



P O R T L A N D
CITY AUDITOR
**Independent
Police Review**

Case Summary for Appeal Hearing

2019-C-0144/2019-X-0003

December 4, 2019

INVESTIGATION OVERVIEW

Involved Persons

Appellant
Officer A

Witnesses

Community Member

Allegations

No.	Allegation Summary	Category	Finding
1	Officer A would not take a vehicle theft report from the Appellant. (PROCEDURE) (Directive 630.61 – Stolen Vehicles)	Procedure	Exonerated
2	Officer A did not adequately document a missing vehicle reported by the Appellant.	Procedure	Unfounded



Incident/Complaint Summary

On August 5, 2018, Appellant spoke to Officer A in order to report a stolen vehicle. Appellant said that Officer A would not take a stolen vehicle report because Appellant did not have the required proof of ownership. Appellant also reported that Officer A said he would put the vehicle on a Portland Police Bureau “missing list.” Appellant’s vehicle was later impounded in Salem and Appellant learned that it would cost over \$1,800 for the car to be released. Appellant contacted Independent Police Review on 5/17/19 and filed a complaint. Independent Police Review conducted an intake interview with Appellant and Internal Affairs conducted the investigation.

Summary Interviews

Appellant

Appellant reports that she had gone to the DMV after she bought the car and filled out paperwork and paid to have the car put in her name but that the DMV had made a mistake and had not properly recorded the mileage and so the car was technically in pending status. Appellant said that because the car was then stolen this process could not be completed. Appellant also reported that Officer A had told her he would put the car on a “missing list.”

Officer A

Officer A told the Internal Affairs Investigator that he spoke to Appellant about the stolen vehicle but could not take a stolen report because the vehicle was not registered to Appellant. He said that Appellant did not have the title or registration transfers and he thought that Appellant only had a handwritten bill of sale. Officer A reported that he told Appellant to get the paperwork taken care of and call again and he would then take the report. Officer A said that there was not sufficient paperwork for him to take a stolen report at that point and that at the time of his interview the car was still not registered in Appellant’s name. Officer A also pointed out that when Police do locate a vehicle that has been reported stolen officers perform a “high risk stop” which involves multiple officers and drawn weapons so there are important reasons to have proper verification of ownership before taking a stolen vehicle report.

Salem Impound Lot

The Internal Affairs Investigator spoke to a representative of the Salem Impound Lot who said that his company had sent a lien letter out to the last registered owner of the vehicle and that this person was not Appellant but was the owner prior to Appellant. He said that the previous owner had alerted Appellant of the lien and that the car was impounded.

Portland Police Bureau Records

The Internal Affairs Investigator asked Portland Police Bureau Records to contact Oregon DMV and complete an ownership search on the vehicle. Appellant’s name did not appear on the paperwork provided by DMV.

Detective A

The IA Investigator spoke to a PPB Detective (this was not in a formal interview) that works on auto theft investigations and the Detective said that the paperwork Appellant provided is not sufficient proof of ownership for a stolen vehicle report. Detective A also contacted Oregon DMV and reported that Appellant did submit a transfer of title request but that it was invalid because it was not signed. He reported further that DMV had sent the form back to Appellant to be signed but the form was returned to them by the post office as not deliverable and the DMV then refunded Appellant's application fee.

Complaint Received: 5/17/2019
Investigation Completed: 8/2/2019
Findings Completed: 8/20/2019
Appeal Received: 09/19/2019

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:

- I. 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.

At the hearing held on **Wednesday, December 4, 2019**, the Citizen Review Committee (CRC) voted 4-3 to challenge the following Police Bureau findings on the above case from Exonerated to Sustained. That finding was communicated to the Bureau by memo December 27, 2019.

Then-Chief Jami Resch responded to the recommended finding via letter on January 6, 2020 with a finding of Not Sustained with Debrief; specifically stating that the evidence was insufficient to make a sustained finding.

According to procedure, a conference hearing was scheduled with the Chief and CRC on **Wednesday, March 4, 2020**.

Between the time the conference hearing was scheduled and March 4, the Chief stepped down. IPR passed the case on to the new Chief Lovell to give him an opportunity to review the case and make findings. Before a new date could be set, the city shifted to COVID-19 remote operations.

The conference hearing was held with Chief Lovell on August 5, 2020. In that hearing, he requested to take additional time to review evidence that was introduced in the hearing that was not contained in the case file.

The CRC will reconvene the Conference Hearing on Wednesday 2/3/21.