Case File Review Meeting – January 8th, 2013
IPR Case No: 2013-C-0030
Appeal Case No: 2013-X-0005

INVESTIGATION OVERVIEW:

Complaint Source/Summary:
The Appellant contacted IPR on February 12, 2013, through a written complaint stating that he had been arrested by four Portland Police officers at his Northeast Portland residence on January 20, 2013. The PPB officers' presence at Appellant's home stemmed from a lost Samsung cell phone that a Washington County resident believed was in Appellant's possession. The cell phone owner exchanged text messages with Appellant requesting his cell phone back. According to police reports, Appellant requested a reward to return the cell phone. The cell phone owner called the Washington County Sheriff's Office, after an investigation a deputy believed that there was probable cause to arrest Appellant for Theft of mislaid property and requested PPB's assistance in contacting Appellant at his residence.

According to the complaint filed with IPR, the officers confirmed Appellant's identity and said that they needed to talk to him inside and proceeded to handcuff him and had him sit. The investigation was able to determine that there were three PPB officers present: Officers A, B, and C. Appellant started to feel some pain and numbness from the handcuffs and requested that they be loosened but said the officers ignored him. Appellant made his request several times and stated to IPR that he was told by Officer A to "shut and stop whining, cuffs are not supposed to be comfortable." Appellant believes he was in the custody of the PPB officers for at least 45 minutes until he transferred to the custody of the Washington County Deputy.

While the officers were in Appellant's home, at least one officer went around the apartment, opened doors to rooms, and looked inside them. Complainant also stated that he was never Mirandized but that he was asked by the officers for the location of the cell phone.

Name of Director / Assistant Director Assigned: Constantin Severe

Name of IA investigator: William Accornero

Name of RU Manager or commander who recommended findings: Captain Kelli Sheffer

Disposition of Administrative Investigation Allegations:

1. Officer B responded in a rude manner when the appellant asked him to loosen the handcuffs. (COURTESY**) Exonerated**

2. Officer B failed to read the appellant his Miranda Warning prior to asking him questions on the alleged crime. (PROCEDURE) **Exonerated with a debriefing**

3. Officer B improperly searched the appellant's bedroom without permission. (PROCEDURE) **Exonerated**

4. Officer B improperly entered the appellant's home. (CONDUCT) **Exonerated**

CASE PROCESSING SUMMARY:

CHRONOLOGY OF CASE PROCESSING	**DATE**
Date complaint filed with IPR	2/8/2013
Date IPR Initial Investigation completed	3/14/2013
Date complaint referred to IA	5/9/2013
Date assigned for IA investigation	5/21/2013
Date IA investigation completed	8/29/2013
Date completed IA investigation to IPR for review	9/6/2013
Date IPR approved the investigation	9/14/2013
Date completed IA investigation assigned to RU Manager for recommended findings	9/18/2013
Date RU Manager's recommended findings to Branch Chief for recommended findings	9/30/2013
Date recommended findings received by IA Captain for recommended findings	10/8/2013
Date recommended findings sent to IPR for recommended findings	10/8/2013
Date of IA recommended findings	10/10/2013
Date of IPR of recommended findings	10/15/2013
Date of IA Disposition Letter	10/18/2013
Date of IPR closing cover letter	10/25/2013
Date appeal received	11/18/2013
Date appellant waived mediation in lieu of appeal	11/18/2013

TIMELINESS OF CASE PROCESSING	**TIME ELAPSED (Calendar Days)**	**BENCHMARK (Calendar Days)**
Time from date complaint received in IPR to the date the IPR Director refers the case to IA (dates)	90 days	21 days
Time from date received in IA to completion of investigation (dates)	121 days	67 days
Time from date IA investigation sent to RU Manager to date of RU's recommended findings received by Branch Chief for recommended findings (dates)	13 days	14 days
Time from date recommended findings received by Branch Chief to date referred to IA Captain for recommended findings (dates)	9 days	7 days
Time from date recommended findings received by IA to date IA made recommended findings (concurrent with IPR review) (dates)	2 days	7 days
Time from date recommended findings received by IPR to date IPR made recommended findings (concurrent with IA review) (dates)	8 days	7 days
Time from date of completed findings recommendations to mailing of the disposition letter (dates)	3 days	14 days
Totals	233 days	137 days