

QUARTERLY REPORT

Independent Police Review (IPR) — Citizen Review Committee (CRC)



www.portlandoregon.gov/auditor/ipr

Second Quarter 2012

IPR DIRECTOR'S REPORT

by Mary-Beth Baptista, Director



In response to a request by Mayor Sam Adams, City Auditor Lavonne Griffin-Valade is conducting an independent review of statements given by involved officers during the investigation of the 2010 officer involved shooting of Aaron Campbell. She and her team will also review

statements made during the subsequent arbitration of discipline stemming from the incident. The team members include City of Portland Ombudsman Margie Sollinger, and Rachel Mortimer and Constantin Severe of IPR.

IPR's released its annual report for calendar year 2011. Complaint intake and processing data for 2011 are detailed, as are major policy and program changes. In sum, IPR opened 426 community complaints about police conduct; rude behavior was the most common allegation. Sixty-three complaints alleged violations of the Police Bureau's use-of-force policies. There were four officer-involved shootings in 2011 - one was fatal. There was also one non-shooting, in-custody death.

OFFICE OF THE CITY AUDITOR

The City Auditor's division of the Independent Police Review receives and screens complaints about officers of the Portland Police Bureau. IPR may dismiss, mediate, investigate, or refer complaints to the Police Bureau. IPR analyzes complaint patterns, conducts policy reviews, as well as oversees investigations.



INDEPENDENT POLICE REVIEW
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Auditor Griffin-Valade released a report from the Office of Independent Review Group (OIR), the outside experts hired by the City to review the closed investigations pertaining to seven officer-involved shootings. The oldest of the incidents reviewed occurred in March 2004, and the most recent of the incidents reviewed occurred in March 2010. OIR selected incidents involving Police Bureau encounters with individuals experiencing some level of mental or emotional crisis. Another theme OIR considered was communication at the scene of a critical event.

CRC CHAIR'S REPORT

by F.G. (Jamie) Troy II, Chair



CRC was busy during the second quarter with elections, a retreat, a presentation, and two appeals.

At the April meeting, CRC members voted to renew the tenures of the current chair, vice-chair, and recorder for another annual term. CRC also held a retreat in April to discuss priorities for the upcoming year, which included the creation of two new workgroups (see page 3). At our June meeting, CRC heard a presentation from OIR on its report covering officer-involved shootings.

At our regular May meeting, CRC conducted a case file review on an appeal related to excessive use of force. The committee voted to request that additional investigation be conducted by either IPR or the Police Bureau's Internal Affairs (IA). Both offices declined our request asserting that the investigation was adequate and complete. When the full appeal was held on this case in June, CRC again expressed concerns about the thoroughness of the investigation and voted to request additional work. Both IPR and IA affirmed their position and declined CRC's second request. CRC officers have been exploring other possible resolutions including a few avenues around this impasse.

CRC held a second meeting in May to conduct an appeal hearing on the use of a Taser. CRC requested additional investigation on this case last November, and that request led to substantial additional information being presented at the May hearing. The committee voted to challenge one of the bureau's findings requesting that it be changed from exonerate to unproven. The Bureau subsequently accepted this recommendation.

CITIZEN REVIEW COMMITTEE

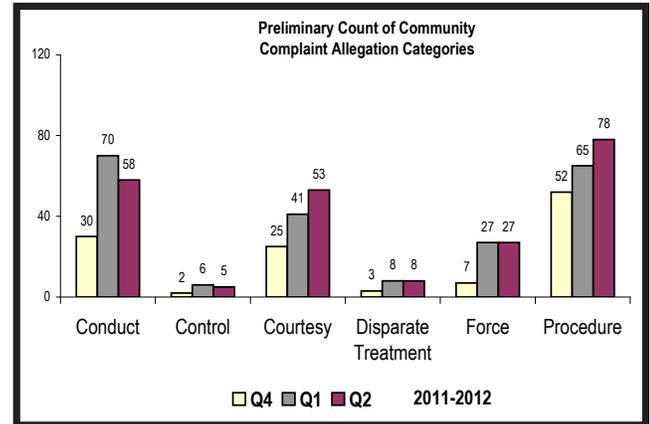
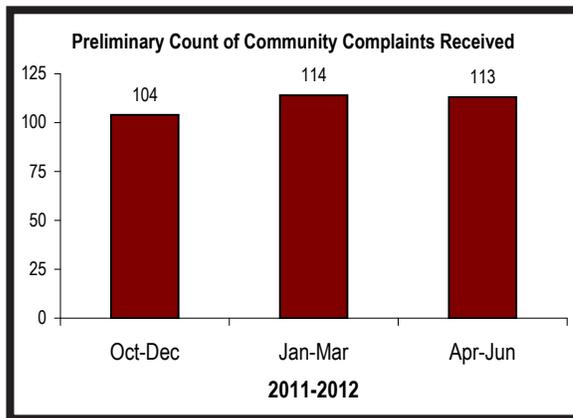
Community Oversight of Portland Police Bureau

As community volunteers, the nine members of the Citizen Review Committee are appointed by Portland to monitor and advise IPR, hear appeals, and receive public concerns.

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CASE STATISTICS

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

NEW CASES

- A complainant grew frustrated with the traffic that backs up at a nearby school when parents drop-off and pick-up their children. He started videotaping the area before and after school in order to document his concerns. Police were called after a concerned parent confronted complainant regarding his videotaping. During his discussion with a traffic sergeant, the complainant felt that he was not taking his concerns about the traffic tie-ups seriously and thought that the sergeant was trying to infringe his first amendment rights by advising him that the parents at the school were concerned about him videotaping their children.

Status: IPR Dismissal with referral to precinct for a discussion on the videotaping issue.

- A community member called IPR stating that an officer failed to appear as a witness in a domestic violence trial resulting in the case being dismissed. During IPR's investigation into the matter, it was discovered that the officer was a relatively new employee who had a conflicting training session and made the erroneous assumption that the Training Division would notify the District Attorney's Office for him and have the trial date moved.

The case was ultimately handled as a Service Improvement Opportunity (SIO).

Status: SIO Completed

MEDIATIONS

Mediation allows community members and officers to voluntarily come together to discuss their concerns in a respectful, constructive manner; an impartial, professional mediator facilitates the session. Both parties are heard in a confidential and neutral setting with the goal of gaining a better understanding of one another's perspective about the incident.

One earlier case was successfully mediated in the second quarter of 2012. IPR received one new mediation request in the quarter, but the complainant cancelled and eventually withdrew.



IPR Director Mary-Beth Baptista and IPR Assistant Program Manager Rachel Mortimer attend the April CRC Meeting.

INVESTIGATED CASES

Senior Bureau management reviewed eight completed misconduct investigations during the quarter. Many of the complaints involved more than one officer and alleged several acts of misconduct.

Commanders recommended at least one sustained finding in seven of the eight cases, and suggested an officer debrief in the one 'non-sustained' case.

INVESTIGATED CASE EXAMPLE AND FINDINGS

- IPR opened a complaint upon receiving notice of tort claim notice filed by the attorney of a community member. The woman was eventually arrested in her home by a Portland Police officer for violating an elder abuse restraining order out of Washington County. When the community member got to the door the officer told her to step outside but she refused and backed away from the door. The officer reached into the doorway and grabbed the woman's arm to take her into custody, leading to a struggle and arrest just inside her home.

Findings:

Officer improperly entered a residence to make a warrantless arrest: *Sustained*.

Officer used excessive physical force while taking complainant into custody: *Exonerated w/debriefing*. The community member has filed notice (through her attorney) that she wishes to appeal this allegation to the CRC.

COMMENDATIONS

The Police Bureau and IPR receive commendations - thanking specific officers for their exemplary work. Copies of a commendation are sent to the officer and his/her supervisor, and are retained in the officer's history file. Examples include:

Police officers arrived quickly to a scene after a concerned community member dialed 9-1-1 to

report that a seemingly intoxicated couple was arguing loudly and preparing to drive home. The responding officers were described as "thorough, professional, and courteous" - and handled the situation "perfectly." One female officer took the time to chat with the caller and discuss proper procedures in that type of situation.

A young man appreciated an officer's professionalism and willingness to help after a minor accident. The other driver did not stop to exchange information. The young man was frustrated and upset, but the officer was understanding and helpful - despite the minor nature of the incident.

An officer that responded to a home burglary "went the extra mile" was called "very kind" as he took down detailed pages of information and explained the next steps in the process.

CRC WORKGROUPS

Use of Deadly Force (New)

Newly formed at the CRC Retreat, the Use of Deadly Force Workgroup will review the Police Bureau's policies and training regarding the highest levels of physical force. It has been developing a work plan and planning for an extensive presentation by a City Attorney's Office representative on the laws and Police Bureau directives relevant to the use of deadly force.

Crowd Control (New)

The Crowd Control Workgroup was also formed at the CRC Retreat and will study the Police Bureau's response to large public events (e.g. protest marches). The Workgroup met in May and June, and initial discussions have focused on developing a work plan. The work plan will include a mission statement along with goals, strategies, and deliverables.

Outreach

The Outreach Workgroup is strengthening the CRC connection to the community through forums and engaging community organizations. Currently the Workgroup is working on a few community events as well as working with cultural specific community organizations to increase its ability to reach community members. The Workgroup is planning a meeting with the Kennedy School Race Dialogues planning committee. CRC members are planning to present information about their work providing

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community oversight of the Police Bureau at the next community forum. The Workgroup is also working on increasing ways to hear community input about police services.

Recruitment, Retention, and Promotion

This Workgroup was formed to assess the Police Bureau's policies for recruiting, retaining, and promoting its members. The Police Bureau submitted review materials and gave a presentation to the Workgroup on its recent recruitment efforts. As the first quarter wrapped up, the Workgroup began to focus on the retention and retraining of current Bureau members. The Workgroup has an ongoing dialogue with the Community and Police Relations Committee determining if a joint project is feasible.

Recurring Audit

The Recurring Audit Workgroup recruited two new members from within the CRC and continued its review of closed dismissal cases, assessing if correct classification and policies were followed. The Workgroup hopes to complete a draft report on dismissals by the end of next quarter and begin taking up additional audits on other issues. Its next topic for examination will be reviewing completed investigations.

Taser/Less-lethal Force

The Taser/Less-lethal Force Workgroup produced a report during the second quarter of 2012. It was reviewed by IPR and IA and released to the general public for comment before CRC formally adopted the report at its July meeting. The draft report can be found on IPR's web site. The final approved version will be available during the third quarter and may be presented to City Council.



Coordinator Konev and CRC member K.A. Lalsingh attend the Colored Pencils Arts and Culture Night.

IPR OUTREACH UPDATES



Irene Konev

Community Outreach Coordinator Irene Konev attended a statewide conference and held a 90-minute presentation on the IPR commendation/complaint process at the Oregon Coalition against Domestic and Sexual Violence conference for domestic and sexual violence survivor advocates.

Networking and presentations took place with the following:

- Portland City Club - Portland Action Summit at Portland State University (PSU)
- Sexual Minorities Roundtable Meeting
- Juneteenth Oregon
- Office of Equity presentation to City Council
- Portland Community College Multicultural Academic Program
- Portland YWCA Luncheon
- Asian Pacific American Chamber of Commerce of Oregon and SW Washington

CRC and IPR Attendance at Outreach Events

- Gateway Center for Domestic Violence
- Gang Violence Task Force meeting
- Portland State University's Take Back the Night
- Colored Pencils Arts and Culture Night (pictured)
- Oregon State Bar Civil Rights presentation: The Police the Public and the Law (PSU)
- Portland City Club - Bright Lights: Portland Nice - the Rose City's Thorny Race Politics

Slavic Outreach

IPR Director Mary-Beth Baptista and Konev gave a presentation about IPR's powers and duties on Slavic Family TV and radio - in English and Russian. Konev presented to the East European Coalition board meeting, spoke at the Russian-speaking Youth Leadership Conference. CRC member Dr. Rochelle Silver joined Konev in attending the Slavic Festival at Oaks Park. Konev arranged for East Precinct Commander Mike Lee to attend and bestow the welcoming address at Slavic festival. Finally, Konev and Officer Natasha Haunsperger attended a meeting with Slavic parents at Rosa Parks School.

CRC Public Meetings Schedule

First Wednesday of each month
(Subject to change*)

Wed., Aug. 1	City Hall – Lovejoy Room @ 5:30 PM
Wed., Sept. 5	City Hall – Lovejoy Room @ 5:30 PM
Wed., Oct. 3	City Hall – Lovejoy Room @ 5:30 PM