



Case Summary for Appeal Hearing

2019-C-0215/2020-X-0002

October 7, 2020

INVESTIGATION OVERVIEW

Involved Persons

Appellant
Commander A
Captain B

Referenced Persons

Officer C
Officer D

Allegations

No.	Allegation Summary	Category	Finding
1	Commander A failed to follow appropriate protocols when overseeing investigations in Internal Affairs. (PROCEDURE) (Directive 0330.00 Internal Affairs, Complaint Intake and Processing)	Procedure	Exonerated
2	Commander A engaged in discrimination and retaliation when he did not provide equitable treatment of complaints involving the Appellant (CONDUCT) (Directive 0310.20 Discrimination, Harassment and Retaliation Prohibited) (HRAR 2.02 Prohibition Against Workplace Harassment, Discrimination, and Retaliation)	Procedure	Unfounded
3	Captain B failed to follow appropriate procedures by failing to provide timely disposition notification for 2017-B-0023. (PROCEDURE) (Directive 0330.00 Internal Affairs, Complaint Intake and Processing)	Procedure	Exonerated



4	Captain B engaged in discrimination and retaliation when he did not provide equitable treatment of complaints involving Appellant. (CONDUCT) (Directive 0310.20 Discrimination, Harassment and Retaliation Prohibited) (HRAR 2.02 Prohibition Against Workplace Harassment, Discrimination, and Retaliation)	Conduct	Unfounded
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Incident/Complaint Summary

Appellant is a retired Portland Police Bureau Sergeant. In a complaint dated 07/09/2019, she alleges misconduct with regard to case handling decisions and/or procedures and/or protocols undertaken by Commander A and Captain B of PPB’s Internal Affairs. Appellant characterized Commander A and Captain B’s actions as failing to follow appropriate procedures. Additionally, Appellant characterized Commander A and Captain B’s procedural case handling as a demonstration of discrimination and retaliation against her.

Appellant’s 07/09/19 document references previous Internal Affairs cases involving Appellant as either the involved member or the complainant, including 2016-B-0050, 2017-C-0008, 2017-B-0023, 2017-B-0033 and 2018-B-0033. The cases all involve Officer C, who is Appellant’s former spouse. Appellant alleges that cases for which Officer C was a complaining witness received preferential treatment from Internal Affairs compared to cases for which Appellant was the complaining witness. All of the above cases were reviewed as background information for this investigation and were provided as reference materials for CRC members.

Following an intake investigation, this matter was assigned for an Independent Police Review administrative investigation regarding the allegations against Commander A and Captain B. In her 07/09/19 complaint document, Appellant also made several accusations regarding Officer C and Officer D. These accusations were either found not to represent violations of applicable Directive or were found to have been previously investigated. As such, no additional allegations against Officer C or Officer D were incorporated into this independent administrative investigation. The IPR Investigator assigned to this case reviewed reports and other documents from related cases as well as internal PPB emails and interviewed Appellant and involved members.

Note: Directive version used for this investigation

The applicable version of Directive 330.00 – Internal Affairs, Complaint Intake and Processing for this investigation is the Third revision, effective 10/30/14. This was the version of this Directive that was in effect at the relevant time.

Complaint Received: 7/9/2019
Investigation Completed: 8/29/2019
Findings Completed: 03/23/2020
Appeal Received: 04/02/2020

Findings and Definition of Findings

Finding: A determination of whether an allegation against a member is unfounded, exonerated, not sustained or sustained. These findings have the following meanings:

Unfounded: The allegation was false or devoid of fact or there was not a credible basis for a possible violation of policy or procedure.

Exonerated: The act occurred but was lawful and within policy.

Not Sustained: The evidence was insufficient to prove a violation of policy or procedure.

Sustained: The evidence was sufficient to prove a violation of policy or procedure.

Any of these findings could be accompanied by a debriefing, which would involve the superiors of an involved officer talking about the incident and providing instruction as to how the situation might have been handled better.

Options Available to the CRC

At the appeal, the CRC has the following options available to it:

1. The CRC can affirm the finding, meaning that it believes that a reasonable person can make the same decision based on the available information, whether or not the committee agrees with the decision; or
2. It can challenge the finding; meaning that the committee believes a reasonable person would have reached a different finding based on the available information. The CRC can recommend a debriefing as part of any challenged finding; or
3. It can refer the case to the Independent Police Review or Internal Affairs for further investigation.