

Independent Police Review Division

The mission of the City Auditor's Office is to promote open and accountable government by providing independent and impartial reviews, public access to information, and service for city government and the public. In an effort to improve police accountability, and promote higher standards of police services, the Portland City Council created the Independent Police Review Division (IPR) within the Auditor's Office and the Citizen Review Committee (CRC).

IPR's powers and duties include:

- Receiving, tracking, monitoring, investigating, and reporting on the disposition of citizen complaints against members of the Portland Police Bureau (PPB). Explaining appeal options to complainants and scheduling hearings before CRC and City Council.
- Distributing complaint forms in languages and formats accessible to citizens, educating them on the importance of reporting complaints, and holding public meetings to hear general concerns about police services.
- Recommending policy changes to the Chief of Police.
- Hiring an expert to review closed investigations pertaining to officer-involved shootings and in-custody deaths on an ongoing basis.

CRC's powers and duties include:

- Conducting public meetings.
- Participating in community meetings to hear concerns about police services.
- Helping the IPR Director identify specific patterns of problems and participating in the development of policy recommendations.
- Reviewing methods for handling complaints and advise on criteria for dismissal, mediation, and investigation.
- Hearing appeals of investigation conclusions.
- Advising and assisting the IPR Director to disseminate information about IPR and committee activities.

For a full version of the report:
www.portlandonline.com/auditor/ipr



City Hall—Portland, Oregon

Independent Police Review Division
1221 S.W. Fourth Avenue, Room 320
Portland, Oregon 97204-1900

Phone: (503) 823-0146
Fax: (503) 823-3530
TTD: (503) 823-6868

The Portland Police Bureau: Officer-involved Shootings and In-custody Deaths

Third Follow-up Report February 2009

Prepared by
the Police
Assessment
Resource Center

For the
Independent
Police Review
Division

Gary Blackmer
City Auditor

Mary-Beth Baptista
IPR Director

EXECUTIVE SUMMARY



Executive Summary

This Report describes an increasingly excellent police department. Chief Rosanne Sizer and her command staff have worked diligently and in good faith to improve the Portland Police Bureau (“PPB” or “Bureau”). To the extent this has meant implementation of the Police Assessment Resource Center (“PARC”) recommendations, the Chief has done so effectively and with seriousness of purpose. Importantly, the current administration has built upon PARC’s recommendations and developed first-rate new policies. The PPB is indeed in a progressive mode, with an increased capacity for self-critical identification of issues and formulation of solutions. We conclude that the PPB has made substantial progress since we first looked at it in 2002 and 2003.

PARC first examined the PPB in 2002 and issued its initial report in 2003. In an effort to ensure that the PPB’s policies and practices relating to officer-involved shootings and in-custody deaths were up-to-date and consistent with good practice, the Independent Police Review Division of the Office of the Portland City Auditor (“IPR”) retained PARC in 2002 to examine those policies and practices. PARC’s original report made 89 recommendations for changes in the PPB’s deadly force policies, investigation and review procedures and practices, tactics, and information management. Our First Follow-Up Report in 2005 looked at the PPB’s and the City’s responses to 28 of the original 89 recommendations. PARC made ten new recommendations.

The Second Follow-Up Report in 2006 found that the Police Bureau, under the leadership of both current Chief Rosanne Sizer and former Chief Derrick Foxworth, had responded very positively to most of the 25 recommendations examined that year. Those recommendations involved the PPB’s internal processes for reviewing officer-involved shootings and in-custody deaths and the Bureau’s management of records and information. In addition to the 25 older recommendations, PARC made 16 new ones. Chief Sizer indicated a laudable willingness consider them as well as the relatively few PARC recommendations relating to the review process that had not thus far been adopted by the PPB.

In this third follow-up to its 2003 report, PARC examines how the PPB has responded to the remaining 36 recommendations in the 2003 Report not previously considered in detail in a follow-up report and reviews 12 officer-involved shootings. One of the shootings occurred in 2002, before the publication of the PARC Report. One of the cases occurred in late 2003; four took place in 2004; and six happened in 2005. We also examine recent developments in the PPB since our last follow-up report in 2006. Of particular significance are a newly crafted use of force policy and the professionalizing of the role of Incident Commander in critical incidents, both of which will be discussed in this report.

It is gratifying to see that implementation of the PARC recommendations is credited with a substantial reduction in officer-involved shootings, as the City Auditor has found. PARC’s goal has been to identify and reduce to the greatest extent possible deaths and serious injury to officers and suspects alike. We recognize that no matter how good a police department’s policies, training, and supervision are, officer-involved shootings can never be eliminated in their entirety. The unpredictability of circumstances requires that officers measure risks and exercise their judgment, often in split-second decisions, regarding deadly force.

The best outcome is one in which only necessary and unavoidable shootings occur. In general, those are shootings that could not have been avoided by different or better officer tactics. Our reports offer recommended policies, procedures, and training to minimize the risk of shootings without compromising officer safety. Our reports also are aimed to help the PPB analyze and distinguish necessary from unnecessary shootings and take appropriate steps to self-correct when necessary. This report, like previous reports, focuses on inculcating a methodology for identification and correction of problems by the PPB itself.

PARC’s role is gradually shifting. In the early years, PARC sought to expose the PPB to promising national practices to manage the risk of unnecessary force, encouraged the PPB to adopt them, and then to follow up to determine whether such recommendations had been adopted.

More recently, PARC is examining how well the PPB identifies shootings that could or should have been avoided and initiates corrective action. Working with the IPR, the PPB is improving the quality of investigation and analysis of critical incidents. The system for the receipt and resolution of complaints by the public has greatly improved, as has internal investigations and analyses of these complaints and other serious incidents. The relationship between the PPB and IPR is mutually respectful and productive. So also are improved relationships in the PPB/IPR/Citizen Review Committee (“CRC”) triangle.

After looking closely at the PPB during 2008, we are left with the impression that the PPB is making a commendable effort to assume greater internal accountability and perform self-critical analysis. Should these trends continue, strengthen, and become woven into the institutional fabric, the PPB should become a more self-correcting enterprise. Two recent advances, among several, by the Bureau exemplify the effort from within to formulate progressive policies: the new use of force policy and the creation of the job of Incident Commander.

Police Assessment Resource Center

The Police Assessment Resource Center (PARC), a non-profit organization, is dedicated to strengthening effective, respectful, and publicly accountable policing. PARC conducts reviews of police policies and practices; evaluates external and internal oversight mechanisms; collects and analyzes relevant data; performs accountability audits; and helps police leaders develop and implement management strategies that promote accountability. As a national resource center, PARC performs research on issues of concern among law enforcement professionals and community members, and provides guidance regarding policing practices and oversight of the police.