INDEPENDENT POLICE REVIEW

Annual Report 2009

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CITY OF

PORTLAND, OREGON

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The City Auditor's Independent Police Review (IPR) division was established to strengthen police oversight and improve police conduct. Sam Walker, author of books and articles on police oversight, has written that "police in a democratic society are accountable to the public and to the law." Sounds simple, but in fact, it is not. Walker goes on to point out an inherent conflict, noting that "the central question is how to achieve the proper balance between the two dimensions of accountability: serving the public while respecting the rights of citizens." Within the last few decades, communities around the country, including Portland, have wrestled with building mechanisms to create that balance and maintain an effective public safety system.

In Portland, civilian oversight of the Police Bureau is viewed as a responsibility that requires objectivity, fairness, and transparency, as well as public input and guidance. To accomplish those aims, City Council placed IPR under the authority of the independently elected City Auditor and established the Citizen Review Committee (CRC). Since opening for business in 2002, IPR has undergone a number of changes, primarily to improve the efficiency and responsiveness of the organization, but also to more effectively reach out to the community. The attached annual report is a snapshot of IPR outcomes in 2009. The report includes relevant trends demonstrating areas of success and areas where we need to continue our efforts to improve.

I took office as Portland City Auditor in May 2009, and since then, we have dedicated considerable time and energy to reviewing and modifying various processes. We have also sought to strengthen and broaden our oversight authority. These efforts were carried out in consultation with CRC, other members of the public, the Police Bureau, and other City officials. I learned a great deal during my first year as City Auditor, and I appreciate the advice and guidance I received regarding our police oversight role. In particular, I want to acknowledge IPR staff and involved community members and thank them for their commitment to this important work.

L. Griffin-Valade

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REPORT OVERVIEW

This is the seventh annual report of Portland's Independent Review (IPR) division, a police oversight agency established under the authority of the independently elected City Auditor. Complaint intake and processing data for 2009 are detailed in this report, as are major policy and program changes that occurred in 2009.

TRENDS AND HIGHLIGHTS

COMMUNITY COMPLAINTS

- The number of complaints filed by community members continued a downward trend; down from 771 in 2005 to 405 in 2009.
- 106 cases included at least one allegation of "rude behavior or language," the most common allegation.
- 37% of complaints were referred by IPR to the Police Bureau for further action.
- 22% of cases fully investigated by the Police Bureau after referral from IPR resulted in one or more sustained finding.
- Dismissals made up 60% of the 375 case handling decisions reached by IPR in 2009; 31 dismissals were referred to the Police Bureau for further consideration.

POLICE BUREAU-INITIATED COMPLAINTS

- Police Bureau members reported twice the number of complaints in 2009 as two years before, continuing the trend upward in Police Bureau-initiated cases: 48 in 2009; 40 in 2008; and 24 in 2007.
- The most common allegations were "unprofessional behavior" (10 cases) and "untruthfulness" (nine cases).
- Formal corrective action was taken as a result of complaints against 23 Police Bureau members, including one termination.

FORCE COMPLAINTS

- Force complaints initiated by both the community and the Police Bureau have declined and leveled off, with a total of 51 in 2009 and 50 in 2008, as compared to 103 in 2005.
- 12 Police Bureau members received two force complaints from either the community or the Police Bureau in 2009, down from 20 in 2006, but up from one in 2008.
- There was one officer-involved shooting in 2009, and no deaths in police custody. There were approximately eight shootings and/or deaths per year from 1997 through 2006.

COMMUNITY OUTREACH AND INVOLVEMENT

- IPR's Community Outreach Coordinator position was filled in March 2009, leading to significant, innovative efforts to build community trust.
- In 2009, the Citizen Review Committee heard more appeals, released a review of disparate treatment complaints, made progress on other policy evaluations, and led a review of IPR's structure and authority.

All IPR and CRC reports are available at www.portlandoregon.gov/auditor/ipr.

CHAPTER 1: INTRODUCTION

INDEPENDENT POLICE REVIEW DIVISION

The Auditor's Independent Police Review division is an impartial oversight agency under the authority of the independently-elected City Auditor. City Council created IPR in 2001 to help 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 about Portland Police Bureau officers.
    - Receive commendations from community members complimenting officers for their actions.
2. ADMINISTRATIVE INVESTIGATIONS
    - Monitor administrative investigations by the Police Bureau's Internal Affairs Division (IAD) and conduct joint or independent investigations as needed.
3. REPORTS
    - Report on complaint and investigation activities and recommend policy changes to prevent future complaints and address patterns of misconduct.
4. SHOOTINGS AND DEATHS
    - Hire a qualified expert to review closed investigations of officer-involved shootings and in-custody deaths, and report on policy and quality of investigation issues.
5. APPEALS
    - Coordinate appeals filed by members of the community and officers who are dissatisfied with the outcome of administrative investigations.

Additionally, IPR:

- Conducts outreach to hear community concerns and build community trust;
- Works closely with the nine-member Citizen Review Committee (CRC);
- Coordinates mediations between complainants and officers; and
- Surveys complainant satisfaction.

CHAPTER 2: CITIZEN COMPLAINTS

IPR received 405 citizen-initiated complaints in 2009, which continues the steady decline in complaints received since 2005. IPR closed 464 cases in 2009.

Figure 2.1

By a large margin, most common reason community members give when filing complaints with IPR is "rude behavior or language." A single complaint usually contains multiple allegations. For example, a community member might complain about being stopped without cause and treated rudely. Because of this, case and allegation counts are not always comparable.

Table 2.1
Most Common Allegations in 2009

Detailed Allegations	Cases
Rude Behavior or Language	106
Fail to Take Appropriate Action	45
Excessive Force	44
Racial Profiling/Discrimination	29
False or Inappropriate Arrest	27

Table 2.1 shows the top five allegations in community complaints, and the number of cases with at least one allegation of that type. Additional details on allegation counts by category are provided in the Appendix.

IPR INTAKE INVESTIGATIONS

Intake is the first stage of the complaint process. IPR provides community members with a variety of methods of filing complaints. Complaints may be filed in person, by telephone, fax, mail, e-mail, or through the IPR website (the Appendix details complaint counts by filing method and demographic information about complainants). Historically, most complaints have been received as telephone calls. Under normal circumstances, staff members return messages within 24 hours.

Postage-paid IPR complaint forms are also provided for public distribution to Police Bureau precincts and many community locations. These complaint forms are available in English, Russian, Spanish, Chinese, and Korean. Spanish-speaking complainants are served by a

staff member fluent in the language. Other language preferences are accommodated through the City of Portland's Language Bank network or by some other means.

Complaints can be resolved during initial intake. For example, a community member may be unhappy that he/she has been unable to contact a Police Bureau member. IPR staff may be able to assist by contacting the Police Bureau member or the member's supervisor.

A complaint that is not resolved or dismissed during intake is assigned to an IPR investigator to conduct a preliminary investigation. The investigator retrieves available documentation related to the case and may contact the complainant and other witnesses. Intake interviews may be conducted over the telephone or in person.

IPR SCREENING DECISIONS

At the conclusion of the preliminary investigation, the IPR investigator writes a report that outlines the allegations of misconduct, the officers involved, and the incident details as identified by the community member and gathered background material. The entire case file is then forwarded to the IPR Director or IPR Assistant Director for review.

Each allegation receives a separate decision and some allegations within a case may be dismissed, while other allegations may be processed further. IPR explains dismissal decisions in writing to complainants. IPR performs near its goal of fully completing 90% of complaints within 150 days. (A series of timeliness measures for IPR and IAD are presented in the Appendix.)

Table 2.2
IPR Case Handling Decisions

	2005		2006		2007		2008		2009	
Intake Decision	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
Dismissed by IPR *	399	57%	429	64%	332	58%	329	62%	226	60%
Referred to IAD	267	38%	198	29%	205	36%	175	33%	140	37%
Pending or Completed Mediation	29	4%	25	4%	17	3%	15	3%	8	2%
Resolved at Intake	5	1%	9	1%	5	1%	8	2%	1	<1%
Referred to Other Agency	6	1%	13	2%	10	2%	2	<1%	-	-
Total	706		674		569		529		375	

* 31 of the 226 IPR Dismissals in 2009 were still referred to Police Bureau Management for its consideration.

MEDIATION

One alternative to the disciplinary process is if the complainant and the involved officer agree to mediate a complaint. The officer's Unit Commander, the IPR Director or Assistant Director, and the IAD Captain must approve before a case is set for mediation. If all agree, IPR arranges for a professional mediator to facilitate an informal discussion between the community member and the officer about the incident that led to a complaint being filed. If they refuse mediation, IPR and IAD will re-screen the complaint and select another disposition ranging from an IPR dismissal to a formal disciplinary investigation.

REFERRALS TO IAD

In 2009, IPR referred 140 complaints to IAD; a referral rate of 37%. IPR closely monitors complaints after they have been referred to IAD, including:

- Weekly meetings between the IPR Director and the IAD Captain, Lieutenant, and administrative assistant to discuss cases and policy issues.
- Monthly meetings between the IPR Director, IAD Captain, and Detective Division Commander to review the status of criminal investigations against officers.
- Close review of all IAD investigations for completeness and objectivity before IAD forwards them to commanders for proposed findings.
- Close review and approval of IAD's proposed declinations before forwarding IAD's decision letters to complaining parties.
- Close review and approval of sergeants' Service Improvement Opportunity (formerly called a Service Complaint) resolution memos before sending a confirming letter to complaining parties.
- Close review of commanders' recommended findings on IAD investigations.

ADMINISTRATIVE INVESTIGATION

When a complaint merits further investigation, IPR may refer it to IAD for additional investigation with IPR's oversight. The IPR Director may independently investigate a case if the Director determines that the Police Bureau has not done an adequate job investigating certain cases or IPR may choose to do a joint investigation with IAD.

If IPR refers a complaint to IAD, the IAD Captain will review the case and may do some additional intake investigation. The Captain may choose to decline to investigate the case after further review, assign the case to a precinct to be handled as a Service Improvement Opportunity, resolve the case administratively, or conduct a full investigation of the case. The Captain makes these decisions using criteria developed with IPR and the Citizen Review Committee, and IPR reviews

each decision. IPR reviews the Police Bureau's handling of every citizen-initiated case, and may comment, raise concerns about the case handling, or recommend additional or alternative ways to handle a case.

INVESTIGATION FINDINGS

IPR reviews the investigation summary for every case fully investigated and may seek additional information, review all or any portion the investigative file, or request additional investigation. Once IPR has approved the investigation, the case is sent to the manager of the officer's unit, usually the precinct Commander, to determine whether the officer violated Police Bureau policy or procedure and if so, what discipline is appropriate. The Commander's decision is reviewed by the supervising Assistant Chief, IAD, and IPR. Counts of investigation findings are presented in the next chapter.

APPEALS

The Citizen Review Committee holds public appeal hearings when complainants or officers dispute the Police Bureau's recommended findings from full investigations. The parties have 30 days from the date they receive the Police Bureau's decision to file an appeal. CRC decides whether the recommended findings are or are not supported by the evidence.

Prior to an appeal hearing, CRC members review the IPR and IAD case files, including transcribed witness interviews and the Police Bureau's explanation of proposed findings prepared by the officer's commander or manager. The month before an appeal hearing, CRC members question IPR and IAD staff members at a public meeting regarding their respective portions of the investigation. CRC may vote to accept the investigation as complete or may request additional investigation.

CRC conducts appeal hearings in public and votes to accept or reject the Police Bureau's proposed findings. Appealing parties and the involved officers may make presentations on their own behalf. The commander or manager who recommended the findings explains his or her reasoning and justification. After deliberating in public, CRC makes an independent assessment of whether the evidence supports the recommended findings. If CRC accepts the findings, the case is closed. If CRC determines that a recommended finding *is not* supported by the evidence, CRC may recommend that the Police Bureau change it. If the Police Bureau does not agree to change the finding, CRC may vote to refer the case to the City Council for a public hearing at which the Mayor and Commissioners make a final, binding decision.

Eight appeals were filed in 2009:

1. APPEAL 2009-X-0001
    - Incident Date: February 22, 2008
    - Appeal Filed: February 24, 2009
    - Appeal Withdrawn: March 13, 2009

The complainant withdrew his appeal when IPR facilitated a personal meeting, at the complainant's request, so he could discuss his concerns directly with the division Commander. The complainant was very satisfied with the meeting and the case was closed.

2.—3. APPEALS 2009-X-0002 AND 2009-X-0003
    - Incident Dates: November 12, 2007 and March 2, 2008
    - Appeal Filed: April 1, 2009
    - Case File Review: June 16, 2009
    - Appeal Hearing: August 18, 2009

One complainant appealed the findings in two cases involving the same officers on different dates. CRC handled each case in the order in which they occurred. After CRC affirmed the Police Bureau's findings in the first appeal, the complainant withdrew the second appeal. Although the complainant left the meeting, CRC discussed the second case, but declined to vote. CRC sent a letter to an Assistant Chief expressing its concerns over the involved officers' behavior; both cases are closed.

4. APPEAL 2009-X-0004
    - Incident Date: September 19, 2007 (Complaint filed April 8, 2008)
    - Appeal Filed: June 17, 2009
    - Case File Review: September 15, 2009
    - Appeal Hearing: October 20, 2009
    - Second Appeal Hearing: Scheduled for January 2010

At the appeal hearing, CRC voted to send the case back to the Police Bureau and IPR for additional investigation.

5. APPEAL 2009-X-0005
    - Incident Date: May 27, 2006 (Complaint filed November 14, 2006)
    - Appeal Filed: September 15, 2009
    - Case File Review: November 17, 2009
    - Appeal Hearing: Scheduled for February 2010

The complainant appealed all 13 allegations in this case September 2009. The CRC members voted to return the case to the Police Bureau and IPR for further investigation.

6. APPEAL 2009-X-0006
   - Incident Date: August 12, 2006 (Complaint filed September 6, 2007)
   - Appeal Filed: November 17, 2009
   - Case File Review: Scheduled for January 2010

The complainant appealed all three allegations in this case.

7. APPEAL 2009-X-0007
   - Incident Date: April 19, 2009
   - Appeal Filed: October 29, 2009
   - Case File Review: Scheduled for April 2010

The complainant appealed all six allegations in this case.

8. APPEAL 2009-X- 0008
   - Incident Date: January 29, 2009
   - Appeal Filed: December 16, 2009
   - Case File Review: Scheduled for May 2010

The complainant appealed all four allegations in this case.

Left to right: CRC members F.G. (Jamie) Troy II, Loren Eriksson, and Hank Miggins, at an appeal hearing.

DISMISSALS

In 2009, IPR dismissed 226 complaints; a dismissal rate of 60%. The most frequent code used to describe the reason for dismissal was "No Misconduct." Those are cases where the complaining party's description of the officer's actions did not violate Police Bureau policy or there was insufficient evidence to prove misconduct occurred. IPR used this code more often in 2009 than in previous years. In 2010, IPR began to separately report the number of times a dismissal is based on the likelihood that the alleged misconduct cannot be proven (see the dismissal guidelines table at the end of the Appendix).

Table 2.3
Top Reasons for IPR Dismissal

	2005		2006		2007		2008		2009	
Dismissal Reason	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
No Misconduct	126	32%	176	41%	127	38%	140	43%	141	62%
Complainant Unavailable	42	11%	47	11%	42	13%	50	15%	20	9%
Unable to Identify Officer	37	9%	30	7%	31	9%	22	7%	15	7%
Not Reliable, Credible, or Logical	48	12%	33	8%	32	10%	32	10%	12	5%
Filing Delay	11	3%	16	4%	14	4%	18	5%	10	4%
All Other Reasons	135	34%	127	30%	86	26%	67	20%	28	12%
Total Dismissals	399		429		332		329		226	

DISMISSALS WITH REFERRALS TO PRECINCT COMMANDERS

A dismissal does not always mean that no follow-up action is taken on a complaint. IPR began post-dismissal precinct referrals in 2005 and has gradually formalized the practice as a means of keeping precinct Commanders better informed and encouraging good management practices. Commanders generally welcome the practice and frequently report some type of remedial action even though no report is required. IPR sometimes uses precinct referrals in lieu of Service Improvement Opportunities if a complaint is minor, the Commander is responsive, and speedy supervisory attention will be more effective than a more formally documented Service Improvement Opportunity. The number of precinct referrals has declined since reaching a peak in 2006. In 2009, IPR referred 31 dismissals to precinct commanders or other division managers.

CHAPTER 3:
OVERSIGHT OF PORTLAND POLICE BUREAU

IPR monitors and reports on the Portland Police Bureau's handling of misconduct claims from three sources:

- Complaints initiated by community members which IPR has referred to IAD for investigation or other review;
- Bureau-initiated complaints, filed directly with IAD by Police Bureau employees; and
- Lawsuits and tort claims, filed with the City's Risk Management division.

POLICE BUREAU HANDLING OF COMMUNITY MEMBER COMPLAINTS

IAD CASE HANDLING DECISIONS

When IPR refers a complaint to IAD, the referral document may include a specific recommendation to handle the case in a particular way. For example, IPR may recommend that the complaint be formally investigated, mediated, or treated as a Service Improvement Opportunity. When IAD receives the complaint, an IAD supervisor makes an initial assignment or screening decision subject to IPR approval. IAD has four primary choices:

1. Conduct a formal disciplinary investigation; or
2. Handle the case as a Service Improvement Opportunity; or
3. Approve or disapprove the community member's request for mediation; or
4. Decline further action on the complaint.

If IPR disagrees with a proposed IAD screening decision, the IPR Director will confer with the IAD Captain. If IPR and IAD cannot agree on a course of action, IPR may conduct an administrative investigation with or without IAD participation.

If IAD proposes to *decline* a complaint entirely, it prepares a detailed letter of explanation to the community member and sends it to IPR for approval. If IPR approves the declination and the letter without revisions, IPR forwards the letter to the community member and closes the case.

Example: A community member complained that officers stopped and searched him without legal cause, used excessive force, and were rude and demeaning. IPR rejected IAD's proposed declination and requested that IAD re-interview the community member. IAD agreed to do so. The case remains pending.

Table 3.1
Internal Affairs Assignment Decisions for Complaints Referred by IPR

	2005		2006		2007		2008		2009	
Assignment Decision	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
Service Improvement Opportunity *	135	42%	92	39%	149	60%	95	51%	93	58%
Investigation	39	12%	65	28%	55	22%	47	25%	27	17%
Declined	103	32%	51	22%	42	17%	46	24%	40	25%
Resolved Administratively	41	13%	28	12%	3	1%	-	-	-	-
Total	318		236		249		188		160	

* If a community member complains directly to a precinct supervisor about an officer's quality of service or a minor rules violation, the supervisor may initiate a *Precinct-generated* Service Improvement Opportunity. Since IPR's oversight role is the same for both types of Service Improvement Opportunities, this table and following discussion treat them as a single category.

SERVICE IMPROVEMENT OPPORTUNITIES

Complaints about the quality of an officer's service or minor rule violations may be handled as Service Improvement Opportunities. An officer's supervisor (usually a sergeant) first speaks with the community member making the complaint, then to the officer, and concludes by re-contacting the community member to explain the outcome. Supervisors document their conversations, recommendations, and actions in a Service Improvement Opportunity Resolution Memo, which must be approved by the precinct Commander, IAD, and IPR.

Service Improvement Opportunities ensure relatively fast supervisory intervention, evaluation, and mentoring. In 2009, 93 Service Improvement Opportunities were assigned to supervisors and 94% of Service Improvement Opportunities were completed within 45 days after IAD's referral to a precinct or division (see Appendix for timeliness measures).

Table 3.2
Most Common Complaint Allegations
Closed as Service Improvement Opportunities

Detailed Allegations	Cases
Rude Behavior or Language	47
Threat to Arrest	12
Racial Profiling/Discrimination	10
Fail to Take Appropriate Action	9
Fail to Provide Name and/or Badge	7

IAD INVESTIGATIONS

Depending on the nature of the case, IPR may recommend that IAD pursue certain lines of inquiry in the investigation. In some cases, senior IPR staff members participated in IAD's interviews of officers and witnesses.

Regardless of the nature of the case, IPR reviews IAD investigations before IAD sends them to precinct Commanders or division Captains for recommended findings. In 2009, IPR approved 40 investigations as submitted and requested additional work on eight, including two arising from tort claims.

> *Example: At IPR's request, IAD re-interviewed an officer to obtain a more detailed explanation for why and how the officer thought a foot pursuit was justified under Police Bureau policy. When the investigation was completed to IPR's satisfaction, the precinct Commander recommended a sustained finding for violating the policy.*

COMMANDERS' AND MANAGERS' RECOMMENDED FINDINGS

After IPR approves an investigation, IAD sends it to the accused officer's Commander or other senior manager to make recommended findings for each investigated allegation. An allegation can be sustained if it is supported by a preponderance of the evidence, which means that the allegation is more likely true than not.

Police Bureau-defined Findings for Investigated Complaints	
Unproven	Allegation not proven by a preponderance of the evidence.
Unproven with a debriefing	While the allegation is not proven by a preponderance of the evidence, a critique of the complaint with the member should be conducted.
Exonerated	Actions of the member were within the policies and procedures.
Exonerated with a debriefing	While the member's actions were within the policies and procedures, a critique of the complaint with the member should be conducted.
Sustained	Member found to be in violation of policy or procedure.

If IPR disagrees with a Commander's recommendation, the IPR Director may controvert (challenge) the recommendation, which triggers a review by the Police Bureau's Performance Review Board (PRB) or Use of Force Review Board (UFRB). The IAD Captain and supervising Assistant Chief also have the authority to controvert the recommendation. Controverted cases are reviewed by the PRB and UFRB, as appropriate.

In 2009, commanders and managers recommended sustaining (agreeing with) at least one allegation in 22% of the 58 investigations they reviewed. Conversely, they recommended sustaining no allegations in the remaining 78% of investigations. They did, however, require supervisors to debrief the officers on 31% of the non-sustained allegations.

Table 3.3
Completed Full Investigations of Citizen Complaints with Findings by Year

	2005		2006		2007		2008		2009	
Completed Investigations	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
All Non-sustained Findings	43	90%	29	62%	42	75%	27	75%	45	78%
One or More Sustained Findings	5	10%	18	38%	14	25%	9	25%	13	22%
Total	48		47		56		36		58	

Table 3.4
Findings on Allegations by Citizen Complaint Category

	Conduct	Control Technique	Courtesy	Disparate Treatment	Force	Procedure	Total	Percent
Sustained	11	0	1	0	2	5	19	6%
Not Sustained								
Unproven	41	7	15	8	5	16	92	31%
Unproven with Debriefing	38	1	6	2	8	3	58	20%
Exonerate	36	11	7	2	13	29	98	33%
Exonerate with Debriefing	12	6	0	1	6	3	28	9%
Combined Total	138	25	29	13	34	56	295	
Number of Completed Investigations with Findings in 2009							58	

POLICE BUREAU DISCIPLINARY REVIEWS AND DECISIONS

By Police Bureau policy, the IPR Director is a non-voting advisory member of the Police Bureau's Performance Review Board and Use of Force Review Board. The PRB has six voting members, including one community member. The UFRB has eight voting members, including two community members.

The Boards review cases in which Commanders have recommended sustained findings with discipline of suspension or greater; cases controverted by IPR, IAD, or an Assistant Chief; and cases selected for special review by an Assistant Chief. The UFRB automatically reviews all officer-involved shootings, in-custody deaths, and serious-injury force incidents. The Boards make recommendations to the Chief of Police regarding the completeness of investigations and appropriateness of findings. In citizen-initiated complaints, the community member and the accused officer may appeal the recommendations to the Citizen Review Committee.

POLICE BUREAU HANDLING OF COMPLAINTS FILED BY ITS EMPLOYEES

Police Bureau employees, supervisors, and Commanders may file internal complaints with IAD about the conduct or performance of other Police Bureau employees, supervisors, or

Commanders. IAD enters the internal complaints, including complaints that result in criminal investigations, into IPR's case-tracking database.

IPR monitors the Police Bureau's handling of internal complaints, reviews all investigations, and attends the performance and force review board hearings. Unlike complaints initiated by community members, IPR does not have authority to conduct independent investigations of internal complaints and officers do not have a right to appeal internal complaint investigations to CRC.

The Police Bureau opened 48 internal complaints in 2009, up from 24 in 2007 and 40 in 2008. The most common allegations were unprofessional behavior and untruthfulness.

Table 3.5
Most Common Allegations in 2009 Bureau-initiated Cases

Detailed Allegations	Cases
Unprofessional Behavior	10
Untruthfulness	9
Excessive Force	7
Unsatisfactory Work Performance	7
Inappropriate Sexual Conduct	4

Typically, a higher percentage of allegations are sustained in bureau-initiated cases than in complaints initiated by community members.

In 2009, 62% of cases had at least one sustained finding (Table 3.6), while 58% of all allegations were sustained (Table 3.7).

Table 3.6
Completed Full Investigations of Bureau-initiated Complaints with Findings by Year

	2005		2006		2007		2008		2009	
Completed Investigations	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
All Non-sustained Findings	3	23%	8	35%	4	24%	4	21%	13	38%
One or More Sustained Findings	10	77%	15	65%	13	76%	15	79%	21	62%
Total	13		23		17		19		34	

Table 3.7
Findings on Bureau Allegations by Complaint Category

	Conduct	Control Technique	Courtesy	Disparate Treatment	Force	Procedure	Total	Percent
Sustained	53	1	0	0	0	13	67	58%
Not Sustained								
Unproven	14	0	0	0	0	0	14	12%
Unproven with Debriefing	11	0	1	0	0	6	18	16%
Exonerate	4	0	0	0	3	0	7	6%
Exonerate with Debriefing	4	0	0	0	6	0	10	9%
Combined Total	86	1	1	0	9	19	116	
Number of Completed Investigations with Findings in 2009							34	

With a few exceptions, the officers who were at the top of the overall complaint list one year, dropped off the list the next year. Since 2006, no officer has appeared twice among the top five complaint receivers. One officer appeared in 2005 and again in 2009; another officer appeared in 2005 and 2007.

Table 3.8
Frequency of Complaints Against Employees by Year*
Count of Employees by Year

Number of Complaints	2005	2006	2007	2008	2009
8+	4	2	0	0	1
7	2	2	3	2	1
6	4	6	6	1	0
5	19	12	14	5	5
4	32	32	19	12	13
3	71	60	39	32	23
2	110	95	108	78	93
1	236	247	268	238	220
Total	478	456	457	368	356

* Includes bureau-initiated and citizen-initiated complaints

DISCIPLINE, COMMAND COUNSELING, TERMINATION, AND RESIGNATION

The Police Bureau took formal corrective action against 23 officers as a result of complaints in 2009, including one termination. An additional five officers resigned or retired while complaints were pending against them.

Table 3.9
Discipline, Resignations, Letters, and Counseling

Bureau or Member Action	2005	2006	2007	2008	2009
Termination	1	1	1	1	1
Resignation or Retirement with Investigation Pending *	3	8	4	6	5
150-600 Hours SWOP **	2	0	1	4	2
10-149 Hours SWOP **	6	5	7	10	5
Letter of Reprimand	6	11	9	10	9
Command Counseling	2	16	10	8	6
Total	20	41	32	39	28

* 3 of the 26 resignations or retirements appear unrelated to the pending complaint.

** SWOP = suspension without pay

*** Counts include officers disciplined in Bureau, Citizen, or Tort cases only. Bureau performance reviews led to discipline for many additional officers.

POLICE BUREAU HANDLING OF LAWSUITS AND TORT CLAIMS

IPR reviews civil claims (tort claim notices and civil lawsuits) for allegations of police misconduct. In 2009, IPR reviewed 165 civil claims, 29 of which already were the subject of IPR or IAD complaints. IPR opened an additional seven complaints based on the civil claims alone. Overall, one-fifth of the reviewed civil claims (36 of 165) became the subject of a formal complaint. IPR did not open new complaints on the remaining 129 civil claims for the following reasons:

- 71 (55%) were claims for reimbursement for property damage or loss with no allegation of misconduct (e.g., landlords who request reimbursement to repair tenants' doors that police damaged when serving search warrants).
- 23 (18%) did not allege misconduct or were explained by police reports, independent witnesses interviewed by IPR, or physical evidence.
- 19 (15%) had insufficient evidence to determine if misconduct occurred.
- 16 (12%) were declined for other reasons (e.g., too old, raised constitutional claims against ordinances, etc.).

POLICY REVIEW AND RECOMMENDATIONS

The Independent Police Review works with CRC to review Portland Police Bureau policy, address patterns of complaints, and develop recommendations.

FORCE TASK FORCE

A task force comprised of CRC, IPR, and Police Bureau members was convened in late 2006 to review trends in the Police Bureau's use of force. Their work was documented in a report released in April 2007 — which included data analysis and 16 recommendations designed to improve the Police Bureau's management of force and reduce complaints.

The task force released a follow-up report in July 2009 (*Use of Force by the Portland Police Bureau Follow-up: Progress Report and Analysis of Recent Data*). The group reported that force complaints and injuries to officers and subjects had declined. The task force concluded that the Police Bureau and IPR had met the intent of the 16 original recommendations. The group reported that, unlike other force categories, Taser use had not declined.

Force complaints have leveled after dropping by more than 50% from 2005 to 2008. There were seven bureau-initiated force complaints in 2009 — an all-time high — while force complaints from community members dropped from 46 to 44 (Figure 3.1).

More officers received multiple force complaints in 2009 than in 2008.

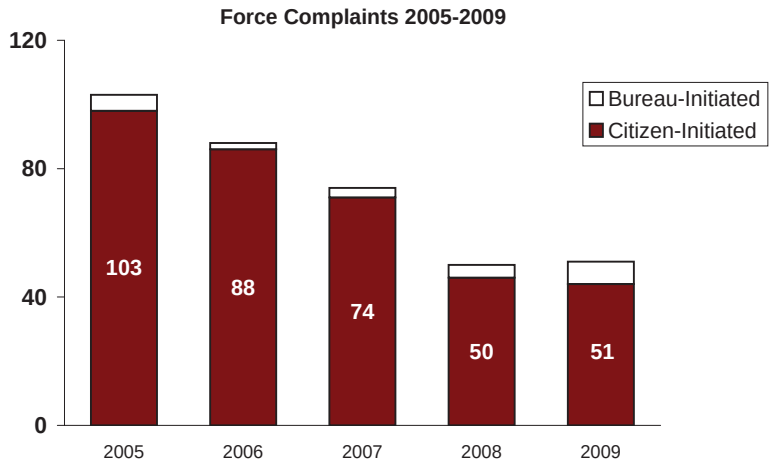

Figure 3.1

Table 3.10
Frequency of Force Complaints Against Employees by Year*

Number of Force Complaints	Count of Employees by Year 2005	2006	2007	2008	2009
5+	1	0	0	0	0
4	1	0	0	0	0
3	1	2	6	1	1
2	14	20	10	1	12
1	107	90	80	69	57
Total	124	112	96	71	70

* Includes bureau-initiated and citizen-initiated complaints

One officer was at or near the top of the force complaint lists from 2006 through 2008, with three force complaints per year. In 2009, the same officer and 11 others received two force complaints.

OFFICER-INVOLVED SHOOTINGS AND IN-CUSTODY DEATHS

IPR hires nationally-recognized experts to analyze closed investigations of officer-involved shootings and in-custody deaths. The purpose is to identify any policy-related or quality of investigation issues that could be improved. IPR has issued four public reports since 2003 covering 70 incidents that occurred between 1997 and 2005. The reports included 124 recommendations for changes to Police Bureau policies, procedures, and training.

The fourth and most recent report covered 12 incidents that occurred between 2002 and 2005, made nine new recommendations, and assessed the Police Bureau's implementation of earlier recommendations (Police Assessment Resource Center's report, *The Portland Police Bureau: Officer-involved Shootings and In-custody Deaths, Third Follow-up Report*). CRC is independently evaluating the Police Bureau's implementation of the reports' recommendations and will provide an account of its findings to the public.

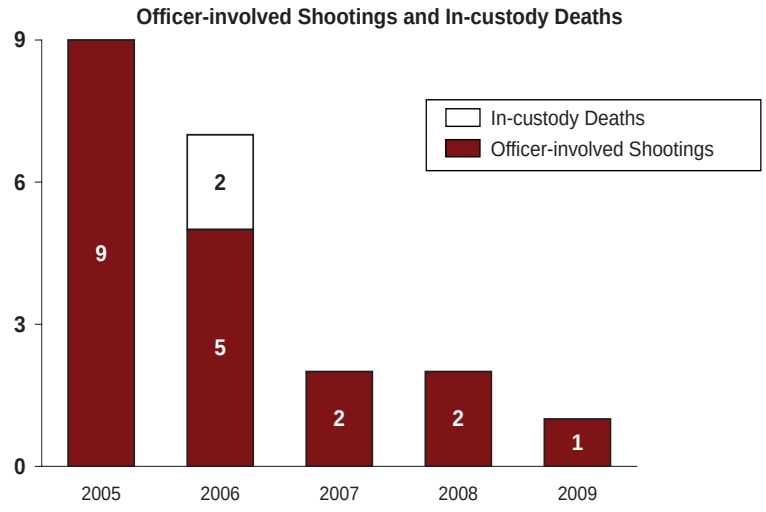

Figure 3.2

In 2009, there was only one *officer-involved shooting* and no *in-custody deaths*. There were approximately eight shootings and/or deaths per year from 1997 through 2006.

In December 2009, IPR selected the Los Angeles-based Office of Independent Review (OIR) Group to evaluate the Police Bureau's internal investigation of the 2006 in-custody death of James Chasse, including why the investigation took nearly three years to complete. This decision broke from past practice in that it was initiated prior to completion of civil litigation and will focus solely on the investigation of one incident.

Three attorneys from the OIR Group will review the Police Bureau's investigative reports and supporting evidence, as well as meet with several members of the Police Bureau, city officials and interested community members. IPR will release the final report to the public, elected officials, and Chief of Police in the summer of 2010.

CHAPTER 4: COMMUNITY OUTREACH

IPR worked to improve outreach to the Portland community through implementation of a community outreach plan. The first step was to hire a Community Outreach Coordinator (Coordinator) who strives to increase the awareness of IPR and CRC by educating community stakeholders that complaints against the Police Bureau are taken seriously and by explaining the evaluation and investigation process. IPR staff members have also listened to community concerns and that feedback has provided IPR with insight of areas of oversight that need to be improved and strengthened.

EFFORTS TO BUILD COMMUNITY TRUST

The Coordinator began building trust with the community by using a top-down approach, providing information about recent IPR efforts during meetings with directors and leaders of organizations, then to program participants and community members. IPR's police oversight system is promoted at the state, county, and local levels through community fairs and events such as Say Hey Northwest, Colored Pencils, Pride Northwest, and Coffee and Issues at Oregon Association of Minority Entrepreneurs.

Historically, marginalized communities often have less trust of police oversight, so outreach efforts have increased to cultivate and strengthen relationships with many groups representing those communities. For example, first attempts to collaborate with the Urban League were met with caution and skepticism. However, with consistent contact, explanation of IPR's commendation and complaint processes, support of its activities, and follow up on complainants sent to IPR from

Community Outreach Coordinator Irene Konev (left) at a networking event in Portland's Pioneer Place.

the Urban League — a trust relationship has now developed with that organization. Another example of trust building in non-majority communities was a presentation made to 90 Immigrant and Refugee Community Organization staff members. That event led to meetings with other directors of programs, such as Youth Transitions, Africa House, and Asian Family Services, as well as meetings and presentations to community members these organizations serve.

Left to right: Donita Fry of the Native American Youth Association, Arwen Bird of the Human Rights Commission, Irene Konev of the Independent Police Review, and Koffi Dessou of the Office of Human Relations.

IPR staff and CRC members connected with City Commissioners, their staffs, and divisions within their bureaus. Specifically, the Coordinator worked closely with the Community Police Relations Committee, Office of Human Relations, Office of Neighborhood Involvement, and Information and Referral line advocates. Efforts to broaden outreach coverage in 2009 resulted in the distribution of over 3,500 brochures in five languages.

With the consistent support of the Police Bureau's command staff, IPR's Coordinator attended and participated in the Community and Police Relations Committee meetings, networked with the Police Bureau's sexual assault advocate, and spoke at community crime prevention meetings.

CULTURAL COMPETENCY TRAINING FOR IPR STAFF

Twelve hours of cultural competency training was coordinated for IPR staff members, which covered oppression theory, racism, intercultural competence, personal leadership, and best practices. The training strengthened IPR staff skills to actively engage with others in ending oppression in the context of daily work and to enhance communication with the public.

CRC RECRUITMENT 2009

Significant efforts were made to broaden the scope of outreach to attain a more culturally diverse pool of CRC recruits in 2009. Approximately 150 letters were sent to elected officials, community-based organizations, businesses, judges, Police Bureau command staff, interested community members, and volunteer coordinators of domestic violence agencies. Three newspaper ads were purchased by IPR and six were donated by community papers. Recruitment opportunities were utilized in personal contacts, e-mails, and telephone calls. The four new members who joined CRC are a reflection of those outreach efforts and are representative of Portland's cultural diversity. Biographies of current CRC members are maintained on the IPR website.

NEW CRC MEMBER ORIENTATION

*Left to right: CRC members *F.G. (Jamie) Troy II, Loren Eriksson, Michael Bigham, *Ayoob Ramjan, Hank Miggins, *Lindsey Detweiler, and *Jeff Bissonnette [*New CRC members].*

A new CRC member orientation program was designed, which includes six hours of training covering cultural competency topics and an on-site training at IAD.

CHAPTER 5:
CITIZEN REVIEW COMMITTEE

ADVISORY COMMITTEE

The Citizen Review Committee was created by the Portland City Council in 2001. This component of Portland's police oversight system is made up of nine community volunteers recommended by the City Auditor and appointed by City Council to serve two-year terms. Members of CRC are extremely dedicated, professional, and hard working. They serve as an advisory body to the City Auditor and the Independent Police Review, and they make policy recommendations to address patterns of complaints with police services and conduct. CRC members hear appeals from complainants and officers. In addition, they receive community concerns about policing and help build awareness of IPR and CRC.

CRC WORKGROUPS

CRC workgroups gather community information, recommend policy changes, or advise on operational issues. A list of active workgroups and updates on their various activities are provided in each IPR/CRC Quarterly Report.

BIAS-BASED POLICING

The Bias-based Policing Workgroup was formed to review complaints of disparate treatment in policing and how IPR and the Police Bureau handle those complaints. The group presented its interim report, based on a detailed review of 60 case files, at the February 2009 CRC meeting. Subsequently, the Workgroup gathered public feedback on the interim findings and recommendations, met twice with the Chief of Police, and prepared a final version of its case-review report. The group plans to complete and present its report to the full CRC in early 2010.

CASE HANDLING

The Case Handling Workgroup was formed to review three particular dispositions that result in quick resolutions, but do not provide an avenue for appeal by the complainant or officer: dismissals by IPR; declines by IAD; and Service Improvement Opportunities. The Workgroup reviewed a sample of cases in which the complainant voiced a protest to the case-handling decision and found that IPR had made an appropriate decision in each case. Plans for a full-scale file review were suspended when the Workgroup lost members, but heading into 2010, the Workgroup has been assigned members and given a different name: Recurring Audit Workgroup.

CRC RETREAT

The CRC Retreat Workgroup is tasked with setting the agenda and determining content for the biennial CRC Retreat. The 2009 CRC Retreat (held in February) covered the CRC Tracking List and the new workgroup template (stating specific objectives, deliverable work products, and timelines). CRC established the following goals for 2009 and 2010: increase credibility among stakeholders regarding the IPR/CRC complaint process; review and make recommendations regarding satisfactions with the Police Bureau; and evaluate and develop in-house training for the CRC members.

IPR STRUCTURE REVIEW

The IPR Structure Review Workgroup was formed to evaluate, prioritize, and respond to the recommendations made in the 2008 performance review of IPR by consultant, Eileen Luna-Firebaugh. The Workgroup defined six-primary focus areas: the complaint process, mediation, policy development, staffing and training, outreach, and transparency. Throughout 2009, it reviewed the current practice in each area and the various recommendations for improvement. Late in the year, the Workgroup began preparing a comprehensive report of its review and recommendations to present to the full CRC, Council, and the public in 2010.

Left to right: CRC members JoAnn Jackson and Mark Johnson Roberts volunteered to continue in 2010 to complete a report for the IPR Structure Review Workgroup — even though their terms ended December 2009

OUTREACH

The Outreach Workgroup resumed meeting in June 2009 after IPR hired a Community Outreach Coordinator. The Workgroup focused on effective ways to increase CRC community outreach and how to best inform community members of CRC's role. In developing its work plan (presented at the November 2009 CRC meeting), it discussed strategies to increase awareness of CRC's purpose, role, and responsibilities. CRC directed the Workgroup to plan community forums in 2010 to hear from community members about their concerns regarding the Police Bureau and IPR.

POLICE ASSESSMENT RESOURCE CENTER

Police Assessment Resource Center (PARC) is a consulting firm hired by IPR to develop recommendations for improving the Police Bureau's investigations and policies related to officer-involved shootings and in-custody deaths. The PARC Workgroup is evaluating the Police Bureau's implementation of the recommendations PARC made in its 2005 and 2006 reports. The Workgroup drafted an initial assessment, compared its findings against additional documentation provided by the Police Bureau, and is currently drafting a final report with recommendations. Once approved by CRC, the final report will be released to the public and presented to City Council.

PROTOCOL

The Protocol Workgroup reviews the 21 protocols addressing the complaint process. Revisions to the Workgroup (5.12) and Request for Reconsideration of CRC Decision (5.14) protocols were approved at the March 2009 CRC meeting. The Workgroup also reviewed the Public Comment (5.07) and Appeal Process (5.03) protocols — suggesting revisions to make the processes more user-friendly. The Workgroup also recommended revisions to the Policy Review (5.18) protocol to the City Auditor for review and approval.

TRACKING LIST

The Tracking List Workgroup completed its charge of examining the existing process for keeping track of policy matters, unresolved issues, and questions raised by CRC during hearings and meetings related to the Police Bureau and IPR. The Workgroup presented its report to the full CRC at the October 2009 meeting.

2009 CRC ACCOMPLISHMENTS

Left to right back row: Jeff Bissonnette, Ayoob Ramjan, Hank Miggins, Michael Bigham, F.G. (Jamie) Troy II, and Loren Eriksson. Front row: Lewellyn Robison, and Rochelle Silver.

In February 2009, CRC conducted its biennial retreat. CRC members discussed work plans and setting goals. Also, they established a top-six priority list for policy review:

1. Portland Police Bureau Training Division curriculum;
2. In-house training for CRC members;
3. Discipline;
4. Taser policy;
5. Portland Police Bureau recruiting and retention; and
6. Protest policy.

APPENDIX

COMPLAINANT SATISFACTION SURVEY

In an effort to measure the satisfaction of community members who filed complaints against members of the Police Bureau, IPR has conducted an ongoing survey of complainants since late 2001. The goal of the survey is to track annual changes in complainant satisfaction with the complaint-handling process, to identify areas where IPR can improve its delivery of services, to evaluate different case-handling methods, and to maintain a benchmark measure that is relevant in comparing IPR with similar offices.

RESULTS

Survey results for the past five years are shown in Appendix Table 1. Reported satisfaction with IPR intake interviews, the thoroughness of complaint handling, and the overall IPR complaint process were all down in 2009 — after posting all-time high ratings in 2008. Higher satisfaction levels were reported for communicating timeliness expectations, updating complainants about their case, as well as the overall length of time taken to process cases.

Appendix Table 1
Survey Results*

	2005	2006	2007	2008	2009
How satisfied were you with:					
How well the investigator listened to your description of what happened?	56%	45%	50%	67%	55%
How fair and thorough the questions were?	51%	44%	50%	67%	49%
How satisfied were you with our explanation about:					
How the complaint process works?	47%	41%	52%	53%	49%
How your complaint could be resolved?**	N/A	N/A	38%	39%	36%
The length of time the process takes?	35%	35%	33%	36%	43%
How satisfied were you that we kept you informed:					
About what was happening with your complaint?	29%	25%	40%	36%	42%
About the final resolution of your complaint?	38%	29%	32%	30%	34%
How satisfied were you:					
That your complaint was handled thoroughly?	26%	28%	30%	34%	29%
With the length of time it took to handle your complaint?	28%	31%	31%	38%	43%
Overall, how satisfied are you:					
With the fairness of your complaint outcome?	21%	21%	32%	32%	29%
With the IPR complaint process in general?	24%	27%	35%	44%	37%

* Percent marking satisfied or very satisfied on a five-point scale.

** New question in 2007; slight wording changes were also made to other questions that year.

RESPONSE RATES AND RESPONDENTS

The survey response rate has been approximately 20% for each of the past five years. With such low response rates, results must be interpreted with caution. Without follow-up efforts, it is very difficult to determine the degree to which the complainants who responded to the IPR survey are similar to (or different from) the roughly 80% who did not respond.

The survey response rates and demographic information for all survey respondents from 2005-2009 are shown in Appendix Tables 2 and 3.

Appendix Table 2
Survey Response Rate Calculation

	2005	2006	2007	2008	2009
Number of Surveys Mailed	642	581	203	197	444
Number of Surveys Returned as Undeliverable	69	58	17	11	17
Number Completed and Returned	107	107	33	35	75
Response Rate	19%	20%	18%	19%	18%

* IPR mailed fewer surveys in 2007 and 2008; sampling four to six months of the year rather than conducting a full 'census' of all complainants.

Appendix Table 3
Respondent Demographics

	2005	2006	2007	2008	2009
Gender					
Female	49	44	17	15	25
Male	55	60	15	18	42
Total	104	104	32	33	67
Race or Ethnicity					
Black/African American	14	7	4	3	7
Hispanic/Latino	3	0	0	0	1
White/Caucasian	84	85	23	27	51
Native American	0	2	0	0	2
Asian	1	2	0	1	1
Other	1	4	4	4	3
Total	103	100	31	35	65
Age					
Under 18	1	1	0	1	0
18-24	5	5	0	5	2
25-34	21	19	7	4	16
35-44	29	26	8	4	14
45-54	24	32	9	8	15
55-64	14	17	5	9	14
65 and over	9	4	2	2	5
Total	103	104	31	33	66

OTHER DETAILED RESULTS

The survey questions measuring satisfaction are based on a five-point scale, but responses are collapsed for statistical analysis. In questions where the respondent reported being *very satisfied* or *satisfied*, the answer was coded as *satisfied*. In questions where respondents reported being *dissatisfied* or *very dissatisfied*, responses were collapsed into the category *dissatisfied*.

Appendix Table 4
Detailed 2009 Survey Results

	VS or S	Neither	DS or VDS
How satisfied were you with:			
How well the investigator listened to your description of what happened?	55.4%	10.8%	33.8%
How fair and thorough the questions were?	49.2%	14.3%	36.5%
How satisfied were you with our explanation about:			
How the complaint process works?	49.3%	13.0%	37.7%
How your complaint could be resolved?	36.2%	10.1%	53.6%
The length of time the process takes?	42.6%	8.8%	48.5%
How satisfied were you that we kept you informed:			
About what was happening with your complaint?	42.0%	10.1%	47.8%
About the final resolution of your complaint?	33.8%	7.4%	58.8%
How satisfied were you:			
That your complaint was handled thoroughly?	29.4%	10.3%	60.3%
With the length of time it took to handle your complaint?	42.6%	14.7%	42.6%
Overall, how satisfied are you:			
With the fairness of your complaint outcome?	28.6%	8.6%	62.9%
With the IPR complaint process in general?	37.1%	12.9%	50.0%

* For analysis, the five-point scale has been collapsed to three.
'VS or S' = Very Satisfied or Satisfied, 'Neither' = Neither Satisfied or Dissatisfied, and 'DS or VDS' = Dissatisfied or Very Dissatisfied.

ANOTHER SATISFACTION MEASURE

The City Auditor's Audit Services Division conducted its 19th Annual Citizen Survey in 2009. One question asked of citizens throughout Portland was how they rated the City's efforts to control misconduct by Portland police officers. The results indicate an improvement as respondents giving the City favorable ratings increased from 39% in 2004 to 47% in 2009. Twenty percent of the respondents rate the City's efforts as bad or very bad in 2009.

Annual results are shown in Appendix Table 5. To obtain additional results from this survey, as well as information on the methodology, see City of Portland Service Efforts and Accomplishments: 2009 (available at: www.portlandoregon.gov/auditor/auditservices).

Appendix Table 5
Question from the Auditor's Annual Report on City Government Performance
"How do you rate the City of Portland's efforts to control misconduct by Portland police officers?"

	2005	2006	2007	2008	2009
Very Good	8%	9%	7%	8%	9%
Good	31%	33%	31%	34%	38%
Neither	35%	37%	36%	36%	33%
Bad	18%	15%	17%	15%	14%
Very Bad	9%	7%	8%	8%	6%

WHO FILES COMPLAINTS AND HOW THEY FILE

The demographic profile of community members who file complaints has not changed significantly over time (Appendix Table 6). African Americans, and to a lesser extent males generally, file complaints at a higher rate than their representation in the general population. This data also should be viewed cautiously because age and race information is not available or captured in many cases.

Appendix Table 6
Gender, Race, and Age of Complainants

Gender, Race, and Age of Complainants	2005		2006		2007		2008		2009		Proportion of Portland's Population in 2000*
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
Gender											
Female	323	41.0%	319	43.1%	287	42.8%	202	42.1%	159	40.3%	50.6%
Male	464	59.0%	420	56.8%	382	57.0%	276	57.5%	234	59.2%	49.4%
Unknown	0	0.0%	1	0.1%	1	0.1%	2	0.4%	2	0.5%	
Race											
Asian	13	1.7%	12	1.6%	10	1.5%	8	1.7%	6	1.5%	6.3%
Black or African American	136	17.3%	138	18.6%	127	19.0%	89	18.5%	72	18.2%	6.6%
Hispanic or Latino	33	4.2%	33	4.5%	20	3.0%	11	2.3%	14	3.5%	6.8%
Native American	15	1.9%	10	1.4%	8	1.2%	9	1.9%	4	1.0%	1.1%
Native Hawaiian/ Other Pacific Islander	0	0.0%	2	0.3%	1	0.1%	1	0.2%	0	0.0%	0.4%
White	475	60.4%	413	55.8%	377	56.3%	287	59.8%	221	55.9%	77.9%
Two or More Races	5	0.6%	3	0.4%	3	0.4%	4	0.8%	2	0.5%	
Other Race/Ethnicity	14	1.8%	9	1.2%	5	0.7%	8	1.7%	7	1.8%	
Unknown	96	12.2%	120	16.2%	119	17.8%	63	13.1%	69	17.5%	
Age											
24 Years and Younger	117	14.9%	94	12.7%	70	10.4%	51	10.6%	43	10.9%	31.4%
25-34 Years	178	22.6%	143	19.3%	132	19.7%	82	17.1%	96	24.3%	18.3%
35-44 Years	183	23.3%	145	19.6%	138	20.6%	85	17.7%	68	17.2%	16.4%
45-54 Years	124	15.8%	144	19.5%	129	19.3%	97	20.2%	67	17.0%	14.8%
55-64 Years	66	8.4%	58	7.8%	52	7.8%	42	8.8%	33	8.4%	7.6%
65 Years and Older	28	3.6%	24	3.2%	15	2.2%	11	2.3%	11	2.8%	11.5%
Unknown	91	11.6%	132	17.8%	134	20.0%	112	23.3%	77	19.5%	
Total Complainants	787		740		670		480		395		

* From 2000 U.S. Census Bureau Data

Community members continue to file most of their complaints by telephone (Appendix Table 7). Complaints filed at any of the Police Bureau's precincts or at any other City office are sent to IPR.

Appendix Table 7
Sources of Citizen Complaints Received by IPR

	2005		2006		2007		2008		2009	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Phone	443	51%	412	52%	380	53%	249	49%	233	55%
E-mail	101	12%	132	17%	133	19%	92	18%	71	17%
Mail	102	12%	84	11%	77	11%	76	15%	54	13%
Walk-in	93	11%	56	7%	37	5%	35	7%	29	7%
Precinct	50	6%	51	6%	41	6%	29	6%	12	3%
Fax	16	2%	14	2%	11	2%	11	2%	8	2%
Inter-office	19	2%	33	4%	23	3%	9	2%	7	2%
Unknown/Other	37	4%	10	1%	10	1%	4	1%	7	2%

Note: Complainant contact counts are shown. Because multiple complainants can be named on any given complaint, and they can file multiple complaints, this count will tend to be larger than the annual citizen-initiated complaint count.

ALLEGATION COUNTS BY CATEGORY

IPR uses nearly 150 different allegations covering a wide range of behaviors. For convenience, the allegations are grouped into six large categories: force, disparate treatment, conduct, control technique, courtesy, and procedure. Over time, the distribution of allegations within the categories has remained relatively constant, especially for community complaints.

Appendix Table 8
Citizen-initiated Complaint Allegations Reported by Category

	2005		2006		2007		2008		2009	
Allegation Category	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Conduct	964	40%	747	39%	695	39%	436	38%	363	36%
Control Technique	92	4%	85	4%	104	6%	66	6%	63	6%
Courtesy	447	19%	383	20%	315	18%	218	19%	181	18%
Disparate Treatment	110	5%	76	4%	103	6%	61	5%	50	5%
Force	185	8%	162	8%	147	8%	74	6%	71	7%
Procedure	589	25%	481	25%	403	23%	302	26%	284	28%
Total Allegations	2,387		1,934		1,767		1,157		1,012	
Complaints Received	771		721		660		453		405	

Appendix Table 9
Bureau-initiated Complaint Allegations Reported by Category

	2005		2006		2007		2008		2009	
Allegation Category	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Conduct	73	77%	42	88%	72	87%	62	71%	85	74%
Control Technique	1	1%	0	0%	0	0%	1	1%	0	0%
Courtesy	4	4%	2	4%	1	1%	1	1%	2	2%
Disparate Treatment	4	4%	0	0%	0	0%	0	0%	2	2%
Force	5	5%	2	4%	5	6%	8	9%	16	14%
Procedure	8	8%	2	4%	5	6%	15	17%	10	9%
Total Allegations	95		48		83		87		115	
Complaints Received	30		20		24		40		48	

TIMELINESS MEASURES

Measures of timeliness in the complaint handling system continue to highlight areas that need attention (Appendix Table 10). While more than 90% of cases are closed within 150 days, fully investigated cases frequently exceed the timelines. IPR expended its role in investigations in late 2005 and, as a result, timeliness of its intakes worsened. A greater percentage of intake investigations were completed within two or three weeks in 2009 compared to the past three years.

Police Bureau commanders completed most Service Improvement Opportunities within a month, and IAD finished a higher percentage of investigations within 10 weeks. Other measures for IAD and Police Bureau management suggest that timeliness was an issue in 2009.

Appendix Table 10
Timeliness Measures

	2005	2006	2007	2008	2009	Goal
Combined Timeliness Measure:						
Overall Case Closure within 150 Days	91%	88%	89%	92%	92%	**90%**
IPR Timeliness Measures:						
Completing Intake Investigations within 14 Days	44%	32%	39%	33%	42%	**60%**
Completing Intake Investigations within 21 Days	64%	39%	43%	42%	55%	**90%**
IAD and Other Police Bureau Timeliness Measures:						
IAD Assignment of (Non-declined) Cases within 14 Days	52%	74%	68%	62%	24%	-
IAD Assignment of (Non-declined) Cases within 30 Days	82%	84%	88%	83%	66%	-
IAD Investigations Completed within 70 Days	24%	31%	20%	25%	44%	-
IAD Declines Completed within 30 Days	38%	38%	35%	18%	12%	**75%**
IAD Declines Completed within 45 Days	61%	52%	46%	35%	15%	**95%**
Service Improvement Opportunities Completed within 30 Days	89%	77%	77%	75%	76%	**75%**
Service Improvement Opportunities Completed within 45 Days	91%	83%	85%	88%	94%	**100%**
Command Review of Investigations within 30 Days	69%	78%	31%	61%	41%	-
Review Level Findings Issued within 45 Days	44%	25%	29%	50%	9%	-
Review Level Findings Issued within 90 Days	100%	75%	86%	67%	18%	-
Full Investigations (with Findings) Complete within 120 Days	6%	5%	4%	8%	0%	**80%**
Full Investigations (with Findings) Complete within 150 Days	17%	8%	5%	15%	4%	**95%**

DISMISSAL GUIDELINES

The following table provides IPR dismissal guidelines based on Portland City Code and gives examples of its application.

IPR Dismissal Guidelines	
City Code	**Guidelines Examples**
The complainant could reasonably be expected to use, or is using another remedy or channel, or tort claim.	IPR routinely dismisses complaints about towed vehicles because the City provides an administrative appeal process for adjudicating tow issues.
The complainant delayed too long in filing the complaint to justify present examination.	IPR normally requires that minor complaints involving courtesy or communications be filed within 60 days of the incident. IPR imposes no deadline for complaints that allege serious criminal misconduct or corruption.
Even if all aspects of the complaint were true, no act of misconduct would have occured.	IPR dismisses allegations that fail to describe at least a potential violation of federal, state, or municipal law or Police Bureau policy.
It is probable (more likely than not) that no misconduct was committed and it is probable that additional investigation would not reach a different conclusion.	IPR may dismiss allegations when it is probable that a full investigation would not prove an act of misconduct. Beginning in 2010, such 'cannot prove' dismissals will be tracked separately from the 'no misconduct' category.
The complaint is trivial, frivolous, or not made in good faith.	IPR dismisses allegations that it determines are intentionally and materially false, inaccurate, misstated, or exaggerated.
Other complaints must take precedence due to limited public resources.	The ordinance requires IPR to use public resources wisely by prioritizing IPR's and IAD's caseload consistent with the intent of the City Auditor. IPR will dismiss complaints that are grossly illogical or improbable on their face, complaints that were filed by persons who do not have direct or specific knowledge about the facts of the case, and complaints from persons who have a demonstrated history of making non-meritorious allegations.
The complainant withdraws or fails to complete necessary complaint steps.	IPR may dismiss a complaint if the IPR investigator cannot locate the citizen for an intake interview.

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This report and other reports produced by the Independent Police Review Division and the Citizen Review Committee are available on the Internet web site at: www.portlandonline.com/auditor/ipr.

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