



CITY OF PORTLAND

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Independent Police Review

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To: Dennis Rosenbaum
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From: Constantin Severe,
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Date: June 7, 2015

Subject: First Quarter 2015 Draft COCL Report

Thank you for providing a draft of the First Quarterly Report of the Compliance Officer and Community Liaison. The Independent Police Review has engaged in a sustained effort to comply with its areas of responsibility within the Settlement Agreement between the City of Portland and US Department of Justice since City Council approved the Agreement in December 2012. Meeting the terms of the Agreement has required significant changes to IPR's structure, including changes to the City Code. I look forward to continue working with you.

For simplicity sake, we will organize our response to the quarterly report based on the paragraphs included within the Officer Accountability section of the Agreement and then discuss some additional items mentioned in the quarterly report.

121. To comply with this paragraph, IPR has collaborated with the Police Bureau's Internal Affairs to update the tracking mechanism for each case type so an administrative investigation can be completed within 180 days. IPR has changed its process for intake investigations, which IPR investigators are allotted fourteen days.

IPR does not share the skepticism of some mentioned in the quarterly report of the 180 day timeline. A 180 day timeline for completed administrative investigations, including findings, exists in several of Portland's peer cities such as Austin and Seattle.

A recent review by our office found that although the City has made progress in case timeliness, there is still significant progress needed to meet the requirement. If there are not significant changes made to the manner in which misconduct cases are routed through the Police Bureau, it will be difficult for the City to be successful with this provision.

Our timeliness review shows several areas of concern: 1) The amount time IPR intakes require; 2) the amount of time a case is at the Reporting Unit manager for findings; 3) the amount of time taken in each case due to the sheer number of steps; and 4) the Citizen Review Committee Appeal Process.

In the past several months IPR staff members have worked on refining our intake process so that cases are properly identified and prioritized. The expectation going forward is that cases that will be subject to full administrative investigation will be prioritized and that IPR staff will coordinate with Internal Affairs to prevent duplication of effort. I meet weekly with the IPR investigative staff and case timelines are always discussed. Each stage of an administrative investigation is tracked and assigned a deadline.

Cases at the finding stage are under the Police Bureau's control and both the Professional Standards Division and the Chief's Office have solicited our opinion on possible solutions going forward. A significant weakness of the current system is the multiple layers of findings and reviews that have been added over time. Any solution to meet the 180 day timeline will require a reduction in the number of steps required.

The Citizen Review Committee Appeal process was altered by the recent code change approved by City Council.

128. IPR and Internal Affairs are required to reduce redundant interviews of witnesses and the City is supposed to enable IPR to conduct independent investigations.

Since the Agreement was entered, a number of steps have been taken to reduce the risk of redundant interviews by IPR and Internal Affairs. Complaints that are headed to Internal Affairs for full investigation are prioritized, with critical witnesses interviewed by an IPR investigator. IPR has refined its intake investigation report to provide clarity to subsequent readers. IPR has had all intake witness interviews transcribed before they are forwarded to Internal Affairs for either a Service Improvement Opportunity or full administrative investigation.

In the next quarter, IPR will be expanding the cases in which it conducts independent investigations, further reducing the possible occurrence of redundant interviews. Additionally, the City will have to seize the opportunity provided by the Agreement to restructure its complaint intake system to reduce redundancies inherent in the current system.

Prior to 2013, IPR had never conducted an independent investigation. Since the implementation of the Settlement Agreement, IPR has been able to conduct more than 10 independent investigations. IPR's ability to conduct independent investigations has been aided by additional staff and new authority in City Code. In June 2013, IPR hired three new complaint investigators, who each had several years' experience investigating the abuse of vulnerable populations. In October 2013, IPR staff started a process that led to a code change that clarified IPR's ability to interview all Police Bureau employees and simplified the mechanism that IPR used to interview officer witnesses. Prior to this change, the IPR investigator was supposed to relay questions for an officer witness through the Internal Affairs liaison present at the interview, who then would relay the question to the witness.

Additionally, IPR has written criteria for when it will exercise the discretion given to it in City Code to conduct independent investigations.

129. The requirement that all allegations of excessive use of force will be subject to a full investigation with findings, unless there is clear and convincing evidence to IPR that the allegation has no basis in fact, has been incorporated into City Code. At an operational level,

IPR staff have been instructed in writing that they are not to accept a declination of force complaints by Internal Affairs unless it meets the standard set within the Settlement Agreement and City Code.

131, 132. This paragraph builds on the Police Review Board created by the 2010 IPR code change. In the 2013 IPR code change, the requirements outlined in the Agreement were implemented as written in paragraph 131. Additionally, the 2013 code changes outlined what was to be included in the Police Review Board public reports published twice a year.

134-136. City Code was changed on May 20, 2015, to implement the required changes to the Citizen Review Committee appeal process. Previously, an appeal required two separate hearings, held on different days. The code change allows the appeal to proceed in one day, if the CRC believes that the investigation is complete. The committee is now able to direct either Internal Affairs or IPR to conduct additional investigation if the committee believes it is necessary.

137. The 2013 code change requires that the PRB and the Chief of Police use a discipline guide as a tool in determining appropriate level of discipline. The Police Bureau implemented a discipline guide in March 2014.

138-140. A complainant has the ability to use the IPR website to get a status update on a complaint.

Administrative Investigations Management (AIM)

AIM has been IPR's database since the division was created in 2001. AIM is used across the country by many internal affairs divisions and some oversight agencies similar to IPR. The product features some end-user customization, as well as some basic reporting tools. AIM was chosen in part due to its ability to be used off the shelf and reliability. Over the last 15 years, the City of Portland has had several, highly publicized difficulties with attempting to create customized databases at a variety of city agencies, making city staff hesitant to take the risk of creating new databases given the often substantial financial investment required.

The COCL team received a mix of accurate and inaccurate information about AIM. A few of the statements in the report are incorrect. For example, on page 58 there is a statement that AIM "does not yield a searchable database," which is not true. There is another statement that "only within the past two years has it [AIM] been consistently used and standards for utilization created." While this statement is more subjective, it is mostly inaccurate from IPR's perspective. The AIM database has been used by IPR and Internal Affairs for more than 13 years and its use has been largely consistent over that time.

AIM does have an outdated look. Its functionality and user screens feel a bit clunky at times, even though the data is accurate, searchable, and retrievable. AIM should be judged against comparable police accountability databases. There are several jurisdictions that have moved away from AIM over the last five years. Seattle, for example, stopped using AIM and moved to IAPro as an interim step to creating a customized database that integrates information that was previously on several databases. The integrated database that Seattle is currently creating is estimated to cost several million dollars.

Going forward, IPR is willing to be part of a conversation of looking at whether the City should still use AIM as its police accountability database.

Surveys

The report also mentioned a few surveys that will address officer accountability and other issues. In reviewing some of the draft questions, IPR staff members were struck by how close some of the questions were to asking about the complaint/oversight system without using those words. If it is not too late, it would be helpful to add a few specific questions about IPR. For example, "If you had a negative experience with an officer, did you file a complaint?" "If no, why not? (...some choices...)" "If yes, how would you rate the experience? (...a rating scale...)." It appears that a second survey effort will target Police Bureau members. It would be interesting to gauge their opinion and experience with IPR as well.