



Disparate Treatment Complaints

A Complaint Handling and Case File Review
Conducted by the Bias-based Policing Workgroup
of the Citizen Review Committee

Interim Report - February 2009

Background

Community concerns about racial (and other) biases influencing police work are neither new nor unique to the City of Portland. Recent efforts to address these concerns by the Portland Police Bureau (PPB or Bureau), Mayor's Office, and numerous community groups have included the Blue Ribbon Panel, the Community Listening Sessions, and the Racial Profiling Committee. A consistent theme reported by these various committees is a lack of trust between the Bureau and minority communities. These committees have primarily been informed by Bureau data (e.g., racial disparity in stop data) and/or focus-group style discussions.

Complaint Data

Citizen-generated complaint files at the Independent Police Review Division (IPR) represent a separate and unique source of information about complainants' perceptions of disparate treatment in policing. There were a total of 104 complaints received with an allegation of disparate treatment during the two-year period from July 1, 2005 to June 30, 2007. By definition, these are allegations of specific actions or statements that indicate inappropriate treatment of an individual that is different from the treatment of another because of race, sex, age, national origin, sexual orientation, economic status, political or religious beliefs, mental or physical disability, etc. As several cases include multiple allegations, those 104 cases represented 143 total allegations. Allegations of disparate treatment account for approximately 5% of total complaint allegations annually. Roughly three-quarters of the alleged discrimination involved race or ethnicity. The other quarter alleged potential bias based on other characteristics such as gender, age, or sexual orientation.

IPR dismissed approximately half of the disparate treatment complaints during the two-year time period. The Bureau's Internal Affairs Division (IAD) declined about another fourth of the complaints. Of the remaining cases, 16% were handled as service complaints and 8% advanced to a full IAD investigation. More recent case-handling data suggest that these proportions have shifted toward more full investigations. IPR and IAD combined to dismiss or decline just over half the disparate treatment complaints received in 2008. The service complaint and full investigation dispositions each accounted for about 18% of the 2008 cases.

Workgroup

Three Citizen Review Committee (CRC) members were originally appointed to the Bias-based Policing Workgroup (BBP or the Workgroup) in December of 2006: Sherrelle Owens (Chair), Hank Miggins, and Marcella Red Thunder. Red Thunder was replaced by Mark Johnson and JoAnn Jackson in late 2007.

The Workgroup was briefly staffed by former IPR Community Relations Coordinator, Lauri Stewart. IPR's Senior Management Analyst, Derek Reinke, staffed the majority of workgroup meetings beginning in early 2007. Former IPR Director Leslie Stevens and current Director Mary-Beth Baptista also attended select workgroup meetings.

The Workgroup's original charge was to evaluate the handling of disparate treatment complaints by IPR and IAD. That scope was broadened slightly to consider policy implications derived from the review of complaint files. The Workgroup also reserved the possibility of reviewing additional data sources and research articles, gathering public input, and altering its mission to investigate related areas of concern that might emerge (see Appendix A for Mission Statement and Workgroup Objectives).

All BBP meetings (numbering 20 through February 2009) were open to community members in the interest of transparency and to facilitate public comment.

Review Methodology

The Workgroup reviewed 36 complaints (received between July 1, 2005 and June 30, 2007) alleging some form of disparate treatment. IPR assisted BBP in the selection of these case files using a stratified random sampling technique, ensuring that the various case-handling dispositions were sufficiently represented (IPR Dismissals, Service Complaints, IAD Declinations, and Full IAD Investigations). Two control samples (of 12 cases each) were also selected from complaints with specific characteristics: African-American complainants alleging improper stop/stopped without cause but not disparate treatment, and Caucasian complaints making the same allegation. Each of the four BBP members dedicated over 15 hours reviewing half (30) of the total sample of case files (60). Each case file was reviewed by two BBP members. Appendix B includes additional details about the sampling and file review work plan.

The Workgroup's review included more than a third of disparate treatment complaints and over 4% of all complaints received over the two-year time frame. Observations made about the content of sampled cases carry a high likelihood of being valid conclusions across the population of complaints (especially given the random sampling). Generalizing a conclusion beyond the framework of the IPR/IAD complaint system, however, is much more tenuous. For example, the complaints reviewed represent roughly one of every 14,000 citizen-police contacts; and only those contacts that led to a complaint made the sampling frame.

To facilitate data collection, BBP members took detailed notes about each case file on specific checklists. The checklists included a mix of open-ended and multiple-choice questions (see Appendix C for a blank checklist). Workgroup members were also provided a copy of the Bureau policies on disparate treatment and bias-based policing to serve as reference material during their review (see Appendix D).

IPR provided an analysis of the checklist data and comments, distilling the common themes and concerns of workgroup members. IPR and the Workgroup were also successful in soliciting an independent analysis by a professor in the Communications Department at Portland State University. Both analyses converged on the same general themes and concerns.

Workgroup Observations of IPR Complaint Intake

IPR Investigators tend to be courteous and professional.

Workgroup members (Reviewers) consistently noted that IPR Investigators treated complainants courteously and fairly, and provided complete and accurate information. On several occasions, reviewers specifically praised the patience, tone, and professionalism of the IPR staff.

There were a handful of times, though, that the IPR Investigators appeared to run out of patience. One reviewer noted an interview in which the IPR staff member became rude and argumentative with the complainant. Other comments suggested that at times IPR staff needed to do a better job of staying on the line, staying interested, and listening instead of talking or interrupting.

IPR writes accurate intake summaries and frames the correct allegations in most cases.

The workgroup found that IPR accurately reflected complainants' concerns in intake summaries and allegations the vast majority of the time. However, there were concerns expressed that some intake summaries captured only a portion of the issues raised and were limited by the quality and style of the interview. For example, reviewers were concerned that occasionally an issue is missed because multiple actions were summarized into one allegation or a particular comment by an investigator precluded the complainant from finishing his or her narrative.

The Workgroup felt that IPR missed an allegation of disparate treatment in just one of the 12 control sample cases. In that case, a young African-American male complained that he was stopped and questioned on a MAX platform in North Portland because he was wearing blue clothing. IPR did not frame a disparate treatment allegation, instead simply recording 'stopped without cause' as the concern. The Workgroup felt IPR missed the complainant's implication that he was profiled as a possible gang member because of his clothing and race.

The handling of audio files was a Workgroup concern as nearly 20% of the interviews did not have an associated recording available. There were no missing recordings in a more recent case file sampling of 17 complaints received between July 1, 2007 and June 30, 2008.

IPR lacks consistency in a few areas and could work on tone of overall message.

IPR handled complaints similarly across comparison groups. The Workgroup did not find evidence of biased case handling. But there were other random inconsistency issues identified from case-to-case. Reviewers noted that some IPR Investigators were clearly more sold on the value of the mediation program and that difference carried through in interviews. Also, IPR Investigators at times attempted to explain officer behavior, share information from police reports, and offer advice about legal issues (going to court, etc.). The office policy in these areas is unclear.

On a more general note, reviewers felt the tone of some IPR letters and phone conversations do not reflect the independence outlined in its charter. At times it appeared that IPR staff questioned the behavior of the complainant, justified the behavior of the officer, and/or discouraged the caller from filing or following through with a complaint.

Common Allegations of PPB Officer Behavior

A methodological limitation merits repeating here: conclusions based on the sample of complaints are only valid to the population of complaints. In other words, the cases reviewed provide some evidence of common alleged behaviors that result in IPR complaints; however, the sample provides little evidence of how widespread or rare those officer behaviors are in everyday interaction with the community.

There is one additional data limitation that pertains to this section specifically. All of the sampled files contained complainant statements and/or recorded interviews and copies of the PPB records or reports of the initial incident that led to the complaint. However, only about one-fourth of the case files (service complaints or full investigations) contained evidence of the accused officers' responses to the complainants' specific allegations.

Many complaints are the result of comments perceived to be rude or insensitive.

In a number of the case files reviewed, the complainant's primary concern was a perceived negative attitude and/or word choice on the part of officer(s). In one example, after a run of a license came up clean – officers then reportedly made disparaging comments. A few times officers mentioned the criminal history of a person openly in public. The complainants (and reviewers) felt that there was little public safety benefit; and alleged that the intent of the officer(s) was to aggravate or embarrass. Reviewers noted that it was commonly alleged that the officer(s) started the interaction down the wrong road with a rude comment.

Reviewers felt that some of the other alleged officer comments or actions were better classified as insensitive, rather than bias driven. For example, officers in one case did not seem to understand or acknowledge that there are special legal standards for Native American children in the juvenile courts. Reviewers noted that male officers in another case seemed to talk over the heads of women in a group they were questioning (allegedly speaking exclusively to the men in the group).

Reviewers also noted that a few other complainants alleged that officers “looked down” on ESL or non-English speakers. In one example, an officer reportedly called a complainant “stupid” although the reviewers believed the cause of the misunderstanding may have been a language barrier issue. Fewer, but similar, allegations of rude/insensitive comments were noted in the control sample of Caucasian complainants who stated they were stopped or detained without cause.

Certain police tactics seem to generate many complaints.

Pre-Text Stops

Pretext stops, although a lawful act, gave rise to several complaints from minority drivers. Under both the Fourth Amendment of the United States Constitution and the law in the State of Oregon, if there is a legitimate basis for a stop, the fact that an officer may also have other motives (“pretext”) for the stop does not make it illegal. Meaning, if the police lawfully could have stopped a person for any traffic violation, it does not matter that they actually stopped the person to investigate a crime for which they had little or no evidence. *Whren v. US*, 517 US 806 (1996).

The reviewers found that when some minority complainants were stopped for a minor traffic violation, like failure to signal more than a hundred feet before a turn, they expressed doubt they were actually stopped for the violation, and those complainants often assumed that race played a role in the stop. Pretext stops were a source of frustration for both reviewers and complainants.

Mere Conversation

“Mere conversation” is another police tactic that generated complaints and caused reviewers concern. Under Oregon law, “a law enforcement officer remain[s] free to approach persons on the street or in public places, seek their cooperation or assistance, request or impart information, or question them without being called upon to articulate a certain level of suspicion in justification if a particular encounter proves fruitful.” *State v. Holmes*, 311 Or 400 (1991). Mere conversation is defined as a conversation with a community member that occurs in any setting where there is no “significant restraint” or “significant interference” with a citizen. For Oregon constitutional purposes, the analysis focuses on the intent to, and the level of, restriction placed on a person’s freedom of movement by the officer, and an individual’s belief that restriction has occurred is objectively reasonable under the circumstances. *Holmes*.

A number of cases were generated by complainants who stated that they were not engaged in suspicious or illegal activity, but that they were contacted based on a known criminal background. In those cases, officers reported that they engaged these individuals in “mere conversation” and that the individual was free to walk away at any time. The concern of the reviewers were that they did not feel that the complainant understood that they had a right to or felt free to walk away from an officer who was trying to speak with them. Other cases of concern were those where the complainants alleged that they felt that the officers were misrepresenting their identity, their evidence or probable cause, or the purpose of their conversation in the hopes of getting the complainant to disclose criminal activity.

Limited follow-through or customer-service ethic.

There were a few complaints that alleged mishandling of personal property by officers (e.g., failing to record/log or provide information on how to retrieve items). Reviewers also observed that officers did not appear to be consistently providing business cards when asked. They also found that some of the complaints they reviewed were generated because of comments made by some officers did not reflect a customer-service approach to the public. Again, no conclusion can be drawn about the prevalence of these behaviors generally, only that they are a significant source of citizen complaints about officer conduct.

Other General Workgroup Conclusions

IPR and IAD make valid case-handling decisions.

In almost every case, reviewers agreed that the case-handling decisions made by IPR and/or IAD were well-informed and justified by the relevant facts. Follow-up actions (such as officer debriefing and explanation letters to complainants) were deemed appropriate. This is a significant finding given that IPR dismissed, or IAD declined, a majority of the cases reviewed.

IAD investigations are adequate, but PPB Commanders' findings cause concern.

Seven IAD investigations were reviewed. The Workgroup felt that IAD conducted adequate investigations overall. There were no sustained findings. In two of the seven cases, workgroup members felt the commanders' findings were justified based on the information they reviewed. Reviewers' opinions were split in the other five cases, with some reviewers concluding that several "unfounded" findings gave too much deference to the officers' statements or too little weight to the complainants' statements. These reviewers felt that the proper findings should have been "insufficient evidence." There was less concern about the lack of "sustained" findings. Of note: the Bureau merged its "unfounded" and "insufficient evidence" finding categories into a single category of "unproven" on July 31, 2007.

Disparate treatment allegations are difficult to prove.

Reviewers acknowledged that allegations of disparate treatment are hard to prove on a case-by-case basis. The behavior triggering the complaint is often quite subtle like a comment or an attitude, and may even have more to do with the complainants' perceptions than the officers' underlying intent or displayed behavior. Usually, there is little concrete evidence and the complainant and the officer often describe two different accounts of the incident. In these situations, reviewers felt that additional information helped inform the review.

For example, in one case the reviewer appreciated the previous IPR Director's efforts to bring to the Bureau's attention that prior to the current complaint; the officer had received a number of similar complaints in a short timeframe. Another reviewer noted that five of the 30 cases he reviewed named the same officer. Such demonstrated patterns of past behavior can provide stronger evidence of an officer's mental state during a current encounter than looking at behavior solely on a case-by-case basis.

Possible Next Steps and Recommendations

This interim report is based solely on the review of 60 IPR case files received between July 1, 2005 and June 30, 2007. It has been routed to the Bureau and IPR for comment (responses are included after Appendix D) and presented to the full CRC. This report has been posted on IPR's website, copies are publicly available, and it will be routed to various groups for feedback (e.g., Office of Human Relations, Police Commissioner and staff).

The BBP Mission Statement and Workgroup Objectives (Appendix A) were written with a broader scope than the File Review Work Plan (Appendix B). As it receives feedback and public comment on this interim report, the Workgroup must also evaluate its remaining objectives and determine its next steps. Several possible next steps and recommendations are listed below. All suggestions are preliminary at this time.

Suggested follow-up discussion topics between the Workgroup and the Bureau:

- **Officer training in the areas of cultural competency, courtesy, customer service, and communication with the public.** Review the current PPB Training curriculum in these areas. Address questions regarding opportunities for continued education and training on these topics for officers through their career. Discuss the possibilities regarding additional or follow-up training for officers who generate a designated number of disparate treatment or similar complaints.

- **Review the PPB policy on disclosing criminal histories.** Educate/inform Workgroup members regarding policies, if any, regarding disclosure of a community member's personal information, including criminal history.
- **Review the PPB policy on business cards.** Reviewers felt that complaints would be reduced if officers were required to provide business cards routinely upon contact with the public. Discuss ideas regarding a more uniform strategy or policy regarding distribution of business cards.
- **Minority communities and the Bureau.** Educate / inform Workgroup members of the Bureau's current outreach efforts aimed towards building more healthy relationships with minority communities. Discuss ways in which CRC and IPR can assist in these efforts.

Areas of Workgroup member interest and potential research and follow-up:

- **How patterns in larger samples of IPR and Bureau data could play a bigger role in understanding disparate treatment complaints.** Understanding that disparate treatment allegations are difficult to prove individually, research other ways to utilize summary information, patterns, trends, and other Bureau data to reduce complaint volume.
- **The issue of pretext stops and minority drivers/complainants.** The Workgroup would like more in depth review of common issues surrounding 'pretext' stops.

Recommend that IPR:

- **Revisit the tone its investigators use with the public and the messages presented in its communications with the community.** Relatively small changes in the tone and approach of IPR could go a long way towards the office living up to the "Independent" part of its charter.
- **Tighten up certain office procedures (e.g., audio file storage) and further develop office policies (e.g., giving legal advice, sharing police report information, explaining officer behavior).** Office policies seemed unclear in a few minor, but important, areas.
- **Provide more staff training.** Training objectives should include enhanced listening and interviewing techniques, and increased consistency within IPR and between IPR and IAD. Pool resources with IAD for combined training when appropriate.
- **Not oversimplify or consolidate allegations within a complaint.** Reviewers expressed concern that sometimes not all allegations are individually listed and named.
- **Take care in assigning and tracking Service Complaints.** The service complaint process appears to be an effective intervention when it is an appropriate match for the concern raised and the supervisor and officer take the complaint seriously. IPR should take care in using this tool in only appropriate situations, be open to CRC audit and review of service complaints, and should track the supervisory handling and response.
- **Take care to clarify and offer case-handling options, as in mediation.** IPR Investigators should be consistent with explaining the process and its possible outcomes.
- **Make use of soon-to-be-hired Outreach Coordinator's position and tasks.** The Coordinator's role should include reaching-out and communicating with minority communities and building trust between the communities and IPR.

Recommend that CRC:

- **Follow-up with IPR and track progress on the recommendations listed above.** Also, task the Case Handling and/or IPR Structure Review Workgroups with providing additional direction on Service Complaint and Allegation concerns.
- **Focus more attention on officer/community relationships, communication, and trust.** Think of ways that CRC and IPR could help bridge the trust between minority communities and the Bureau, without compromising their effective oversight roles.
- **Have a more consistent audit presence rather than simply reviewing cases that are appealed.** CRC and its workgroups should engage in more regular, routine auditing of IPR case files, office policies/procedures, and case-handling decisions. The credibility of both groups would be enhanced.

Appendix A

Mission Statement

The mission of the Biased-based Policing Committee is to audit complaints, gather public input, and review other relevant information for patterns of problems, examination of the complaint process, and to potentially develop recommendations to modify IPR & Bureau policies & procedures in order to prevent problems, improve the quality of investigations, and to improve police community relations, with the goal that a work group product will be developed for presentation to the CRC.

Workgroup Objectives

1. Review case files to determine patterns in complaints filed.
2. Catalog data in a format identified by Workgroup.
3. Develop a draft of a Regular Report Template and draft an Ongoing Reporting System for the regular disclosure of pertinent data.

Once objectives 1-3 are met, decide how to proceed and re-define Workgroup Objectives to include the creation of a Workgroup Product, which includes making recommendations to CRC with the intent that CRC will recommend that Workgroup Product be presented to City Council.

Appendix B

File Review Work Plan

1. **File Review Objective:** Evaluate the handling of disparate treatment and racial profiling complaints by IPR and PPB between 7/1/2005 and 6/30/2007. Based on the evaluation, develop recommendations to the full CRC for improvements in IPR & Bureau Policies and IAD's handling of disparate treatment complaints **(In accordance with the Mission Statement approved by the CRC for the Bias-based Policing Committee and in accordance with 3.21.090 (3) & (6) Powers and Duties of the Committee and 3.21.170 (C) & (D) Monitoring and Reporting).**

Mission Statement: The mission of the Bias-based Policing Committee is to audit complaints, gather public input, and review other relevant information for patterns of problems, examination of the complaint process, and to potentially develop recommendations to modify IPR & Bureau Policies & Procedures in order to prevent problems, improve the quality of investigations, and to improve police community relations, with the goal that a work group product will be developed for presentation to the CRC.

Staff comment: The Workgroup's recommendations for improving complaint handling should be based on the evidence found in actual cases. A larger sample of cases will help to insure defensible and credible recommendations. If the Workgroup wishes to propose broader policy changes to PPB, the methodology is described in PSF-5.18—CRC-IPR Policy Review Protocol.

2. Actions

- a. Read the ordinances, PPB directives, and IPR protocols relevant to the handling of disparate treatment complaints.
- b. Review IPR's data on the handling of disparate treatment complaints.
- c. Review a representative sample of literature related to the evaluation of bias-based policing data.
- d. Select a meaningful sample of case files to review in the following categories:
 - IPR Dismissals
 - IAD Declinations
 - Service Complaints
 - IAD Investigations
 - Test Sample*

For the Test Sample, IPR staff will randomly select complaints from African-Americans in which IPR did not list an allegation of Disparate Treatment or Racial Profiling but did list an allegation of Improper Stop or Stopped Without Cause. The Workgroup will determine whether IPR *should* have added Disparate Treatment or Racial Profiling allegations. Additional information on the sampling plan is provided below.

Staff comment: Mediation was used to address only one Disparate Treatment allegation between 7/1/2005 and 6/30/2007. The case is still open and pending.

- e. Adopt checklists for each file type.
3. **Individually review the files and complete the checklists no later than _____.**
4. **Staff analyzes the checklists and organizes summaries of reviewers' findings and recommendations for improved case handling. Staff will list policy issues identified by reviewers in the checklists. Workgroup meets to jointly review the checklists and summaries.**
5. **As part of the workgroup product, work with IPR staff to develop a draft of a Regular Report Template, Draft an Ongoing Reporting System for the regular disclosure of pertinent data, and to prepare a report to the full CRC subject to the requirements of PSF-5.18—CRC-IPR Policy Review Protocol for recommendations regarding PPB policies and in accordance with the BBP Workgroup Mission Statement approved by CRC.**

As recorded and approved in the BBP minutes on 2/7/2007, once the BBP Workgroup Objectives 1-3 are met (**goals are met upon the completion of the File Review Work Plan**), the BBP Workgroup will decide on how to proceed and look to re-define the BBP Work Group Objectives to include presenting the workgroup product to CRC with the intent that CRC will recommend that the finished product be presented to the City Council, as agreed upon in the 2/7/2007 minutes.

Disparate Treatment Statistics and Sampling Plan

There were a total of 104 complaints with an allegation of disparate treatment between July 1, 2005 and June 30, 2007. As several cases include multiple allegations, the 104 cases represent 143 total allegations. 15 cases are still open as of August 1, 2007. Approximately 76% alleged racially motivated discrimination. The other 24% primarily alleged bias based on gender or sexual orientation.

The table below provides the nature and disposition of the 89 closed cases from the two-year test period.

	IPR Dismissals*	Service Complaints	IAD Declines**	Full Investigations	
Racial	Declines=23 Dec. and/or Refer=7 Rapid=8	38	9	15	6
	Declines=5 Rapid=1	6	5	9	1

* Includes Referrals, Dec and Referral, and Rapids

** Includes Referrals, Dec. and Referral

Total of 89 Closed cases (9 R's)

For a comprehensive review of each case (and disposition) type, the Bias-based Policing Workgroup will review a minimum of 7 randomly-sampled cases from each of the columns above. The initial recommendation is 10 to 12 IPR Dismissals, 7 or 8 Service Complaints, 10 IAD Declinations, and all 7 Full IAD Investigations (for a total for approximately 35 cases).

The Workgroup will also review a sample of cases where IPR staff did not list an allegation of disparate treatment. For this Test Sample, IPR staff will randomly select 10 to 12 cases from a specific group: African-Americans complainants alleging 'Improper Stop' or 'Stopped Without Cause' but not Disparate Treatment (as those appear to be the most likely situations in which IPR might have missed a disparate treatment allegation). The Workgroup will determine whether IPR *should* have added Disparate Treatment allegations.

(Note: the Workgroup later added a second test sample of Caucasian complainants.)

Appendix C

Checklist for Review of Disparate Treatment Complaints DISMISSED BY IPR

SUMMARY OF FACTS

1. What was the nature of the alleged disparate treatment?

- Race
- Gender
- Sexual orientation
- Other _____

2. Does the written Intake Summary accurately reflect the recorded intake interview of complainant and any written complaint materials?

- Yes
- No (explain)

3. Did IPR correctly identify and categorize the complainant's disparate treatment allegations?

- Yes
- No (explain)

4. Technical Conformance to Case Handling Guidelines

a. What were the recorded reasons for IPR's dismissal of the disparate treatment allegation(s)? *Note: For brevity and clarity, some reasons have been combined, e.g., "Complainant Unavailable" and "Complainant Withdrew" are different reasons for dismissal, but they are combined in this analysis.*

- Complainant Unavailable or Withdrew
- False, Trivial, Deminimus, Not Credible or Reliable
- Filing Delay
- No misconduct
- Lack resources
- Other Remedy or Judicial Review
- Other jurisdiction
- Previously Adjudicated
- Third Party complainant
- Officer not identifiable or no longer employed by PPB

b. Did IPR take any post-dismissal action on the allegation:

- No
- Yes (e.g., referral to precinct commander) _____

c. Do the facts support the recorded reasons for the IPR dismissal?

Yes

No (explain what action IPR should have taken)

d. If the facts do not support the reason for the IPR dismissal, explain why and what action IPR should have taken:

5. **Reasonableness.** Even if the allegation technically meets the criteria for dismissal, were there other reasons that the complaint should have been sent to IAD?

6. Did the complainant submit information contesting the dismissal?

Yes

No

7. If yes to #6, what information was submitted? (explain)

8. If yes to #6, how did IPR address the contested dismissal and the additional information submitted? (explain)

9. Does this case raise IPR or PPB policy issues you wish to identify for future consideration?

a. Policy issues for IPR:

b. Policy issues for PPB:

10. Other comments, if any:

11. Total time to review this file: _____ minutes

Appendix D

PPB Policies and Definitions Covering Bias-based Policing

IAD Complaint Categories (330.00)

- d. Disparate Treatment: Allegations of specific actions or statements that indicate inappropriate treatment of an individual that is different from the treatment of another because of race, sex, age, national origin, sexual orientation, economic status, political or religious beliefs, mental or physical disability, etc. Allegations of this nature between members will be processed per DIR 344.00 Prohibited Discrimination and HR Administrative Rule 2.2. Allegations involving member conduct or actions toward individuals outside the Bureau will be investigated as misconduct complaints by IAD.

344.00 PROHIBITED DISCRIMINATION

Index: Title; Discrimination, Prohibited; Sexual Harassment Prohibited

POLICY (344.00)

All members shall be treated with respect and dignity, and shall strive to maintain an environment free from discrimination and harassment. It is a goal of the Bureau to remove barriers, which cause discrimination.

Members will not engage in prohibited discrimination on the basis of race, color, religion, gender, national origin, age, marital status, sexual orientation, mental or physical disability, or source of income in the delivery of services or in the treatment of any citizen. Members will not sexually harass any citizen or engage in any conduct prohibited by this directive in the delivery of services to the public.

Members are prohibited from the stopping, detention and search of persons under ORS 810.410 when the action is motivated by the member's perception of the person's race, color, sex or national origin and when the action would constitute a violation of the person's civil rights.

Violations of policy on prohibited discrimination and/or harassment constitute extremely serious misconduct, which will result in strong disciplinary action, up to, and including discharge.

Members shall not engage in discrimination or harassment. Members shall not engage in verbal or physical conduct in violation of this directive or threaten or engage in retaliation or other unlawful harassment.

344.05 BIAS-BASED POLICING

Index: Title; Discrimination, Prohibited

Refer: ORS 810.410 Arrest and Citation

DIR 344.00 Prohibited Discrimination

POLICY (344.05)

Members are prohibited from taking any police-initiated action that relies on the race, ethnicity, or national origin rather than the behavior of an individual or information that leads the police to a particular individual who has been identified as being, or having been, engaged in criminal activity.

RESPONSIBILITY, ACCOUNTABILITY AND CONTROL (344.05)

It is the responsibility of members of all ranks and positions to ensure that policing activities are accomplished without the involvement of racial bias.

Supervisors will ensure that all complaints relating to racial profiling are dealt with in a timely and complete manner as prescribed by Bureau internal investigation policy and procedures.



CITY OF

PORTLAND, OREGON

OFFICE OF THE CITY AUDITOR

Independent Police Review Division

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February 18, 2009

To: Members of the Bias-based Policing Workgroup
Citizen Review Committee

From: Mary-Beth Baptista, Director
Independent Police Review

RE: Bias-based Policing Interim Report

I must begin by commending the members of the Bias-based Policing Workgroup (Workgroup) for taking on this difficult task. Although not a new or unique problem, concerns about bias are often difficult to discuss due to the emotional impact such complaints have on the public and the police. Once again, I am beyond impressed with the professionalism the Citizen Review Committee (CRC) members show, and I am encouraged by the dedication they put forth in working toward impartial solutions on issues of importance to them and our community.

I am also pleased by the collaborative effort between the staff of the Independent Police Review (IPR) and the Workgroup members that led to the production of this interim report. Special thanks to IPR Senior Management Analyst Derek Reinke who worked diligently to produce a report that was thorough and balanced, and was overwhelmingly accepted by each of the parties of interest. That was a difficult task to say the least. I am confident that this project provides another excellent example of how our work together has increased both organizations effectiveness to the great benefit of our community.

I also appreciate the Workgroup's thoughtful recommendations of areas where IPR and CRC can continue the conversation regarding disparate treatment complaints with the Portland Police Bureau (Bureau). I look forward to discussing such topics as joint Internal Affairs Division (IAD) and IPR training for our investigators. When appropriate, I would also welcome the opportunity to invite Bureau representatives to join us in our future outreach efforts to underserved and minority communities.

I am also gratified, yet not surprised, with the finding that IPR investigators and staff are handling complaints in a courteous and professional manner. I welcome the constructive recommendations on how we can further improve our communication with complainants and the public at large. IPR is fortunate to have four hard working investigators who are dedicated and caring individuals, eager to seize on any opportunity for further education to improve their level of service to the community. To that end, I am pleased to report

that we have already begun implementing some of the recommended changes in our intake procedures.

Specifically, Assistant Director Constantin Severe and I had a meeting with all four IPR investigators to discuss the importance of dialogue with a complainant. The goal of the meeting was to emphasize that the focus of communicating with the public should be on listening to the complainant and asking open ended questions. Further, clearer guidelines were established regarding when an investigator can discuss legal issues involved in a complainant's case as well as determining the limited category of cases when an investigator can discuss the possible final disposition of a case during the intake process.

IPR staff has also initiated some changes in our internal case-handling procedures and written communications. Per the interim report, investigators are now consistently storing audio files of complainant interviews in the electronic folder on IPR's network. I trust that IPR investigators' proven attention to detail in this area will resolve the problem of lost interview recordings. Further, to clarify and maintain consistency in discussing case-handling options with a complainant, IPR investigators now send an "Initial Contact Letter" within 48 hours of the intake interview that summarizes the essence of the complaint and describes each of the case-handling options.

The above describes our initial efforts in an ongoing process to improve our services and increase complainant and community satisfaction. We will update the CRC on the status of the recommendations as we make further progress on each. I close by offering my sincere appreciation to each of the Bias-based Policing Workgroup members and IPR staff for their efforts throughout this lengthy process. I am proud to be part of this important work.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary-Beth Baptista". The signature is fluid and cursive, with the first name "Mary" and last name "Baptista" clearly legible.

Mary-Beth Baptista
Director



CITY OF PORTLAND, OREGON



Bureau of Police

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MEMORANDUM

February 12, 2009

TO: Director Mary-Beth Baptista
Independent Police Review Division

SUBJECT: Interim Biased-based Policing Workgroup Report

I would like to thank the members of your staff at the Independent Police Review (IPR) and members of the Citizen Review Committee (CRC) for their continued dedication to the citizens of Portland and for their time spent on preparing this interim report.

The Bureau has been working hard on developing a plan to address racial profiling and I expect to release a draft plan for additional public input very shortly. I look forward to additional discussions with the CRC and sharing information about the Bureau's current and future plans regarding this important topic.

Thank you again for your work.

ROSANNE M. SIZER
Chief of Police

RMS/LSS/lsm