



Portland City Auditor  
Independent Police Review

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# INDEPENDENT POLICE REVIEW

Annual Report 2014



## **About Independent Police Review**

The Independent Police Review (IPR) is an impartial oversight agency under the authority of the independently elected City Auditor. IPR was created to improve police accountability, promote higher standards of police services, and increase public confidence. IPR has five primary responsibilities:

**1. COMPLAINTS AND COMMENDATIONS**

Receive community members' complaints and commendations about Portland Police Bureau officers.

**2. ADMINISTRATIVE INVESTIGATIONS**

Conduct, oversee, and/or participate in administrative investigations regarding the conduct of Police Bureau officers.

**3. REPORTS AND RECOMMENDATIONS**

Issue periodic reports about complaints and investigations and recommend policy changes to reduce complaints and misconduct.

**4. SHOOTINGS AND DEATHS**

Respond to incident scenes and participate in the policy reviews of officer-involved shootings and non-shooting, in-custody deaths. Hire experts to study closed reviews and report on policy and quality of investigation issues.

**5. APPEALS**

Coordinate appeals filed by community members and officers who are dissatisfied with the outcome of administrative investigations.

Additionally, IPR conducts outreach to hear community concerns and build community trust; provides administrative and technical staff support to the Citizen Review Committee, an advisory body appointed by Portland City Council; and coordinates mediations between community members and officers.

## **About the Citizen Review Committee**

The Citizen Review Committee was created to help improve police accountability, promote higher standards of police services, and increase public confidence. These volunteers serve as an advisory body to the Police Bureau, Auditor, and IPR. In early 2014, City Council voted to expand the Committee from 9 to 11 members. Committee members are appointed by Council to perform the following primary functions:

- gather community concerns about police services;
- develop policy recommendations to address patterns of problems with police services and conduct;
- review and advise IPR and the Police Bureau's Internal Affairs on the complaint handling process; and
- hear appeals from community members and officers, and publicly report their findings.

General information and other reports produced by IPR and the Committee are available at:  
[www.portlandoregon.gov/auditor/ipr](http://www.portlandoregon.gov/auditor/ipr).

## **2014 DATA AND TRENDS**

### **Legal agreement and protests set 2014 apart**

Accountability for the Portland Police Bureau's treatment of community members with mental illness and people protesting against what they perceived as racially biased police shootings across the country set 2014 apart for the City Auditor's Independent Police Review division (IPR).

The City of Portland's settlement agreement with the U.S. Department of Justice officially went into effect in August. The agreement set in motion requirements that IPR and the Portland Police Bureau complete most investigations of officer misconduct within six months, which marks a significant departure from past practice.

IPR launched nine independent investigations, some of which were based on reports from protestors, responding to police shootings in other cities, that they were not treated appropriately by Portland officers. That is the highest number of independent investigations undertaken by the Auditor's Office since the inception of IPR in 2001.

### **Several entities have roles in Portland's police oversight system**

Portland's oversight system of police misconduct allegations is comprised of independent civilians, Police Bureau managers, and elected officials.

The civilian functions are served by IPR and the Citizen Review Committee. IPR takes complaints, conducts investigations, monitors cases investigated by the Police Bureau's Internal Affairs Division, weighs in on recommended findings and discipline, and votes on the Police Review Board. The Committee is an 11-member volunteer board that hears appeals of disciplinary decisions. Both entities also make policy recommendations.

Police Bureau management decides if the facts gathered during investigations support the allegations and makes discipline recommendations. Those initial recommendations are reviewed by IPR, Internal Affairs, and often the Review Board before they are presented to the Chief of Police.

The elected officials are the Mayor and the City Auditor. The Mayor, serving as the Police Commissioner, reviews and approves discipline decisions made by the Chief. The City Auditor supervises IPR, which in turn provides administrative support to the Committee.

### More progress needed to meet settlement agreement standard

The City’s settlement agreement with the Justice Department required that police misconduct investigations be completed in 180 days, a substantial change from past practice. Despite taking several steps to quicken the pace, the median number of days to complete investigations in 2014 was 278 days.

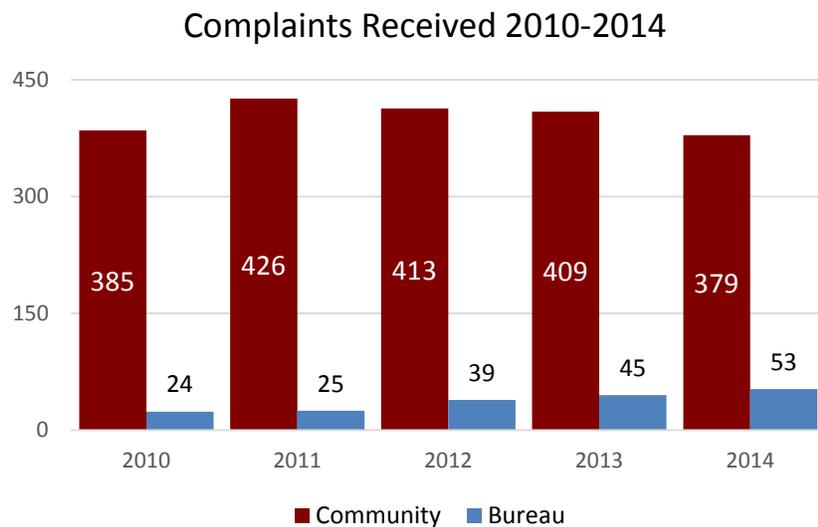
To achieve the 180-day benchmark, IPR must complete its preliminary intake reviews in 21 days. In 2014, the median days for intake stood at 36, a worsening trend from 33 days in 2013. Another negative trend was the number of days commanders took to review evidence and decide whether allegations should be sustained.

### Complaints from community members fell while those from fellow police employees rose

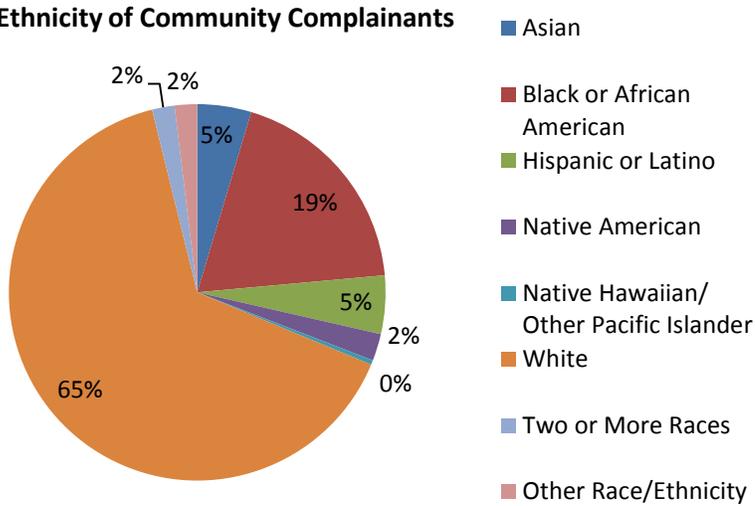
Community members and Portland Police Bureau employees filed 432 reports of officer misconduct in 2014.

Community members filed 379 reports, which was lowest number received in the past five years. The five-year average between 2010 and 2014 was 402.

Police Bureau employees filed an additional 53 complaints of misconduct against officers, higher than the five-year average of 37.



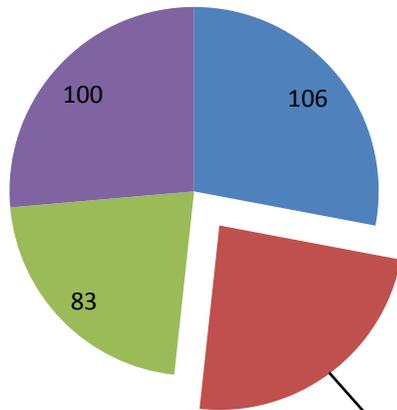
### Race/Ethnicity of Community Complainants



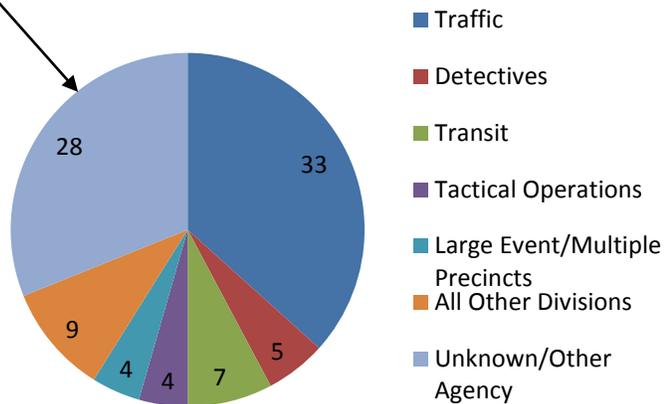
Community members who are black or African-American filed 19% of the complaints but make up only 6% of Portland's population. The percentage of complaints filed by all other racial or ethnic groups was less than their proportion of the population.

Most complaints filed by community members stem from encounters with officers assigned to one of the Police Bureau's three patrol precincts (76%). The Traffic Division was the source of the most complaints (9%) not associated with a particular precinct.

- East
- Others
- North
- Central

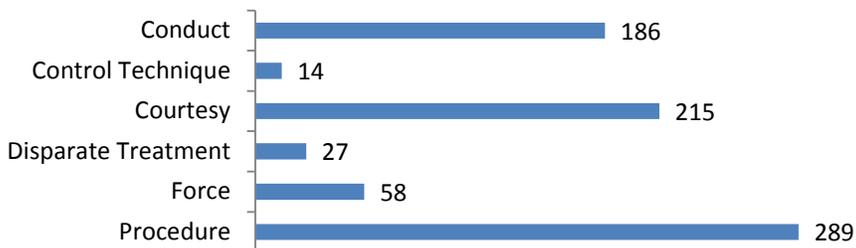


### Community Complaints by Precinct or Division - 2014



A complaint can involve more than one allegation of misconduct. The 379 community member complaints contained 789 allegations. Violations of police procedure made up 37% of the allegations, followed by courtesy issues (27%) and conduct (24%). Allegations of inappropriate use of force made up 7% of the total, and disparate treatment or biased policing made up 3%.

### Counts by Allegation Category - Community Complaints



Of the 53 complaints made by Police Bureau employees, 57% involved allegations of procedural violations and 41% involved conduct issues, such as using demeaning or defamatory language.

### IPR investigates more cases, but dismisses three out of four complaints overall

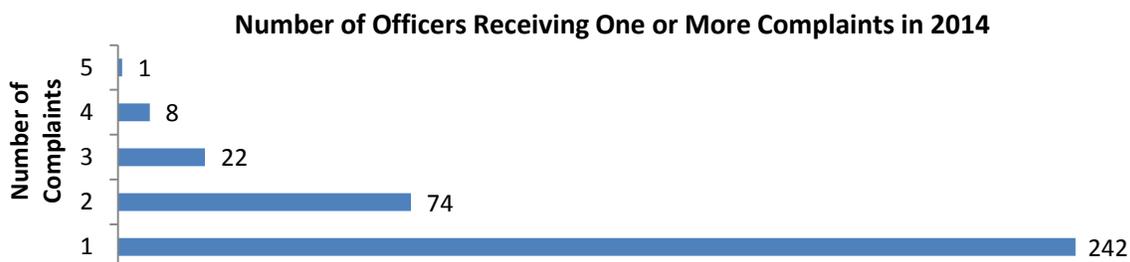
Of the 358 complaints for which IPR completed its preliminary intake review in 2014, 268 (75%) were declined for further investigation. Almost 80 of the complaints that did not rise to the level of misconduct subsequently were brought to the attention of precinct commanders for follow-up by supervisors.

More than half of the dismissals (56%) occurred because the conduct as alleged did not violate Police Bureau policy. Other dismissal reasons included: unable to identify the officer, the complainant withdrew or was unavailable for follow-up, and significant delay in filing the complaint.

IPR referred 20% of community member complaints (72) to Internal Affairs for investigation. IPR monitors all Internal Affairs investigations and must approve the case report before it is forwarded on to the disciplinary decision-making process. IPR retained seven community member complaints to investigate itself. It also retained two complaints filed by Police Bureau employees for its own investigation.

Some officers are the subject of more than one complaint in a year. In 2014, one officer received five complaints; eight officers received four complaints; 22 officers received three

complaints; and 74 officers received two complaints. The Police Bureau tracks complaints against individual officers. Multiple reported incidents may cause supervisors to intervene with officers – whether cases are sustained or not.



### **Percentage of sustained complaints from community members increased**

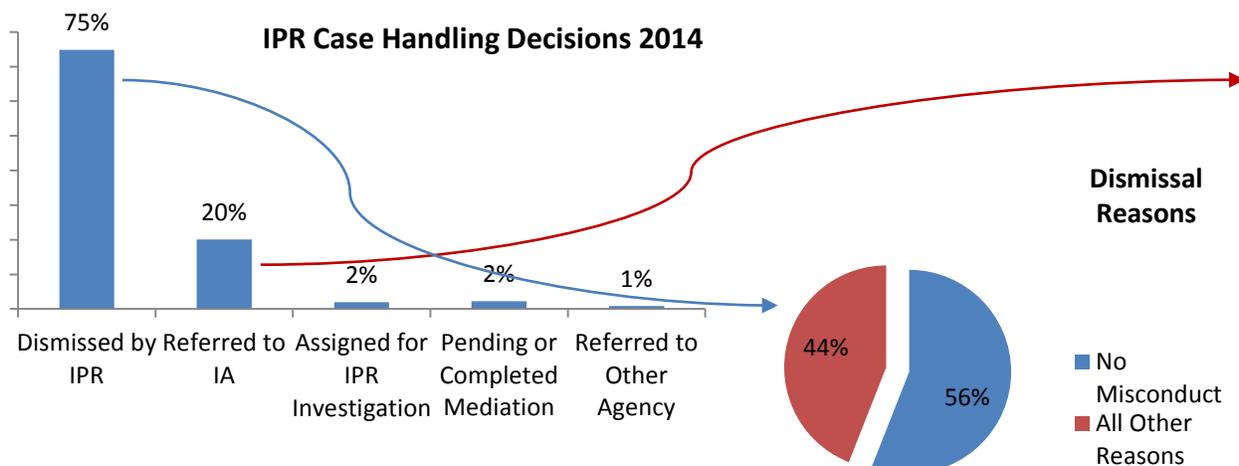
Twenty-nine community member complaint investigations were completed in 2014. One or more allegations in 19 complaints were sustained. Allegations in 10 complaints were not sustained. The proportion of sustained complaints (66%) in 2014 was the highest recorded during IPR’s existence.

The 29 completed investigations contained 100 allegations. Of those, 42% were sustained and 18% were unproven or unproven but with a required debriefing (counseling from a supervisor). The remaining 40% resulted in officers being exonerated or exonerated with a required debriefing.

Twenty-eight investigations of Police Bureau employee complaints against their co-workers were completed in 2014. Most (86%) had one or more allegations that were substantiated. The proportion of cases with substantiated allegations remained about the same in the past three years. The 28 completed investigations of Police Bureau employee complaints contained 56 allegations. Most involved inappropriate conduct or violations of police procedure. Almost 70% were sustained.

### **88% of cases heard by the Police Review Board were sustained**

Cases that involve moderate-to-serious discipline, officer-involved shootings, in-custody deaths, or use-of-force that causes serious injury are presented to the Police Review Board before they advance to the Police Chief for his review. The Board is made up of Police personnel, an IPR manager, and community volunteers, including a member of the Citizen Review Committee. Thirty-two cases were presented to the Review Board last year, 88% of which had one or more



allegations that were sustained. Twice a year the Police Bureau publishes information about cases heard by the Board in a separate report (available at: <http://www.portlandoregon.gov/police/55365>).

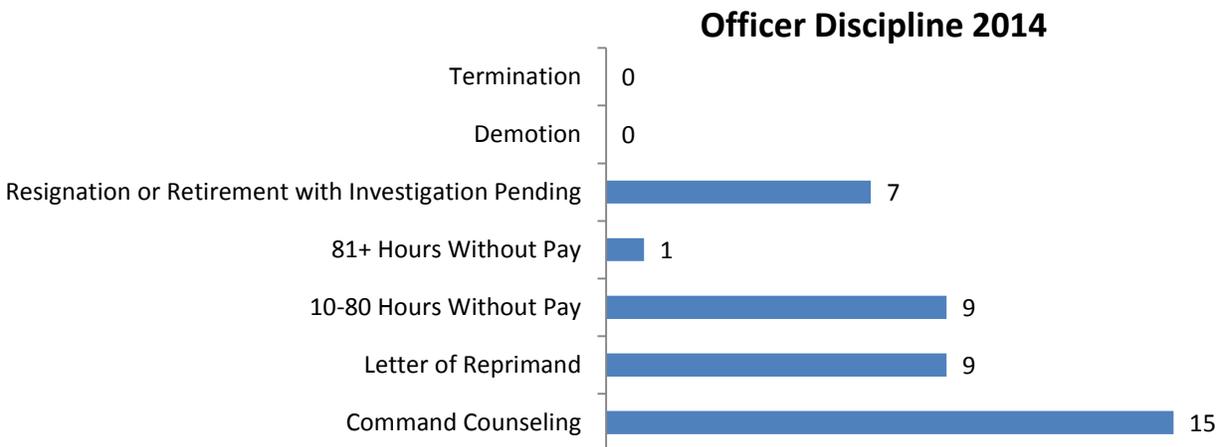
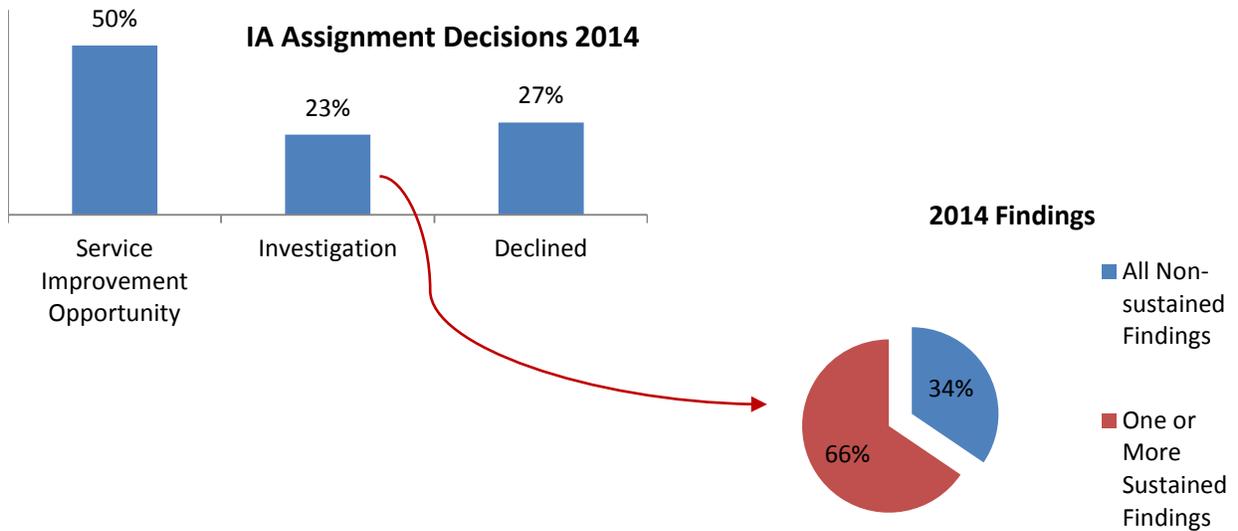
### **Citizen Review Committee influences Chief's final decisions**

For cases initiated by a community member, the 11-member volunteer Citizen Review Committee hears appeals when the complainant or officer disagrees with the decision reached by the officer's commander or the Review Board. Complaints filed by police employees and cases of officer-involved shootings or in-custody deaths do not go before the Committee.

The committee heard four appeals in 2014. The committee challenged the commanders' decisions in three cases and affirmed them in one. In all cases the Police Chief accepted the Committee's recommendations for change.

### **One in four officers disciplined lost pay for misconduct**

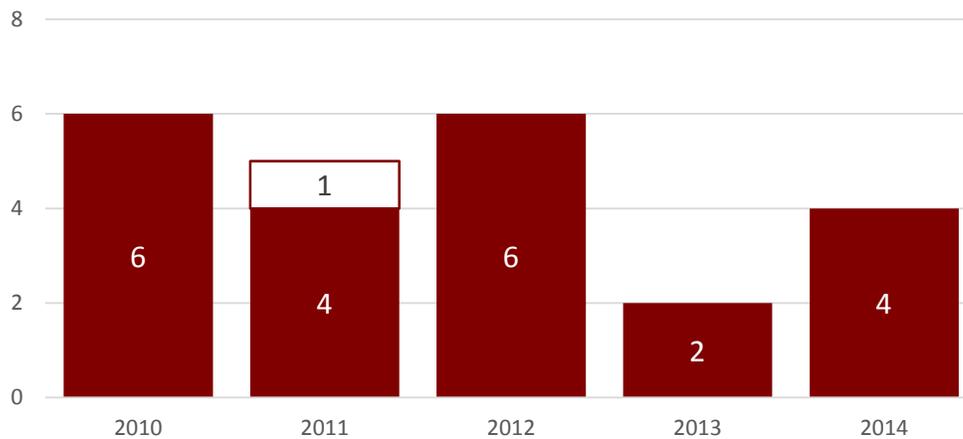
Forty-one police officers were disciplined in 2014. Ten officers were suspended without pay from 10 to more than 81 hours, nine received letters of reprimand, and 15 were counseled by their commanders. Seven officers resigned or retired with an investigation pending.



**IPR monitors investigations of officer-involved shootings and in-custody deaths**

These types of cases are subject to mandatory review by the Police Bureau’s Internal Affairs, Detective Division, and Training Division. IPR’s role is to monitor the investigations by responding to the scene of an incident, participating in briefings, and sitting in on interviews of officers and witnesses. Officers do not have the option to appeal disciplinary recommendations stemming from these incidents to the Citizen Review Committee. There were four officer-involved shootings in 2014, two of which were fatal. In 2011, a man died in police custody following a foot pursuit by three officers.

## Officer-involved Shootings and In-custody Deaths



### **IPR continues to raise awareness in community**

Raising awareness of IPR's role in the civilian oversight of police is an ongoing challenge. IPR's outreach coordinator and staff participated in a number of events, some with existing organizations and others initiated by IPR. Their efforts resulted in 30 applications to fill openings on the Citizen Review Committee, which now has the most diverse membership in its existence. It also made inroads with immigrant communities and a variety of organizations where youth, women, and people of color gather.

## **2014 SELECTED CASE SUMMARIES**

### **Investigations by IPR**

#### **Officer violated requirement to document sexual assault report (2013-C-0377)**

IPR gathered evidence that confirmed a report that an officer tried to persuade a teen-aged girl not to file a police report alleging she had been sexually assaulted by a boy while she slept. The girl's mother said the officer indicated that no crime had occurred and asked the girl to consider the negative consequences for the boy if a report were filed.

When the mother discovered that the officer had filed a report after their initial meeting, she called to discuss it. The mother said the officer was rude to her on the phone.

Witnesses confirmed that the officer initially declined to file a report and made statements the family found troubling.

Police Bureau directives require officers to document all alleged juvenile sexual assaults, regardless of the circumstances. Based on IPR's investigation, the Police Bureau sustained the allegation against the officer.

**Officer cleared of inappropriately doing schoolwork on the job (2014-B-0013)**

IPR received information from an anonymous source that a Police Bureau member performed coursework for graduate school while at work, which negatively affected his job performance. IPR gathered documents and conducted interviews with witnesses. It forwarded its investigation materials to the officer's commander, who found the evidence did not support the misconduct allegations. The officer was exonerated.

**Officer exonerated of misrepresenting work time (2014-B-0014)**

IPR received information from an anonymous source alleging an officer was absent when he should have been working. The information alleged that the officer arrived later or left earlier than the hours reflected on timekeeping documentation. IPR gathered evidence and interviewed witnesses and forwarded the case to the officer's commander to determine if it was sufficient to sustain the allegations. The commander exonerated the officer.

**Service Improvement Opportunities**

**Sergeant improves trust with social service agency after incident (2014-C-0120)**

Employees from a social service agency in Old Town contacted IPR after an interaction with officers that they found inappropriate. The employees said the officers were rude and positioned themselves outside the agency's office for an extended length of time, which disturbed their clients. The officers initially declined to move when the staff asked them to.

A client of the agency also contacted IPR regarding the incident. The client reported the first officer to arrive stopped him for jaywalking shortly after the incident, even though the client said he had not been jaywalking. The client said the officer asked him a series of questions about one of the agency's employees. The client said he believed he received the jaywalking ticket when he declined to answer the officer's questions. The officer who issued the citation documented the interaction with the client in an affidavit, describing the client as "very anti-police." The affidavit said the client crossed the street against a red light. The client said he taped the incident, but it did not capture any dialogue.

IPR found limited documentation associated with the incident. There was no Police Bureau record of a response to the social service agency on that day. While the evidence was not

sufficient to support a misconduct allegation, IPR referred the matter to Central Precinct for management to follow up on areas of concern. A sergeant met with the social service agency's staff and the officers. Afterward, the agency staff told IPR they appreciated the sergeant for his role in improving communication between the agency and the officers.

**Lieutenant counsels officer after professionalism complaint (2014-C-0123)**

An interaction with an officer in a parking lot caused a man to report to IPR that the officer engaged in misconduct when the officer declined to give his name or allow the man to see the computer in his patrol car. The officer told the man his police computer indicated he did not have valid insurance. When the officer asked if the information was correct, the man asked to see the computer screen. The officer did not allow him to view it. The officer accused the man of making an illegal lane change before entering the parking lot and asked for his license and other paperwork. The man provided the information and did not receive a citation. IPR referred the case to the officer's supervisor, who counseled the officer to provide his name when asked.

**Supervisor corrects officer's unprofessional behavior (2014-C-0195)**

A manager asked an officer to provide additional patrols at his business. The manager said the officer declined, saying the business should hire private security. In a complaint filed with IPR, the manager said the officer described his customers as the "lowest common denominator of low life." IPR referred the case to the officer's supervisor for follow-up. The supervisor said he told the officer that his comment was out of line and that it was part of his job to patrol this and other businesses. The supervisor also spoke with the manager about the resolution of this complaint.

**Cases that were dismissed**

**Evidence supports officer's description of incident (2014-C-0115)**

A man reported he was walking on the sidewalk in downtown Portland, listening to music, when he felt someone push him from behind. When he turned, an officer said something about trying to get his attention, yelled at him and unnecessarily cited him.

The officer reported that the man crossed the street mid-block, at an angle, which caused him to brake his patrol car sharply and sound his air horn to avoid hitting him. When the man did not stop, the officer turned on his emergency lights and yelled for him to stop. When the man kept walking, the officer followed him on foot and continued to direct him to stop. As he neared the man, the officer said he tapped him on the shoulder, and the man

stopped. The officer asked him to sit while he gathered information for his report and a citation. The man refused, saying “No, I’m not a dog.” The officer handcuffed the man, issued a citation for failing to obey the officer’s order to stop, and released him.

During the complaint investigation, a video of the interaction recorded by a camera in the patrol car supported the officer’s account that the man crossed the street mid-block and did not stop despite the officer’s attempts to gain his attention. There were no witnesses to support the man’s version of events. IPR dismissed the complaint because there was no misconduct on the part of the officer.

**A grandmother drops her complaint (2014-C-0117)**

A woman reported to IPR that Gang Enforcement officers stopped her teen-aged grandson and asked him questions that had nothing to do with the stop. She said the officers detained her grandson for an unreasonable amount of time. She later saw one officer outside of her home and spoke with him. The woman said that the officer appeared to be targeting her grandson. There was no police report, officer radio logs and or other records related to this incident. IPR contacted the grandson, but he declined to speak to an investigator until he consulted with his grandmother. IPR dismissed the complaint at the grandmother’s request.

**Officer was investigating a criminal case (2014-C-0251)**

A man reported ongoing harassment by an officer, who the man said was targeting him with accusations of criminal behavior. IPR learned the man was under investigation and subsequently was arrested and charged with theft of a vehicle. IPR dismissed the complaint.

**Woman provides incomplete information, doesn’t respond (2014-C-0191)**

A woman submitted a report that a detective used inappropriate tactics to coerce her into making false testimony against her partner. IPR eventually dismissed the case after the woman did not respond to multiple requests for additional information.

**Officer defers to another agency (2014-C-0203)**

A woman reported that an officer failed to protect a child from an abusive parent. IPR learned the child and parents were under the supervision of a caseworker from the Oregon Department of Human Services Child Protective Services at the time. IPR dismissed the case because the officer’s action was at the request of the caseworker.

**Investigation stalls for lack of evidence (2014-C-0336)**

A man who had been ejected from an apartment by the resident reported that officers were not helpful enough to him in obtaining the belongings he left behind. The man said he spoke to two officers at separate times, and both of them used the same derogatory term when speaking to him. An IPR investigator made attempts to follow up with the man, but could not find him. The apartment resident said the man received his belongings the following day. IPR dismissed the complaint because there was no evidence to corroborate it.

**Dispute over citation to be heard in court (2014-C-0125)**

A woman, who identified herself as homeless, reported that an officer failed to give her enough time to gather her belongings and those of her fiancé and leave her overnight camping spot. The fiancé was not present to help her. The officer cited the woman and required her to leave. The officer was on the scene for more than 30 minutes, and the fiancé did not return while he was present.

She said the officer was rude and sometimes sarcastic, but could not say what he said or did to make her feel that way, other than he was "cocky...and cocky and I don't mix. I get cocky with them." IPR dismissed the complaint because the merits of the case would be determined by the court when her citation was heard. Additionally, her general description of the officer as "cocky" was insufficient to sustain a disciplinary action under Police Bureau policy.

**Citation subject to review by Traffic Court (2014-C-0074)**

A community member reported that a citation he received for crossing a street against the light was in response to his political activism on homelessness issues. He said other people crossed at the same time and did not receive a citation. He did not provide names of witnesses or that of his attorney. A person who said he witnessed the incident came into the IPR office. The witness said he saw the complainant cross the intersection, possibly against the light, but that other people had also done so and were not cited. IPR dismissed the complaint because the citation was subject to review by Traffic Court. IPR informed the complainant that he could reinstate the complaint if misconduct evidence were revealed in court. There also was no evidence that the motivation for the citation was related to the man's political activism.

**No evidence of discrimination against disabled veteran (2014-C-0081)**

A man objected to an officer's conduct during a traffic stop. The man said he believed the officer stopped him because he was a disabled veteran. He said the officer also drove

unsafely and was rude. IPR found no evidence to support the complaint. IPR dismissed the case, noting that the actions alleged were not misconduct.

**Arrest required despite circumstances of call for help (2014-C-0332)**

A woman reported that she saw two officers arrest a man who appeared to have developmental disabilities and told a store clerk he was lost and needed help in finding his friend. Police were called, and they arrested the man instead of helping him, according to the woman. According to dispatch records and police reports reviewed by IPR, the man was arrested for an outstanding warrant that the officers discovered after they arrived. IPR dismissed the complaint because officers are required to make an arrest if there is a warrant.

**Officers followed procedures in child welfare incident (2014-C-0326)**

A woman reported that officers failed to allow her son to take his child after the child witnessed a physical fight between adults in his mother's home. The officers advised the child's father that they did not have the authority to place the child with him. The officers said they would send a copy of their police report Child Protective Services. The officers reported they found the child clean and the home well cared for. The child was able to communicate and was excited about going to an event with his mother that evening. He showed the officers a favorite toy. The police reports indicated no concern for the child's immediate welfare. IPR dismissed the case because there no evidence of misconduct by the officers.

**Dismissed, but referred for additional review**

**Officer works for another agency (2014-C-0262)**

A woman objected to a citation she received from a Transit Police Division officer. The woman indicated she and a group of friends were smoking cigarettes near a MAX station when an officer approached them about their smoking. During their interaction, the officer asked the woman for her identification, and she told him she did not have it. The woman said the officer then issued her a citation. The woman did not immediately read the citation and assumed she received it for not having identification. Later she realized the citation was for not having proof of transit fare. She said she had proof of fare, but the officer did not ask for it.

IPR identified the officer, who did not work for the Portland Police Bureau. Agencies from throughout the region assign local officers to work in the Transit Police Division. IPR

dismissed the case because it did not have jurisdiction over the officer. IPR referred the complaint to Transit Police for command staff to pursue.

**Likely speeding referred to precinct commander (2014-C-0199)**

A community member reported that an officer was traveling about 10 miles per hour above the posted speed limit for some distance along an area highway. IPR retrieved data from his vehicle, and it appeared to confirm the complaint. IPR dismissed the case but referred the information to the officer's commander for follow-up.

**Information about officer's identity missing (2014-C-0334)**

A man reported he received poor service from the Police Bureau's Telephone Reporting Unit when he called about a theft. He said the person he spoke to did not provide the basic information that would have been helpful for him to file an online complaint. IPR was unable to identify the person the man spoke to. IPR dismissed the case and sent the information to the Central Precinct commander for review.

**Parent responsible for car seat (2014-C-0197)**

A man objected to officers who allowed his wife and toddler to leave their apartment in a cab without a car seat for the child. He also thought officers failed to administer a sobriety test to his wife. The private cab company said it is the responsibility of parents to ensure there is a car seat, which should be requested when they call for a ride. IPR dismissed the complaint about the field sobriety test, because there is no requirement to administer one when the person is not driving. IPR referred the information about the car seat to the officers' precinct commander to remind officers that cab companies will provide them on request.

**Video playback supports officer (2014-C-0269)**

A man reported an officer routinely harassed him, because he was homeless. The officer recently forced him to leave an area, even though the man said he was doing nothing wrong. The man also indicated the officer threatened his life during a subsequent telephone conversation.

IPR reviewed a video tape of the incident, which had been recorded by a camera in the officer's car. The footage showed no evidence that the officer threatened the man. The video footage showed the man, who was accused of trespassing on private property, become agitated, yelling and swearing at the officer. While the officer remained calm, he verbally challenged some of the man's statements. IPR dismissed this case, but referred

information about the officer's response to the officers' chain of command for further review.

**Interview on school campus not prohibited (2014-C-0133)**

A woman contacted IPR to report that detectives inappropriately interviewed her 15-year-old son at school and violated Portland Public Schools policy by doing so. The son subsequently was charged with several counts of sexual assault against a minor. IPR confirmed the detectives interviewed the son at his school and notified his mother afterward.

Portland Public Schools policy regarding police interviews on campus has changed over time. Most recent policy prohibits school staff from contacting parents or sitting in on interviews with students. IPR found no evidence the detectives violated school policy.

The son's defense attorney asked IPR to suspend its investigation until his trial ended, and IPR complied. IPR resumed its investigation after the son was convicted, but was unable to interview him. IPR dismissed the case, finding that there was no Police Bureau directive that covered the complainant's claim. IPR also determined the woman's concerns about the manner in which detectives questioned her son were addressed during his trial. IPR subsequently referred the matter to the Detectives Division commander for further review.

**No misconduct but better communication needed (2014-C-0322)**

A woman who said she had a protective order against her neighbor reported that police did not respond appropriately when she called for help. She wanted officers to arrest the neighbor and said she could no longer trust the police.

IPR learned that the dispute between the neighbors had been the subject of several police interactions. IPR retrieved 9-1-1 records and police reports, and found 22 relevant records. IPR identified 14 officers and sergeants who had interacted with the woman and her neighbor about their dispute. The records showed officers had attempted to assist, but did not have evidence to arrest the neighbor. IPR dismissed the misconduct complaint, but asked precinct commanders to meet with the woman. A community advocate who knew the woman volunteered to take part in a conversation with police.







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