 1010 and had an interview with Russian American Magazine Kanon. He spoke on OPB's Think Out Loud, KBOO Radio and met with the Portland Mercury, The Oregonian, and Willamette Week.

IPR and CRC Outreach

CRC members Pamela Dunham and Rochelle Silver met with and gathered feedback on policing from Portland Rescue Mission and St. Micheal the Archangel Catholic Church. Konev joined them for a second session of outreach and met with Sisters of the Road, Right to Dream Too, and Transitions Projects.

IPR is on Twitter, follow us at <https://twitter.com/PortlandIPR>

CRC Public Meetings Schedule

CRC meetings are held at 5:30 pm on the first Wednesday of each month either in City Hall or at various locations in the community. Check our website for more details.