

# QUARTERLY REPORT

INDEPENDENT POLICE REVIEW AND CITIZEN REVIEW COMMITTEE

VOLUME 4, ISSUE 3

WWW.PORTLANDONLINE.COM/AUDITOR/IPR

THIRD QUARTER 2008

## IPR DIRECTOR'S REPORT

by Mary-Beth Baptista, Director

In the last quarter, Independent Police Review (IPR) has experienced several exciting changes, additions, and accomplishments. First, I am pleased to announce that Constantin Severe accepted the position of IPR Assistant Director. He was born in Brooklyn, New York and grew up in Miami, Florida. He attended Andrews University in Michigan, and Vanderbilt University Law School in Nashville, Tennessee. He has lived in Portland for six years and thinks it is by far the best city he has ever lived in. Most recently, Severe was a criminal defense attorney with the Metropolitan Public Defender for three and one half years, working in the major felonies unit. He has a strong reputation for professionalism and objectivity, and extensive investigative experience.

Also, thanks to the hard work of so many (especially IPR staff members Derek Reinke, Carol Kershner, and Pete Sandrock) the 2007 IPR Annual Report was published and released to the public. The trends identified in the report are clearly good news for Portland citizens and the Portland Police Bureau (PPB or Bureau), and document both real change and opportunities for continued progress. I am also encouraged by the public interest this report received. Remarkably, coverage of the report included the front page of the Oregonian's Metro section, major network news stations, and Oregon Public Broadcasting (OPB) radio.

This coverage signaled to me that citizens are listening and that we have a real opportunity to improve lines of communication with the public by increasing the frequency and quality of our outreach. To this end, IPR has contracted with "Envirolssues" to develop a plan to clearly communicate priorities and accomplishments of IPR and the Citizen Review Committee (CRC). Further, this plan will identify ways to strengthen community outreach and foster stakeholder input.



### CIVILIAN OVERSIGHT—WHO WE ARE

IPR receives and screens complaints about Portland police officers. IPR may investigate, mediate, dismiss, or refer complaints to the Police Bureau. IPR oversees investigations, analyzes complaint patterns, and conducts policy reviews.

The nine members of the Citizen Review Committee are appointed by the City Council to monitor and advise IPR, hear appeals, and receive public concerns.

## CRC CHAIR'S REPORT

by Michael Bigham, Chair

CRC is excited to welcome IPR's new Assistant Director, Constantin Severe. Members of our committee participated in the selection process and we believe Severe has valuable knowledge and experience and will be a great addition to the IPR staff.

As a result of CRC testimony before the City Council, Mayor Potter formed an interagency workgroup to examine different agencies' accountability to the community when they participate in the Transit Police Division. Hank Miggins and I participated in the workgroup. The involved agencies signed a memorandum of understanding which will ensure that member agencies maintain a police accountability and complaint handling system and will take other measures to ensure responsible service to the public.

Members of CRC are also meeting with City Commissioners to strengthen our relationship with city government.

CRC is pleased to note that we received funding to send three members to the Annual Conference of the National Association of Civilian Oversight of Law Enforcement (NACOLE). Loren Eriksson, Mark Johnson and JoAnn Jackson were selected to attend.

CRC has several workgroups currently addressing areas of interest. In addition to the workgroups updated on page four of this report, the Tow Policy Workgroup reviewed PPB policy revisions in light of its original recommendations. The Outreach Workgroup may reconvene this quarter to work with "Envirolssues" and/or help evaluate and implement its recommendations through next year.

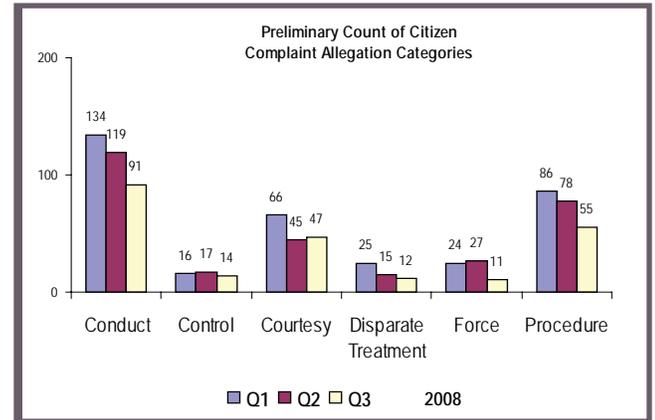
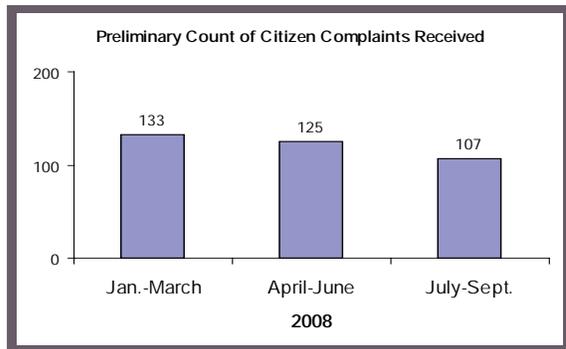
Finally, we had three informative speakers at our monthly meetings this past quarter. Details of those presentations are also found on page four.

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## CASE STATISTICS

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

## NEW CASES OPENED

A woman was waiting behind a police car for a red light. She said that the police car turned left and came within one foot of hitting a cyclist before stopping. **Status:** After identifying the officer, the IPR Director referred the complaint to the precinct commander to share with the officer's supervisor and asked that all officers be reminded that they need to be on heightened alert for bicyclists.

A driver was issued a traffic citation for speeding and said that the officer treated him in an unprofessional and demeaning manner. He alleged that the officer threw his driver's license back to him through the passenger window, resulting in the license going out the open driver's side window and onto the highway. The driver had to get out of his car and go into the road to retrieve the license. **Status:** IPR assigned the case to Internal Affairs Division (IAD), which assigned it to the Traffic Division commander as a service complaint.

A man was cited for illegally driving in a multi-passenger (HOV) lane. He said the officer ignored his explanation that he was from out of town and had not noticed it was an HOV lane. He alleged that the officer targeted him because he was from out of

state and was dressed in a suit and tie and driving an expensive car. **Status:** This complaint was dismissed by IPR because there was no indication of officer misconduct.

A man was cited for failure to stop at a stop sign. He explained to the officer that his failure to stop was due to a brake failure. He said the officer told him that all he needed to do was to get the brakes repaired and present the proof of repair in court. He said that although the citation was dismissed in court, the officer denied having told him this. **Status:** The man agreed to mediate with the officer and was sent a mediation packet and mediation request form.

A man was parked on the street, waiting to pick up his wife from work. He said a car pulled up next to him and the driver pointed out to him that he was parked in a zone that is reserved for police cars. The driver told him that he was a police officer, but he was not in uniform and he was driving an unmarked car. The complainant thought the officer should have offered some evidence that he was really a police officer. **Status:** After identifying the officer, IPR referred the complaint to the precinct commander.

## INVESTIGATIVE FINDINGS BY BUREAU COMMANDERS

The mother of a teenage youth complained that an officer who responded to a disturbance call used excessive force on him and used profanity without justification. IPR added the allegations that the officer failed to document the use of profanity and failed to write an incident report. **Findings:** After a full disciplinary investigation by IAD, the Bureau found there was insufficient evidence that the officer used excessive force. The officer was exonerated for his use of profanity. His failure to document his use of profanity and that he failed to write an incident report were sustained.

A man said that he observed an unmarked Portland Police vehicle rapidly approach and tailgate a car on a highway in a reckless and intimidating manner. This angered the man, so he honked at the police vehicle and “flipped him off.” He said that the driver of the police vehicle shined a spotlight at him, followed him in an intimidating manner, and briefly activated his emergency lights. IPR initially handled this complaint as a precinct referral. At the request of the IAD Captain, this complaint was subsequently referred to IAD for a full disciplinary investigation. **Findings:** The Bureau found the allegation that the officer drove in a reckless and intimidating manner to be unproven. The allegation that the officer improperly used a spotlight and emergency lights was sustained by the Bureau.

A man said that he saw what he believed to be a “car prowl” in progress. Moments later, he saw a police car in the area and pulled up beside it to report his observation. He said that the officer driving the police car responded to him with profanity; asked him if he was a “retard” or “illiterate”; refused to listen or take appropriate action; and failed to provide his name when requested. **Findings:** The Bureau sustained all allegations with the exception of the allegation that the officer failed to give his name when requested, which was found to be unproven.

## SUMMARY OF INVESTIGATIVE FINDINGS BY COMMANDERS

Senior PPB management reviewed 14 completed misconduct investigations. Eight of the reviewed investigations were citizen-initiated and six were bureau-initiated. Many of the complaints involved more than one officer and alleged several acts of misconduct.

### Citizen Complaints

Commanders sustained one or more allegations in five of the eight citizen complaints reviewed (62.5 percent).

### Bureau Complaints

Commanders sustained one or more allegations in five of the six bureau complaints reviewed (83.3 percent).

## MEDIATIONS

The IPR Mediation Program is an alternative to the disciplinary process that permits citizens and officers to meet with professional mediators to resolve their issues together. Two previously scheduled mediations took place during the third quarter. Two new mediation cases were received. One of those new cases was mediated in October. In the other new case, the officer declined to mediate and the case is currently under investigation.

## SUMMARY OF COMMENDATIONS

The Bureau receives community commendations — thanking specific officers for their exemplary work. Copies of a commendation are sent to the officer and his/her supervisor, which is retained in the officer’s history file. Examples include:

An officer was calm, concerned, and professional while performing a welfare check at a private residence. Three weeks later, the officer recognized the woman on a sidewalk, pulled his vehicle over, and followed up with her. She was touched by his actions and said he was very compassionate and a shining example of an officer who cares for his community.

While walking in Forest Park, a couple had their car stolen. The responding officer provided excellent advice about canceling credit cards and offered quick service in getting the car listed on area hot sheets. The car was found three days later. They were not liable for several charges and attempted charges on the cards. The officer was recognized for his outstanding handling of a very traumatic incident to this couple.

A woman involved in a traffic accident in SE Portland was overwhelmed with the kindness and compassion shown by the responding officer. She stated that he handled everything, and worked with everyone, at the scene in a calm and professional manner.

## CRC WORKGROUPS

### Bias-based Policing

The Bias-based Policing (BBP) Workgroup is evaluating IPR's and PPB's handling of biased-policing complaints. The four workgroup members completed their review of 60 IPR case files last quarter. This quarter, IPR staff and Portland State faculty provided separate analyses of the review data, identifying common themes among reviewers' comments. The workgroup is currently working with IPR staff to draft an interim report.

### Police Assessment Resource Center

Police Assessment Resource Center (PARC) was hired by IPR to develop recommendations for improving PPB's investigations and policies related to officer-involved shootings and in-custody deaths. The PARC Workgroup has worked to evaluate PPB's implementation of the recommendations PARC made in its two follow-up reports (in 2005 and 2006). The workgroup has provided their initial assessment to the Bureau for comment and to ensure accuracy.

### Case Handling

The Case Handling Workgroup (formerly named the Service Complaint Workgroup) was formed in March 2008. The workgroup has developed a protocol for reviewing three particular dispositions that result in quick resolutions, but do not presently provide recourse for appeal: dismissals by IPR, declines by IAD, and service complaints. The objective is to gauge effectiveness, adherence to case-handling protocols, complainant satisfaction, and to consider whether to provide some type of process for challenging the IPR or IAD decision.

### Performance Review

This new workgroup was formed to evaluate and prioritize the remaining recommendations made in Prof. Luna-Firebaugh's performance review of IPR. In its first meeting, the workgroup organized the outstanding issues by common theme and determined the steps necessary to draft a response report to the full CRC committee, IPR and the Auditor, City Council members, and the public. The report will have a wide scope and will include acknowledgement of recommendations that IPR has already addressed.

### Protocol

The Protocol workgroup also met once during the quarter, reconvening in September to continue its review of the 21 protocols addressing the complaint process. The review of five protocols has been completed and three new protocols established. Members continued work on four protocols which concern appeals. CRC is currently testing two procedures which should improve the appeal hearing.

The workgroup is coordinating the review of protocols describing PPB and IAD procedures with other workgroups.

### Retreat

The Retreat Workgroup has selected Saturday, February 28, 2009, for the CRC retreat. Although the retreat agenda has not been finalized, it is expected that CRC will discuss goals for the coming year. In addition, refresher training will be provided.



*CRC members hear from Bill Toomey, a Program Manager with the Multnomah County Department Human Services.*

## CRC PRESENTATIONS

At the July 2008 CRC meeting, Joanne Fuller, Director of the Multnomah County Department of Human Services for Multnomah County, and David Hidalgo, Manager of the Multnomah County Verity Mental Health Organization, discussed the Mayor's Mental Health/Public Safety Initiative Action Plan. They answered questions from CRC and community members about mental health services in Multnomah County.

At the September 2008 CRC meeting, Bill Toomey, Program Manager with Multnomah County Department of Human Services, presented an overview of the County's Division of Developmental Disabilities (DD). He stated that the Bureau has made positive efforts to work with the DD system, but expressed a need for more officer training regarding persons with DD issues. Mr. Toomey expressed a desire to work with CRC to explore ways to provide outreach to providers and clients in the DD system.

### CRC Public Meetings Schedule (Subject to Change)

November 18	City Hall — Lovejoy Room @ 5:30 PM
December 16	City Hall — Lovejoy Room @ 5:30 PM
January 20	City Hall — Lovejoy Room @ 5:30 PM