

**Performance Review of the  
Independent Police Review Division  
RE: RFP No. MAY008**

**January 23, 2008\***



**In completion of the contract with the City of Portland  
by**

**Eileen Luna-Firebaugh** JD, MPA

\* Date moved from Jan 15, 2008 by Mayor's office request



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    - b. Does the Citizen Review Committee (CRC) have the key features of an effective complaint hearings body? Are there better practices in place elsewhere?
    - c. Do IPR and CRC provide a reasonable system of checks to ensure that complaints are properly handled? Are there better practices in place elsewhere?
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- f. Do IPR and CRC have the key features to improve public trust and credibility in police accountability? Are there better practices in place elsewhere?
7. Bibliography
8. Appendix- various 'frequency' tables and charts from the Complainant Survey results – Luna – 2007, the Police Survey Result – Luna -2007, assorted 'cross tabulation' charts combining data from two or more survey questions, and IPR Charts.

<b>B. To the Mayor and Council of Portland</b>
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January 23, 2008

City of Portland  
Office of Mayor Tom Potter  
1221 SW 4<sup>th</sup> Avenue, Suite 340  
Portland, OR 97204-1995  
Attn: Maria Rubio

RE: RFP No. MAY008

Dear Mayor Potter,

Attached please find the Final Report on the Performance Review of the Independent Police Review Division (IPR). My research team and I have been honored to work with you, the City Administration, and the citizens of Portland, in the evaluation of this important aspect of Portland City government. It was a privilege for which we are grateful. We hope that this Final Report provides you with the information you need, and meets your expectations. We hope that it serves you and the City well.

During the last six months we have had the privilege to meet and work with you, and your associates. There are some people we would particularly like to thank. We had the able assistance of many people on your staff. We are particularly grateful for the help and good spirit of Maria Rubio and Jared Spencer. They and others were always resourceful and forthcoming. They were a very important component of our being able to conduct this study. We also want to thank the City Commissioners and their staff who were always willing to give us assistance.

We greatly appreciated the help of City Auditor Gary Blackmer, and IPR Director Leslie Stevens. This study could not have progressed without their attention to our requests for information. They were both extremely cooperative and willing to give us their time. We greatly appreciated their willingness to discuss the IPR Division, and in particular Mr. Blackmer's information on the history of the civilian oversight system in Portland. Their perceptions and historical perspectives were invaluable to this evaluation. We would like to thank the CRC members, particularly Chair Hank Miggins, and Vice Chair Michael Bigham, who were so willing to spend their time helping us to understand the CRC and their aspirations for it. The IPR staff was also very helpful and we are grateful to them. We would particularly like to thank Derrick Reinke, Assistant Director Pete Sandrock, Deputy Director Mike Hess and past IPR staff Lauri Stewart, as well as other members of the IPR staff. It was a pleasure meeting and working with them.

The Police Chief Rosanne Sizer, and her command staff, particularly Sgt. Michael Marshman, and IAD Capt. John Tellis, were extremely helpful and forthcoming. The coordination of this study within the Portland Police Bureau was crucial, and these officers and others made that all possible. They and other PPB members who we met and talked with were very impressive, and it was a pleasure to have had the opportunity to work with them. This study could not have been accomplished without their help.

We have been encouraged by the interest shown in this evaluation by many Portland staff and residents, and by their willingness to take their own time to assist us in this study. As you know we made an effort to cast a very wide net. We interviewed and obtained information from complainants and police officers, City administrators and citizen activists; community organization members and citizen volunteers; academics, lawyers and civilian oversight professionals; and others who were willing to help inform this study. We made contact in person, by phone and letter, by email, and through the distribution of surveys to complainants and police officers. We assembled an extraordinary amount of information. The most important challenge has been to process this wealth of information and compile it into a comprehensible document. We hope that we have succeeded.

On a final note, we want to thank the citizens of Portland for their warmth, help and friendliness. Portland residents from all walks of life welcomed us into their workplaces and into their homes. They met and talked with us during the days and well into the evenings. They made great efforts to help us to understand the challenges facing the citizens of Portland and their perceptions of the IPR process. This evaluation would have been very sterile without their input.

As we proposed in our response to the RFP, and as we presented in our Interim Report of October 20, 2007, this study was composed in five parts. It was an evaluative study, which consisted of both qualitative and quantitative analyses. No one part was more important than any other. The information obtained from many sources was assessed and integrated to provide an accurate and in-depth performance evaluation of the IPR system. We have tried to balance the information obtained, understanding that there are many forces at work that can affect an important aspect of City government such as civilian oversight. We hope that we have been successful in presenting to you our evaluation of the various aspects of the Portland Independent Police Review Division.

The presentation of the Report to you concludes our contract. The information is now in your hands. It is for you, the Council and the citizens of Portland to read and assess this report on its own merits, and to decide your future course. It has been our pleasure to conduct this evaluation, and we thank you for allowing us to be part of this important process. Please do not hesitate to contact me if I can answer any questions you might have regarding this evaluation.

Sincerely,

Eileen M. Luna-Firebaugh, JD, MPA

**C. “RFP No. MAY008 PROFESSIONAL, TECHNICAL AND  
EXPERT SERVICES City of Portland, Oregon - May 14, 2007**

**REQUEST FOR PROPOSALS for Performance Review of the Independent Police Review Division (IPR)**

**3. SCOPE OF WORK**

The City of Portland, Office of the Mayor is seeking proposals from individuals, firms, teams or consultants, hereafter called “Proposer(s),” with demonstrated experience in organizational and programmatic assessment and audit functions, knowledge of best practices in independent police review and citizen review commissions; and proposes to engage the successful Proposer for the following services:

1. Assess the effectiveness of the Office of Independent Police Review Division (IPR) for compliance with its directives from City Council;
2. Assess the effectiveness of the Independent Police Review Division as it relates to meeting the needs of the community for resolution of complaints against police;
3. Assess the Independent Police Review Division and the Citizen Review Committee for their effectiveness in making recommendations for changes to police policies and procedures.
4. Assess the extent to which investigations conducted by the Police Bureau’s Internal Affairs Division as reviewed by the IPR are sufficiently independent, objective and free of conflicts of interest so as to meet the directives of City Council.
5. Determine the satisfaction level of the community as it relates to access, approachability, and treatment. Determine satisfaction level of the community as it relates to handling, investigation, review, and outcome of complaints; and
6. Respond to the following questions:
  - a. Does Independent Police Review Division (IPR) have the key features of an effective police monitoring agency? Are there better practices in place elsewhere?
  - b. Does the Citizen Review Committee (CRC) have the key features of an effective complaint hearings body? Are there better practices in place elsewhere?
  - c. Do IPR and CRC provide a reasonable system of checks to ensure that complaints are properly handled? Are there better practices in place elsewhere?
  - d. Do IPR and CRC have the key features to impact and improve police services? Are there better practices in place elsewhere? Are the IPR and CRC using these features effectively?
  - e. Is there evidence of the Police Bureau making improvements as a result of IPR and CRC efforts? Are there better practices in place elsewhere?
  - f. Do IPR and CRC have the key features to improve public trust and credibility in police accountability? Are there better practices in place elsewhere? “





## **D. EXECUTIVE SUMMARY**

The Mayor's Office of the City of Portland executed a contract in July 2007 with Eileen Luna-Firebaugh to conduct a performance evaluation of the Independent Police Review Division (IPR), including the Citizen Review Board (CRC) for the years 2002-2007 (July). The primary purposes of the study were to determine the effectiveness of the IPR and also to determine how satisfied the Portland community is in the IPR system.

Previous studies had been conducted by the City Auditor, by the Mayor's Office, and by the IPR itself. These studies revealed a number of problems. It is of note that complainant perceptions of effectiveness and satisfaction in the system, as documented by the IPR's Complainant surveys and the City Auditor's neighborhood surveys, have been low since the inception of the IPR system. The positive ratings of complainant satisfaction survey responses have never exceeded an average of 30%, and most years were in the 20-25% range. The perceptions of uninvolved residents of Portland were revealed in the City Auditor's Neighborhood surveys. From 2004 to 2007, an average of only 39% rated the City's efforts to control misconduct by Portland patrol officers as "Good" or "Very good." It was also apparent that relatively few people know much about either the existence of the IPR system or about its operations.

The challenge facing this Consultant and her research team was to make an independent determination of the perceptions of effectiveness and satisfaction of the community and the complainants. It was also necessary to examine the system closely and determine whether the IPR system was functioning well, and to assess whether there are better ways of doing things that have been developed by other comparable cities, or are the standard in the field of civilian oversight.

This study took six months. During that time the consultants talked to many people, including residents, City officials, citizen volunteers, and City employees. They conducted surveys of complainants and police officers. They read documents, City codes, PPB protocols and various reports. They contacted the leadership of Auditor models around the country and consulted with them about their activities and what they had found to make a difference in their communities and with their police departments.

As a result of these activities, the Consultants determined that some of the problems identified in previous studies continue to exist. There is widespread community dissatisfaction with the IPR system. There is a lack of trust that complaints about police misconduct are being seriously addressed.

From an assessment of public information, the PPB is not a troubled department. On the contrary, the PPB is progressive, and generally well managed. The question becomes then why the problems identified in previous studies still exist. Yet another question is why there is this high level of dissatisfaction, whether it is simply that citizens are rarely satisfied with any government agency, or whether there are factors inherent in the IPR system that have triggered or have failed to address dissatisfaction.

The general conclusion of the consultants is that the system of civilian oversight, as manifested by the IPR and CRC does not have the confidence of the community. The question is why.

### **The Auditor model**

The City of Portland has an established Auditor model of civilian oversight of police. This model is common in the United States and has proven in many places to be highly effective and respected by the citizens. In this model, there is one person who, depending on their individual ability and characteristics, seeks to address police policy issues and the enhancement of accountability in a systemic way. The job of the Auditor is often to create and strengthen the accountability of the police department, without focusing on specific acts of misconduct.

The downside of this model is that it can result in a widespread community perception that their voices are not being heard. The system can lack in transparency, structured as it is on the relationship between the oversight agency Director and the Police department, rather than on community involvement. In some cities this is less of a problem than in others, but in any city that has an involved citizenry and an activist community, a lack of transparency and community involvement in the process can have serious negative repercussions.

An Auditor model may incorporate aspects of other models, first among them independent investigation of complaints, and an empowered citizen board. This hybrid approach has been followed by many progressive cities, and has proven to be successful in enhancing community involvement and confidence. It has also proven to be highly effective in improving the accountability of the police department and individual officers.

### **The Concept of Continuous Improvement.**

This study has revealed that the City of Portland has followed the concept of Continuous Improvement in the development and refinement of the IPR. This concept proceeds from the premise that an effective quality system needs to include processes that encourage and achieve Continuous Improvement - that is, systematic, ongoing efforts to improve an organization's performance against the attributes of quality which are most important to involved citizens, employees, City officials, and the community.

This concept, also called Best Practice, proceeds with the concept of change or improvement, from a position of acceptance. It views improvement as incremental rather than as revolutionary or tumultuous. It enhances the stability of a system and encourages the development of community confidence in the process of change. It is the specific call of the Request for Proposal developed by the Mayor and Council for this Performance Evaluation. The concept of Continuous Improvement/Best Practice is one that this Consultant wholly and unequivocally supports.

### **Consultant's Observations**

The City of Portland has established a set of codes and ordinances that support the civilian oversight of the PPB. The City has taken care to integrate these codes and ordinances into the structure of the Internal Affairs Division (IAD) and the IPR. The rules are generally clear and allow the IPR and CRC considerable authority. Under the City codes and ordinances the IPR may provide an important measure of civilian oversight of the PPB. As a result of this study, the Consultants made a number of observations. These include:

- The CRC has the statutory authority to hear appeals and to recommend referral to a final hearing before Council. The CRC also has the authority to publicly report its findings, conclusions and recommendations. The CRC is composed of a committed group of citizen volunteers who support civilian oversight and who donate their time to the City and its residents. They are supportive of the appeal process and consider it one of the most important parts of their job. Unfortunately Appeals were a much larger part of the work done by the CRC in the early years. In the years from 2002-2004, there were 90 appeals to the CRC, of which 29 received full Appeal hearings. Now, however, it is a very small part of what they do. Since 2005, there have been only 13 appeals considered by the CRC, with 8 of these receiving a full hearing. While it is unclear why there are now so few appeals, one factor might be that the CRC no longer has the direct authority to hear requests for appeals. Instead, the IPR Director makes the decision to bring an appeal forward if, in her opinion, the complaint warrants this.
- The IPR and CRC have the statutory authority and the interest to review the policies and procedures of the PPB and to make recommendations for change. However the CRC has not fully utilized this authority. The CRC has been instrumental in the development of three PPB public policies that address Towing of Vehicles, Detox and Profanity. The IPR has also been instrumental in the development of two internal procedures: the Tort Claim procedures and the Use of Force Work Group Report. Together the CRC and IPR have been responsible for some significant administrative procedural changes and protocols including those related to timeliness of investigations, mediations, service complaints and declinations, IAD investigations and IPR declinations. There is no question that this work is complicated and time consuming, particularly for a volunteer board. However the fact remains that the CRC has been responsible for only three systemic, community-focused PPB policy changes in six years.
- The City Auditor has overseen the work of the Police Assessment Resources Center (PARC) which resulted in 89 recommendations, approximately 75% of which have been implemented fully by the PPB. The IPR and CRC are not involved in the development of these recommendations; however the CRC has now instituted a Sub-committee which will examine the implementation of PARC recommendations by the PPB.
- The IPR Director has the statutory authority to closely monitor IAD and conduct independent investigations in certain circumstances set forth in the ordinance. However, a number of IAD investigations contain admitted acts of misconduct, and/or failures to adhere to PPB policies or procedures, and the officer has not been held accountable. Further, the IPR Director has not utilized her authority to conduct independent investigations, even though conditions exist whereby such authority could be used. The result is that little has been done to increase the sustain rate for complaints against the PPB.
- The sustain rate for other monitoring systems is substantially higher than in Portland, particularly if you consider the different ways that other cities count their cases for sustain rate computation. In Portland, only those complaints that IAD treats as a full investigation are calculated for the sustain rate. This is not the case in other Auditor models, such as Albuquerque, where all complaints received by the IRO are included

in the computation of the sustain rate; nor in San Jose which includes in their computation all complaints that are fully investigated, those that are handled by precinct command, and those that are handled as service complaints.

- The IPR has the authority to offer and conduct mediation of complaints at the request of either party and the concurrence of both. Mediation is allowed in Portland for any type of allegation. However, National Institute of Justice (NIJ) asserts, "mediation is eminently appropriate for discourtesy and procedural complaints. It is not appropriate for complaints that relate to use of force, legal violations such as improper stop, detention, search, or arrest, or where the officer has a pattern of misconduct." While Mediation has definite advantages, it is of limited impact in Portland given the few cases that go through this system.
- The Internal Affairs Division of the PPB has improved over recent years. There is little resistance to the involvement of the IPR with IAD investigations, and the relationship between the heads of these agencies is solid. However, there remain problems with timeliness and quality of IAD investigations.
- The IPR and CRC have the statutory authority and the responsibility to produce reports and hold public meetings. However, the system as it now exists lacks transparency. Annual reports have not issued and notification of the progress or disposition of complaints is often delayed to complainants and/or police officers. There is little or no effective outreach to Community and business organizations, and there is no structured approach to increasing public involvement.

As a result of these observations the Consultants made a number of recommendations to address these issues. These include:

- We recommend that the Citizens Review Board utilize its authority to hear Appeals. We recommend that the CRC be granted direct authority to hear requests for appeals, rather than requiring approval by the IPR Director to consider an Appeal request. We further recommend that the CRC determine in open session whether such appeal is appropriate. We believe that this will enhance transparency and thus community confidence.
- We recommend that the CRC assertively identify issues, conduct studies and make recommendations regarding the policies of the PPB. We also recommend that the IPR Director assign a staff person to work at the direction of the CRC. The Board should be given the authority to direct the activities of this staff person in regard to policy review and Appeals. We believe that will help facilitate Appeals and the policy development process.
- We recommend the IPR Director and staff become more active participants in complaint investigations. The Office of Independent Police Review should exercise their authority under the Ordinance to conduct independent investigations where the complaint is one of public import, and, with the concurrence of the CRC, where the conditions exist as set forth in the Statute. In addition, we recommend that the CRC be given the authority to direct the IPR Director to conduct an independent investigation where the CRC believes not enough investigation was conducted in particular complaints; or in specific classifications of complaints; or where an

Appeal has been granted but the investigation is deemed inadequate by the CRC.

- The sustain rate computation in Portland should include all complaints received by the IPR that are not referred to other agencies. This should include all complaints that are reviewed, and a determination made by IPR to dismiss, decline, or refer to IAD. It should also include all complaints referred to IAD, regardless of the disposition decision made by IAD, whether it is to decline, to handle as a command referral, service complaint, or to fully investigate.
- We recommend that the IPR offer and conduct the mediation of complaints at the request of either party, and the concurrence of both, on all complaints that make allegations of discourtesy or procedural complaints. We recommend that the IPR not offer mediation for complaints that allege use of force, legal violations such as improper stop, detention, search, or arrest, or where the officer has a pattern of misconduct.
- We recommend that the PPB findings on complaints conform to the common law enforcement terms (*Unfounded, Exonerated, Not sustained, Sustained*), and that these findings should be expanded to include *Policy failure, Supervision failure, and Training failure*.
- We recommend that the IPR and CRC immediately develop and undertake an outreach program to publicize the complaint process. We recommend that “know your rights” cards and complaint forms be distributed to community organizations; that a ‘user-friendly’ poster explaining the IPR process be developed and posted in Police Precinct reception areas and in community organization offices; and that a speakers bureau be developed by the CRC to make presentations and hold discussions in the community.
- We recommend that student organizations and law school legal clinics be encouraged to host presentations by CRC members and IPR Staff and that students be solicited to assist complainants in the writing and filing of the complaints.
- The City of Portland Independent Police Review Division has much to recommend it. The strengths of the system are clear and well developed. There is wide authority to fulfill the mandates of the Statutes. However, a number of additions or changes could be made to the system that would improve it substantially. The Consultants believe that making these improvements would strengthen the system, make it more accountable and efficient, and increase the satisfaction level of the residents of Portland. Therefore, it is advisable, and even essential, to examine this system from the perspective of the Continuous Improvement Model as set forth in the body of this report, and to make improvements that will advance the concept of civilian oversight in Portland.

The recommendations for improvement that have been offered are the next level of Continuous Improvement of the Independent Police Review Division. They are not an ultimate solution, but simply another step down the path. It is for the Mayor and Council, and for the citizens of Portland to take on the challenge and to decide the future course

of change. Based on the openness and commitment of the PPB and the City Administration, and the support that the residents of Portland have shown to civic improvement, the Consultants have great hopes for the future of civilian oversight in Portland.

## E. Introduction and the Continuous Improvement Process

### Introduction

Evaluation reports may take many forms. In this case City Auditor, Gary Blackmer, recommended that the report would be most easily addressed by the Council, the Auditor's office and the IPR by proceeding according to the points as set forth in the *City of Portland Request for Proposal*. Thus, this is the form that the Consultant has adopted.

***The purpose of Civilian Oversight of Police, regardless of the model employed, is to improve policing in a community.*** In a discussion with the City Auditor about the process of *change*, the consultant noted that *the process of change was inevitable* and that the traditional types were revolutionary and evolutionary. The City Auditor said he preferred to call it *improvement*. The consultants concur in that approach to change. The City of Portland has a history and pattern of evaluation and process that is in keeping with the Continuous Improvement Model.

While there are many ways to approach the evaluation of a particular system, one that has proven helpful to many is this Continuous Improvement Model. [Martyn and Schindler, *Giving Power Back to the People: A Six Step Continuous Improvement Model* (2001).]

### What is Continuous Improvement?

An effective quality system needs to include processes that encourage and achieve Continuous Improvement - that is, systematic, ongoing efforts to improve an organization's performance against the attributes of quality which are most important to consumers, employees, board members, funding bodies and the community.

Continuous Improvement goes under many different names - sustainable business excellence, continual process improvement, best practice. Whatever terminology is used, though, the essential features remain the same:

- WHO - all stakeholders in the organization should have the opportunity to be involved - managers, staff, consumers and their advocates. To ensure a systematic approach, clearly defined responsibilities and resources are needed.
- WHEN - Continuous Improvement is undertaken as an ongoing cycle, which is repeated over and over. As customers' requirements and the service delivery environment changes, organizations need to respond with new ideas and new ways of working.
- WHAT - the focus is on the key processes an organization uses to meet the needs of its customers.
- WHY - Continuous Improvement makes good business sense. It's about working smarter in striving to achieve our stated goals. Particularly when it's so easy to become overwhelmed by the day-to-day demands of keeping the business going.

With this Continuous Improvement model, the process of change is set forth in six steps:

Step 1 - Initiate the Improvement Project

This is a most important step in the process - deciding that there is a need for improvement and making the decision and commitment to run with it. The sponsor ensures that the project is given authority at a management level while the team leader oversees the project to ensure that the team continues in the desired direction.

Step 2 - Agree on the Purpose and Scope

The scope of the project must be agreed upon by all parties. There is absolutely no benefit in trying to over-achieve and all expectations and targets must be realistic. Terms of reference are set down and action planning commences.

Step 3 - Analyze the Current Situation

Collection of data on current practice is the foundation for the process. The project is unable to proceed if the team is not aware of the status quo and typically a survey of some kind is carried out during this phase. Action planning and efficient task allocation are critical.

Step 4 - Develop Improvement Solution

From the survey, areas of improvement are identified and possible improvement strategies put forward. Prioritization is almost always necessary.

Benchmarking processes with key indicators are set down to enable efficient monitoring of the group's progress and these indicators must be agreed to by all parties.

Step 5 - Implement and Monitor

Implementation proceeds once all participants are comfortable with the plan. Progress is monitored using the key indicators. It is crucial that the group acts on the results of the monitoring process. This will invariably lead to modifications and adjustments with an evolution occurring as the team discovers what works and what does not.

Step 6 - Review and Standardize

Further review and the documentation of the new plan constitute the final step. At this point, the process has returned to the beginning of the cycle. The process can be applied to suit any planning process to ensure that the group is able to strategically adapt to the changing environment in which it operates.

[Source: As set forth by an Australian team of Helen Martyn and Margaret Schindler in *Giving Power Back to the People: A Six Step Continuous Improvement Model* (2001)]



## **F. Background of Civilian Oversight in Portland**

### **History and Leadership**

#### **The concept of leadership**

Leadership is a critical factor if a civilian oversight agency is to be effective and stable. Many civilian oversight agencies begin in conflict and struggle, and in some cities, never move on from this environment. For others, the system becomes part of a reasonable expectation of service for the community and accountability for the police department. The system takes on an effective role. For the lucky cities, and Portland is one, the system becomes integrated into the fabric of the city and the City Administration.

The leadership of city administrators, Police Bureau officials and members, and the members of the CRC and IPR are critical to the development of an effective and stable system. The attention of the involved citizenry and its responsible criticism also enhances the effectiveness and accountability of the civilian oversight system. In the best of all possible worlds, there is a balance of forces. The balance is achieved when all the forces come together and work together to make the civilian oversight system as effective as it can be.

The Continuous Improvement Model is conditioned upon the concept of change. It is a continuum, based on previous accomplishment, and oriented toward progress. The Best Practices analysis sought in this study is a journey, not a destination. Some cities and civilian oversight agencies are farther along than others. But, the journey is for all systems and for all cities. Improvement should be embraced, and the commissioning of this study is a part of this seeking for improvement. It is this effort that is part of the City of Portland, and for this, all the leaders, be they City administrators, Police Bureau administrators and members, citizen volunteers, and the involved Portland residents are to be commended.

#### **Stability of Portland system**

The City of Portland has had a civilian oversight system since the early 1980's. While the structure has changed, support for the concept of civilian oversight has been stable. The system was in conflict originally. Allegations of wrongdoing were widespread, and there were racial issues and allegations of excessive force and corruption. The creation of Police Internal Investigations Auditing Committee (PIIAC) was met with police opposition and referendums. Over time, the adversarial relationship became resolved. The concept of Continuous Improvement was embraced and incremental changes took place. Over the years, studies of the civilian oversight system were commissioned, in 1987, 1992, 2000, 2001 and this study in 2007. Each past study has brought improvements. The purpose of this study is to conduct a Performance Review of the Independent Police Review Division. It is also to look at the Best Practices operating in the field of civilian oversight and to make recommendations for needed improvement.

Each of the leaders discussed below gave an extraordinary amount of their time to assist this consultant's study. They evidenced their commitment to civilian oversight and to the Concept of Continuous Improvement through their openness to this study and their willingness to help. They showed their leadership in many ways and this study benefited greatly from their efforts.

### **Mayor and Council**

Mayor Tom Potter and the Council were responsible for commissioning this study. The IPR has the widespread support of City Administration and the PPB. The Mayor and Council are to be commended for addressing the issue of the effectiveness and community satisfaction with the IPR Division.

Mayor Potter is the Commissioner with jurisdiction over the Police Department. It was the Mayor who supervised the award of this RFP, and who provided staff time and his own attention to ensure that the Consultant had the resources necessary to complete this study. The individual Commissioners gave their time and the time of their Chiefs of Staff to ensure that information was provided to the Consultant, and that her questions were addressed.

The Mayor's office supports the work of the IPR and the CRC. The Mayor's Task Force includes CRC members and welcomes their input. The Mayor and Commissioners' offices were forthcoming in their opinions and helped to inform the Consultant about important issues. The Mayor, Council members, and their Chiefs of Staff were informed about IPR issues and about issues related to police policy and service, and shared that information with this Consultant.

Some Commissioners are highly involved with the work of the CRC. They meet often with the members with whom they are close, and follow their work. Other Commissioners are less involved, but in some cases their Chiefs of Staff meet with CRC members and follow the work that they do. None of the Commissioners work closely with the IPR Director, but all are familiar with the work of the City Auditor and his oversight of the IPR office. There is an adequate budget for existing IPR staffing.

### **City Auditor**

Gary Blackmer, the Portland City Auditor has had an interest in civilian oversight for many years. He believes strongly that citizens should have a role in their government. He has a focus on the Police Department as it is an area of great risk and great liability for the City. In 2001, shortly after returning to the City of Portland from his position as County Auditor, he originated the City Ombudsmen Office. The Ombudsmen Office is part of the City Auditor's Office. The Ombudsman conducts independent investigations of administrative acts of city agencies and recommends appropriate changes. After the study of PIIAC was completed in 2002, the IPR system was formed and also made a part of the City Auditor's Office.

In his capacity as City Auditor, Mr. Blackmer has conducted a number of studies of the PPB, including the 2007 report on Sexual Assault Response and Investigation, and the 2005 study of Police Investigations and Clearance Rates. He wrote the RFP for the Police Assessment Resources Center (PARC) "Study of Officer Involved Shootings and in Custody Deaths," and also oversees the work of PARC. He meets with the PPB and PARC to review the PARC draft reports and negotiate the implementation of recommendations.

Mr. Blackmer devotes an estimated four hours a week to oversight and direct supervision of the work of the IPR. He is involved in the selection of CRC members and

with the selection of the IPR Director. He also supervises the policy development and implementation process of policy recommendations.

Mr. Blackmer feels strongly that policy for the police department needs to be done thoughtfully, with facts and reason. He believes in full communication between involved parties. He further believes that the process of improvement is important, that it takes thoughtful process, and must not be short-changed.

### **The Chief of Police and the Portland Police Bureau**

The PPB administration, including Chief of Police Rosanne Sizer and Command Staff are openly supportive of the work of the IPR. IAD Capt. John Tellis works closely with Leslie Stevens IPR Director. They meet and discuss on-going investigations that came from the IPR and are being conducted by IAD.

The relationship between the IPR staff and the PPB administration with which they work is markedly easeful. The comments made by PPB personnel reflect the respect they have for the IPR Director and the IPR staff. The working relationship between the IPR and the PPB is close and cooperative. Chief Sizer and the Police Administration have shown a willingness to work with the Citizens of Portland and with the IPR that is commendable. She and members of her command are active members of the Racial Profiling and the Immigrants and Refugee Task Forces. Chief Sizer has also worked closely with the Use of Force Task Force. This Task Force included two Portland Police Bureau (PPB) assistant chiefs, Professional Standards and Training Division personnel, the IPR director and assistant director, and two citizen members from the Citizen Review Committee (CRC). The Task Force Report, "Use of Force by the Portland Police Bureau: Analysis and Recommendations" included sixteen recommendations that were adopted unanimously by this Task Force. These recommendations were accepted by Chief Sizer. The implementation of the report's findings will be monitored by the Task Force and follow up reports will issue to the public.

Chief Sizer works closely with the policy recommendations made by the CRC and by PARC. The policy development work of the CRC is limited but the implementation has been relatively effective. The PARC contract, has produced 89 policy recommendations, of which 28 (31.7 percent) have been followed by the PPB, and confirmed by PARC to date. PPB reports that another 39 (43.8 percent) have been implemented and await evaluation by PARC, and lastly, 12 (13.4 percent) of the PARC recommendations have been followed in part. This policy development and implementation process has taken place over four years.

### **IPR Director**

Leslie Stevens, the IPR Director, has the widespread support of the City Auditor, the City Administration and the PPB. The PPB administration, including the Chief of Police and Command Staff are openly supportive of the work of the IPR. The IAD and IPR Director meet and discuss on-going investigations being conducted by IAD. There is evidence that the PPB is responsive to the point of view of the IPR Director, and that they value her input.

Director Stevens has been the Director of the IPR for two years. She is widely viewed as having a personality that is easy to work with. The IPR staff view her as someone who knows what is important and will assign staff and office resources to carrying that out. The PPB also has a good working relationship with Director Stevens. Chief Sizer and Capt. Tellis, the PPB personnel with whom she works most closely state that they appreciate her efforts to collaborate on investigations, and on policy review and development. They view her as having good interpersonal skills, and as a person who tries to accomplish important issues without unnecessarily alienating people.

Chief Sizer points to Director Stevens' efforts to address the PPB use of force as a policy issue rather than as an individual complaint, as an example of her willingness to look at the big picture. She is impressed with Director Stevens' efforts to marry numbers, complaints, and policies into an approach that makes systemic change.

Director Stevens works closely with members of the CRC. She is viewed by them as committed to policy review and to the role of citizens in dealing with the Portland Police Bureau.

### **Police Internal Investigations Auditing Committee (PIIAC)**

The history of civilian oversight in Portland dates officially to 1993 when the Police Internal Investigations Auditing Committee (PIIAC) was formed. Over time this system came to be seen as inadequate to address the problems of police misconduct in Portland. In 2000, after much community and administrative discussion, Mayor Vera Katz, appointed a work group to re-evaluate PIIAC.

This group consisted of community members, both as individuals and as representatives of community organizations, and representatives of the City, including the Portland Police Association, the Portland Police Bureau, the City Attorney's Office, and the PIIAC Examiner.

This group had the following charge:

1. To examine the strengths and weaknesses of the current PIIAC process.
  - a. What is working well?
  - b. What needs to be improved?
2. To research 'best practices' in citizen review processes of other cities.
  - a. To obtain policies and data from other U.S. cities.
  - b. To study and compare various models of citizen review.
3. To host public meetings to gather community input on improvement options.
4. To evaluate and recommend improvements to PIIAC.

The Mayor's PIIAC Work Group completed their work on October 30, 2000 and recommendations were made. Both a majority and a minority report were issued at that time.

### **The Majority Report**

The Majority Report made a number of recommended changes to the civilian oversight system in Portland. These changes were set forth in their October 30, 2000 document. Foremost among these changes were:

1. independent investigation,
2. subpoena power for people and documents,
3. ability to make a binding decision on misconduct,
4. public hearings on PPB procedural and policy issues,
5. review and public release of information on completed police shootings and deaths in custody,
6. civilian intake of complaints in areas other than the Police Department or City Hall,
7. adequate civilian staffing and agency resources,
8. training for members,
9. power to recommend discipline.

On January 11, 2001, the Portland City Council asked the City Auditor to do the following:

1. study oversight systems in other cities;
2. review the recommendations of the 2000 PIIAC Work Group; and
3. propose changes to strengthen the Portland civilian oversight system.

Subsequently, on March 15, 2001, the Office of the City Auditor issued Report #282, entitled, ***Addressing Citizen Complaints About Police: A Proposal for Change.***

#### **The Auditor's 2001 study**

The 2001 report by the City Auditor's Office sets forth the following methodology for the study:

1. Examine and review the Literature, including the two Work Group (majority and minority) reports, professional literature and newspaper articles regarding civilian oversight nationally.
2. Interviews of national civilian oversight experts, Portland Work group members from both the majority and minority positions, and officials of the civilian oversight mechanisms and police agency members of three cities (Minneapolis, San Francisco and San Jose) including activist community members from those cities.
3. Review of the recommendations made in a 1993 audit report prepared by the Portland City Auditor's Office entitled ***Portland's System for Handling Citizen Complaints About Police Misconduct Can Be Improved.*** Auditor's staff also reviewed the internal control systems for the Portland Internal Affairs Division to determine what actions had been taken to address the changes recommended in the 1993 audit report.

#### **The weaknesses in the PIIAC system determined by the Auditor in 2001**

The 2001 study determined that PIIAC had "a number of weaknesses that inhibit success and effectiveness." The weaknesses determined by the Auditor in 2001 included the following:

##### **1. Trust in the process**

- a. Many community members lacked confidence in the system. They did not feel that the system could objectively handle citizen complaints. They

- b. expressed concerns that the system was impotent, and that police investigators were unable to be objective when investigating members of their own police force.
  - c. Police officers did not feel that the process was legitimate. They were concerned about the objectivity of a civilian process and about the ability of civilian investigators to make informed judgments.
- 2. Integrity (Thoroughness)**
- a. A lack of training in case review and determinations resulted in a lack of system credibility.
  - b. The process did not provide adequate assurance that IAD was doing thorough investigations and that the findings were objectively based.
- 3. Timeliness of investigations**
- a. Responsible parties, including the City Council, Police managers, PIIAC members and others, agreed that the process took too long.
  - b. The 1993 audit determined that cases took a median of 70 days to resolve, with several cases taking longer than 100 days.
  - c. The 2001 study determined that complaints took as long as two years to complete.
- 4. Bureau implementation of the Early Warning System, and complainant notifications**
- a. The 1993 audit found that the Bureau was not adequately tracking officers for command counseling as part of the early warning system.
  - b. The 2001 study found that the Bureau could still not provide assurance that the Early Warning System was working as intended.
  - c. The IAD was not consistently notifying complainants about the status of complaints. While there was a requirement of complainant notification every six weeks for cases under investigation, a limited sample determined that of seventeen cases, only two actually met this requirement.

### **The Establishment of the Independent Police Review (IPR)**

In response to the **Majority Report** and the **Auditors 2001 study**, the City of Portland implemented an Auditor form of Civilian oversight. The Code, which established the Office of Independent Police Review, was enacted on April 12, 2002. This code was amended in 2003, and again in 2005. The code is set forth in Chapter 1 of the report that follows.

### **2007 Performance Evaluation Authorized**

In May 2007, the City of Portland created a Request for Proposal (RFP) for a Performance Review of the Independent Police Review Division. This contract was awarded to Eileen Luna-Firebaugh, JD, MPA, and signed on July 16, 2007. This study then commenced.

Next, we need to look at the methodology of this study, the definition of community and the different surveys that have been conducted of the Portland community.

## **G. Methodology, Community, and Surveys**

### **Qualifications of the Consultant: Eileen Luna-Firebaugh**

Eileen Luna-Firebaugh is a professor of American Indian Law and Policy at the University of Arizona. She is a member of the California Bar and Native American Bar Associations and an Associate Justice of the Colorado River Indian Tribal Appellate Court (with jurisdiction in both California and Arizona).

For more than 14 years, she was the Chief Investigator and Administrative Director of civilian oversight agencies in the cities of Berkeley, San Francisco, and San Diego County, California. In this capacity, she directed investigations, wrote and negotiated police policies and protocols, and was a consulting attorney on court cases involving the Oversight agencies.

Prof. Luna-Firebaugh is a nationally known consultant in the field of civilian oversight. In this capacity, she has evaluated complaint investigation systems, conducted investigations of internal affairs and civilian oversight systems, and has authored technical reports for cities and other governmental agencies nationwide. She has led workshops and community/police/municipality meetings in cities around the country on various topics including police accountability and aspects of community policing. She was the principal investigator for the assessment of the University of California Police Department's handling of the students of color demonstrations at the law school. She was a co-Principal Investigator (with Samuel Walker) regarding the sufficiency of police investigations of complaints in the City of Albuquerque. She and Mr. Walker co-authored the Luna-Walker report that was prepared for the City of Albuquerque, New Mexico and later published by the City.

Prof. Luna-Firebaugh has been a Principal Investigator and Evaluator for the U.S. Department of Justice and the National Institute of Justice for four programs:

- the STOP-Violence Against Indian Women tribal program;
- the Comprehensive Indian Resources for Community and Law Enforcement (CIRCLE) Project;
- the Department of Justice-Violence Against Women Act Grant to the Oasis Center for Sexual Assault and Relationship Violence; and for
- the Urban Institute National Evaluation of the Victims of Crime Act (VOCA) State Compensation and Assistance Programs.

From 1996-2002, Prof. Luna-Firebaugh conducted a national study of tribal police departments funded by the Police Foundation, the Bureau of Indian Affairs-Law Enforcement Services, and the American Philosophical Society – Phillip's Fund for Native American Research. She attended and evaluated the training conducted by the Indian Police Academy and the Southwest Center for Law and Policy, a Police Officers Standards and Training (POST) certified training program for law enforcement (tribal, state and local). She has also conducted data collection and evaluation workshops for the National Congress of American Indians in October 2006 ("Why the collection of data is important to Indian Nations") and for the National Institute of Justice ("What's Data Got To Do, Got To Do With It?") in November 2000.

Prof. Luna-Firebaugh is the author of

- *Tribal Policing: Asserting Sovereignty, Seeking Justice*, University of Arizona Press, 2007.
- “Police Accountability in the American Indian Community,” published by the public policy journal, the *Georgetown Public Policy Review*.
- She is the co-author, with Samuel Walker, of “Institutional Structure v. Political Will: Albuquerque as a Case Study in the Effectiveness of Civilian Oversight of Police” published in *Civilian Oversight of Policing: Governance, Democracy and Human Rights*, Hart Publishing, Oxford, edited by Andrew Goldsmith of the University of Flinders College of Law and Colleen Lewis of Monash University, 2000.
- She is also the author of a number of articles on the topic of community policing, civilian oversight, police accountability, and police procedures and practices published in legal, criminal justice, and social science journals.

### **Senior Research Associate**

**Dennis D. Firebaugh**, M.A. – Instructor in American government and history at the Tribal, Community College, and public high school levels for more than 30 years.

### **Assistants**

**Julie Hailer** is a PhD candidate in American Indian Studies at the University of Arizona, with an emphasis on comparative justice systems. Before beginning her doctoral studies, Julie was a police officer and public safety dispatcher in California for 19 years.

**Christine Birong** is a MA candidate in American Indian Studies at the University of Arizona emphasizing in law and policy. During her undergraduate, Ms. Birong wrote her Senior Thesis examining the relationship between urban Indians and police. She also volunteered at two rape crisis centers where she worked closely with Missoula police officers with case investigations.

**Rainbow Lopez** is a graduate student at the University of Arizona. She has an emphasis in Political Science and Human Rights. She has experience working in the Business enterprises of her tribe, the Tohono O'odham Nation.

**Mark Thompson** is a graduating senior at the University of Arizona. He has experience working in the Medical Business Enterprises of his tribe, the Gila River Pima Indian Community.

**Alisia Valenzuela** is a graduating senior at the University of Arizona in the fields of Criminal Justice and Psychology. She is a member of the White Mountain Apache.

## **Methodology:**

The methodology for this performance review is one that has been used by Prof. Luna-Firebaugh, Prof. Samuel Walker and other professionals and researchers in the field of Civilian Oversight.

This review of the Portland Independent Police Review system (2002 - July 2007) was a study that developed six different sources of data. This systemic, multi-phased approach provided the widest possible range of perspective on the subject.



We obtained information through the following means:

- A survey was sent to all complainants to the IPR and all available PPB patrol officers and supervisory personnel;
- Interviews of City officials and staff, police officers and complainants, citizen activists, and community organization members and focus groups;
- The review and assessment of complaint records and complaint investigations by the IPR and the IAD;
- Recommendations and changes regarding police policies and practices were assessed;
- Enabling ordinances were reviewed and compliance was assessed; and
- A national review of civilian oversight models was conducted and civilian oversight personnel and police accountability experts were interviewed in order to compare Portland's system with Best Practices in the field nationally.

## Community

For the purposes of this performance evaluation the following definition of Community was established by the Consultant in order to address the following sections of the Portland's RFP No. MAY008:

- 5 A. Determine the satisfaction level of the community as it relates to access, v approachability, and treatment, and
- 5 B. Determine satisfaction level of the community as it relates to handling, investigation, review, and outcome of complaints;

In order to address the issue of community opinion, as required above, we defined community in the following way:

The definition of Community that is used throughout this evaluation is set forth in Webster's dictionary as "*a unified body of individuals; the people with common interests living in a particular area.*"

- Thus '**Community**' is defined, for this study, as ***those stakeholders who have direct or indirect information regarding the workings of the Portland IPR/CRC, and their relationships with the PPB.***

We made a dedicated effort to obtain the points of view of as many people as possible. To that end, we spoke to those who were critical of the IPR system, and to those who were supportive. We spoke to City Administrators, City Council members, and PPB Administrators, including the Chief of Police, top command staff, Patrol Command and rank and file officers.

We took a skeptical approach toward all statements made to us. We checked statements against empirical evidence, and official documents. Statements made by one person were checked against those of others. In the course of this evaluation, statements were made to us that later proved to be inaccurate. It was our intent to catch these inaccuracies through this process of testing recollections and statements.

The survey that we sent to all IPR complainants (2001 - July 2007) duplicated, to some extent, the IPR's more limited annual survey of complainants. The results of the two studies are remarkably congruent.

### **Police**

A critical component of this study which had not been done previously by the City of Portland is the survey of rank and file officers. Often, police officers are not considered an important component of an evaluation of this nature; however, we consider this information essential. Therefore, with the cooperation of Police Command, including Chief Sizer and the Precinct Commanders, Captains and Lieutenants, and the great assistance of Sgt. Marshman, we were able to visit the major precincts, and distribute and collect the surveys from a significant proportion of the patrol ranks.

Many individuals gave us sensitive information, and we made a general promise of anonymity to our respondents. Some respondents specifically gave us permission to identify and quote them, and we have done so where we felt this was necessary. However, we will not list anyone else from whom we obtained information, nor will we specify the information we obtained from these individuals. The persons interviewed, and from whom we obtained information, fit within the following categories:

1. Community Representatives
  - a. Leaders and members of Human Rights, civil rights, civil liberties, and neighborhood organizations
  - b. Spokespersons for the Native American, African American, and Hispanic communities
  - c. Portland residents who voluntarily contacted the consultant
  - d. Complainants and other Portland residents
  - e. Attorneys in private and public practice
2. Police Officers
  - a. Police Chief
  - b. Other PPB Command
  - c. Internal Affairs Division command and staff
  - d. PPA officials
  - e. Patrol Command, Lieutenants and Rank and File
3. Public Officials
  - a. Mayor
  - b. City Council members
  - c. City Council staff
  - d. IPR Director and staff
  - e. Citizen Review Committee members and past members
  - f. Members of City agencies and commissions

### **Evaluation of the PPB Internal Affairs Division**

We conducted an evaluation of the investigation files maintained by the PPB Internal Affairs Division. While we were not required to sign a confidentiality agreement, we will not reveal the names of complainants, witnesses or officers contained in the files. The

purpose of the evaluation was to ascertain the quality of the investigations, and to look at general patterns.

1. We looked at the timelines for all publicly generated complaints.
2. We conducted an in-depth evaluation of a random sample of every 10th IAD files for the years 2002 to 2007, of every 50th IPR investigation and every 20th Rapid Dismissal.
3. We reviewed IPR activities in regard to these IAD complaints.
4. We conducted a satisfaction survey of all persons who were listed as complainants by the IPR for the years 2002-2007.

## Surveys

### Survey Information

We reviewed the responses obtained by the Portland City Auditor's Neighborhood Survey entitled, "Service Efforts and Accomplishments," for the years 2004-2007. We also reviewed information obtained by the IPR's Annual Complainant Survey. We conducted our own survey of complainants from 2002-2007, and surveyed all available members of the PPB Patrol Division.

General information related to the four surveys is set forth below. The details of the survey responses are contained in sections of this report that follow. Of particular note, is the congruence of the City Auditor, IPR and Consultant's survey findings.

### City Auditor Neighborhood Survey

The City Auditor has conducted a Survey of Portland residents regarding the services of various city agencies including the Police Bureau, since 1990. The methodology is set forth in the report on the survey, and on the City Auditor's web site. This survey is now conducted of 75 neighborhoods throughout Portland. In 2007, 64,302 surveys were sent out, of which 2000 were returned as undeliverable. In total, 20,400 were returned and tabulated, for an overall 33 percent return rate for this sample.

Since 2004, this survey has consistently asked and reported the responses to the following question: "Overall, how do you rate the City's efforts to control misconduct by Portland patrol officers?"

### The IPR Complainant Satisfaction Survey

The Office of Independent Police Review conducted annual complainant satisfaction surveys for the years 2001 to 2006. The information contained in this section of the report is derived from the IPR report on Complainant Satisfaction provided to the Consultant. The overall response rate to the IPR surveys is reported by year. The IPR sent a total of 3,435 surveys during the last six years. Of those, 387 (11.2 percent) were returned as undeliverable. 764 were completed and returned, for an overall return rate of 22 percent.

### Consultant's Complainant Satisfaction Survey

The consultant sent a total of 3,295 surveys to a list of complainants provided by the IPR, who had filed complaints during the years 2002-2007. As of early December 2007, 939 were returned as undeliverable. Of the remaining 2,356 surveys which were sent

out and presumed received, 352 were returned to the Consultant, for a return rate for all complainants of 15 percent.

For a demographic breakdown of IPR complainants, see the Appendix. The demographics of the City of Portland are that 77.9 percent are White, 7 percent are African American, 7 percent are Hispanic, 6 percent are Asian and 1 percent are American Indians. The Consultant's survey respondents were 70 percent White, 11 percent African American, 4 percent Hispanic, 4 percent Asian American, and 2 percent Native American. Approximately 60 percent were male and 40 percent female, as compared with the city demographics of approximately 50-50. The greatest single percentage (31%), were in the 45-54 age range, which exceeds the city's demographics of 15 percent in this age range.

After receiving the survey questionnaire, more than 100 people made long-distance calls or sent e-mails to the consultant. These unsolicited interviews were marked by dissatisfaction with the IPR process, and some anger. We found it remarkable that this number of people would phone in order to give their input into the study. It is also of note that many respondents stated that the Consultant's survey was their first notice that their complaint about police service had been registered as an IPR complaint.

### **Consultant's Portland Police Bureau members Satisfaction Survey**

The survey was developed to obtain the perceptions and opinions of the IPR from those PPB members who might be most familiar with its workings. Therefore, the survey was brought to shift squad room meetings at Central, North, Southeast, East, and Traffic Divisions. Prior to completion of the survey, the officers were briefed about the study and the reasons for the survey. The officers were asked not to identify themselves on the survey form.

All officers present at the meetings were asked to complete the demographic information and to answer the general opinion questions. Those officers who had received complaints between the years 2002 and 2007 were asked to respond to the detailed complaint questions as well. It was required that the officers fill the form out in person. Some officers who were not present at the Squad room meetings voluntarily came to later squad room meetings in order to respond to the survey. A total of 295 Patrol Division members completed the survey.

### **Portland Police Oversight and Civilian Oversight in the United States**

The data collected about the Portland Police Oversight system places it squarely within the Continuous Improvement Model and civilian oversight around the United States. A close examination of the Portland IPR and an understanding of where it fits, its past accomplishments, and how well it is working in the present, is now possible.

For this evaluation team, it has been important to evaluate not just whether the City of Portland Office of Independent Police Review is working, but also whether it is doing the very best job that it can. It is for that purpose that this report was written.

## **H. Civilian Oversight in the U.S.**

### **Models of civilian oversight**

Of the nation's 100 largest cities, 71 have citizen review mechanisms, and many more exist in small and medium sized cities. Their structures vary. The most important characteristic is 'fit'. The essential question is how does the structure fit within the character of the city, and how does it fit the needs and expectations of the community, the City administration and the Police Bureau?

### **Different opinions on structures - Department of Justice and National Institute of Justice (NIJ), Police Accountability Institute headed by Sam Walker, and the American Civil Liberties Union (ACLU).**

There are different organizations which have studied the structure of civilian oversight models in great depth. They each have different perspectives and advice to give. The perspectives and guidance of these three sources will be considered in this report. The Consultant has worked with each of these three sources at different times, and has attempted to present their positions fairly and impartially.

The first, the U. S. Department of Justice has worked extensively in this field. Their research arm, the National Institute of Justice (NIJ), has conducted extensive research, but makes no specific recommendations for cities considering civilian oversight. Rather, they present a wide range of possibilities, which will be considered throughout this report. Their emphasis is on the fit of a particular model to a specific community.

The second source of information presented in this evaluation is that of Sam Walker of the Police Accountability Institute at the University of Nebraska, Omaha. Prof. Walker helped design the Portland system in 2001. Prof. Walker has outlined that there are typically three types of civilian involvement in review of police misconduct in the United States. He is a proponent of the Auditor model of civilian oversight.

The third source of information is the American Civil Liberties Union (ACLU). The ACLU has been active in this field since at least the early 1980's. They have researched and written extensively on the concept of civilian oversight of law enforcement. They have been instrumental in assisting cities and counties to develop civilian review agencies and to review established ones for sufficiency. The ACLU is a proponent of independent investigation, and a fully empowered model of civilian oversight.

### **Department of Justice models**

The U.S. National Institute of Justice has determined that there are four models of civilian oversight. In their 2001 report, entitled *Citizen Review of Police: Approaches & Implementation*, Peter Finn of NIJ asserts as follows:

While there is no single model of citizen oversight, most systems fall into one of four types:

- Type 1: Citizens investigate allegations of police misconduct and recommend findings to the chief or sheriff.
- Type 2: Police officers investigate allegations and develop findings; citizens review and recommend that the chief or sheriff approve or reject the findings.
- Type 3: Complainants may appeal findings established by the police department to citizens, who review them and then recommend their own findings to the chief or sheriff.
- Type 4: An auditor investigates the process by which the police or sheriff's department accepts and investigates complaints and reports on the process' thoroughness and fairness.

All of these models as delineated by NIJ may also:

- Recommend changes in department policies and procedures and suggest improvements in training.
- Arrange for mediation.
- Assist the police or sheriff's department to develop or operate an early warning system for identifying problem officers.

### **Tradeoffs**

Thus, in order to make an informed decision about which type of oversight procedure to adopt and which additional responsibilities to undertake, jurisdictions need to examine tradeoffs inherent in fashioning an oversight system - what they will gain and lose by the approach they select. Only with these tradeoffs in mind can communities select a system that will best meet their local needs, resources, and constraints.

In addition to weighing tradeoffs, selecting oversight features may depend on several criteria:

- Which features does the public want?
- Which features are most effective in achieving the goals the community expects the oversight procedure to achieve?
- Which features may create conflict with the police or sheriff's department or the police union, and which features may disappoint community activists?
- How much will the features cost?
- How will the new features mesh with existing oversight procedures?

<p style="text-align: center;"><b>2001 National Institute of Justice How Civilian Oversight can benefit Communities</b></p>
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The 2001 NIJ report sets forth how civilian oversight can benefit communities, as well as complainants in a number of ways. This report asserts that oversight can:

1. Help to reassure the community that appropriate discipline is being imposed. Even when departments are doing a top-notch job disciplining errant officers, the public may lack confidence in the process. An oversight procedure that provides citizens with a

window into how the department operates can change the opinion of these concerned citizens.

2. Help discourage police misconduct.

While there is no empirical evidence that oversight bodies can deter police misconduct, there are three ways in which citizen review may help encourage officers to act appropriately.

- a) When oversight bodies recommend that an officer be retrained, the officer may learn how to avoid the type of behavior that led to the citizen complaint.
- b) When police and sheriff's departments adopt policy and procedure changes that oversight bodies recommend, officers may have a better understanding regarding how they should perform their job.
- c) Oversight bodies may discourage some officers from engaging in misconduct by reducing their chances for promotion.

"I was nervous about whether a sustained case might hamper my promotion to lieutenant. The chief had made it plain that an officer with sustained complaints would not be looked at as favorably for promotion as officers with no or fewer complaints. If you look at the people he's passed over, you can see that the officers with complaints have been passed over."

--a lieutenant

"The [review] board influences assignments to [desirable] details. We have supervisors in units now who don't want 'cowboys' in their units, so officers with complaints could get passed over."

--an officer

3. Increase public understanding of police policies, procedures, and behavior.

Complainants learn about police procedures from oversight investigators, board members, and officers during mediation. Board members themselves become better educated about police procedures and can share their understanding with other members of the community.

4. By holding special public hearings, oversight bodies may be able to defuse tense community conflicts, channeling anger into constructive solutions.

<b>Sam Walker's Models</b>
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Professor Walker has structured a set of civilian oversight models that cities may follow when establishing agencies. In the first civilian oversight model, civilians outside of the police conduct investigations of citizen complaints, often with access to internal police documents and personnel records. There may or may not be parallel internal police investigations of the same complaints. Under some systems, the civilians only make a recommendation as to how the complaint should be adjudicated and if discipline should be imposed. Under other similar systems, the civilians may be empowered to adjudicate the complaint but not to impose discipline. In still other similar systems, the power to impose discipline is also ultimately put into civilian hands.

In the second model, civilians are empowered to review how the police department itself has adjudicated complaints but are not empowered to conduct independent investigations. In this case, investigations are usually carried out by police officers. Typically, the civilians do not have access to internal police documents or the entire investigatory file. The power of such groups is limited to a recommendation for further internal investigation.

In the third model, civilians audit, investigate, monitor, and report on the competence and effectiveness of the police in managing police misconduct, but do not investigate and adjudicate individual complaints as such. Under this model, civilians have complete access to internal police documents, personnel files, and data about use of lethal and non-lethal force.

Christopher Stone of the Vera Institute of Justice and Merrick Bobb of the Police Assessment Resource Center (PARC) have written on the models presented by Sam Walker. They assert that there are places where different features of the various models described by Mr. Walker are mixed. They believe that each model has strengths. Proponents of the first model often emphasize that the independence of the investigation is essential to public confidence. Those who favor the second model emphasize the greater resources, expertise, and informal information available to police investigators and argue that the civilian review of each investigation assures their integrity. Finally, those who favor the third emphasize overall structural reform, risk management, systems to identify problem officers or potential problem officers, strategies to reduce use of force generally, and deep analysis of individual force incidents to figure out what went wrong and how it could be done better and more safely. The analyses are often less concerned with who was 'right' and who was 'wrong' than in the strategic and tactical implications of the force incident. The question becomes, how can legitimate law enforcement goals be achieved, without compromising officer safety, but in a way that lessens the risk or extent of injuries to the suspect? Under this model, discipline, as well as investigation, is carried out through the chain of command, with the monitor overseeing and commenting on the fairness of the entire process.

### **The American Civil Liberties Union (ACLU) Civilian Review Model**

The ACLU has maintained a focus on Civilian Oversight since the early 1980's. Many of the experts and professionals in this field have their roots in the ACLU, including Sam Walker, David Fidanque, John Crew and this Consultant. The ACLU position, articulated in their 2004 document entitled "Civilian Review Board Sample Model" asserts the following, "...for a civilian review board to be truly effective, it must be independent. That is, it must conduct an independent investigation of complaints and not a civilian review of an investigation conducted by police internal affairs bureau, which would result in the illusion of oversight without the reality. The integrity of the civilian review board will derive from direct civilian review of police conduct, not a civilian review of police review."



The ACLU has set forth what it has determined to be the essential components of an effective Civilian Review process. These components include:

1. Independent investigation, of all complaints that concern the use of force, harassment, abuse of authority and improper searches or detention. The ACLU includes deaths in custody as a mandatory subject of authority
2. Timeliness-complaint investigation and hearing within 120 days
3. Professional investigators, either on staff or on contract
4. An empowered Citizen Board
5. Public hearings
6. Set of written policies and protocols
7. Mediation, for which discourtesy, including offensive language, derogatory remarks and slurs, is mandatory
8. Integration with a police departmental Early Warning System
9. A detailed semi-Annual report, and summary reports on each complaint heard and its disposition
10. An adequate budget that is shielded from political pressure

### **An analysis for Effective Civilian Oversight in Portland**

There are many models, and hybridizations of models, that fall within the realm of effective civilian oversight. And, as the NIJ Report specifically notes: No one system works best for everyone. Communities must take responsibility for fashioning a system that fits their local situation and unique needs. Ultimately Peter Finn, the author of the NIJ report, notes that the talent, fairness, dedication, and flexibility of the key participants are more important to the procedure's success than is the system's structure. A commitment to the value of civilian oversight of police and transparency (the right of the public to know the public's business) is also essential if a civilian oversight agency is to be effective.

As noted, transparency is essential to a civilian oversight process, but it is not, in itself, the goal. Rather, it is the means by which the public's right to observe the workings of government is ensured. It is not an end in itself. A fair and responsible process and the accountability of that process are the essential features of civilian oversight that transparency reveals. If a police complaint system is not based on fairness to all, the public, the subject and witness officers, and the city government, all the transparency in the world will not help other than to reveal the worm in the core of the apple. It will not fix the system in and of itself.

In the opinion of many civilian oversight experts, the Auditor model can be an effective model so long as it has and can assert the right to conduct independent investigations where necessary. This right was built into a number of Police Auditor models, including the Portland model in 2001; Albuquerque, New Mexico; Sacramento, California; Boise, Idaho; and most recently into Eugene Oregon's Police Auditor office. The right to conduct independent investigations of serious complaints, where it is deemed necessary, is now being considered by the San Jose Police Auditor. A primary issue for Portland's IPR system is that although it has the power to conduct independent

investigations, this power has never been used, and no independent investigation of any complaint, no matter how serious, has ever been conducted.

In the Auditor model, an individual, external to the Police department, reviews complaints and Internal Affairs investigations. Some Auditors may also conduct other investigations not generated by complaints. If an IAD investigation is deficient, the auditor may ask for further investigation. Cities that handle civilian complaints in this way include Omaha, Portland, San Jose, Santa Cruz, Sacramento and Tucson, as well as others. Of these Portland, Sacramento, Eugene, Boise, Albuquerque and others also have *the power* to conduct independent investigations.

Many cities have established civilian oversight models where empowered boards or commissions participate in investigations or conduct them independently. This concept of an empowered board, with authority to monitor closely the work of the Auditor, to review and or conduct investigations, and to grant and conduct appeals, is one that has been established in the new Eugene, Oregon model and has been highly successful in Albuquerque, New Mexico.

While each model may have similar characteristics, they may have striking differences when set within different cities. An important factor is that the model must fit the particular city, the aspirations of the citizenry, and the political will of the city administration to make civilian oversight work. Civilian oversight takes a lot of effort. It takes routine maintenance. It takes the willingness of city administrators to pay attention to issues as they present themselves. It may take a willingness to change.

# **1. ASSESS THE EFFECTIVENESS OF THE OFFICE OF INDEPENDENT POLICE REVIEW DIVISION (IPR) FOR COMPLIANCE WITH ITS DIRECTIVES FROM CITY COUNCIL.**

RFP No. MAY008

A directive for the Consultant was to assess the compliance of the IPR Division with the Directives of the City Council. The Directives of the City Council are incorporated and manifested in the City Code and Charter Section related to the IPR. Thus, this City Code and Charter section is set forth below in pertinent part. These code sections will be discussed as applicable in the sections of the report that follows, along with observations regarding the compliance of the IPR system to this set of directives.

## **Chapter 3.21 City Auditor's Independent Police Review Division**

### **3.21.010 Purpose.**

The City hereby establishes an independent, impartial office, readily available to the public, responsible to the City Auditor, empowered to act on complaints against Police Bureau personnel for alleged misconduct, and recommend appropriate changes of Police Bureau policies and procedures toward the goals of safeguarding the rights of persons and of promoting higher standards of competency, efficiency and justice in the provision of community policing services. This office shall be known as the Independent Police Review Division.

**3.21.070 Powers and Duties of IPR.** (Amended by Ordinance No. 176317, effective April 12, 2002.) The Director's powers and duties are the following:

- A. Intake. To receive complaints and select the appropriate manner to address the complaint.
  
- B. Report on complaint activities. To track and report on the disposition of complaints to the public, IAD, the Chief, and the Council; to monitor and report measures of activity and performance of IAD and IPR.
  
- C. Monitor and conduct investigations. To identify complaints which merit additional involvement of the Director; to review evidence and IAD investigation efforts, participate in investigations with IAD investigators, or conduct the initial investigation.
  
- D. Communicate with Complainants. To be the primary contact with the complainant regarding the status and results of the complaint; to assist IAD in communicating with the Member.

E. Arrange hearings of appeals. To explain the appeal options to complainants and schedule hearings before the Committee and Council.

F. Recommend policy changes. To evaluate complaint and other information and investigation practices to make recommendations to the Chief to prevent future problems.

G. Outreach. To widely distribute complaint forms in languages and formats accessible to citizens, educate them on the importance of reporting complaints, and hold public meetings to hear general concerns about police services.

H. Notwithstanding any other provision of City law, to have access to and to examine and copy, without payment of a fee, any bureau records, including records which are confidential by city law, subject to any applicable state or federal laws. The Director shall not have access to legally privileged documents held by the City Attorney or Attorney-Client communications held by the City Attorney clients. The Director shall not disclose confidential records and shall be subject to the same penalties as the legal custodian of the records for any unlawful or unauthorized disclosure.

I. To adopt, promulgate, amend and rescind rules and procedures required for the discharge of the Director's duties, including policies and procedures for receiving and processing complaints, conducting investigations, and reporting findings, conclusions and recommendations. However, the Director may not levy any fees for the submission or investigation of complaints.

J. To hire a qualified person to review closed investigations pertaining to officer-involved shootings and deaths in custody on an ongoing basis. To issue reports on an annual basis identifying any policy-related issues or quality of investigation issues that could be improved. The Director and the Citizen Review Committee shall address any policy-related or quality of investigation issues that would warrant further review.

### **3.21.080 Citizen Review Committee.**

(Amended by Ordinance No. 177688, effective July 9, 2003).

A. The Committee shall consist of nine citizens. The Committee members shall be appointed as follows:

1. The Director shall solicit applications from the Office of Neighborhood Involvement, the seven Neighborhood Coalition offices, Mayor and commissioners' offices, PPB advisory committees, and the general public.

2. The City Auditor shall appoint a committee that shall recommend to the Auditor the appropriate number of nominees to fill impending vacancies. The committee shall consist of three CRC representatives, either past or not applying for reappointment, two members of the community, and the Director. Three of the committee members, including one CRC representative and the Director, shall serve as the interview panel.
3. Selection criteria shall include a record of community involvement, passing a criminal background check performed by an agency other than the Bureau, and absence of any real or perceived conflict of interest. The Mayor and commissioners may each submit an applicant who may be given preference over others of equivalent background and qualifications.
4. The Auditor shall recommend nominees to Council for appointment.
5. In the event a majority of the Council fails to appoint a person nominated under the provisions of City Code Section 3.21.080 the Auditor shall initiate the process again within 30 days after the Council action.
6. In selecting Committee members, consideration shall be given to the current composition of the Committee and appointments should be made that will cause the group to best reflect the demographic make-up of the community.

B. The Committee members shall:

1. Participate in orientation and training activities that may include review of Bureau and IPR procedures, attending the Bureau Citizens' Academy, ride-alongs with officers, and training on investigative practices.
2. Each serves a term of two years, subject to reappointment by Council. Upon expiration of the term, a committee member shall serve until re-appointed or replaced.
3. Attend committee meetings or provide an explanation in advance for an absence.
4. Serve staggered terms to better ensure continuity. Four members of the Committee shall be appointed to one year terms in July 2001.
5. Select a chair from among their members. Adopt such operating policies and procedures as necessary to carry out their duties.

**3.21.090 Powers and Duties of the Committee.**

(Amended by Ordinance No. 177688, effective July 9, 2003.)

A. The Committee's duties and powers are the following:

1. Conduct meetings. To schedule and conduct at least four meetings per year for the purpose of exercising the authority delegated to it in this chapter. Quarterly meetings and hearings conducted pursuant to the Chapter shall be

subject to the Oregon Public Meetings Law, ORS 192.610 through 192.710. The number of Committee members required for a quorum shall be five.

2. Gather community concerns. To participate in various community meetings to hear concerns about police services.
3. Recommend policy changes. To help the Director identify specific patterns of problems and to participate in the development of policy recommendations
4. Advise on operations. To review methods for handling complaints and advise on criteria for dismissal, mediation, and investigation.
5. Hear appeals. To hold hearings of complainant or member appeals as defined in City Code Section 3.21.160; to recommend referral to a final hearing before Council; to publicly report its findings, conclusions and recommendations.
6. Outreach to public. To advise and assist the Director to disseminate information about IPR and Committee activities to organizations in the community; to present reports to Council.
7. Create other committees. To create special purpose subcommittees or committees including other citizens to address particular short-term issues and needs.

### **3.21.120 Handling Complaints.**

(Amended by Ordinance No. 179162, effective March 30, 2005.) To ensure appropriateness and consistency in handling complaints the Director shall work with the Committee to establish procedures for taking action based upon the characteristics of the complaint.

A. Mediation. The complainant, the Member, and Bureau administration must all agree before a mediation can be conducted. A complaint that undergoes mediation shall not be investigated. A mediation may be suspended if, in the opinion of the mediator, there is no reasonable likelihood of reaching resolution.

B. IAD Investigation. The IPR shall gather information from the complainant and forward it to the IAD. The IPR shall monitor timeliness and disposition of the investigation.

To facilitate review, IAD shall tape record all interviews with witnesses, including members of the Bureau, conducted during an IAD investigation and shall make those tapes, or accurate copies, available during a review of an IAD investigation.

In carrying out its functions, the IPR may visit IAD offices, examine documents, reports and files and take such other actions as the Director deems necessary and consistent with the purposes of this Chapter. To maintain the security of IAD documents, reports or files, the Chief may require that the examinations be conducted in the IAD offices.

C. IAD Investigation with IPR Involvement. The Director may determine that an IAD investigation should also involve IPR personnel. When forwarding the complaint to IAD the Director shall notify the IAD Commander of the extent that IPR personnel must be

included in the investigation. IAD personnel shall schedule interviews and other investigative activities to ensure that IPR personnel can attend and participate.

When Bureau personnel are being interviewed IPR personnel shall direct questions through the IAD investigator. The IAD investigator may either repeat the question to the employee or direct the employee to answer the question.

IPR personnel shall have an opportunity to review and comment on draft reports regarding an IAD investigation in which they participated to ensure accuracy, thoroughness, and fairness.

D. IPR investigation with IAD involvement. The Director may determine that IPR should investigate a complaint. If the Director concludes that IAD has not done an adequate job investigating complaints against a particular member, the Director may determine that IPR should investigate a complaint against the member. If the Director concludes that IAD has not done an adequate job investigating a particular category of complaints, the Director may determine that IPR should investigate a complaint or complaints falling in that category. If the Director concludes that IAD has not completed its investigations in a timely manner, the Director may determine that IPR should investigate some complaints. IPR investigations shall be conducted in conformance with legal and collective bargaining provisions. Such investigations shall not be initiated by the IPR Director involving matters currently in litigation, or where a notice of tort claim has been filed.

The Director shall notify the IAD commander that IPR has undertaken an investigation and the reason. The IAD commander shall appoint a liaison investigator from that office within two working days to arrange and participate in interviews. When Bureau personnel are being interviewed by IPR personnel the IAD investigator may either repeat the question or direct the employee to answer the question.

The Director shall provide the IAD commander and the Police Chief with a report on the investigation. The Director shall provide the IAD commander and the Police Chief with a report on the investigation, and present the IPR findings to the Chief or designee to assist the Chief in determining what, if any, action is appropriate. At the completion of the investigation and any appeal process the records of the investigation shall be transferred to the IAD offices for retention.

Complainants and members wishing to appeal an investigation by IPR or the findings shall appeal to the Committee as described in City Code Section 3.21.160 A.2.

E. Referral. The Director may refer the complainant to another bureau in the City or another agency that would be more appropriate to address the complaint.

F. Dismissal. The Director may dismiss the complaint for the following reasons:

1. the complainant could reasonably be expected to use, or is using, another remedy or channel or tort claim for the grievance stated in the complaint;
2. the complainant delayed too long in filing the complaint to justify present examination;
3. even if all aspects of the complaint were true, no act of misconduct would have occurred;
4. the complaint is trivial, frivolous or not made in good faith;

5. other complaints must take precedence due to limited public resources;
6. the complainant withdraws the complaint or fails to complete necessary complaint steps.

### **3.21.130 Communications**

The IPR shall ensure that the complainant and member complained about are informed of the progress and status of the complaint or appeal. Communication may be accomplished orally or by first class mail.

### **3.21.140 Filing of requests for review**

- A. Any complainant or member who is dissatisfied with an investigation of alleged member misconduct may request a review.
  
- B. The request for review must be filed within 30 days of the complainant or member receiving IPR's notification regarding disposition of the case. The Director may adopt rules for permitting late filings.
  
- C. A request for review must be filed in writing personally, by mail or email with the IPR Office, or through other arrangements approved by the Director.
  
- D. The request for review shall include:
  1. The name, address, and telephone number of the appellant;
  2. The approximate date the complaint was filed (if known);
  3. The substance of the complaint;
  4. The reason or reasons the appellant is dissatisfied with the investigation.
  
- E. The complainant or member may withdraw the request for review at any time.

### **3.21.150 Reviews and Supplementary Investigations**

A complaint resulting in an investigation may be reviewed or supplemented with additional investigative work as a result of an appeal. The IPR will act in accordance with applicable provisions of the collective bargaining agreements covering Bureau personnel when it participates in an IAD investigation, or when it initiates an investigation. The Director shall conduct a preliminary review of IAD's investigation and may conduct an investigation to supplement IAD work. The Director shall decide:



A. If no further investigation and consideration of evidence is warranted the Director shall inform the complainant or member of the basis for the decision and the opportunity for a hearing before the Committee or,

B. If additional investigation and consideration of evidence is warranted the Director shall request IAD reconsider its efforts and results. The Director shall review the additional work of IAD and may conduct supplemental investigation. The Director shall schedule the appeal for a hearing before the Committee.

### **3.21.160 Hearing Appeals**

A. Appeal hearings may be conducted either at the following points:

1. When a complainant or member appeals the finding the Committee shall decide:

a. If the finding is supported by the evidence. The Director shall inform the complainant, member, IAD and the Chief of the Committee's decision and close the complaint; or

b. If the finding is not supported by the evidence. The Committee shall inform the complainant, member, IAD and the Chief of what finding should have been made. The Director shall schedule a hearing before Council for final disposition. The Committee shall select one of its members to represent the Committee's viewpoint before Council.

2. In its hearing the Council shall decide:

a. If the finding is supported by the evidence. The Director shall inform the complainant, member, IAD and the Chief of the Council's decision and close the complaint; or

b. If the finding is not supported by the evidence. The Council shall decide what the finding is. The Director shall inform the complainant, member, IAD and the Chief of the Council's decision and close the complaint.

B. In reviewing the investigation, the Committee may examine the appeal form and any supporting documents, the file and report of the IAD and IPR, and any documents accumulated during the investigation and may listen to the tape recordings of the witnesses produced by IPR and IAD. The Committee may receive any oral or written statements volunteered by the complainant or the member or other officers involved or any other citizen. The complainant or member may appear with counsel.

C. In reviewing the investigation, the Council may examine the appeal form and any supporting documents, the file and report of the IAD and IPR, and any documents accumulated during the investigation and may listen to the tape recordings of the witnesses produced by IPR and IAD. The Council may receive any oral or written statements volunteered by the complainant or the member about whether or not they

believe the finding is or is not supported by the evidence in the record. No new evidence may be introduced in the hearing. The complainant or member may appear with counsel.

D. Witnesses.

1. The Committee and Council may require within its scope of review the investigators and Commander of IAD and the Director to appear and answer questions regarding the investigation and may also require the responsible Bureau Commander to answer questions regarding the basis and the rationale for a particular decision.
2. Other Witnesses. Other witnesses shall not be required to appear involuntarily before the Committee.
3. Council may utilize the full powers granted by Section 2-109 of the Charter, including the power to compel the attendance and testimony of witnesses, administer oaths and to compel the production of documents and other evidence. The power to compel the attendance and testimony of witnesses in accordance with City Code Section 3.21.160 C.3. shall not be delegated by the Council to the Committee.

**3.21.170 Monitoring and Reporting**

A. The Director shall develop a data system to track all complaints received, develop monthly reports to inform IAD and the Chief regarding IAD workload and performance, and inform complainants and members regarding the status of complaints and appeals.

B. The Director shall use complaint and Bureau of Risk Management data to support the Bureau's Early Warning System.

C. The Director shall work with the Committee to develop recommendations to modify Bureau policies and procedures in order to prevent problems, improve the quality of investigations, and improve police-community relations.

D. The Director shall work with the Committee to develop quarterly and annual summary reports for the Chief, Commissioner in Charge, Council and public on IPR and IAD activities, policy recommendations, and Bureau follow-through on recommendations. The report may include analysis of closed files which were not appealed, but it is not the intent that the files be reopened

**3.21.180 Increasing Public Access**

A. The Director shall work with the Committee to make complaint forms available in formats and locations to reach as many community members as possible.

B. The Director shall work with the Committee to develop programs to educate the public about the IPR and the importance of reporting problems.

C. The Director shall work with the Committee to develop programs to educate Bureau personnel on the complaint process, mediation, and IPR activities. Bureau personnel shall be informed that the IPR is the primary means for citizens to file complaints.

D. The IPR, Committee and Bureau shall develop guidelines for situations when a commander or supervisor in a precinct is directly contacted by a complainant with a complaint. In general, they may intervene and attempt to resolve the complaint themselves, but they must also inform complainants that they can still file with IPR if they do not achieve satisfaction.



## **2. ASSESS THE EFFECTIVENESS OF THE OFFICE OF INDEPENDENT POLICE REVIEW DIVISION AS IT RELATES TO MEETING THE NEEDS OF THE COMMUNITY FOR RESOLUTION OF COMPLAINTS AGAINST POLICE.**

RFP No. MAY008

The City of Portland decided to adopt the Auditor form of Civilian Oversight in 2001, after the Majority Report and the Auditor's study was issued. The Auditor form of Civilian Oversight was outlined in 2003 by Professor Sam Walker, Coordinator of the Police Professionalism Initiative at the University of Nebraska, Omaha. His document reads as follows:

### **CORE PRINCIPLES FOR AN EFFECTIVE POLICE AUDITOR'S OFFICE**

**INDEPENDENCE** -- A police auditor's office must be fully independent of the law enforcement agency under its jurisdiction. It must have specific language in the enabling ordinance must indicate that an auditor may be removed from office only for cause and through a clearly defined removal process.

**CLEARLY DEFINED SCOPE OF RESPONSIBILITIES** -- The scope of the responsibilities of a police auditor's office must be clearly defined by ordinance (or contract). Specific language, for example, must define the auditor's responsibility to audit complaint files, have unfettered access to all relevant records and reports, to make policy recommendations, to issue public reports, to investigate individual critical incidents, and so on.

**ADEQUATE RESOURCES** -- A police auditor's office must have adequate resources to ensure that all duties can be conducted effectively and efficiently. Adequate resources primarily include full-time professional and clerical staff.

Part-time staffs only are not considered adequate. Volunteer staff is not adequate. The exact size of an auditor's office staff should be based on a formula reflecting the size of the law enforcement agency under the auditor's jurisdiction, as measured by the number of full-time sworn officers.

**UNFETTERED ACCESS** -- A police auditor must have unfettered access to all documents and data in the law enforcement agency. This unfettered access must be spelled out in the enabling ordinance. The only exception to this rule would be files related to an on-going criminal investigation. All documents must be provided to the police auditor without charge to the auditor's office.

**FULL COOPERATION** --A police auditor must have the full cooperation of all employees of the law enforcement agency under its jurisdiction. All employees, including sworn officers shall cooperate as a condition of their employment. With respect to potential self-incrimination, the standards defined in Garrity v. New Jersey shall prevail.

**SANCTIONS FOR FAILURE TO COOPERATE**-- The enabling ordinance of an auditor's office must specify sanctions for failure to cooperate with the work of an auditor on the part of any law enforcement agency employee.

**PUBLIC REPORTS** -- A police auditor must issue periodic public reports. Such public reports shall be issued at least once a year and, ideally, more frequently.

**NO PRIOR CENSORSHIP BY THE POLICE DEPARTMENT**-- Reports by the police auditor shall not be subject to prior censorship by the law enforcement agency. A police auditor may reject any and all demands by the law enforcement agency to see draft copies of public reports.

**COMMUNITY INVOLVEMENT**-- A police auditor must have the benefit of community involvement and input. Community involvement and input can best be achieved through

an advisory board consisting of members who represent the diverse composition of the local population.

**CONFIDENTIALITY / ANONYMITY**--The work of a police auditor must respect the confidentiality of public employees as defined in the applicable state statute. Violation of confidentiality shall be considered a serious breach of professional standards. In the interests of enhancing public understanding, a police auditor may report on specific incidents with personal identifiers removed without violating standards of confidentiality.

**ACCESS TO THE POLICE CHIEF / SHERIFF** --A police auditor must have direct access to the chief executive of the law enforcement agency under its jurisdiction. Upon request, a police chief or sheriff must agree to meet with the police auditor. It is understood that a chief executive may decline to meet in the case of an unreasonable number of such requests. Failure to meet with a police auditor for a period of one year shall be considered unsatisfactory performance on the part of a chief executive and be taken into consideration in performance review.

**NO RETALIATION** --The enabling ordinance of an auditor's office must specify that there shall be no retaliation against the auditor for work done as a part of the auditor's responsibilities, including statements made in public reports.

### City Auditor - 2001

The City Auditor, in his 2001 study, set forth a set of attributes that Dr. Douglas Perez, a leading national expert in civilian oversight, determines that an effective police oversight system should possess. These attributes include:

**Legitimacy**—The process should be perceived as fair by participants and the community at large.

**Integrity**—The process should have procedures that ensure a thorough and fair hearing and resolution of complaints.

**Learning**—The process should provide feed-back to decision-makers so that meaningful improvements can be made to the complaint process and the police department.

### Does the IPR have the key features of an effective police monitoring agency?

(RFP No. MAY008)

The City of Portland IPR has most, if not all, of the elements required for a successful Auditor model, as determined by Prof. Walker. However, this study, as well as the surveys conducted over the last six years by the City Auditor and the IPR indicates that the City of Portland's Police Complaint system does not meet the set of attributes as set forth by Dr. Perez, nor the expectations of the residents and complainants of Portland. Unfortunately, the present study has also determined that many of the weaknesses described by the Auditor in 2001, prior to the development and implementation of the present system, still exist and additional weaknesses now exist as well.

### The Investigative Process

In order for the IPR to meet the needs of the community for resolution of complaints against police, it must have systems in place that are viewed as fair, thorough and effective. For the City Council to determine if this is the case, there must be a close examination of the IPR/IAD/CRC process.

The Portland complaint investigative process rests with three bodies, the Portland Independent Police Review Division (IPR), the Portland Police Bureau Internal Affairs Division (IAD), and the Citizens Review Board (CRC).

## Perceptions

### Perceptions of the process

According to the citizens we surveyed and interviewed, there is a high level of dissatisfaction with the Portland Police complaint investigation process. The community appears to be disillusioned with both the IPR and IAD investigative process and disaffected by the appeal process as well. There is a widespread attitude that nothing will happen even if a complaint is filed and/or investigated. This attitude is evidenced not only in comments made during interviews, community meetings and on surveys, but also by the low numbers of complaints appealed to IPR/CRC after dismissal. [See Appendix Chart # 6- 58 Complainant Survey, Frequency of Satisfaction]

Both the IAD and IPR stress the use of 'Service complaints' and 'Debriefings' to address officer misconduct. It is contended that this approach, given that it is perceived as less adversarial than some form of determination of misconduct, serves to correct behavior through an educative approach. However, the failure to sustain many cases, or to count Service complaints as a sustained complaint, leads to a situation where the IAD/IPR statistics for sustained complaints are very low. This, coupled with the failure of IAD/IPR to conduct and report the results of investigations in a timely manner, results in many community members believing that complaints of misconduct are not taken seriously.

### Complainant's perception of treatment by IPR

Widespread dissatisfaction with the process does not originate with the initial contacts between the IPR, the IAD and the complainants. In fact, most respondents to the Consultants Survey reported that they were happy with the treatment they received when they filed their complaints, and throughout the intake process. Over 68 percent of those who responded to this survey question reported that the investigators did not try to discourage them from filing their complaints. More than half of the complainants felt comfortable when they filed their complaints. These findings reflect well on the IPR intake staff. This good response to the work of the IPR intake staff continues throughout the IPR process as more than 72 percent of those who responded to this survey reported that they were treated with respect during the complaint process. [See Appendix - Charts # 3-19-20; #3-31/32 and #3-33/34 Complainant Survey, Frequency of Satisfaction]

However, almost 80 percent of survey respondents reported to the Consultant and over 73 percent of survey respondents reported to the IPR that they were unsatisfied with the investigation of their complaint. However, this high level of dissatisfaction in the investigation of complaints does not result in an appeal of the finding. Given this widespread dissatisfaction with the investigative process, it would be reasonable to expect that a significant number of complainants would appeal the negative decision. This is not the case. Only 9 survey respondents (2 percent) of those who responded to this survey reported filing an appeal of their complaint disposition. A number of complainants stated that they did not file because they did not think that it would do any good. And of the 9 survey respondents who appealed the decision of the complaint

process, not one of the nine reported that they were satisfied with the result. The most common comment was that the appeal was a waste of time. [See Appendix - Charts # 6- 58; #4- 49 Complainant Survey, Frequency of Satisfaction]

### The Independent Police Review Process (IPR)

*Portlandonline* sets forth that the Independent Police Review Division (IPR) and the nine-member Citizen Review Committee (CRC) were created in 2001 to help improve police accountability, promote higher standards of police services, and increase public confidence.

According to the IPR Website, the IPR has five primary responsibilities:

- Receive citizen complaints alleging misconduct by Portland police officers.
- Monitor investigations conducted by the Bureau's Internal Affairs Division (IAD) and conduct joint or independent investigations if necessary.
- Report on complaint and investigation activities and recommend policy changes to prevent future problems.
- 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.
- Coordinate appeals filed by citizens and officers with the CRC and City Council.

Although citizen complaints can originate in various places (police, mayor and council offices, etc.), all citizen complaints are received by the Independent Police Review Division (IPR) and the complaint is assigned a case number. The Director of the IPR assigns the case to an intake investigator. This staff member then conducts, what has been called by officials, a preliminary review and determination.

**IAD Referral:** The case can be referred to the Police Bureau Internal Affairs Division for their review and handling (44% average from 2002-2006 of all complaints received). The following data was provided to the Consultant by the IPR. Of the complaints received by the IAD, 12.2% were declined, and 19.8% were handled as Service Complaints. Of the 9.6% of complaints for which IAD completed full investigations, 14.1% were sustained. This amounts to an overall sustain rate of just over one percent. [See Appendix (and later in this section) - Chart of "IPR and IAD Decisions on Citizen Complaints"]

- **Dismissal:** The complaint can be dismissed if the IPR Director concludes that the allegation is obviously false, involves an agency other than the Portland Police Bureau, is without merit, or if the complainant is using another remedy (e.g. such as a tort claim). The case will then be closed and the complainant will receive a letter explaining why the case was dismissed (an average of 46.2% for 2002-2006 of all complaints received).
- **Mediation:** In certain cases, with the approval of both the complainant and the police officer, the case can be mediated. IPR will arrange for an outside mediator to meet with the complainant and the officer with the intent to clear up any misunderstandings by discussing the incident in an informal and non-confrontational setting (3.4% average from 2002-2006, of all complaints received).



- **Referral:** Certain cases may be referred to other City Bureaus if they can more appropriately deal with the complaint. For example, if there is evidence of criminal conduct, the IPR Director can refer the case to the PPB or the District Attorney's Office for a criminal investigation. If the complaint involves a non-PPB officer, then the complaint will be referred to the appropriate police department (This is an average of 6.4% from 2002-2006, of all complaints received).

If the complaint is one that the IPR deems worthy of investigation (44% Overall, 2002-2006), it is forwarded to Portland Police IAD for investigation. The IAD then declines some of these complaints referred by IPR (12% Overall, 2002-2006), and sends many others to be resolved through a 'service complaint' (20% Overall, 2002-2006). Ultimately, IAD conducts full investigations on less than nine percent of the complaints received by IPR (8.9% Overall, 2002-2006).

### The Question of the Sustain Rate

The sustain rate is difficult to compute, particularly in Portland where there has not been an Annual Report since the year 2004 (reported in 2005). The City Auditor and the IPR Director have been helpful in providing information on a point by point basis however, the statistics have been sometimes difficult for this Consultant to understand, and it must be almost impossible for the average Portland citizen to understand as well. An illumination of this point is the following e-mail received on the topic of the sustained rate. In this October 2007 email, the City Auditor reported the following:

In reviewing your briefing document we found your calculation of the sustained rate to be in error. You calculated the number of cases received in 2006 that were investigated and also sustained in 2006. That will result in an under-reporting of the sustained rate because complaints that occur later in the year may not be sustained until 2007.

We calculated our sustained rate in the same manner as reported by your comparator San Jose, which is the percentage of closed, investigated cases in 2006 that were sustained. Portland's sustained rate is a very comparable 8% in comparison to San Jose's 9%. (We had 18 sustained citizen complaints of 223 investigations closed by IAD Captain Tellis in 2006. If we count the two sustained findings from investigations of tort claims then our rate is the same as San Jose's.)

I am concerned about relying heavily on these types of rates because they may not reflect something meaningful, and may be somewhat tenuous due to decisions about investigations. For example, if we push the Police Bureau to investigate 130 cases instead of 100 then we will probably reduce that sustained rate because there is a larger denominator and the number of sustained complaints does not always go up in direct proportion to an increase in the number of investigations.

Keep in mind that the denominator of total citizen complaints that you also used to calculate our 1% rate is subject to some judgment calls and other influences

as well. When we examined San Jose's annual report, they removed 81 of their 525 citizen contacts as non-complaints. In contrast, we only counted 46 contacts among our 721 in 2006 as non-complaints. We declined 173 cases in 2006 because there was no allegation of misconduct by the complainant (for example, the complainant was unhappy that he was not read his Miranda rights, or the officer did not write a report.)

Other contacts in Portland's numbers were quality of service complaints which we also track and initiate actions as service complaints. For a service complaint the supervisor talks to the complainant then discusses the issue with the officer with appropriate advice on professionalism in the future. I would encourage you to check with San Jose to determine whether they track citizen contacts that don't allege misconduct or complaints about quality of service. This is important because if IPR logs every call we receive but the San Jose Police Department and Auditor do not, then their percentage of contacts that result in a sustained complaint will look higher than ours because they are starting with a smaller denominator.

In your discussion with me, you indicate that our low sustained rate is a key measure in your conclusions about Portland's oversight efforts. We hope you will reconsider your judgment about Portland, given this more accurate indicator of results. I hope this clarifies the problem we saw in the calculation of sustained rates. Please contact me if you have any questions.

Regardless of this explanation, the sustain rate for publicly generated complaints in Portland is significantly lower than civilian oversight generally. In Portland, the sustain rate is counted for only those complaints that go to full investigation by IAD.

The City of San Jose calculates the sustained rate in external cases based upon the number of sustained complaints from those classified as formal (fully investigated), command review (precinct command), or procedural (service complaints). This form of calculation includes many more complaints than Portland does, into the determination of sustained rate. For example, in 2006, the City of Portland IPR received, by one computation (see Appendix), a total of 789 complaints. Of this total, 8 were ultimately sustained, which results in an overall sustain rate of 1%. The City of San Jose IPA received a total of 358 external complaints. Eleven (11) were sustained which results in an overall sustain rate of 3%.

If only those cases referred for full investigation are considered, a sustained rate changes. In 2006, the IPR referred 207 for IAD investigation. If this IPR number is used, the number of sustained cases (8 out of 207) results in a 4% sustain rate. The same comparison of numbers in San Jose (11 cases out of 116) results in a sustain rate of 9%.

The difference in the sustain rate is even more dramatic when you consider the City of Albuquerque, New Mexico. Albuquerque is an Auditor model, as in Portland and San Jose, but the citizen board is empowered, and is closely involved with the investigatory process. The Albuquerque Auditor's Office conducts independent investigations for some designated categories of complaint, including all use of force, searches and racial profiling complaints. The Albuquerque Auditor also closely monitors those investigations conducted by the Albuquerque Police Department Internal Affairs. This has resulted in a

demonstratively higher sustain rate. In 2006, for example, the Albuquerque Independent Review Office reported a sustain rate of 17%.

### **Allegations and complainants cases**

The Portland IPR counts sustained cases in a manner that is not in keeping with how sustained cases are counted in other jurisdictions. In Portland, the IPR removes all received complaints from the “count,” other than those that go to full investigation. The following are *not* counted in the total number of complaints eligible for the calculation of the sustained rate: Service complaints, those that are declined or dismissed by either IPR or IAD, those that are mediated, or resolved administratively. *Only those cases that IAD handles as full investigation are counted toward the total for sustain rate computation.*

A further problem is that often complaints have more than one allegation. To compute a true sustain rate, the total of allegations sustained must be computed against the total number of allegations received. For example, in Portland, for the time period of 1/1/2002 - 6/30/2007, there were 10,974 reported allegations contained within 3,266 closed cases or complaints. There are 177 different allegations that can be used to classify the charges made by a complainant (See Appendix). Many of these allegations are somewhat duplicative, making it difficult to determine what the appropriate allegation or allegations are for a complaint. This Consultant had a discussion with a number of IPR intake investigators as to why some profanity allegations were charged as discourtesy and some were charged as conduct. The intake investigators stated that discourtesy was simple profanity and conduct was an intentionally profane remark toward a specific person. This explanation became even more complicated, and less clear, when two of the Intake investigators differed during this discussion as to what was meant by each definition.

The fact that there has not been a recent IPR Annual Report makes it difficult to compute the sustain rate for all complaints which had one or more sustained allegations. The IPR does not yet have a tally of complaints where allegations were sustained for the years of 2006 and 2007. However, if the sustain rate for 2002-2005 is computed from IPR records, there were 34 sustained findings. If this sustain rate is counted from the 2,732 complaints reported by the IPR as received and processed during the time period from 2002-2005 (and processed as if each complaint was only one allegation), then the sustain rate amounts to just over one percent, as noted on part 4, the IAD section. However, if complaints are counted as the Portland IPR has decided to count them, the 34 sustained findings are computed against the 240 that went to full investigation. The resulting sustain rate as Portland counts it is 14.1 percent. This confusion in how sustained allegations should be counted leads to a lack of community confidence in the IPR system, and may be part of the reason why the satisfaction levels reflected in the City Auditor, IPR and Consultant’s surveys are markedly low.

**Note: It is important to recognize that even if some of the figures or the city’s numbers are off by some small margin, the numbers will not change the basic observations on how the numbers are handled and the concluding results. The**

**public may not be statisticians, or understand exactly why they don't have faith in the system, but most of those who use the system lack confidence in the police complaint process as now operating in the City of Portland.**

It should be noted that the average overall statistics do not reflect the current reality in regard to cases dismissed by IPR and in cases sent to IAD for investigation. To be precise, there has been a substantial increase in the percentage in cases dismissed by IPR over the time period from 2002-2006, as well as a significant decrease in the number of complaints sent by IPR to IAD for investigation.

The IPR system is based upon the presumption of a fair, impartial and thorough investigation of citizen complaints. This consultant directed civilian oversight agencies in cities and counties in California and supervised the investigation of civilian complaints for more than 14 years. In order to assess whether the needs of the public are being met by the IPR, the Consultant conducted, as an essential part of this evaluation, an in-depth evaluation of every 50th IPR complaint *review and determination*, and every 20th Rapid Dismissal for the years 2005-2007. She also conducted an in-depth evaluation of every 10th IAD investigation for the years 2002-2007.

**Review of IPR and IAD complaint dispositions.**

While the in-depth evaluation of the IPR process of complaint review and determination is discussed in section #6 certain issues regarding IPR and IAD responsibilities need to be raised here. The IPR provided the following statistical information to the Consultant. [This information is set forth in the IPR Chart below]

IPR and IAD Decisions on Citizen Complaints										
Assignment Decision	2002*		2003*		2004*		2005*		2006*	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
Resolved or Referred by IPR (other than to IAD)	61	13%	69	9%	37	5%	11	2%	22	3%
Pending or Completed Mediation	3	1%	23	3%	38	5%	29	4%	25	4%
Dismissed by IPR	123	26%	285	39%	388	48%	399	55%	427	63%
Decline by IAD	91	19%	101	14%	114	14%	74	10%	30	4%
Service Complaint	97	21%	189	26%	164	20%	134	19%	91	13%
Full Investigation	86	18%	60	8%	55	7%	39	5%	65	10%
Resolved Administratively by IAD	8	2%	3	0%	18	2%	33	5%	16	2%
<b>Total</b>	<b>469</b>	<b>100%</b>	<b>730</b>	<b>100%</b>	<b>814</b>	<b>100%</b>	<b>719</b>	<b>100%</b>	<b>676</b>	<b>100%</b>

\* Year of Decision; not Reported Year for Complaint  
Source: IPR

From the information provided by the IPR, we determined that more than 428 (59%) of the complaints that were received in 2005, and 452 (67%) of the complaints that were received in 2006, were processed and closed by the IPR without any investigation of the propriety of police conduct. IPR sent to IAD a total of 280 complaints (39%) in 2005, and 202 (30%) in 2006. Of these, IAD declined 74 (25%) of those complaints that it received

from IPR in 2005, and 30 (13%) of those that it received in 2006. In 2005, IAD handled 134 (46%) of the complaints that it received from IPR as Service complaints, and 91 (41%) as service complaints in 2006. IAD conducted full investigations on 39 (13%) of the complaints that it received from IPR in 2005, and 65 (29%) in 2006. Thus, IAD conducted full investigations on only 39 (5%) of all complaints received by IPR in 2005 and only 65 (10%) of those complaints received by IPR in 2006.

**Review and in-depth evaluation of Internal Affairs Division Investigative files**

The in-depth evaluation of IAD investigations is discussed in section # 4. However, certain issues regarding IPR responsibilities need to be raised here. The IPR must be alert to problems that might exist in the investigation. They must be willing to assert themselves into the investigation. They must be able and willing to require more IAD investigation if that is necessary.

The adequacy of Auditor monitoring of IAD investigations is a critical factor if Auditor models are to be effective. The 2001 NIJ paper authored by Peter Finn, noted that Auditors he interviewed identified the following problems with IAD investigations:

1. Interviewing only officers and no neutral witnesses.
2. Neglecting to interview one or more important witnesses.

In the evaluation of the IAD investigations conducted by this Consultant, a number of problems were found. Those problems include those set forth above and cited in the NIJ report. In addition, other problems were also found, including:

1. many investigations were not completed in a timely manner,
2. some officers were not held responsible for admitted misconduct,
3. there was often the failure to hold officers accountable for violation of PPB Codes and protocols,
4. some investigations were not completely and thoroughly investigated, including, as previously cited by NIJ, the failure to interview both citizen and police officer witnesses.

These problems are of such a nature that they could well serve to reduce public confidence in the citizen complaint process. It was of note that in the IAD sample reviewed by the Consultant, there was only one case where there was evidence of IPR involvement in the IAD investigative process.



### **3. Assess the Independent Police Review Division and the Citizen Review Committee for their effectiveness in making recommendations for changes to police policies and procedures.**

RFP No. MAY008

#### **The Policy Function**

One of the primary purposes of Civilian Oversight of Police, regardless of the model employed, is to improve policing in a community. Thus, a critical component of Civilian oversight is the policy function. The Portland Independent Police Review Division has placed an emphasis on this component. The IPR asserts this function through the assessment of policy issues that arise from complaints and other sources of information, and the promulgation of policy recommendations for the City of Portland.

This policy function performed by civilian oversight is a direct challenge to the report on police misconduct by the U.S. Civil Rights Commission issued on November 3, 2000, wherein the Commission concluded that most civilian review boards are not effective.

The *Police Accountability Institute* at the University of Nebraska, Omaha, headed by Sam Walker, identifies the factors that make citizen oversight agencies effective. Professor Walker asserts that the most important factor in civilian oversight, and one that makes it most effective, is a set of programs that represent an active role in improving both the complaint process and police department operations. In addition to investigating allegations of police misconduct and reviewing the quality of completed investigations, citizen oversight bodies can undertake other responsibilities. Foremost among these, is the power to recommend policy and procedure changes and suggest training improvements.

The National Institute of Justice (NIJ) report asserts that a policy review process that examines the causes of individual complaints and sends recommendations to the police department for changes in policy or training is essential if full and effective oversight is to be achieved. The policy review process is designed to prevent abuses of citizens and complaints from occurring in the future. Oversight bodies can recommend policy and procedure changes as well as training improvements. Many experts regard this policy review function as the most important responsibility citizen oversight bodies can undertake because it can improve services throughout an entire department, not just among selected officers. Many police administrators report that oversight bodies have made valuable policy and training recommendations that they have implemented. The NIJ report states, "Many experts regard the policy review function as an extremely important aspect of citizen oversight. Policy review is designed to serve a preventive function by identifying problems and recommending corrective action that will improve policing and reduce citizen complaints in the future." Policy recommendations, including suggestions for training improvements, can influence an entire department, not just individual officers' behavior.

### **The process of developing policy recommendations**

Oversight bodies can identify the need for policy change in several ways:

1. Through individual citizen complaints,
2. Through review of closed cases,
3. As a result of a general citizen concern.

### **Examples of policy recommendations:**

Citizen oversight bodies can provide two general types of recommendations to change police operations:

1. Changes in the way the department conducts its internal investigations into alleged misconduct.
2. Changes in procedures that prescribe officer behavior.

### **The role of the Independent Police Review (IPR) and Citizen Review Commission (CRC) in making recommendations for changes to police policies and procedures.**

The Portland City Auditor, IPR Director, members of the CRC and the Police Chief emphasized, during the course of this evaluation, the policy role of the IPR Division. This emphasis is properly placed and deserves to be explored, lauded where appropriate, and suggestions made, also where appropriate.

The IPR staff and the City Auditor are dedicated to the formation of coherent policies for the Portland Police Bureau. IPR Senior staff stated to the Consultant that the City Auditor is “passionate about having the ability to actually go in and do audits and policy reviews and specific studies.” The staff believe that they should “gather the complaint information, but ultimately individual complaints are not going to solve the problem. It’s not going to change this institution.” They believe that gathering the information allows the creation of a database of every complaint, allowing the Office to know exactly what the issues are in Portland.

Members of the IPR staff see the policy function as playing out behind the scenes, not in the public eye. One asserted that the City Auditor “uses the ‘policy review audit function’ to actually be able to quietly go to them [PPB] and say you know what we’ve seen this pattern of problems, we need to fix this and if you don’t, we will. That’ll take it public. ...he felt like the complaint data could support that function and he’d have something tangible to go by instead of like, you know people complaining like racial profiling. We’ve got hard data. These are the real complaints that real people really made.”

The City Auditor echoed this IPR staff perspective on a ‘behind the scenes’ approach to policy promulgation and development. A news report regarding this study reported the following, “The Portland model reflects Blackmer’s preference to work behind the scenes to achieve change; he says the Portland model avoids the posturing that comes with a public ‘wrestling match’.”

While the emphasis on policy and procedural development is laudable, the ‘behind the scene’ approach subverts the move toward transparency that is a fundamental premise of civilian oversight. Merrick Bobb wrote about the policy function of Police Auditors/Monitors in “Civilian Oversight of the Police in the United States.” “Monitors are accountable to different constituencies. First, each is accountable to the law enforcement agency to provide assistance or reports calculated to focus police



management on internal decision-making, policy formulation, and efforts to responsibly anticipate and manage liability risk. More importantly, a monitor is accountable to the public at large to provide a thorough and fair appraisal of law enforcement, and to make the heretofore mystery-shrouded, internal processes of the police more transparent and comprehensible.”

The 1998 Human Rights Watch Report, “Shielded from Justice: Police Brutality and Accountability in the United States” addresses the policy review and promulgation function of Civilian Review systems. The report states, “Furthermore, an essential component of the work of any modern review agency should be making concrete policy recommendations to police administrators about how to prevent abuses from occurring in the first place (through improvements in recruiting and training and clearly articulated policies) and how to respond to abuses once they do occur (through fair and consistent disciplinary actions, assistance in criminal prosecutions, where warranted, and repeated emphasis in word and deed that abuse will not be tolerated).” The report goes on to say “Perhaps the best way to judge citizen review mechanisms is by the amount and quality of information they provide to the public and the quality and implementation of their disciplinary and policy recommendations.”

An effective policy review role pre-supposes a public dialogue. This dialogue is part of what Douglas Perez refers to as the ‘learning function’ of civilian oversight. To conduct this function behind the scenes, in order to avoid “the posturing that comes with a public ‘wrestling match,” shortcuts this essential learning process. It fails to build public confidence in the civilian oversight process while it also fails to build understanding by police rank and file in the proper role of citizens in a democracy.

The role of civilian oversight in the promulgation of effective police policy and procedure has been clearly established in the field. Further, a clear role in the promulgation and implementation of policy and procedures was envisioned at the inception of the IPR Division.

**3.21.010 Purpose.**

The City hereby establishes an independent, impartial office, readily available to the public, responsible to the City Auditor, empowered to act on complaints against Police Bureau personnel for alleged misconduct, and recommend appropriate changes of Police Bureau policies and procedures toward the goals of safeguarding the rights of persons and of promoting higher standards of competency, efficiency and justice in the provision of community policing services.

**3.21.070 Powers and Duties of IPR.**

**F. Recommend policy changes.** To evaluate complaint and other information and investigation practices to make recommendations to the Chief to prevent future problems.

The policy role as set forth in the City Code and Charter is also set forth in the IPR website as an essential function of the IPR and CRC. The website includes the following information:

Two of the five primary responsibilities of the IPR relate to policy:

- Report on complaint and investigation activities and recommend policy changes to prevent future problems.
- 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.

One of the four primary functions of the CRC is:

- Recommend policy changes. To help the Director identify specific patterns of problems and to participate in the development of policy recommendations.

The Police Assessment Resource Center (PARC) Reports on Officer-Involved Shootings and In-Custody Deaths has done an intensive review of PPB internal policies and has done a responsible job of making recommendations for improvement. The City Auditor supervises the study conducted by the PARC, and oversees their policy recommendation function. This City Auditor has taken this oversight of the PARC study very seriously and he is to be commended for this effort. The PARC study has taken place since 2003. The CRC has no authority to review the development of PARC recommendations but, in November 2007, the CRC formed a sub-committee to review the implementation of the PARC recommendations. This committee will have its first substantive meeting in January, 2008.

The CRC review of these recommendations lists 89 recommendations. A significant number of policy and procedural recommendations have been either partially or completely implemented, while others have not been implemented. The Chief of Police asserted that there was no outstanding problem generally with the implementation of the PARC recommendations. Rather, the implementation must be done on a case by case basis and phased in as possible and appropriate.

Information was obtained from the IPR regarding PARC recommendations made in 2003 and their implementation status to date. The record of the PPB implementation of PARC policy recommendations indicate that overall 28 (31.7 percent) have been followed by the PPB, and confirmed by PARC to date. The PPB reports that it has followed another 39 (43.8 percent), but this has not yet been evaluated by PARC. In another 12 (13.4 percent), the PARC recommendations have been followed in part. Finally, another 10 (11.2 percent) have not been followed. This record as of February 2007 indicates the following:

- Recommendations 3.1-36 address revisions of the PPB deadly force policy. Of these 6 to date, 1 has been followed, 4 have been followed in part, and 1 has not been followed.
- Recommendations 4.1-19 address PPB investigative policy. Of these 19 to date, 11 have been followed, 5 have been followed in part, and 3 have not been followed.
- Recommendations 5.1-15 address infrastructure changes. Of these 15 to date, the PPB asserts that they have been followed; however this compliance has not yet been evaluated by PARC.
- Recommendations 6.1- 20 address recording and accountability requirements. Of these 20 to date, 11 have been followed, 3 have been followed in part, 5 have not been followed, and the status of one is listed as unknown.

- Recommendations 7.1- 24 address personnel and training issues. Of these 24 to date, the PPB asserts that they have been followed, and one has been followed in part, however this compliance has not yet been evaluated by PARC.
- Recommendations 8.1- 5 address compliance accountability. Of these 5 to date, 4 have been followed and 1 has not been followed.

### **The Policy Activities of the IPR and CRC**

Since 2002, the CRC has been instrumental in the identification and development of three PPB policies; the Tow Policy, the policy on Profanity and Detoxification.

The work of the CRC resulted in changes of the PPB Policy and Procedure Manual. The IPR has been instrumental in the development of two internal procedures: the Tort Claim procedures and the Use of Force Work Group Report. The CRC and IPR have been responsible for some significant administrative procedural changes and protocols including those related to timeliness of investigations, mediations, service complaints and declinations, IAD investigations and IPR declinations. There is no question that this work is complicated and time consuming, particularly for a volunteer board. However, the fact remains that only three systemic, community-focused PPB policy changes have been identified and completed in four years.

As this Consultant and Sam Walker stated in the 1997 Report on the City of the Albuquerque Police oversight system, "The policy review function can play an extremely important role in identifying problems with police practices, providing a forum for public discussion of these problems, and a formal mechanism for recommending changes in policy." In Portland in 2007, as in Albuquerque in 1997, the policy review function has been a limited one. In Albuquerque we criticized the Independent Counsel for making only seventeen recommendations for general police practices that directly affected the public, and six policy recommendations related to the investigative process in eight years.

The City of Portland IPR and CRC have done even less direct policy work than Albuquerque. In six years (2001-2007), the CRC has been responsible for the development of only three general police practices that directly affected the public, and for two others that addressed internal procedures that affect the public. A CRC member reported that they have recently been working on "a protocol that specifies or at least attempts to specify CRC member responsibilities." Another internal protocol being developed is one that sets forth "how to replace members, we didn't have that in the procedures." These types of protocols, while important, have little, if any, impact on the general public nor on the PPB, leaving the policy review and promulgation function largely undeveloped.

Most CRC members contacted stated that they perceive police policy as an important, if not the most important, function that they have. A long-time member of the CRC stated that policy issues become a focus for the CRC "as part of a top ten list" that arises out of CRC retreats, and are then addressed when the "CRC has the time." This available time is limited however. The result is the tow policy, for example, took three years to develop. This CRC member stated that the decision to work on the issue of towing did not come initially from complaints but rather "from our sense of what's going on in the community." The CRC members then went back over complaints to determine trends and to examine

the issue more closely. After formation of the Tow Policy work group, the group “scheduled public hearings at that point.” This CRC member stated, “I don’t think we realized before we began that towing was such a hot issue.”

This policy development process is somewhat limited and takes an extensive amount of time. This failure to fully utilize the policy review mandate is a point of frustration for CRC members, and for knowledgeable outsiders as well. CRC members perceive the policy development function as a very important part of their responsibility, but contend that it is not being utilized enough. One CRC member stated he finds it very “frustrating” that the CRC spends “too much time talking about ourselves, and our own processes, and not enough about what city policies need to be.”

The Portland City Auditor recommended that this Consultant contact the Executive Director of the Oregon American Civil Liberties Union for his impressions of role and activities of the Portland IPR and CRC. The Auditor stated we consider him, “to be more moderate about his views of police oversight in Portland...” The ACLU Director made a presentation to the CRC on December 19, 2006 and his comments were reflected in the minutes of that meeting.

In regard to the policy function of the Portland Police Complaint system, Mr. Fidanque discussed the CRC’s role with regard to police policies. He stated that what the ACLU hoped would happen “is for a greater policy role here in Portland by this organization (CRC) and members of the community; and that’s what we’ve been advocating, and I think the City’s moving in that direction, and I think that is good.” He further stated “I’m not quite sure what the ideal way is for the City of Portland to pursue the policy issues that I’m talking about. I know the CRC has to be part of that....I know you do have a policy function, and I think that is very important.” Regarding police policy issues and police-community issues, Mr. Fidanque stated “There is a lot of work to be done in Portland, and I think this committee plays a very positive role, but it’s a limited role, and I think that there is a lot more that needs to be done. I think there’s been some positive movement under Chief Sizer, but there’s a lot more that needs to be done.”

This consultant spoke with the Executive Director of the Oregon American Civil Liberties Union on a number of occasions during the course of this evaluation. In a formal interview he stated that he knows nothing about the IPR role “on the ground,” although the Chair of the CRC is on the ACLU board. He is particularly concerned about the role of the CRC in policy development. He stated that the CRC should be much more involved in policy development but is not, rather leaves it to the IPR and to PARC. He stated that the CRC was set up “on purpose” to be a passive body with no authority. He stated that the CRC should be much more active in both policy development and implementation, and in the supervision and review of investigations.

## **Conclusions**

The role of the City Auditor in supervising the PARC process, and the newly developed role of the CRC in examining the PARC/PPB process, has done much to ensure the improvement of PPB policies. However, areas exist which could trigger enhanced policy development if the CRC and the IPR were to take a more active role. For example, in 2001, the Executive Director of the Oregon American Civil Liberties Union was

appointed by the Governor to the Law Enforcement Contacts Policy and Data Review Committee (LECC) a new, state-wide committee that seeks to gauge the public opinion of Racial Profiling on an annual basis. He stated that of the cities they have surveyed, the perception of the Portland police is the worst. He stated that other jurisdictions did not show racial disparity by 'stop,' but only by whether a search resulted from the 'stop.' In Portland, African-Americans and Latinos were disproportionately stopped, as well as searched. He stated that the other jurisdictions studied were Corvallis, Hillsborough, and the Oregon State Police. The disparity of who was stopped by Portland Police was 'large' as compared with these other jurisdictions. This work being done by others could serve as a source of information regarding potential policy issues.

Other areas that could be used as sources of policy issues arise out of the Racial Profiling and the Immigrant and Refugee Task Forces presently convened and operating in the City of Portland. In a city where 22% of the population is composed of people of color, and many residents are immigrants and/or refugees, the establishment of these Task Forces is critically important. The CRC's role in these Task Forces is laudable. Their public role serves to alert the public to the existence, and of one of the functions, of the CRC. However, information obtained through participation in the taskforces and from information received through their work, should become the bases of police policy development. The Continuous Improvement model is defined by the idea that the job is not done. It presupposes the willingness of organizations and individuals involved in an enterprise to look for ways to expand their influence and to improve situations.

There are ways in which oversight bodies identify the need for policy change. These ways include individual citizen complaints, through the review of closed cases and as a result of a general citizen concern. The latter approach has been utilized by the CRC in deciding whether to work on a particular issue. However, CRC members also have the right to examine closed case files in both the IPR and IAD offices, to hear appeals and have access to open case files in that way. These two procedures to identify policy issues do not seem to have been used extensively, when they might have been, to improve both the PPB and the lives of the citizens of Portland.



**4. Assess the extent to which investigations conducted by the Police Bureau's Internal Affairs Division as reviewed by IPR are sufficiently independent, objective and free of conflicts of interest so as to meet the directives of City Council.**

RFP No. MAY008

**The Portland Police Bureau Internal Affairs Division**

The mission of the Portland Police Bureau is to maintain and improve community livability by working with all citizens to preserve life, maintain human rights, protect property and promote individual responsibility and community commitment. To fulfill its mission, the Bureau needs to respond fairly and promptly to complaints about its services, officers, and employees.

In 2007, on Portlandonline, a section about the IAD asserts, "*Our goals state that our employees must be guided by the principles that every individual has infinite dignity and worth and that we must show respect for the citizens we serve and for the men and women of the Bureau. A citizen complaint, and its subsequent investigation, causes police to examine the service that we provide to our community and to make necessary improvements in the way we provide service.*"

The document, "The Internal Affairs Complaints Process," is the source of much of the information that follows regarding the IAD process. These are noble statements but probably difficult to achieve, even under the best of circumstances. The Portland IAD has undergone many changes during the six years of the IPR. They have had five Captains and Acting Captains during the six years from 2001-2007, as well as a significant and repeated turnover in Investigators. Complaints often take many months to investigate and process, notwithstanding the type of allegation. However, as IAD Captain Tellis stated to this Consultant, "the cases that do result in discipline are most often the most involved and take longer, more often than not." Notification of complainants and subject officers is often lacking. Ultimately, very few complaints are sustained. These factors have caused a lack of public confidence that meaningful discipline of officers found culpable of misconduct will result from their complaint. While the Internal Affairs Division has the responsibility to investigate complaints that are generated both internally and from members of the public, this study focuses only on publicly-generated complaints.

The Internal Affairs Division Commander determines how public complaints will be handled. A complaint is assigned to a category according to the nature of the complaint. The complaint is handled through one of the five following categories:

- Assigns it to an investigator for thorough investigation.
- Declines to look into the matter further. If, after a preliminary investigation, it is determined that the allegations are untimely, false or without merit, or do not articulate actions that would constitute officer misconduct, or involve an agency other than the Portland Police Bureau, the case will not be investigated further. A letter of explanation will be forwarded to the complainant from Internal Affairs through the Independent Police Review Division. The complainant will also

receive a notification on their rights to appeal the decision to the Independent Police Review Division (IPR).

- Assigns it to a division as a Service. Citizen complaints regarding the quality of service that do not warrant a full investigation will be forwarded to the officer's commanding officer so that a critique, or debriefing, of the incident between the officer and a supervisor may be conducted. This provides the supervisor with an opportunity to discuss with the officer the complainant's perception of the incident, or options to improve service or officer skills in handling similar incidents in the future.
- Assigns the case for mediation. In certain complaint categories, if both the officer and complainant agree, the case will be handled through the Independent Police Review Division by a trained mediator. This process is beneficial when both parties feel it would be helpful to communicate in an informal setting to understand the incident.
- Assigns it for criminal investigation. Criminal conduct complaints are given to one of the Police Bureau criminal investigation units to be investigated like any other criminal allegation. This type of case is very rare.

The following chart shows how the IAD handled the complaints received from IPR during the years 2002-2007. This chart was provided by the IPR.

<b>IPR and IAD Decisions on Citizen Complaints</b>											
<b>Assignment Decision</b>	<b>2002*</b>		<b>2003*</b>		<b>2004*</b>		<b>2005*</b>		<b>2006*</b>		
	<b>Total</b>	<b>Percent</b>	<b>Total</b>	<b>Percent</b>	<b>Total</b>	<b>Percent</b>	<b>Total</b>	<b>Percent</b>	<b>Total</b>	<b>Percent</b>	
Resolved or Referred by IPR (other than to IAD)	61	13%	69	9%	37	5%	11	2%	22	3%	
Pending or Completed Mediation	3	1%	23	3%	38	5%	29	4%	25	4%	
Dismissed by IPR	123	26%	285	39%	388	48%	399	55%	427	63%	
Decline by IAD	91	19%	101	14%	114	14%	74	10%	30	4%	
Service Complaint	97	21%	189	26%	164	20%	134	19%	91	13%	
Full Investigation	86	18%	60	8%	55	7%	39	5%	65	10%	
Resolved Administratively by IAD	8	2%	3	0%	18	2%	33	5%	16	2%	
<b>Total</b>	<b>469</b>	<b>100%</b>	<b>730</b>	<b>100%</b>	<b>814</b>	<b>100%</b>	<b>719</b>	<b>100%</b>	<b>676</b>	<b>100%</b>	

\* Year of Decision; not Reported Year for Complaint

### **Evaluative Process of IAD Investigations**

The Consultant conducted and supervised investigations of police misconduct in three different civilian oversight agencies for more than 14 years. Therefore, as an essential part of this evaluation, she conducted an in-depth evaluation of every 10<sup>th</sup> IAD investigation, beginning with the year 2007, and working backwards. The review was handled in this way to ensure that, given the attrition rate of IAD investigators and Command Staff, the review of cases included those that were most current and relevant.



**Review and in-depth evaluation of IAD investigations:**

The consultant conducted an in-depth review and evaluation of 25 complaint investigations. The in-depth evaluation included a thorough review of the quality of the investigations. This evaluation included whether:

- citizen and officer witnesses were interviewed,
- civilian witnesses were interviewed,
- Communication Center tapes or CAD records were reviewed,
- there was a focus on procedural and/or legal issues, and/or
- there was any apparent bias or slant to the investigation.

**The quality of the Portland Internal Affairs Division Investigations**

As discussed in section 2 of this report, the 2001 NIJ paper noted that the following problems with IAD investigations have been identified by Auditors:

1. Interviewing only officers and no neutral witnesses.
2. Neglecting to interview one or more important witnesses.

This evaluation of the sample of the Portland IAD investigative files found the following problems in the IAD investigative process. A number of investigations did not:

1. hold officers responsible for admitted misconduct,
3. hold officers accountable for violation of PPB Codes and protocols
3. completely and thoroughly investigate allegations of misconduct, including failure to interview both citizen and police officer witnesses.
4. complete investigations in a timely manner

These problems serve to reduce public confidence in the citizen complaint process.

**The Evaluation**

A total of 25 complaint investigations were reviewed by the Consultant. Thirteen of the cases reviewed were from the years 2005-2007. Twelve cases were from the years 2002-2004.

Of the twenty five (25) complaint investigations that were reviewed for the years from 2002-2007, 10 were of high quality with much apparent effort made to obtain statements and evidentiary material, and six (6) additional investigations were of good or adequate quality, where there appeared to be adequate efforts to obtain information from witnesses and evidentiary material, and a fair assessment of such information obtained. In both of these categories there was no apparent bias against citizen complainants nor was there any failure to consider corroborative statements by officers. Of the total of 16 investigations which were of adequate, good or high quality, 6 investigations were from the years 2005-2007. The other 10 were investigations conducted during the years 2002-2005.

In 9 cases (36 percent) however, the investigations were seriously inadequate. In these investigations, failures to fully investigate, or to hold officers culpable for wrongdoing were found. In 4 of these 9 cases statements by subject officers which corroborated, in whole or in part, the allegations of misconduct alleged by the complainant, were apparently ignored by the IAD investigator. In 3 of these investigations, civilian witnesses were not interviewed, and in 4 investigations there is the failure of the subject officers to abide by PPB regulations.

It is not clear why admissions of wrongdoing should be ignored when rendering sustained dispositions against subject officers. When the IAD investigative process was discussed with Chief Sizer, she stated that the commander of a precinct might feel that discipline was not appropriate, even where IAD had proven the misconduct. Chief Sizer also stated that where an officer claimed to not be familiar with an established code or protocol, the officer might not be held accountable. She stated that there was a difference between policy and training doctrine. Training changes over time. She stated that if the training doctrine has changed since an officer was trained, then the officer is not held accountable if there has been a violation. She further stated unlike with policy changes, changes in training are not posted nor circulated routinely to officers.

The issue of holding someone accountable for procedural, training and policy violations is handled differently in jurisdictions other than Portland. In some jurisdictions, complaints can be sustained as a Policy Failure or a Training Failure. A complaint can also be sustained as a Supervisory failure and a supervisor held responsible. The ACLU recommendations for an effective Civilian review system includes: The Civilian Review Board (CRB) "should also have the authority to investigate the behavior of supervisors and to discipline a supervisor for a line officer's actions."

Portland's release of officer responsibility can result in a patchwork of discipline where some officers are held accountable and others not, for the same action. This failure to hold an officer responsible can result in a lack of confidence in the complaint investigation process, and can foster a belief that there is favoritism in the police accountability system.

### **Timeliness of the IPR Process**

The primary mission of IAD is to fairly and impartially investigate complaints in a timely manner. The PPB has a Performance Review Board (PRB) that's duties are set forth in Section 336.00 of the Manual of Policy and Procedures. This section (revised December 21, 2007), states that the PRB reviews all cases that involve "a. Investigations resulting in a sustained finding and the proposed discipline are suspension without pay or greater." And further states, "The PRB may make recommendations regarding the adequacy and completeness of the investigation, the findings of the investigation, the proper charges, and the level of discipline...In cases where discipline is recommended, the PRB will recommend a level of discipline that is consistent with the applicable City and Bureau rules, including obligations under collective bargaining agreements." In order to fulfill this primary objective, IAD must complete its investigation or schedule complaints as Service complaints pursuant to a timeline within which effective action may be taken to improve or correct an officer's behavior.

Section 341.00 of the Manual of Policy and Procedures specifies a disciplinary deadline, within which discipline "must be taken." The Section "Performance Review Process" states, "Citizen complaints or internal performance complaints that fit the criteria for the Performance Review Board will be investigated by the member's division or Internal Affairs Division (IAD). The investigation must be completed within 10 weeks of receiving the complaint. The 10 weeks start on the day after the complaint is received by the investigating unit." This 10 week deadline for complaints that may result in discipline is known to the IPR, but it is not clear when the 10 weeks begins, at the point the complaint

is received by the IPR or at the point that IPR refers the complaint by the IAD and it is received by them. Senior IPR staff seemed to think that the 10 week deadline actually begins when the IPR receives the complaint. When asked about the disciplinary deadline one IPR staff member stated "I've always heard 10 weeks." This staff member then stated that the timeliness issue was a problem and stated "We have the bottle neck at the beginning, that 3 week(s) (that it generally takes to process a complaint at IPR)." IAD Capt Tellis stated however, that the 10 week deadline begins when the complaint is received by the investigating unit, and as IAD is the unit that conducts investigations, the 10 weeks begins when the complaint is referred by IPR and received at IAD. However, he also stated that the 10 week deadline is not a 'drop dead' deadline, rather it is a guideline. Discipline can continue to be ordered even if the deadline is missed.

In addition to the question of discipline, the length of time which it takes to investigate and complete investigations is a matter of concern to a broad spectrum of Portland residents and officials. Not only does there appear to be consensus on the lack of timeliness, but this point is also borne out by the empirical evidence. The failure to complete an investigation in a timely manner seems to have an adverse impact on complainants' level of satisfaction with the investigative process, and is a problem expressed by many officers as well, many of whom expressed frustration, both as part of their responses to this Consultant's survey and in personal interviews with this Consultant.

This study found that, during the years 2006 and 2007, many complaint investigations took more than 10 Weeks (70 days) for IAD to complete. In 2006, there were 120 complaint investigations (54 percent of the total) that took more than 70 days to complete. Of these lengthy investigations, 32 took from 150 to 300 days, and 20 took more than 300 days. The longest an investigation took was 557 days. By June of 2007 this situation improved, when 16 investigations took more than 70 days (33 percent of the total). These investigations were shorter overall than in 2006, with the longest taking 213 days. These investigations resulted in five sustained allegations in 2006 and four sustained allegations in 2007.

### **Sustaining cases**

To sustain a case means to find an officer responsible for some form of misconduct, from a failure to abide by departmental policy, to excessive force, or failure to adhere to Constitutional limitations. Unlike many, if not most Cities, the Portland Police Association and the Portland Police Bureau do not have a negotiated deadline for discipline. Therefore, discipline can be ordered regardless of when the complaint intake occurred or when the investigation of the complaint was completed. Thus, the lack of timeliness for many complaints has no effect on the potential of discipline. It does affect the morale of many officers however, who in many cases must spend months with a complaint hanging over their heads. The issue of timeliness also affects the community, to whom it means that nothing happens as a result of their complaint.

The City of Portland's Police Complaint system has an extremely low sustain rate for complaints. This is the result of a number of factors. First among these factors is the belief, as stated by the City Auditor and others, that the sustain rate for complaints is not a measure of a civilian oversight system's effectiveness. While this may be argued, it is not clear why admissions of wrongdoing or failure to follow clearly-established police

bureau policy should be ignored and an officer exonerated, as was found in the consultant's review of IAD investigations.

### **Issues of Note Regarding IAD Investigative Files**

The IAD investigative staff is to be commended for the lack of obvious bias or IAD slant against complainants or civilian witnesses in the investigation of complaints. This is a very important point and one for which the unit deserves praise. In addition, Capt Tellis of IAD is to be commended on the changes he has made to the IAD Case Filing System. When the IAD files were reviewed, there was a marked difference between those files closed under previous IAD administrators and those closed under Capt. Tellis. The previous files were chaotic, with many loose papers and documents, and often without log sheets for records obtained or sent. Capt. Tellis stated that he has made it a priority to have each case file orderly and complete. To our observation he has succeeded in this mission.

## **Early Warning Systems**

The National Institute of Justice asserts that Early Warning Systems (EWSs) are procedures for keeping track of complaints against officers and using the results to target officers with unusually high numbers of complaints for supervisory counseling or retraining. Typically, EWS is designed to be informal, non-punitive, and separate from the normal disciplinary process. Usually, it involves counseling or retraining by supervisory officers.

### **Oversight involvement in EWS**

The NIJ Report asserts that Citizen oversight programs can become involved with an EWS in at least four ways:

- Recommend that the police or sheriff's department adopt an EWS.
- Collaborate with the department in implementing an EWS.
- operate EWS for the department.
- Audit the department's EWS system.

### **Benefits and drawbacks – The NIJ position on EWS:**

An early warning system can help police and sheriff's departments identify officers who may be exhibiting a pattern of misconduct that suggests the need for intervention before the officers commit more serious misconduct. However, departments must determine carefully how many complaints, what type of complaints, and the period of time that will trigger a specified supervisory action. For example, officers on drug details may have numerous complaints filed against them by drug dealers' attorneys in an attempt to intimidate the officers into less aggressive enforcement. Jurisdictions also must decide whether Unsustained complaints will be included in the tally. While officers may object to this practice, one lieutenant reported that an officer who has accumulated 10 unsustained cases may indeed be getting into trouble, and, at a minimum, his or her supervisors need to be told to investigate whether there is a problem that requires corrective action before it escalates.

### **The Portland Early Warning System**

The City of Portland has a fully operational Early Warning System operated by IAD Division. IAD Capt. John Tellis provided information regarding the Portland EWS system and its operation.

The Portland Police Bureau EWS system is maintained and overseen by the IAD. The Portland system is triggered in a number of ways, but included is the receipt of five complaints against an officer in a year, or three within six months, regardless of the ultimate findings in the complaints. Any complaint becomes part of the EWS so long as it has been received by the IAD and assigned an IAD complaint number. This includes all complaints that originate with the IPR. The IPR has no involvement with the EWS however, other than the fact that cases that go to the IAD from IPR become a part of the EWS system.

## **Surveys**

### **City Auditor's Service Efforts and Accomplishment Study**

There is one question asked by the City Auditor in the Resident Survey that relates to the City's efforts to control police misconduct. This question is as follows: How do you rate the City's efforts to control misconduct by Portland Police Officers? The Auditor reported the following results: The lowest favorable response rate was in 2004, when 35 percent felt that the City's efforts were good or very good. In 2005, those residents who responded favorably to this question increased to 39 percent; in 2006, the percentage of those who responded favorably increased again, to 42 percent; but in 2007, the percentage of those who responded favorably to this question dropped to 38 percent. The result is that an overall average of 61.5 percent of Portland residents who responded to this survey did not believe that the City's effort to control misconduct by Portland Police Officers is adequate.

### **The Consultant's survey of Portland Patrol Officers.**

It is essential that the perceptions of members of the police bureau be considered when evaluating the police complaint system. To that end, approximately 295 members of the Portland Police Bureau were surveyed regarding their satisfaction with the City of Portland Independent Police Review system. These officers included 254 Patrol officers, 22 Patrol Sergeants, 4 Lieutenants, 7 Detectives and others, and 2 Commanders. All available officers were asked to complete the consultant's survey. These PPB members were predominantly male (82%); middle aged (58%); White (86%); and College graduates (74%). [See Appendix Charts for Rank, Gender, Age, Ethnicity, and Education for Frequency answers]

These officers were contacted at Precinct Squad room meetings throughout Portland for every shift. The Precincts visited by the Consultant included Central, North, East, Southeast, and Traffic Division. The surveys were distributed and collected during Shift Change meetings for Days, Nights and Evening Shifts.

The officers who had not received complaints were asked to fill out the survey questions that related to demographics and opinion only. Those who had received complaints were asked detailed questions about their experiences with the police complaint system, as well as the demographic and opinion questions.

## **SATISFACTION**

**The questions on the Police Survey asked by the Consultant that relate to an officer's overall satisfaction in the police complaint process are as follows:**

1. The outcome was what I deserved.

Of 123 respondents to this question, 94 (76 percent) indicated that they were satisfied that they received an appropriate outcome. [See Appendix - Chart # 4- 3 The Outcome was what I deserved. Frequency of Satisfaction]

2. Enough information was gathered to make a fair decision?

Of 113 respondents to this question, 96 (85 percent) indicated that they were satisfied that enough information had been gathered about their complaint to make a fair decision. [See Appendix - Chart # 3- 19/20 Enough information was gathered to make a fair decision. Frequency of Satisfaction]

### **IAD complaint investigation process:**

The Consultant's survey asked for responses to probe the officer's satisfaction with the IAD complaint investigation process. These questions include the following:

#### **Notification**

1. I was promptly notified of the complaint.

Of 193 respondents to this question, 104 (53 percent) indicated that they were notified promptly that they had received a complaint. [See Appendix - Chart # 2-5 I was promptly notified of the complaint? Frequency of Satisfaction]

2. I was kept informed of the progress of my complaint.

Of 130 respondents to this question, 43 (33 percent) indicated that they were kept informed of the progress of their complaint. [See Appendix - Chart #3- 17/18 I was kept informed of the progress of my complaint. Frequency of Satisfaction]

3. Were you notified of the outcome of your complaint?

Of 173 respondents to this question, 128 (74 percent) indicated that were notified of the outcome of the investigation of the complaint. [See Appendix - Chart # 4- 1 Were you notified of the outcome of your complaint? Frequency of Satisfaction]

#### **Thoroughness**

4. The investigator asked fair questions.

Of 117 respondents to this question, 107 (91 percent) indicated that the investigator asked fair questions. [See Appendix - Chart # 3- 11/12 The investigator asked fair questions. Frequency of Satisfaction]

5. My information was carefully considered before a decision was made on my complaint.

Of the 100 respondents to this question, 83 (83 percent) were satisfied that their information had been carefully considered before a decision was made regarding their complaint. [See Appendix - Chart # 3- 13/14 My information was carefully considered before a decision was made on my complaint. Frequency of Satisfaction]

6. Were there any witnesses to your incident?

A total of 103 respondents indicated that there had been witnesses to their incident. [See Appendix - Chart # 3- 15/16A Were there any witnesses to your incident? Frequency of Satisfaction]

Of these, 85 (83 percent) indicated that these witnesses had been contacted by the investigator. [See Appendix - Chart # 3- 15/16B If yes, to your knowledge, were they contacted? Frequency of Satisfaction]

### Timeliness

7. The investigation of my complaint was completed in a timely manner.

Of 122 respondents to this question, 67 (55 percent) indicated that the investigation of their complaint was completed in a timely manner. [See Appendix - Chart # 3- 21/22 The investigation of my complaint was completed in a timely manner. Frequency of Satisfaction]

\*NOTE - Re: Citizen & Police Survey data charts (see Appendix). Statistics referred to in the report are measured only for those who responded to the specific survey question. While charts also show numbers and percents for responders who left answers "blank" these numbers are not calculated in our percentages discussed in the report

### Analysis of Survey Results

The results of the surveys completed by PPB officers indicated that seventy six (76) percent were generally satisfied with the IAD investigative process. They believed that they had been treated fairly and respectfully, that the complaints against them had been thoroughly investigated. Their primary concerns regarding the complaint investigation process related to timeliness. A large number of officers (47 percent) were not notified of the filing of a complaint in a timely manner, and an even larger number (67%) were not kept informed of the progress of the complaint filed against them. Forty five (45) percent of the respondents reported that the complaint was not completed in a timely manner.

Interestingly, there was little difference in opinion between those officers who had or had not received complaints, however, more officers who had received complaints believed that the IPR had improved the complaint process, and that citizens could competently review police complaints. On the other hand, these officers who had received complaints did not believe that civilian oversight improved the quality of Internal Affairs investigations. [See Appendix - Charts # 8-9;8-6; & 8-1 Frequency of Satisfaction]

### Officer responses to questions about Civilian Oversight

One hundred and ninety eight of the 295 PPB members who responded to the Consultant's survey indicated that they had received a publicly generated complaint during the years 2002-2007. All officers were asked to respond to the following statements:

"Internal Affairs quality of investigations is improved by Civilian Oversight"

- Of those PPB members who had received complaints, 27% of the officers answered yes; 73% answered no.
- Of those PPB members who had not received complaints, 32% answered yes; 68% answered no.

The officers were then asked if “IPR improves the complaint process.”

- Of those PPB members who had received complaints, 48% of the officers answered yes; 52% answered no.
- Of those PPB members who had not received complaints, 45% of the officers answered yes; 55% answered no.

The officers were also asked if they thought that generally “Citizens can competently review police complaints.”

- Of those PPB members who had received complaints, 48% of the officers answered yes; 52% answered no.
- Of those PPB members who had not received complaints, 39% of the officers answered yes; 61% answered no.

[See Appendix - See Cross tabulation (Charts 2-1 Have you been the subject of a complaint in the last 6 years? In CROSSTABULATION with: Chart # 8- 9 Internal Affairs quality of investigations is improved by Civilian Oversight; Chart # 8- 6 IPR improves the complaint process; and Chart # 8- 1 Citizens can competently review police complaints.]

### Officer Comments

The officers were invited to write comments on the survey forms. Many took the opportunity to give written feedback on the IPR process. Some officers reported a lack of understanding about how the process worked, “process is unclear to most officers,” Other officers expressed concerns regarding a lack of timeliness. One officer commented, “Timeliness is a big problem. An interview regarding an incident 1 yr later is not acceptable.” The lack of timely notification about a complaint was also a concern. An officer reported, “I never was asked questions about my investigations, seems like my opinion did not matter. I was never told of the investigation until it was over.”

A number of officers reported that they had not realized that a complaint had been filed against them until they looked in their personnel file. One stated, “Several letters of counseling and discipline have ended up in my file with out me getting notice or giving me a copy (I found the letter two years later).” Some officers expressed the position that they did not trust the complaint investigation/discipline system. One stated that “Depends on who you are,” and another commented “some officer will receive a much harsher penalty than another whose name is not ‘marked.’”

### The Issue of Complaint Findings

The issue of findings is critical if police officers and community members are to be able to understand the action that has been taken as a result of a given complaint. According to the National Institute of Justice report, Review boards and police departments generally use a common set of terms to identify the findings that their investigations can lead to:

- 1. Unfounded:** The alleged act did not occur, or the subject officer was not involved in the act; therefore the officer is innocent.
- 2. Exonerated:** The alleged act did occur, but the officer engaged in no misconduct because the act was lawful, justified, and proper (sometimes called "proper conduct").
- 3. Not sustained:** The evidence fails to prove or disprove that the alleged act(s) occurred.



- 4. Sustained:** The alleged act occurred and was not justified (e.g., it violated department policy).

### **The Findings in Portland**

This system of findings as set forth above is one that is followed by other cities around the country, including Eugene, Oregon, San Jose, and others. However, the City of Portland recently changed its findings from the system set forth by the U.S. Department of Justice to one where only three findings are possible.

- 1. 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 complaints with the member should be conducted.
- 2. Exonerated :** Actions of the member were within the guidelines of policy and procedure.  
**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.
- 3. Sustained :** Member found to be in violation of policy or procedure

The use of commonly held dispositions benefits both the community and the police department. There is clarity when common definitions are used (e.g., Unfounded, Exonerated, Not Sustained, and Sustained). Community members and police officers are not left to wonder about the meaning of a finding, and thus wonder what the result of a finding might be. While discipline that might be ordered against a given officer may not be revealed publicly, the community may be reassured that some action may result from a finding of "sustained". This can allay concerns about the seriousness with which their complaint is viewed. Further, this new classification of findings has taken the City of Portland significantly away from the standard in the field, and specifically as set forth by the U.S. Department of Justice.

Again, let it be noted that the Portland IAD and IPR determine the "*sustain rate*" of complaints from the total that are *fully investigated by the IAD*. This number does not include:

- complaints declined or dismissed by either the IPR or IAD, or
- those complaints that are handled as service complaints,
- nor those that are handled at the precinct command level.

This is a very narrow definition of complaints that results in very few cases that may be counted as sustained, and differs from other oversight agencies and from the U.S. Department of Justice.



## **5. (A) DETERMINE THE SATISFACTION LEVEL OF THE COMMUNITY AS IT RELATES TO ACCESS, APPROACHABILITY AND TREATMENT.**

RFP No. MAY008

One of the primary functions of Police Auditing and monitoring systems is to provide *transparency* for law enforcement agencies. As the National Institute of Justice has stated, "*Transparency helps to overcome community suspicion and hostility toward law enforcement. Transparency is achieved through public reports with information about the citizen complaint process, the policies and procedures of the law enforcement agency, and special reports on particularly sensitive issues such as racial profiling, use of force or particularly controversial incidents.*"

While previously noted in the Civilian Oversight in the US section, transparency, i.e. the ability of the public to watch the operations of government, is essential to a civilian oversight process, it is not, in itself, the goal. Rather, it is the means by which *the public's right to know the public's business* is ensured, not the end in itself. Fair and responsible process and the accountability of that process are the essential features of civilian oversight that transparency reveals. If a police complaint system is not based on fairness to all, the public, the subject and witness officers, and the city government, all the transparency in the world will not help other than to reveal the worm in the core of the apple. It will not fix the system by itself.

### **Community Outreach Methods**

Transparency is enhanced by informing the public about the existence of a civilian oversight system and how it may be accessed. Community outreach about the goals and function of a civilian oversight system enhances public education and the accountability of the system, as the public can then knowledgeably hold the system to answer for its actions or lack thereof. Thus, access to information about the civilian oversight system, its responsibilities and its activities, is a critical component of a successful model. The NIJ Report sets forth the following ideas for community outreach:

#### **Publicity materials:**

- Brochures (some in foreign languages).
- Business cards.

#### **Postings:**

- Listings in the telephone directory.
- Brochure and business card racks in the mayor's office.
- An Internet site.

#### **Media:**

- Sending notices of hearings to the media.
- Placing announcements in newspapers.
- Televising hearings.

**Neighborhood groups and other agencies:**

- Mailing brochures and business cards.
- Making presentations.

**Filing locations:**

- Providing filing forms at multiple locations.
- Facilitating Internet filing.

**Referrals by police:**

- Posting signs in police stations.
- Handing out oversight brochures and business cards.

The IPR has adopted a number of the strategies listed above; however, their success at community outreach and public involvement has been limited. An interesting example is that a Portland human rights and civil rights attorney, active in many community organizations, told this Consultant that he had never seen the IPR brochure available in any organization's office or community organization office other than city offices.

**Communities of Color**

A close examination of the opinions of Portland's communities of color may be illustrative of some of the problems that exist with the IPR system of outreach.

Interviews of Native American Agency administrators and Community spokespersons were conducted at community centers and in private settings. There was unanimity among those interviewed that there is no outreach by IPR to the native community. Those interviewed stated that the city's reliance on computer access and Portlandonline does not assist the Native American community in obtaining information regarding the police complaint process or in filing a complaint.

The Native American Center administrators estimate that 90% of the native community does not have computers at home and transportation issues restrict their coming to the Indian center to use office computers. They stated that Indians in Portland don't feel comfortable going to talk to the police. They further stated, "There is no readily available IPR brochure. There is no personal contact by the IPR. Everything has to be on-line or in writing."

The city has recently asked the Indian Center to help with recruiting Native American commission members, but the experience has not been uniformly positive. Spokespersons for the American Indian community stated that they believe that the Auditor is a "nice man" but they contend that the Auditor, "relies on technical and procedural issues to exclude people of color." They further stated that staff or community members of the the Indian Center have never been invited to participate in any kind of "Indian awareness" for police training, nor in squad room meetings. Neither the police nor the IPR have ever asked to come to a community meeting to talk about police issues. They have also never been provided any brochures to have available for distribution in their centers.

Spokespersons for the Latino community echoed the observations of the American Indian community. One large, community-based group stated that they did not have faith in the IPR process. One Latino community spokesperson stated, "I originally wrote a letter of complaint directly to Mayor Tom Potter regarding inappropriate behavior by an officer in North Portland at a community policing office. I mailed my complaint letter together with support signatures from Latino community members to the Mayor, and all city council members got copies..." After almost three months of repeated calling and writing letters, this person received a letter from the Chief of Police. They stated that about a week later "I received a phone call from a police sergeant asking me questions about the incident that indicated to me an internal investigation was finally being conducted. I later received a process letter from the IPR as if issues were addressed, lost faith toward the IPR or any internal investigations by the police but clearly exposed to our Latino community-group the reality of the lack of cultural competence or insensitivity by these entities being evaluated by you."

A highly educated spokesperson for the African American community who has been active in Portland around police misconduct issues for more than ten years stated to this Consultant that if he was going to rate the IPR system including internal affairs, CRC, and IPR he would say, "They'd get an F. They get an F because I think that...there's no results...There's no outcomes. And I think that part of the problem is, part of the problem with the city, the whole review process is that these folks will come up with these ideas that mistake process with the product." This community leader went on to say, "You can get it [the complaint form] online, you can do this, you can do that, well okay, that's the process, that's not a product. But they're selling the process as a product. They're making you think that you've actually accomplished something and so what that does is takes them off the hook." This spokesperson went on to say, "I don't think this process wants to be accountable at all. I think they want to stick with selling us a process and [for us to] think that they've accomplished what we want to have accomplished."

### **Independent Police Review Annual Reports**

Annual Reports that are widely disseminated and covered in the media are a very useful means of informing the public of the existence and function of a civilian oversight office. The IPR issued Annual Reports for the years 2002, 2003, and 2004. These reports are detailed and thorough. The 2004 report (published in 2005) is particularly informative and generally impressive. It provides important information regarding the number and handling of complaints, as well as the number of officers disciplined and the level of discipline, including the time off the job without pay, and letters of reprimand. Unfortunately, it does not distinguish between those complaints that are sustained, and those that are handled as a Service complaint, which are not considered sustained cases. Instead, the numbers of complaints which received full IAD (formal) investigations and those that IAD handled as a Service complaint are consolidated into one number.

There has not been an Annual Report since 2005. Rather than issuing a detailed Annual Report, the IPR has issued three to six page Quarterly Reports. These reports are written in a conversational style, and provide general information, however they do not provide detailed information about either workload or complaint results. The IPR Office is presently in the process of preparing Annual Reports for the years 2005, 2006 and 2007. The office staff anticipates that the Annual Reports for 2005 and 2006 will

issue during the month of January, 2008. They have a target release date for the 2007 Report of March or April 2008.

### Information regarding the Number of Citizen Complaints

The Consultant received three different charts reflecting the number of complaints received by the IPR during the course of this study. One chart (identified as #1) was received early in the investigation. This chart indicates that a total of 718 complaints were filed with the IPR during 2006. The City Auditor included another chart (identified as #2) in his response to the Consultant's Interim Report and dated November 21, 2007. This chart indicates that 721 complaints were filed with the IPR during 2006. A third chart (identified as #3) was received from the IPR late in December 2007. This chart indicates that 788 complaints were filed with the IPR during 2006.

As was previously stated in Section 2 of this report, the City Auditor and the IPR Director have been helpful in providing information on a point by point basis, however, the statistics have been sometimes difficult for this Consultant to understand, and it must be almost impossible for the average Portland citizen to understand as well. But the confusion doesn't stop there. The fact that the Consultant received three different charts with three different numbers about how many complaints had been filed in one year, leads again to this reflection: **Note: It is important to recognize that even if some of the figures or the city's numbers are off by some small margin, the numbers will not change the basic observations on how the numbers are handled and the concluding results. The public may not be statisticians, or understand exactly why they don't have faith in the system, but most of those who use the system lack confidence in the police complaint process as now operating in the City of Portland.**

The Portland Auditor, IPR Director, and some CRC members participate in the National Association for Civilian Oversight of Law Enforcement (NACOLE) activities. NACOLE leadership estimates that the number of complaints that are generally received against a given police force in a year amounts to approximately fifty percent of the number of officers employed by that agency. Given the difficulty in confirming exactly how many complaints were received by the IPR during any given year, it is impossible to determine whether the IPR Division is receiving the number of complaints that would be expected, and thus whether it is reasonable to determine whether citizens are knowledgeable enough about the IPR system to know where and how to file complaints.

The responses to the Consultant's survey and the IPR's own information confirm that there may be a lack of knowledge regarding the IPR system throughout Portland. This is a concern particularly as many of those counted as complainants did not file directly with the IPR, but rather contacted other agencies to express their dissatisfaction. Many of these persons were not aware that they were listed as complainants by the IPR. Rather, they had expressed their dissatisfaction with police service through phone calls to the Mayor's and City Council members' offices, and through contacts with the Police Bureau. While these inquiries are routinely routed to the IPR offices, many people often were unaware of this process. Often complainants told the Consultant, both verbally and

as a response to the survey, that they were unaware that they had even filed a complaint. In many cases, they stated that the Consultant’s survey was their first notification that a complaint had been filed on their behalf.

One chart obtained from IPR (see # 3) confirms this information. The IPR indicated in this chart how many complaints are received directly, and how many are referrals from other offices in Portland. In 2006, this chart indicates that the IPR office received a total of 788 complaints, the origin of which 249 is not known. Of 539 that’s origin is known, 280 complaints were received by phone, 89 were sent via Portlandonline, 64 were mailed in, 37 complaints were walked into the IPR office, 34 came in from a Precinct, 9 complainants sent their complaint in by FAX, and another 26 came in through inter-office.

The information contained in Chart # 3 indicates that the majority of complaints most commonly come directly from complainants (513 of 788 in 2006). However, this leaves a large number (275 in 2006) which either came, or may have come, as referrals from either the PPB or other City Offices. Thus, for these 275 complaints in 2006, the person counted as a complainant may not have been aware that a complaint had been filed on their behalf.

The fact may be that Portland’s IPR does not receive the expected number of complaints, even given this automatic filing without the knowledge of the complainant, which would underscore the possibility that information about the complaint system has not permeated the community. However, depending on which chart is accurate, it may be that the IPR is receiving an expected number of complaints. Frankly, this Consultant is unable to tell this from the differing information obtained directly from the IPR and the City Auditor.

**[See Charts 1, 2, & 3 (below and on the next page) - Sources of Citizen Complaints Received by IPR]**

Chart # 1

New Complaints filed with IPR				
Year	Citizen Complaints	Rapid Dismissals	Total	Tort Claims
2000	831	-	831	
2001	690	-	690	
2002	531	-	531	
2003	761	-	761	
2004	781	-	781	
2005	609	162	771	75
2006	537	181	718	25

Chart # 2

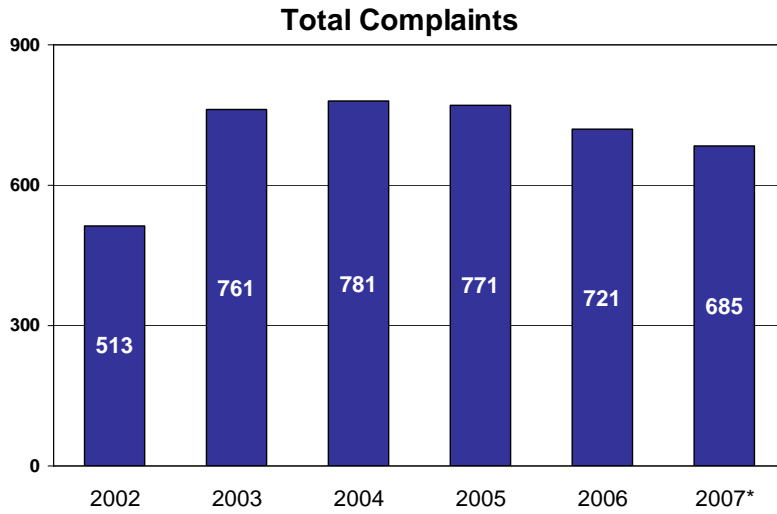


Chart # 3

Sources of Citizen Complaints Received by IPR				
	2005		2006	
	Number	Percent	Number	Percent
Phone	325	38%	280	36%
Unknown/Other	206	24%	249	32%
E-mail	91	11%	89	11%
Mail	87	10%	64	8%
Walk-in	71	8%	37	5%
Precinct	48	6%	34	4%
Inter-office	17	2%	26	3%
Fax	16	2%	9	1%



## **5. (B) DETERMINE THE SATISFACTION LEVEL OF THE COMMUNITY AS IT RELATES TO THE HANDLING, INVESTIGATION, REVIEW, AND OUTCOME OF COMPLAINTS.**

RFP No. MAY008

*Items 5A and 5B of the Request for Performance Evaluation required, in regard to the Office of Independent Police Review, that this Consultant determine the satisfaction level of the community as it relates to access, approachability, and treatment; and determine satisfaction level of the community as it relates to handling, investigation, review, and outcome of complaints.*

In order to ascertain the satisfaction of the community, this Consultant conducted the following activities:

- review of the assessment by the City Auditor of Community satisfaction regarding the City's efforts to control police misconduct as set forth in the Annual Resident Surveys for 2004-2007,
- the complainant satisfaction surveys conducted by the IPR,
- the Complainant surveys conducted by this Consultant,
- the Portland patrol officer surveys conducted by this Consultant,
- phone calls to complainants who did not respond to the Consultant's surveys, and
- interviews of community organization members.

Although perceptions of any process, particularly one which is confidential, may not be borne out in fact, we attempted to elicit them in order to test them against reality. We spoke with many groups and individuals, including police officers, city administration, citizen focus groups, and citizen complainants. We found that there is a lack of satisfaction with the IPR complaint process in general, and specifically with regard to timeliness, thoroughness and fairness. This is evident throughout the interviews conducted by this Consultant, as well as in the survey responses to both the IPR and the Consultants Satisfaction Surveys.

In general, the IAD process is viewed negatively by the people we interviewed, as well as by those we surveyed. It is thought to be inadequate, ineffective and slow. The citizens view IPR with suspicion and a lack of trust. These perceptions were evident in the interviews held with focus groups as well as in the remarks written on survey forms and made in unsolicited, long-distance telephone calls to the Consultants after receipt of the survey form.

### **What People have said:**

The following are statements made by citizens in the comments section of the Consultant's Complainant's Survey 2007. Here, in their own words, are comments that were typical of the majority of those who were unhappy with the IPR complaint system.

"I feel let down by the IPR, took months to let us know that it was turned over to internal affairs due to evidence found. Then totally left in the dark concerning status or closer [closure] of investigations." (Citizen, 2007 complaint)

“The communication on this serious complaint was non-existent. I still have no information on the outcome. I appreciate this survey, but have to state that I don’t believe this process is taken seriously. I am a local government employee in another state and would not put-up with this in my city.” (Citizen, 2006 complaint)

“I was not contacted by anybody. Someone should have contacted me after my complaint was filed and after I wrote letter after letter. I wrote to the Mayor, the Governor, Senators and Carl Blumenauer. Congressman B. said to talk to the City Council. By then I was worn out. As you can see, I am still upset by the incident.” (Citizen, 2002 complaint)

There is little understanding of how IPR works, and little familiarity with the process. Although a brochure which explains the IPR process exists, it is unclear to whom it is distributed. The Consultants did observe the brochure in the reception area of some Police Bureau Districts, including Central District, and in the waiting room of the IAD Division. While the City Auditor emphasizes Portlandonline as an important source of information, only 28 (10 percent) of the Complainant’s survey respondents reported that they heard about the IPR from this on-line source.

Most of the Complainants reported that they heard about the IPR process from other sources, including the media and the Mayor and Council office staff. The Consultants survey revealed that a total of 79 complainants (28.2 percent) heard about the IPR from the police. The Consultant’s survey respondents further reported that only 44 (17 percent) obtained a complaint form on-line, while 50 (22.9 percent) reported that complaint forms were obtained from the PPB precinct offices. While it is important that the PPB has a significant role in both the dissemination of information and complaint forms, this can limit access to citizens who may hesitate to contact police personnel or offices to complain about police misconduct.

### **1. Community perceptions of IPR effectiveness**

Some information regarding the effectiveness of the IPR complaint investigative process was obtained from community sources. Interviews conducted at a Portland Indian Center expressed a widespread dissatisfaction with the IPR complaint process. For example, at an Indian Center meeting, officials estimated that they knew of 100 members of the American Indian community who were unhappy about police contacts. None these members had made it through to the end of the IPR complaint process. Therefore, none of these persons would have been listed by the IPR as a complainant, nor would their comments have been captured by the Complaint surveys conducted by either the IPR or this Consultant. The Consultant interviewed two college educated American Indian activists who did file a complaint with the IPR. They had the officer’s name, the officer’s business card, the patrol vehicle license plate, and the time and date of the incident, but were still told, “it wasn’t enough.”

The Indian Center staff stated that “filing a complaint is too difficult” for most members of their community so they “simply make a fuss with the media.” The impression of the Native American activists is “that the community that screams the loudest can be successful, but the Native American community isn’t comfortable with that approach.”

### **Complaint Intake**

IPR records indicate that in 2006 approximately 60% of complaints were received by phone. The IPR Director provided this Consultant with a CD of intake interviews. This Consultant listened to a random sample of these interviews, and was generally impressed with intake investigators' willingness to listen, and their careful approach to the interview of complainants, some of whom were distraught. No citizen witnesses were interviewed, even though some were identified by the complainant. There were references made by the Investigators to trying to identify the subject officer through the use of the CAD records.

There was a noticeable tendency to encourage the complainant to consider Mediation. Mediation was suggested even where the Complainant made allegations of profanity precluded by PPB policy, or where allegations of legal violations, such as improper search or stop, were being made. The other possibility that was discussed with the complainants was Service complaints, but in no instance was a full investigation discussed.

### **2. The Role of IPR Staff**

The staff of the IPR has a critical function. For many complainants, the staff is the first point of contact with the office. The selection, training, attitudes and perspectives of staff members are critical components for the effectiveness of any office, but particularly for one which people contact because they are unhappy with police service.

The IPR staff was interviewed at length, and in some cases repeatedly, by this Consultant. The staff is generally supportive of the concept of civilian oversight and with their role in the process. They see their role as working with the PPB to improve and raise their standards and to manage their people. They see problems for the IPR office given the layers of police administration through which they must work.

Most of the IPR staff has law enforcement experience. Two staff members are retired sergeants and another is a retired lieutenant. The Director is an attorney who represented law enforcement. The hiring of the staff seems to be as a result of some form of personal outreach, or individuals who were known to each other prior to being hired. As one IPR intake investigator, who had been in law enforcement, said of another who had also been in law enforcement, "we've been friends for years." Another IPR staff member was recruited into law enforcement originally by yet another IPR staff member, so their ties go back a long way. This law enforcement experience has also been the case in the past. It was stated about a past IPR staff member "He was an important cop."

As the NIJ has asserted, the "talent, fairness, dedication, and flexibility of the key participants" is critical to the success of a civilian complaint system. Dedication is more than a willingness to do the job. It is also intellectual curiosity that seeks to 'get to the bottom' of what has occurred and to illuminate the incident through public scrutiny. For this, the curiosity of the staff is essential. The Oregon ACLU Director stated that he has observed a general "lack of curiosity" throughout the Portland system. He stated the attitude of the CRC, IPR, and Auditor is "Asking questions is bad, as we might have to do something about it, even if it could eliminate problems."

### **3. Staff perceptions of the IPR system and their role**

Some members of the staff expressed dissatisfaction with the operations of the IPR office, while others viewed it as, “demanding but fair.” Some expressed a discomfort with the fact that the IPR “rejects 50 percent of initial complaints” without investigation.

One staff person stated to this Consultant, “We’re here for the real stuff, I care for the real stuff. Yes, well, they complain so much. We get real ones.... But it’s probably less than 10%... that’s provable.”

Another staff person stated that “it is a waste of time to argue” with IPR administration. That ultimately the staff “loses” and the administration “wins.” Other staff persons stated that their role is to “finesse a situation, similar to customer service.” As one staff person stated “what can happen [on a given complaint] is determined” [by the IPR administration] “whatever their recommendations.”

In regard to the working relationship with the IAD, another IPR investigator said, “Well if [the IPR director] wants an investigation, [the IPR director] gets an investigation.”

## **Monitoring IAD investigations**

### **3.21.120 Handling Complaints.**

C. IAD Investigation with IPR Involvement. The Director may determine that an IAD investigation should also involve IPR personnel. When forwarding the complaint to IAD the Director shall notify the IAD Commander of the extent that IPR personnel must be included in the investigation. IAD personnel shall schedule interviews and other investigative activities to ensure that IPR personnel can attend and participate.

When Bureau personnel are being interviewed IPR personnel shall direct questions through the IAD investigator. The IAD investigator may either repeat the question to the employee or direct the employee to answer the question.

IPR personnel shall have an opportunity to review and comment on draft reports regarding an IAD investigation in which they participated to ensure accuracy, thoroughness, and fairness.

The IPR staff was interviewed about the process of monitoring IAD investigations. A senior staff person stated that they deal with questions that come to mind on the basis of the summary (provided by IAD). This staff person stated that they review the summary and then submit questions to IAD. Then, either the question is answered to their satisfaction, or the IPR staff will review the full IAD investigation.

Upon this review, the IPR decides “the investigation is complete and it could be sent to the commander for [findings] or here is some issues that I think you need to address.” This staff person stated, “Understand me, it’s their choice, not ours, not whether to address them but they uniformly do.” This staff person went on to say, “But the fact of the matter is that we’ve had a substantial influence on the depth and [breath] of their investigations. And I think they trust us on that so much now that they started asking me

to review their bureau-initiated investigations, which we have no jurisdiction. And they also now send the detective reports of officer involved shootings, and in custody [deaths], for my review before IAD decides...”

This IPR senior staff person believes that the IPR and the IAD have an effective working relationship. The staff person attributes this effectiveness to the personality of the IPR director, “the director has an entirely different personality [from the previous IPR Director]. I mean [the IPR Director] just won over the cops to be cooperative, to be collaborative. It’s been pretty remarkable. And I think I’ve helped contribute to that.” This staff person went on to state, “there has been almost the ideal storm of change going on. Because what we have found is that we have some critically important new partners in the bureau in key positions who are making a significant difference. Of course, there’s the chief, there’s an assistant chief that she brought in from the outside, and there’s the IAD captain.”

### **Tort Claim Review**

The Portland IPR has the statutory authority to review Tort Claims and Civil complaints alleging tortuous acts by Portland police officers. This administrative rule (ARB-PSF-5.24) was adopted by the City Auditor’s Office pursuant to its rule-making authority and filed for inclusion in PPD [Portland Policy Documents] December 7, 2007 .

IPR will review civil claims filed against Portland police officers and will open complaint files in cases involving substantial allegations of serious police misconduct.

Under the past IPR Director, the IPR office began the process of reviewing Tort Claims, if they involve PPB officers, to determine if there is any possible misconduct. The IPR records indicate that a total of 100 complaints were recorded by the IPR in 2005 and 2006 as a result of this activity. This is an extremely useful component of Civilian Oversight in Portland and one that should be commended.

In regard to the Tort Claim Review Process, a Senior IPR staff person stated that initially they reviewed every claim. This has changed and the IPR no longer reviews claims involving auto accidents. However, “I get all the rest without exception.” The IPR staff reviews the claim prior to a decision by the city attorney’s office as to whether or not it has any legal merit. This staff person stated, “And I screen viciously the tort questions. Some of them say utterly nothing that would help me to understand what was going on. Many of them are claims for property damages as a result what otherwise appears to be legal police activity. You know, executing a search warrant, kicked in the land lord’s [door].... We find allegations [of] serious police misconduct. I’m not looking for courtesy issues...”

This staff person stated, “Our standard practice is to interview the aggrieved party and review relative police reports to determine whether personnel disciplinary investigation or corrective measures may be appropriate.... So very few tort claims end up going all the way through an IAD investigation. Now I will say that as a result of our review, not based solely on the tort claims review, regular cases were starting to raise some questions. [In 2006] we identified a practice that was clear to us there was wide misunderstanding in the bureau, their authority to enter a residence without a warrant.

They had some how got it into their heads and into their culture that so long as that they had probable cause to arrest somebody in a house, they didn't need a warrant. They could go in and drag them out. It became readily apparent when I started reviewing the tort claims that there was a pattern. And rather than attack it initially through a disciplinary proceeding, we got the bureau to call a halt to it. The city attorney did a wonderful video that went out to all briefings. Everybody had to see it. It was sort of in your face, 'you have to stop doing this now' sort of thing. Subsequently, a lieutenant got a sustained for not properly or for improperly authorizing officers to go in without a warrant...This had a major impact on the PPB."

The staff person stated that this issue had now nearly disappeared as a problem. He stated that this approach allows the IPR to have "two handles on the police bureau. One is through the disciplinary process and one is through policy analysis. Sort of in between those two is what I think is our increasing ability to influence police managers to manage more responsibly and more aggressively...."

### **Early Warning System**

The IPR and the City Auditor encouraged the development of an Early Warning System for the Portland Police Bureau. According to IPR senior staff, the IPR and City Auditor "initiated this 9 years ago for the bureau." The IPR staff has little role in the oversight of the system and no role in its operation. This is illuminated by a comment made by an IPR senior staff member. This staff member told this Consultant that the EWS "is operational in some precincts." IAD Capt. Tellis stated however, that the EWS was "fully operational."

The NIJ Report noted that the Portland auditor examined the Portland Police Bureau's EWS system and ensured it was identifying the individuals who met the bureau's criteria for inclusion on the list of potential problem officers. It is not known when, or how often, this occurs.

### **4. Use of Mediation with Citizen Complaints**

Mediation can be a very important component of a civilian oversight system. It is a concept that has come to serve an important function where appropriate. For a very useful handbook that discusses the mediation process, obtain the following publication: Samuel Walker, Carol Archbold, and Leigh Herbst, [Mediating Citizen Complaints Against Police Officers: A Guide for Police and Community Leaders](#), recently released by the COPS office. [<http://www.usdoj.gov/cops/>]. This handbook contains the following information:

Certain citizen complaints occur after encounters during which the citizen believes s/he has been treated with disrespect (discourtesy complaints), or encounters in which the citizen cannot understand why an officer took an action (procedural complaints). It is in these instances that Mediation serves a very important function.

Both internal and external investigations may be unsatisfactory in addressing these kinds of complaints for several reasons:

- the adversarial tone of the allegations and investigative process;
- the laws regarding personnel investigations and confidentiality;
- the limited and formal information released during and after investigations;
- the lengthy time to conduct an investigation, and
- the sheer frustration of filing a simple complaint through a formal process that appears inflexible and consumes much time.

In these cases, an administrative investigation may force citizen and officer into adversarial postures when a more flexible, less formal process may enable each party to understand the other's action. The complainant wants to be listened to with respect. They may simply be seeking an apology or an explanation why something happened. If these complaints can be resolved without full administrative investigations, it benefits all and improves community police relations.

Mediation may be the process of choice for these complaints. Mediation involves use of a neutral, trained mediator assisting two disagreeing parties as the parties talk and listen to one another in an attempt to reach a mutually satisfactory resolution.

To this end, various jurisdictions ask complainants and subject officers to explore mediation as a process through which to resolve the complaint. The danger, however, is in using Mediation for the whole range of complaints.

The NIJ Report includes the following potential benefits of mediation to citizens and police.

Citizens may:

- Be encouraged to file complaints.
- Gain the satisfaction of talking directly with the officer.
- Gain a better understanding of police work and why the officer acted in a specific manner.
- Learn why some officers are not always courteous.
- Feel more satisfaction than if a hearing results in an exonerated, unfounded, or not sustained finding.

Police officers may:

- Learn how their words, behaviors, and attitudes can unwittingly affect the public.
- Avoid having a complaint included in their files if mediation is successful.
- Reduce the negative image some citizens have about officers.
- Gain an understanding of why the complainant acted the way he or she did.

The benefits of mediation to complainants, officers, and the City can be significant. It is important to ensure, however, that the process is used seriously and appropriately.

## Mediation in Portland

Mediation is considered an important component of the IPR in Portland. In Portland, any complaint may go to Mediation, regardless of category, so long as the staff person who oversees the process agrees that the process is appropriate.

This staff person is also responsible for rapid dismissals, and it is from this group that many mediation cases arise. The responsible IPR staff person stated, "I love mediation I want to make it happen." This staff person also stated that there have been instances where mediation has not occurred, even though requested by the complainant, "I can call it off. I can say I don't think this is acceptable." There have been instances where mediation has occurred even though the responsible staff person rejected it for that complaint. This staff person stated, "I'll do it [rapid dismissal], my boss says no, I want a mediator." The Director's decision to mediate then will take precedence.

The IPR staff person believes strongly that mediation works, even where individuals may not come into mediation in good faith. This staff person estimated that "maybe 40% of the time, at most, officers do it just because they want to get [the complaint] off their record." But this staff person went on to say, "I don't care what gets them in here, but if I can get them in here the odds are they're going to walk out [happy]. So I am willing to take the ones who aren't in good faith because I think the process is strong enough that it will still work most of the time. And if it doesn't what have we lost? Would we have gotten anything more if they had gone, ok well we sustained [one allegation]... We dismissed all the rest of it. That doesn't make them happy. Even if they win they don't get happy. I'm the only one who gets pretty satisfied customers in this office."

The IPR rules allow mediation with any category of complaint. The City Auditor has stated in regard to whether force complaints should be excluded from mediation, "If complainant, officer, commander, IAD, and IPR approve then we think minor force complaints should be mediated." IPR staff concurs with this idea in practice. A staff person stated, "Mediation, it comes from us. We explain mediation unless it's totally out of the question I think, huge use of force complaint or something. But if it's a courtesy thing, something fairly minor sometimes even disparate treatment, you know where they feel like the officer treated them badly because of their color. Maybe they just want to sit down and talk about it. We decide if it's [appropriate] and then we ask them if they would like to mediate and we explain it all to them, what it means. That means the officer will come in and talk to you. There will be a professional mediator. There won't be anything on the officer's record then because he's agreed to mediate, but he has to agree too. We have to set this all up." This IPR staff stated that most of the time the officers agree to mediation.

While the Portland IPR staff and the City Auditor express general support for Mediation, the fact remains that Mediation is seldom used. Mediation has been conducted in Portland since 2002, but the process became fully operational in 2003. Unfortunately, the system has not expanded in the years from 2003 to 2006. In 2003, 3% of the complaints were either mediated or pending mediation. In 2004, this percentage was 5%; in 2005, it was 4%; and again in 2006, it was 4%. This percentage compares poorly with the percentage of complaints mediated in Albuquerque, where for example 14 % were mediated (46 complaints mediated as compared with a total of 324).



## Survey responses regarding Mediation

This Consultant's Survey regarding Mediation indicates that a total of 26 respondents went through the mediation process during the period from 2002 to 2007. Ten of the respondents (48 percent) asserted that the officer was present and cooperative during the mediation, and 14 (67 percent) responded that the setting of the mediation was informal and non-confrontational. However, only 9 (35 percent) respondents were satisfied with the result. The following is a sample of Complainant comments regarding Mediation. "I really liked the mediator she was very professional and nice!!!" "The first complaint was mediated and the investigator was awesome." A third complainant noted, "Overall I found the mediator to be fair and professional. The officer was upset that he had to sit in the mediation and was annoyed with the process. I was happy to be given the opportunity to express my concern regarding the officer's conduct."

A number of complainants who wished to mediate their complaint were not able to do so. This is reflected in the comments by three complainants, "I was told the three people involved in mediation could never agree to a time to meet despite my saying anytime. never occurred." Another reported, "The complaint was made by myself on behalf of a client; no mediation took place due to scheduling difficulties." Yet another reported, "...It took the mediator three and a half months to even contact me for mediation." One police officer commented, "The mediator was completely unprepared for the process. I mediated my own session."

### Mediation

This NIJ report lists the following advantages to Mediation:

- Oversight bodies can make mediation available to selected complainants. Mediation can potentially benefit:
  - Complainants, many of whom are only interested in being able to express their concerns to the officer.
  - Subject officers, who can learn how their behavior can affect the public and can avoid having the complaint included in their files.
  - The community-at-large, as citizens improve their understanding of police operations.
  - Oversight bodies, which are spared the need to investigate and conduct hearings for these complaints.

Mediation can have disadvantages and has limitations. For example, use-of-force cases are not suitable for mediation.

### The proper use of mediation

Mediation can be very valuable when used appropriately. The NIJ Report supports Mediation for certain complaints. It asserts "use-of-force cases are not suitable for mediation." NIJ contends that Mediation is suitable only for cases involving allegations of officer discourtesy and other minor misconduct. The report asserts that allegations of use of excessive force or discrimination should not be mediated because, if sustained, they merit punishment. Adhering to this guideline, many jurisdictions limit the use of Mediation to those complaints that allege discourtesy, or improper procedure. Mediation is generally not allowed in use of force, where legal issues, such as improper stop, search, detention or disparate treatment are alleged, or where an officer has a pattern of misconduct.

The Portland IPR does not follow the NIJ guidelines nor the guidance of other civilian oversight mechanisms. The Portland IPR allows mediation in any case, however the staff exercises some control over access.

### **Evaluative Process**

This Consultant conducted and supervised investigations of police misconduct in three different civilian oversight agencies for more than 14 years. Therefore, as an essential part of this evaluation, this Consultant conducted an in-depth evaluation of every 10<sup>th</sup> IAD investigation for the years 2002-2007, every 50<sup>th</sup> IPR complaint *review and determination*, and every 20<sup>th</sup> Rapid Dismissal for the years 2005-2007.

#### **Review and in-depth evaluation of IAD investigations:**

The in-depth evaluation of the sample of IAD investigations is set forth in Section 4 of this study. The IPR has a responsibility to review IAD investigations and to determine their sufficiency. Under the City Ordinance, the IPR has the authority to conduct an independent investigation as well as to simply review. The City Ordinance sets forth the following:

#### **3.21.120 Handling Complaints.**

D. IPR investigation with IAD involvement. The Director may determine that IPR should investigate a complaint. If the Director concludes that IAD has not done an adequate job investigating complaints against a particular member, the Director may determine that IPR should investigate a complaint against the member. If the Director concludes that IAD has not done an adequate job investigating a particular category of complaints, the Director may determine that IPR should investigate a complaint or complaints falling in that category. If the Director concludes that IAD has not completed its investigations in a timely manner, the Director may determine that IPR should investigate some complaints. IPR investigations shall be conducted in conformance with legal and collective bargaining provisions. Such investigations shall not be initiated by the IPR Director involving matters currently in litigation, or where a notice of tort claim has been filed.

The Director shall notify the IAD commander that IPR has undertaken an investigation and the reason. The IAD commander shall appoint a liaison investigator from that office within two working days to arrange and participate in interviews. When Bureau personnel are being interviewed by IPR personnel the IAD investigator may either repeat the question or direct the employee to answer the question.

The Director shall provide the IAD commander and the Police Chief with a report on the investigation. The Director shall provide the IAD commander and the Police Chief with a report on the investigation, and present the IPR findings to the Chief or designee to assist the Chief in determining what, if any, action is appropriate. At the completion of the investigation and any appeal process, the records of the investigation shall be transferred to the IAD offices for retention.

A decision by the IPR to conduct an investigation has never occurred in the history of the IPR. This is the case even though situations have arisen that would fit the criteria envisioned by the ordinance (i.e., IAD not doing an adequate job of investigating

complaints against a particular member, pattern of misconduct—see 2004 report), that IAD has not done an adequate job investigating a particular category of complaints, or that the IAD has not completed its investigations in a timely manner (see timeliness in Section 4).

### **In depth review of IAD Review and Deliberation files**

This Consultant conducted an in-depth review and evaluation of complaint *reviews and determinations*. The in-depth evaluation included a thorough review of the quality of the investigations. This evaluation included whether citizen and witnesses were interviewed, whether police reports, Communication Center tapes or CAD records were reviewed, whether there was a focus on procedural and/or legal issues, and/or whether there was any apparent bias or slant.

Of the 23 complaint investigations reviewed, 15 were of high or good quality. One of these ultimately went to Mediation. In 3 of these files, there was evidence of communication center tapes and/or CAD records. In 2 files, there was evidence that codes and protocols had been reviewed, and 4 files reflected information from citizen witnesses. With all of these investigations, there appeared to be efforts to obtain information from witnesses and evidentiary material, and a fair assessment of such information obtained. In none of these cases did there appear from the files to be any apparent bias against citizen complainants.

In 8 cases, however, the investigations were seriously inadequate. In these investigations, which amount to approximately 35 percent, there was the failure to fully review and evaluate the available information. In none of these 8 cases was there a record of citizen witnesses being interviewed, nor was there evidence that a review had been made of police records or codes and protocols.

### **Rapid Dismissals**

In 2005, the IPR Office implemented a process whereby some complaints are given a cursory review and slated for Rapid Dismissal, or in some cases Mediation. The following information was obtained in an e-mail from the IPR Director:

Rapid dismissals are just a subset of dismissals. By administrative rule the Director delegated to staff the ability to dismiss a subset of cases that the Director is already authorized to dismiss. Staff's decisions are reviewed by either the Assistant Director or Director. The idea behind calling some of these R (rapid dismissal) cases to distinguish them from regular old C (citizen) cases was that the files would be paperless so they needed a different numbering scheme. I think we still need to maintain a paper copy for public records purposes so we will no longer be calling these R cases. All cases will be C cases, but staff will still be able to dismiss some cases, subject to review by the Assistant Director or Director. You can see the category of cases staff is authorized to dismiss in the administrative rule [PSF 5.19(4)].

## **INDEPENDENT POLICE REVIEW DIVISION - CASE HANDLING GUIDELINES**

*Administrative Rule Adopted by Bureau Pursuant to Rule-Making Authority*

ARB-PSF-5.19 Portland City Code 3.21.120—Handling Complaints and the principles described below in Section 4—Screening by Staff During Intake and Section 5—Post-Intake Review and Screening.

For the years 2005-2006, approximately 343 complaints were handled through a process of Rapid Dismissal. In 2006, this approach took an average of 4.9 days from date of receipt to closure.

In 31 of the 37 cases (84 percent) that were evaluated by this Consultant, the review and determination process seemed to work well. The files were generally complete and the work well described. The 31 complaints seemed to have been dismissed with good reason, and with a significant saving of time. In six cases, however, the case was not reviewed adequately and some serious allegations that could have been investigated more fully were ignored.

This Consultant's review of this process indicated that the Rapid Dismissal process as conducted by the IPR is a very worthwhile effort. The fact that 84 percent of the complaints seem to have been properly handled is admirable. The time saved that could be applied to more appropriate complaints is well worth the effort. The IPR implementation of the Rapid Dismissal process and the efforts of the assigned staff person are to be commended.

### **THE SATISFACTION SURVEYS: AUDITOR'S, IPR'S & CONSULTANT'S**

A number of satisfaction surveys regarding the PPB and the IPR have been conducted in the last five years. The City Auditor and the IPR have conducted annual surveys. The Consultants also conducted a survey as part of this study.

### **CITY AUDITOR'S SERVICE EFFORTS AND ACCOMPLISHMENTS STUDY**

#### **The questions asked by the City Auditor as part of the City Auditor's Service Efforts and Accomplishment Study**

There is one question asked by the City Auditor in the Resident Survey that relates to the City's efforts to control police misconduct. This question is as follows: How do you rate the City's efforts to control misconduct by Portland Police Officers? The Auditor reported the following results: The lowest favorable response rate was in 2004, when 35 percent felt that the City's efforts were good or very good. In 2005, those who responded favorably to this question increased to 39 percent; in 2006 the percentage of those who responded favorably increased again, to 42 percent; but in 2007, the percentage of those who responded favorably to this question dropped to 38 percent. The result is that an overall average of 61.5 percent of Portland residents who responded to this survey do not believe that the City's efforts to control misconduct by Portland Police Officers is adequate.

### **IPR ANNUAL COMPLAINANT SATISFACTION SURVEY**

**The City Auditor surveys IPR complainants on a yearly basis.** This survey does not report actual numbers for each response. This Consultant has averaged the responses below for the four years from 2004 to 2007. The questions asked by the IPR, as part of

the Annual Complainant's Satisfaction Survey, that relate to overall satisfaction are set forth below:

### **Satisfaction**

1. *Overall, how satisfied are you that the City of Portland is trying to prevent future incidents like yours?*  
Of respondents to this question, 24 percent indicated that they were satisfied that the City of Portland is trying to prevent future incidents like theirs.
2. *Overall, how satisfied are you with the fairness of your complaint's outcome?*  
Of respondents to this question, 19 percent indicated that they were satisfied that the outcome of their complaint was fair.
3. *Overall, how satisfied are you with the police complaint process in general?*  
Of respondents to this question, 27 percent indicated that they were satisfied with the police complaint process.

The IPR annual satisfaction survey asks other questions that probe complainant satisfaction. These questions include the following:

### **Thoroughness**

1. How satisfied were you with how fair and thorough the investigator's questions were?  
Of respondents to this question, 55 percent indicated that they were satisfied that the investigator's questions were fair and thorough.
2. How satisfied were you that your complaint was handled thoroughly?  
Of respondents to this question, 30 percent indicated that they were satisfied that their complaint was handled thoroughly.

### **Notification**

3. How satisfied were you with the information you got about what was happening with your complaint (notification)?  
Of respondents to this question, 33 percent indicated that they were satisfied with the information they received regarding the progress of their complaint.
4. How satisfied were you that your complaint was handled quickly (timeliness)?  
Of respondents to this question, 33 percent indicated that they were satisfied that their complaint was handled quickly.

## **The Consultant's Complainant Satisfaction Survey**

This Consultant conducted a survey of IPR complainants for the years 2002 to July 2007. The information contained in this section of the report is derived from these surveys. The statistical charts that relate to these questions follow this report. The response rate varied by year as did the percentage of complainants who responded favorably. The percentage response is determined from the cumulative total of all responses for the years 2002-2007.

It is important to note the following, in regard to the Citizen & Police Survey data charts, statistics referred to in the report are measured only for those who responded to the specific survey question. While charts also show numbers and percents for responders who left answers 'blank,' these numbers are not calculated in our percentages discussed in the report.

This Consultant's survey asked for responses to probe complainant satisfaction. The Complainants were queried about the following categories and asked these questions.

### **Overall Satisfaction**

The questions asked by the Consultant that relate to overall satisfaction are as follows:

**1. Overall, were you satisfied with the Citizen Complaint process?**

Of 324 respondents to this question, 65 (20 percent) indicated that they were satisfied with the complaint process. 80% responded that they were not satisfied.

While few complainants were satisfied overall, there are some demographic differences. Specifically, more women were satisfied (24%) than were men (18%). Those complainants who were older (over 34 years of age), those who were either Hispanic or White, and those who were either college graduates or who held advanced degrees were the most satisfied. This is an important delineation, however it is important to note that no group that responded exceeded a 30% satisfaction level. [See Appendix - Charts #6- 58 Frequency of Satisfaction; Crosstabs for Gender, Age, Ethnicity, Education]

**2. Enough information was gathered to make a fair decision?**

Of 213 respondents to this question, 35 percent indicated that they were satisfied that enough information had been gathered about their complaint to make a fair decision.

While few complainants were satisfied overall that enough information had been gathered to make a fair decision, again there are some demographic differences. Specifically, more women were satisfied (40%) than were men (32%). Those complainants who were between the ages of 35-44 were more satisfied than were either younger or older people. Again, those who were either Hispanic or White, and those who had some college education, or were college graduates or who held advanced degrees were the most satisfied. [See Appendix - Charts # 3-29/30 Frequency of Satisfaction; Crosstabs for Gender, Age, Ethnicity, Education]

**3. A third critical question that related to overall satisfaction asked "Were you treated with respect?"**

Of 236 respondents to this question, 73 percent indicated that they were satisfied that they had been treated with respect by the interviewer.

Most complainants, regardless of their demographics, responded that they were satisfied that they had been treated with respect. There was little difference in the way that men or women of any age responded to this question. However, more Hispanic (77%) and White (83%) responded favorably to this question, while American Indians, Asian Americans, and African Americans responded

favorably in the range of 50%. Those complainants with less than a high school education responded very negatively to this question, with only 18% believing that they had been treated with respect. [See Appendix - Charts # 3- 19/20 Frequency of Satisfaction; Crosstabs for Gender, Age, Ethnicity, Education]

## Thoroughness

The survey asked complainants questions regarding their opinion of the thoroughness of the investigation of their complaint.

### 1. The investigator asked fair questions.

Of 223 respondents to this question, 69 percent indicated that the investigator asked fair questions.

Most complainants, regardless of their demographics, responded that they were satisfied that the investigator asked fair questions. There was little difference in how women or men of whatever age answered this question. Again, however, Hispanics (91%) and Whites (72%) felt that they had been asked fair questions, while only 50 percent of American Indians, 62 percent of Asian Americans, and 45 percent of African Americans responded favorably. Those complainants with an advanced degree responded most favorably to this question (80%), while those with less than a high school education responded least favorably (58%). [See Appendix - Charts # 3- 21/22 Frequency of Satisfaction; Crosstabs for Gender, Age, Ethnicity, Education]

### 2. My information was carefully considered before a decision was made on my complaint.

Of the 195 respondents to this question, 41 percent were satisfied that their information had been carefully considered before a decision was made regarding their complaint.

Most complainants, regardless of their demographics, were concerned about the consideration of the information they provided. More women (46%) than men (38%) were satisfied that their information had been carefully considered. There was little difference as to age in their response, however more older people (55-64) responded favorably. Again, Hispanics (44%) and Whites (45%) felt that their information had been carefully considered, while relatively few American Indians (33%), Asian Americans (30%), and African Americans (23%) felt that this was the case. Those complainants with an advanced degree responded favorably to this question at a much higher rate (59%), than did those with less than a high school (33%) or a high school education (29%). [See Appendix - Charts # 3- 23/24 Frequency of Satisfaction; Crosstabs for Gender, Age, Ethnicity, Education]

### 3. Were there any witnesses to your incident? If yes, to your knowledge, were they contacted?

A. A total of 246 respondents indicated that there had been witnesses to their incident.

Most complaints reported that there were witnesses to their incident. There was little difference demographically in the response to this question.

B. In response to the second part of the question, relatively few responded that these witnesses had been contacted by the investigator (14.5%). Again, there was little difference between demographic groups. [See Appendix - Charts # 3-25/26A and #3- 25/26B Frequency of Satisfaction; Crosstabs for Gender, Age, Ethnicity, Education]

### Notification

The survey also asked questions regarding notification and timeliness of the investigation of the complaint. These responses were not analyzed demographically.

#### Progress:

##### **I was kept informed of the progress of my complaint. (Frequency)**

Of 246 respondents to this question, 35 percent indicated that were kept informed of the progress of their complaint. [See Appendix - Charts # 3- 27/28 Frequency of Satisfaction]

#### Outcome:

##### **Were you notified of the outcome of your complaint? (Frequency)**

Of 306 respondents to this question, 64 percent indicated that were notified of the outcome of the investigation of the complaint. [See Appendix - Charts # 3- 37A Frequency of Satisfaction]

#### Timeliness:

##### **The investigation of my complaint was completed in a timely manner.**

**(Frequency)** Of 220 respondents to this question, 48 percent indicated that the investigation of their complaint was completed in a timely manner. [See Appendix - Charts # 3- 35/36 Frequency of Satisfaction]

### Telephone Follow-Up: The interview responses from Complainants who did not respond to the Consultant's survey

It is difficult to ascertain a satisfaction level from a response to a voluntary survey. A Consultant must always be concerned that the study reflect the views of as many people as possible, not just those who felt strongly enough about the process to respond to a survey. To this end, phone calls were made to complainants who had not returned survey forms, and for whom the Consultant had active telephone numbers. In all, 53 people were contacted. There were 15 more who did not return the calls left for them. The persons who responded to the calls were asked questions regarding the following, and provided the following answers:



### **Overall Satisfaction**

1. Overall, were you satisfied with the citizen complaint process?  
Twelve (12) responded Yes, 34 responded No.

### **Notification**

2. Were you kept informed of the progress of your complaint?  
Nineteen (19) responded Yes, 26 responded No.
3. Were you notified of the outcome of your complaint?  
Twenty three (23) responded Yes, 22 responded No.

### **Thoroughness**

4. Were there witnesses to your complaint?  
Fifteen (15) responded Yes, In none of these cases were the witnesses interviewed.
5. Were you treated politely and with respect?  
Thirty two (32) responded Yes, 12 responded No.
6. Were you discouraged from filing a complaint by the investigator?  
Ten (10) responded Yes, 34 responded No.

### **Timeliness**

7. Were you interviewed in a timely manner?  
Twenty five (25) responded Yes, 19 responded No.

### **Mediation/Appeal**

8. Did your case go to Mediation?  
One (1) responded Yes, 52 responded No.
9. Were you satisfied with the result of the Mediation?  
None responded Yes, 1 responded No.
10. Did you appeal the decision regarding the complaint?  
No one appealed.

## **The Consultant's Police Satisfaction Survey**

This Consultant conducted a survey of Portland Police Bureau members for the years 2002 to 2007 (July). The information contained in this section of the report is derived from these surveys (see Section 4 for data and detailed analysis). The statistical charts that relate to these questions follow at the end of the chapter. The percentage response is determined from the cumulative total of all responses for the years 2002-2007.

### **Questions related to civilian oversight in general.**

The Portland Police Bureau members who responded to the survey were queried about their opinion of civilian oversight, whether or not they had received complaints.

1. Internal Affairs quality of investigations is improved by Civilian Oversight.  
Thirty nine (27 percent) of those who had received a complaint and 21 (32 percent) of those who had not received a complaint felt that the quality of IAD investigations was improved by civilian oversight. [See Appendix – Police Charts # 8-9 Frequency of Satisfaction]
2. IPR improves the complaint process.  
Fifty seven (48 percent) of those who had received a complaint and 21 (47 percent) of those who had not received a complaint felt that the IPR improves the complaint system. [See Appendix – Police Charts # 8-6 Frequency of Satisfaction]
3. Citizens can competently review police complaints.  
Fifty eight (48 percent) of those who had received a complaint and 20 (39 percent) of those who had not received a complaint felt that citizens can competently review police complaints. [See Appendix – Police Charts # 8-1 Frequency of Satisfaction]

The officers who had received complaints were asked whether they had any concerns about consequences there might be for their careers as the result of receiving complaints. The officers responded affirmatively to a number of different possible consequences, however, the largest response was that almost half of the officers who had received complaints had no concerns about any consequences.

- 9% Civil Suits
- 9% Reprimands
- 28% Discipline
- 32% Tarnished Reputation
- 42% None

[See Appendix – Police Charts # 4- 6 Frequency of response for civil suits; reprimands; discipline; tarnished reputation; and none]

A number of PPB officers expressed dissatisfaction with the complaint process. The following comments were common.

“I never was asked question about my investigation, seems like my opinion did not matter. I was never told of the investigation until it was over.” (Police, Traffic Precinct)

“A complainant was substantiated as to rudeness, with no interview, check of CAD or Communication Center or interview of witness officer. There was no opportunity for response, no representative, just in my box and handed a copy.” (Police, Central)

### **Summary of findings from satisfaction surveys**

There is a remarkable congruence of opinion by Portland residents in general, complainants and Portland police, that can be determined from the aforementioned studies. The Portland community is not satisfied with the system to control police misconduct. Complainants are not satisfied with the thoroughness, fairness, and

timeliness of the investigation of their complaints. While PPB members are generally satisfied with the complaint investigations and thought they were fair and thorough, they are concerned with the timeliness of the original notification, the timeliness of progress notification, and almost half were concerned regarding the timeliness of the investigation of their complaint.

### **The Albuquerque survey of community satisfaction with civilian oversight.**

It has been alleged that complainants are never satisfied, regardless of the form of civilian oversight existent in a particular city. However, this is not the case. An example of the satisfaction that can exist in a city with an Auditor model of civilian oversight, where independent investigation of some complaints and an empowered citizen board exists, is in Albuquerque. The Independent Review Office (IRO) conducts independent investigations into all serious misconduct matters. Under the ordinance, the IRO must independently investigate all use of force, improper searches, and racial profiling complaints. The IRO attempts to independently investigate all complaints received from members of the public. Should the IRO not have the staffing to investigate all complaints received, they select certain cases to investigate. Any complaints which they do not have the staffing to investigate may be sent to the APD Internal Affairs (IA) unit for investigation. The IRO then monitors these IA investigations.

The City of Albuquerque Independent Review Office (IRO) is an Auditor model that was evaluated and re-structured with the assistance of Sam Walker and this Consultant, as set forth in the 1997 Luna-Walker Report. Over the years from 2003 to 2006, the IRO has conducted a series of complainant satisfaction surveys. The results of their surveys are reported on the City of Albuquerque Official Website at <http://www.cabq.gov/iro/reports.html>. The 2006 report shows a higher level of satisfaction with their model than that shown by the Complainant surveys conducted by the City of Portland IPR and by this Consultant.

In order to gauge the satisfaction of the community members who filed complaints and whose complaints were formally investigated, the Albuquerque IRO distributed satisfaction surveys to over 250 complainants. The 2006 survey had a return rate of approximately 16 percent.

The Albuquerque IRO stated that the results from the 2005 and 2006 surveys were "remarkably similar," but showed a leap (about 50%) in the approval of the IRO findings, (60%) in the whole civilian oversight process, and (40%) approval of APD. This was great improvement. The overall satisfaction results of those complainants who responded to the Albuquerque survey indicated that 60% were generally satisfied, while 25% were not satisfied with the findings of the IRO. This high level of satisfaction stands in stark contrast to the 27% of survey respondents to the Portland IPR Complainant satisfaction survey who reported that they were satisfied, and to the 20% of survey respondents who reported to this Consultant that they were satisfied.



## **5. (C) The Citizen Review Committee (CRC)**

RFP No. MAY008

The role of the Citizen Review Committee (CRC) is to provide a citizen voice to an oversight board and to open a process up to the public. In Portland, it is designed to conduct Appeal hearings and to provide citizen oversight of general PPB policies and procedures.

The CRC is authorized by statute 3.21.080 to do the following:

- Conduct meetings
- Gather community concerns
- Recommend policy changes
- Advise on operations
- Hear appeals
- Outreach to public
- Create special purpose subcommittees

When created, the CRC had the authority to grant appeals from complainants who were dissatisfied with the dismissal of their complaint. This is no longer the case. The CRC may now hear an appeal only after the IPR Director has decided it has merit. The CRC has no role in the evaluation of the IPR Director or office.

### **Perceptions of the CRC**

The CRC was established to be a pro-active body, to bring the light of public scrutiny to the IPR process and to involve itself in policy discussions with the PPB. Over the years from 2002-2007, this role has changed to a role that is much more passive.

This Consultant interviewed a number of CRC members past and present. All expressed support for the concept of civilian oversight and felt that a civilian review board was an important part of a civilian oversight process. Most, however, felt that the CRC was not fulfilling its full potential. Some CRC members expressed frustration with the work that they do. Appeals were a much larger part of the work done by the CRC in the early years. Now, however, it is a very small part of what they do. One CRC member stated, "I think that this is a very important role. I really love it, but sometimes I get very frustrated by it." This member went on to say, "to be real honest I'm not sure how much impact we have on the IPR."

One Commissioner felt that the CRC was doing a good job. This Commissioner stated that he meets regularly with his CRC member. He stated that he has a close relationship with this member, and receives regular reports from him. Other Commissioners have limited contact with the CRC or its members. Some Senior Council staff also had relatively little information about the CRC.

Many people in Oregon have watched the development and operations of the Portland IPR system with interest. The City Auditor referred this Consultant to one such person, the Executive Director of the Oregon American Civil Liberties Union, for his impressions of the roles and activities of the Portland IPR and CRC.

When interviewed, the Executive Director of the Oregon ACLU stated to this Consultant that “the Portland CRC should be much more active, particularly as to policy and to supervise the work plan of the IPR.” The “bigger systemic issues” should be discussed with the CRC by the IPR. He stated that he believes that the IPR needs to be very involved in the on-going review of investigations, and should report to the CRC on issues that come out of complaints made (even if not investigated) and for input. He contends that “the CRC is supposed to have a role in policy review, but PARC seems to have taken that over.” He further stated that “PARC is on contract to the city and not responsible to the CRC. The IPR also does not seem to be much involved in the review or implementation of PARC recommendations.” He made a further criticism about the functioning of the CRC. He stated to this Consultant that the CRC and the IPR seemed to feel that “asking questions is bad, as it could pinpoint questions that they would then have to do something about.” He stated that his general impression is that the CRC is “hamstrung”.

### **The Effectiveness of the CRC as a complaints hearing body**

The CRC was established, as evidenced by the ordinance, to be an essential component of the Independent Police Review Division of the City Auditor's Office. It is to be the Court of Last Resort in the process, second only to the City Council. However, this important role has diminished in recent years to the point that the board members themselves are frustrated by their inactivity on important issues. Appeals are seldom heard and policies for the PPB are rarely developed.

Nine (9) of the respondents to the Consultant's satisfaction survey appealed the results of their investigations. Of these, not one reported that they were satisfied with the appeal of their complaint. Complainants who responded to the Consultant's survey regarding the appeal process indicated overwhelmingly that they did not appeal as they felt it would be a waste of time. One stated, “both the IPR and the CRC appear to be designed primarily to ‘shut people up,’ and give the public the impression that something is being done.”

## **RECRUITMENT AND APPOINTMENT**

### **Selection**

While the City Ordinance establishes that the Committee members are to be appointed by the City Council after a nomination process that involves the IPR Director and a selection committee, in fact, there is a lack of clarity in how this rule applies in specific cases. Some members assert that they were specifically recruited and nominated by Council members, while others submitted their names to a pool of candidates.

There is a widespread lack of understanding about the nomination and selection process. One CRC member stated, “I don't know of any commissioners who have put recommendations up [for CRC membership] who have been turned down.” This member stated that not all Commissioners make appointment recommendations, but that when they do “...it was only one or two cases that it didn't happen. A recommendation from the commissioner is like an appointment, per se.” This CRC member stated that this process should be changed. That those recommended should be “just part of the pool.” A City Council Staff Person stated, “Each commissioner is

allowed to appoint someone to be considered.” This person then corrected themselves to say, “Nominate, however we ended up with an interesting circumstance and I’ll tell you about it in a minute. I thought we were allowed to appoint, [the Commissioner] certainly thought we were allowed to appoint, but that’s not accurate, it’s nominate. But, I think only once has a commissioner’s nominee ever not been placed.”

The IPR staff stated that recruitment was done primarily through press releases, and radio public service announcements. This IPR staff person also stated, “The other recruitment thing is that each one of the commissioners, the mayor, the chief, all the precinct commanders, all the neighborhood associations get three applications mailed to them with a cover letter. [Also all the] division commanders, all the neighborhood association coalitions, the crime prevention program stuff, all the advisory counsel for the Portland Police Bureau.” These individuals “...get an actual envelope with a letter with copies of the thing to distribute...and we follow that up with phone calls and emails to all the commissioners in the mayors office and ask them to please, you know if they have somebody that they think would be really good for that, would you please encourage them to fill out an application.”

This IPR staff person went on to say, “We get all these applications and we generally try to ride the commissioners and the mayor to give us a candidate, who they want on there. Because we would like to have them have, well for one thing because they also network with all these people. If they know somebody who’s going to be good, you know we would like to have them forward that to us. Another reason that we’d like to have their people on is, so that they actually have a basis of staying connected to the work that we’re doing otherwise they’ll not pay any attention.... Normally, and this is a general rule of how to sort, if all other things are equal [and the candidate is not unfit]... but one is recommended by a commissioner and one is not. We will give the extra point to that person.”

A past member of the CRC stated that this selection process has changed over time. In the beginning, the City Council appointed the members of the CRC, but now they just nominate and appointments are made by the City Auditor. How happy the Council members are with the CRC appointments seems to depend upon the individual council member. One council member stated that he is satisfied with the present system. He nominated a person for the CRC who has been reappointed a number of times.

## **HANDLING COMPLAINT REVIEWS AND SUPPLEMENTARY INVESTIGATIONS**

One of the points that legal observers made to this Consultant is about the presentation of policy issues by the PPB. One person stated that the CRC does not get an uninvolved view of PPB policy. The PPB does not make a presentation where an officer says “this is how we conduct protocol. It’s often the union representative and... I’ve heard IAD make comments about protocol procedures.” Another attorney went on to say, “Other experts exist, and the relationship with the city exists, and the relationship with the police bureau exists... but they certainly don’t seem to be taking advantage of those resources.”

The role of the CRC in reviewing investigations and providing an accessible forum for the appeal of complaint dismissals is much reduced from prior years. This reduction in CRC activity seems to be a result of an increase in the power of the IPR. A past member of the CRC attributed the resignation of 5 CRC members in 2003 to the struggle over direction of staff. The CRC wanted the IPR to be staff to the CRC, a struggle that they lost, precipitating the resignations, and widespread community disaffection. A City Council staff member stated that the “IPR has worked in ways to advance a system that the CRC doesn’t know.” They asserted that “the IPR now operates very independently from the CRC,” the result of which is that “very few people know that the CRC exists, or engage with this system.”

## HEARING APPEALS

### Standard of Proof in CRC Appeal hearings

In Albuquerque and in other Auditor models, the standard of proof for hearing decisions is Preponderance of the Evidence. U.S. Legal Definitions states that Preponderance, as used in evidence law, means having the greater weight of the evidence required in a civil lawsuit needed to convince the jury or judge without a jury to decide in one's favor. Preponderance of the evidence is the level of proof required in a civil case, as opposed to the stricter ‘beyond a reasonable doubt,’ standard of proof required to convict in a criminal trial.

An attorney who is familiar with the Portland CRC process stated that the CRC uses a Reasonable person standard “which no one seems to understand.” This person went on to state “you know people [appellants] don’t understand what that standard means. They often don’t have witnesses, they often don’t understand, so everything is stacked against them even from the very beginning.”

One attorney discussed the new CRC Appellate Advisor program. This person stated “The advisor can’t say a word, they’re just supposed to explain how the protocol works and what’s going to happen, but the advisor cannot advise, in terms of, you know maybe you ought to tell them about this or maybe you gotta bring a witness now.” This attorney is a member of a legal group that is “representing individuals with their complaints before IPR... and training volunteer attorneys... to go through the process, but this is completely independent of IPR. Our goal is not only to represent people through the process, but to use that experience to identify where the problems lie within IPR, in a very practical sense.”

A number of attorneys in Portland feel strongly that the CRC is not trained as they should be to conduct Appeal hearings. The Civilian Review Committee hears appeals from complainants who are unhappy about the denial of their complaint. In the past, the CRC heard appeals generated directly from the complainant or officer. This has changed in recent years to a system where the complainant or officer must request the right to appeal an IPR declination from the IPR Director, without involvement by the CRC. The IPR Director reviews the appeal and the IAD investigation. At this point, the IPR Director may order more investigation, may send the case forward to the CRC for review, or can deny the request, without review by the CRC.



If the case goes forward for review, the CRC can deny the appeal or vote to hold a full hearing. If the CRC denies the appeal, the process ends. The CRC may also hold a hearing and decide that it agrees with the findings of the Police Bureau, in which case, there is no further appeal possibility. Should the CRC determine that the IAD finding is inadequate; the complaint may go forward to consultation between the CRC and the Police Bureau or to a City Council hearing. The City Council has the ultimate power to decide whether or not allegations against an officer or officers should be sustained.

In the past, appeals were filed and heard at a much higher rate than at present. CRC members interviewed by this Consultant asserted that the hearing of appeals was one of the primary functions of the CRC. This function has diminished over the years to the frustration of some CRC members. In 2002, for example, there were 61 appeals received and 24 received a full hearing. In 2003, there were 20 appeals received and two received a full hearing. In 2004, this number dropped to 9 appeals received, of which 3 received a full hearing. In 2005, the CRC dealt with 4 appeal cases, two of which received a full hearing. In 2006, the number of appeals received dropped again. The CRC dealt with three appeals, one of which received a full hearing. There was a slight increase in the number of appeals in 2007 when six requests for appeal were received and 5 appeal hearings were held.

While it is not known precisely why there has been this drop off in appeals, it could indicate a number of things. Some persons interviewed attributed this reduction in the number of appeals to the rule change which allows the IPR Director to decide what appeals may go forward to the CRC. Some IPR staff stated that the "IPR has a different approach than the CRC." An IPR staff person stated that "they [the CRC] are advisory....cooperation was not expected from them..." This staff person stated that the "CRC was not instrumental to the work of the IPR; they are taken to meetings and such."

## **POLICY FUNCTIONS**

The CRC is a part of the policy making process for the Portland Police Bureau. Members of the CRC have noted trends in complaints and considered the development of policy recommendations for the Police Bureau. Many CRC members and observers believe that the CRC's policy function is very important, but undeveloped. Over the last six years, the CRC has participated in the development of three Police Bureau policies; Towing, Detox, and Profanity. They have also been involved in a new Use of Force policy and have served on Task Forces regarding policies being considered by the Police Bureau itself.

The role of the CRC is not fully established however. One community observer stated that the making of policy "requires power." This person stated that "the CRC has the authority to do more," but the role of the CRC "gets thwarted by the Auditor." This person asserted that the Auditor's position seemed to be that the CRC would "look bad" if the Police didn't think that the policy change was a good idea.

## **INCREASING PUBLIC ACCESS**

The CRC reports to the City Council regarding appeals of citizen complaints and reports to IPR and the Portland Police Bureau regarding Bureau policies and procedures. One Commissioner stated that he and his staff hear nothing from the citizens regarding the CRC or the IPR. "Most citizens don't know what exists. Very few people engage in this system." One staff person went on to say, "There isn't enough transparency. We get package reports. The outcomes of reviews should be understandable." This staff person stated that there was "not enough public outreach by the CRC. There is little, or no, public notification.... There has been no sign of any benefits of the system."

## **OBSERVATIONS ON THE ROLE OF THE IPR / CRC RELATIONSHIP**

It was stated to this Consultant by many IPR/CRC observers that the IPR gives little staff support to the CRC. The IPR is responsible for creating and distributing the CRC agenda for meetings. Some CRC members expressed frustration with this process. One stated, "There is one area where the IPR has fallen down a bit, in getting us our packets on time. Often times they don't come until the day before. We have been asking that they get those to us earlier."

The impressions of knowledgeable people are that the CRC is now essentially a bystander to the police complaint process. One City Council senior staff member said, "The IPR operates very independently from the CRC." The Oregon ACLU Director stated that the CRC was set up "on purpose" to be a passive body with no authority. This opinion was echoed by a Portland City Council staff person who stated "the CRC is handpicked by the IPR to be a yes group."

## **TRAINING**

The issue of training was raised by a number of CRC members, and observers of the CRC. Comprehensive training is one issue that must be addressed if the CRC is to have an effective role in the IPR process. The level of training required is dependent upon the role of the board members in the investigation and hearing of complaints.

Generally it was stated by members and observers that training of CRC members is not done in a comprehensive manner. One CRC member stated, "Our meetings tend to be a little scattered. It would be nice if we had some training in conducting meetings. We do get off track. It is frustrating to me." Training in conducting meetings and other essential elements of administrative review are necessary if there is to be an effective board.

A Director of a Legal Rights Organization stated, "There's a lack of education on the part of CRC members. The education that they get comes mostly from the police... and the Citizens Training Academy." This person stated that the CRC members "...have no dialogue or any kind of venue by which they can inform themselves as to the potential concerns to the community... all their training comes directly from IPR in terms of

explaining the protocols and how they work, and then from the police.” This person stated that this lack of training from a community perspective has caused uncertainty in CRC members. “There’s a self-sort of check that doesn’t allow them to pursue things. I think that’s been part of the reason why there’s been a failure, you know, this sort of lack of understanding of how police procedures work... there’s a lot of self-doubt [that results in] deferring in a very sort of passive way to whatever the officers are saying.”

### **NACOLE Recommended Training Program**

The National Association for Civilian Oversight of Law Enforcement (NACOLE) has established a recommended training program for Civilian Oversight Board members that is highly organized and comprehensive. This form of training does not occur in Portland.

The NACOLE program requires 30 hours of training and 20 hours of reading materials prior to the member participating in the review or investigation of complaints.

NACOLE states, “Board Members recognize their duties to be neutral, to recognize any biases they have, and to put them aside when reviewing cases. The overview and history of civilian oversight in a community and why that community determined it was needed should precede all training by the subject law enforcement agency. All law enforcement training should be balanced by training from outside the law enforcement community.”

NACOLE recommends that the training program should consist of the following:

- Establishment of Civilian Oversight
- History of Local Issues That Led to the Establishment of Oversight
- Constitutional and Civil Rights Issues of Citizens; Reducing Taxpayer Liability for Police Errors/ Misconduct
- Models of Civilian Oversight in the US, and where local model fits
- Local Government: Public Records & Public Meetings Laws  
City Government & City Charter / County Charter
- Management and Supervision of Police: Polices, Practices and Operations, Police Hiring, Training; Investigations of Police Officer Behavior/ Misconduct; Progressive Discipline Officer Responsibilities: Officer Rights
- Oversight Board's Ordinance; Rules and Regulations; Basic Concepts in Oversight;
- Board's Rules & Regulations, NACOLE 1999 Training Document, Investigation, Monitoring and Review of Complaints: Practitioner's Guidelines
- Investigative Procedures and Guidelines Manual. If there isn't such a manual, assess recommending one or use the San Jose model
- Conduct mock hearings of two cases or appeals, with all relevant documents

NACOLE also recommends that panels on the following topics be presented that enable a dialogue between board members and panelists.

1. What the Community Groups Expect from This City's Oversight Process:  
Panelists should reflect the diverse leadership of the community (Anglos; Black, Hispanic, Native American and Asian Leaders; Youth, Gender balance;

immigrant issues; Faith communities; colleges; Media; ACLU, and others specific to this community)

2. What local Government Officials Expect from the City's Oversight Process:

Panelists could include Mayor, City Manager, City Council, City Attorney, Grand Jury, Police Management, City Risk Administrator; Presiding Judge; County Officials such as Chief Administrative Officer, Sheriff; Federal Officials such as US Attorney/Civil Right's Department Spokesperson and/or FBI spokesperson to address what federal oversight is ongoing or anticipated, what federal "Pattern and Practice" investigations mean.

NACOLE recommends that ongoing training for Board members should be conducted, and should include:

- That Board Members be invited to attend any Police Academy classes, and urged to attend classes that address issues in the complaint caseload, such as force application; communications; dealing with mentally ill.
- That Board Members spend 36 hours on RideAlongs annually during their tenure.
- That Board Members receive as much training from outside law enforcement as from law enforcement.
- That Trainings be scheduled at Board Meetings and available to public (consider requiring some or all training prior to appointment to Board). Additional training annually as determined by issues raised in investigations
- The concept of Purposeful RideAlongs (i.e., learning experiences for both citizens and patrol staff).

The development of a civilianized training program that will enhance the ability of CRC members to conduct effective meetings and appeal hearings is essential if the CRC is to provide the services needed for the community.

**Civilian review boards in other cities with the Auditor model.**

It is important to note the qualifications, training, and duties of board members in other cities with Auditor models. Of particular note in both Albuquerque and Eugene is the empowerment and authority of the civilian board. This authority includes the evaluation and effective recommendation for hiring of the civilian oversight agency director to the Mayor and/or Council.

**The Albuquerque Police Oversight Commission:**

The Albuquerque civilian oversight ordinance sets forth a required selection and training program for members of the Police Oversight Commission (POC). The POC members are required to have problem solving and conflict resolution skills, to attend a yearly, four-hour civil rights training session to be conducted by a civil rights attorney or advocacy group, and to participate in a minimum of two ride-a-longs every year with APD officers.

The Albuquerque ordinance asserts that the POC has the power, among others, to:

- oversee the full investigation and/or mediation of all citizen complaints;
- audit and monitor all investigations and/or police shootings under investigation by APD's Internal Affairs;
- review all work of the Independent Review Officer with respect to quality, thoroughness, and impartiality of investigations; and
- recommend three candidates to the Mayor for consideration; as the Independent Review Officer (IRO), and oversee the continuing performance of this individual once selected by the City Council. The POC has the authority to receive the appeal from any person, who is dissatisfied with the findings of the IRO, and to modify or change the findings and/or recommendations of the IRO.

They may also make further recommendations to the Chief regarding the findings and/or recommendations and any discipline imposed by the Chief or proposed by the Chief.

### **The Eugene Civilian Review Board (CRB)**

The newly-established Eugene, Oregon Police Auditor has a civilian review board with the following authority and duties. The CRB has the following goals:

- to increase the transparency of, and public confidence in, the police complaint process;
- to evaluate the work of the independent police auditor; and
- review completed complaint investigations involving sworn police employees to provide comment, from a civilian perspective, about whether the complaint was handled fairly and with due diligence;
- to review all community impact cases (including complaints alleging excessive force, bias, disparate treatment, or a violation of constitutional rights) and if necessary, to require the city to reopen the investigation;
- to assess the performance of the police auditor and to evaluate the work of the auditor's office, including whether the auditor's office is functioning as intended.

From the information available, it is apparent that the empowerment of the citizen board is considered an essential component of the Auditor model in other cities comparable to Portland.



## **6. Review of the IPR / CRC / PPB features and the Best Practices existing in the Field.**

(RFP NO. MAY008)

The Request for Proposal (RFP) directed that this performance review respond to a specific set of questions regarding the Portland IPR system and give a perspective on the Best Practices that are in place elsewhere. A selection of cities with Auditor model oversight systems follows at the end of this section. It is important to first consider the National Institute of Justice's position on civilian oversight:

Local jurisdictions that wish to establish citizen review have to take on the responsibility to make difficult choices about the type of oversight system they should fashion. The tremendous variation in how the nine oversight systems described in this report conduct business-and pay for their activities-may seem discouraging: The lack of similarity makes it difficult for other jurisdictions to make an automatic selection of commonly implemented citizen review features around which they can structure their own oversight procedures. On the positive side, this diversity means jurisdictions do not have to feel obligated to follow slavishly any one model or approach; they have the freedom to tailor the various components of their system to the particular needs and characteristics of their populations, law enforcement agencies, statutes, collective bargaining agreements, and pressure groups.

The City of Portland established the Office of Independent Police Review and made it responsible to the City Auditor. It did not however, divest itself of authority to hold the IPR system accountable. It is important to add that, in following the Continuous Improvement model as set forth in the introduction to this study, the City of Portland should embrace the possibility of improvement. The City has the authority to decide to change the existing IPR structure or to amend it in parts, if, in the opinion of the Council, the IPR is not meeting the needs of the City of Portland, its citizens, its employees and its management.

### ***a. Does the IPR have the key features of an effective police monitoring agency? Are there better practices in place elsewhere?***

(RFP NO. MAY008)

The IPR has much to recommend it. It has most, if not all, of the essential elements that could make for a highly effective and trusted police monitoring agency. The question is whether it is using these powers to the extent necessary to be truly effective, and inspire the confidence of the community.

### **Strengths of the Portland IPR system**

#### **1. Relationship with the Portland Police Bureau**

The relationship between the IPR staff and the PPB administration with which they work is markedly easeful. The comments made by PPB personnel reflect the respect they have for the IPR Director and the IPR staff. The working relationship between the IPR and the PPB is close and cooperative. The Police Administration has shown a willingness to work with the Citizens of Portland and with the IPR that is commendable.

A recent example of this has been the work related to the Use of Force. The Report was developed by the IPR as a result of the work of the Use of Force Task force that included IPR senior staff, 2 Portland Assistant Chiefs, members of the PPB Training and Professional Standards Divisions, and two CRC members. Sixteen recommendations were adopted unanimously by this Task Force. These recommendations were accepted by the Chief of Police. The implementation of the report's findings will be monitored by the Task Force and follow up reports will issue to the public.

## **2. Support of City Administration**

The IPR has the widespread support of City Administration and the PPB. The City Auditor devotes a substantial amount of time to oversight and direct supervision of the work of the IPR. Some City Commissioners spend time each month meeting with CRC members and following the work of the CRC. The Mayor's office supports the work of the IPR and the CRC. The Mayor's Task Force includes CRC members and welcomes their input. There is an adequate budget for existing staffing.

The PPB administration, including the Chief of Police and Command Staff are openly supportive of the work of the IPR. The IAD and IPR Director meet and discuss on-going investigations being conducted by IAD. The policy development work of the CRC is limited but the implementation has been relatively effective. The PARC contract has produced 89 policy recommendations of which 28 (31.7 percent) have been followed by the PPB, and confirmed by PARC to date. PPB reports that another 39 (43.8 percent) have been implemented and await evaluation by PARC, and lastly, 12 (13.4 percent) of the PARC recommendations have been followed in part. This policy development and implementation process has taken place over four years.

## **3. IPR Staffing**

The IPR has a knowledgeable staff. Many staff members have been with the agency for a significant amount of time, which allows for an institutional history that is invaluable. There is a close working relationship among the staff, and a relatively comfortable work environment.

## **4. The right to conduct independent investigation under certain circumstances**

The IPR has wide statutory authority. The IPR has the authority to receive complaints from members of the public and to monitor IAD investigations of those complaints. It also has the statutory authority to conduct independent investigations where the IPR director concludes that:

- the IAD has not done an adequate job investigating complaints against a particular member;
- the IAD has not done an adequate job investigating a particular category of complaints; or
- the IAD has not completed its investigations in a timely manner.

While the Portland IPR has the authority to closely monitor PPB investigations, this study and others found that simply monitoring police investigations is not perceived by the public as an effective means of controlling police misconduct by itself.



## **5. Mediation**

Mediation can be an important component of a civilian oversight system. It is a process that has been shown to be one which can enhance community satisfaction, officer accountability, and the streamlining of the complaint investigation process. In Portland, however, mediation is of limited impact given the few cases that go through this system.

The IPR has a well developed, albeit seldom used, Mediation system. The results of this Consultant's survey were clear. Those complainants who participated in mediation were more likely to be satisfied with the results of their complaint than those who did not. Putting aside the issue of what categories of complaints are appropriate for mediation (discussed in depth in this report), the Mediation structure seems to work well for many of the complainants who go through the system, and helps the IPR to resolve complaints in a more expeditious fashion.

## **6. Filing of complaints**

The Portland IPR has a number of ways in which a complaint may be filed. These avenues to file a complaint include on-line, phone, letter, in person, at a precinct, and through contacts to other city offices. The IPR also accepts third party and anonymous complaints. This broad availability is very helpful to citizens and allows those who might be fearful or intimidated to be more easeful when they make their complaint.

## **7. Referral to IPR of complaints or concerns expressed to other agencies**

All complaints expressed to city agencies or offices are forwarded to the IPR offices for formal processing. This is an important aspect of the complaint process. This ensures that complaints are not simply listened to by city employees and then not go any where. Instead, there is a process in place where a person may express their concerns about police conduct or activities and it is forwarded to the IPR and becomes an official complaint.

## **Deficiencies of the Portland IPR system**

### **1. The Failure to Conduct Independent Investigations.**

The IPR has wide statutory authority. The IPR has the power to identify complaints which merit additional involvement of the Director; to review evidence and IAD investigation efforts; participate in investigations with IAD investigators; or conduct the initial investigation. While this authority exists, no complaint has ever been investigated in compliance with the statute, 3.21.120 Handling Complaints, section D set forth above.

This critical authority to conduct independent investigations has never been exercised by the IPR. It is not clear why this failure to conduct independent investigations pursuant to the ordinance has occurred. The IPR Director reported in the Fall 2007 Quarterly Report, "The quality of investigations is continually improving so it has not been necessary for IPR to conduct additional or independent investigations." This report goes on to assert that the sustain rate of IAD investigations has improved in 2006 and that there has been improvement in recommending sustained findings. However, this improvement in sustain rate is not evidenced by the IPR Fall 2007 Quarterly report. The report stated that those complaints to which IAD gave 'full investigations' had a 38%

sustain rate in 2006 (or 4 % of all citizen complaints received by IAD). The sustained rate for 2007 is not known at this time.

There have been in the past, and there exists at present, circumstances that would allow the IPR to make the decision to conduct independent investigations. For example, thirty six percent of the IAD investigations reviewed by this consultant were seriously inadequate. In these investigations, failures to fully investigate, or to hold officers culpable for wrongdoing were found. In 4 of these 9 cases, statements by subject officers which corroborated, in whole or in part, the allegations of misconduct alleged by the complainant, were apparently ignored by the IAD investigator. In 3 of these investigations, civilian witnesses were not interviewed, and in 4 investigations, subject officers failed to abide by established PPB regulations and/or protocols. While it is not known whether this investigative inadequacy would meet the criteria stated above, it is at least potentially the case.

It is true that there has been improvement in the timeliness of IAD complaint investigation (from 54% exceeding the 10 week deadline in 2006, to a low of 33% in 2007). However, in 2007 there were still 16 investigations out of 65 that exceeded 70 days, with the longest taking 213 days to complete. Further, there has not been a marked improvement in quality, nor in the sustain rate. There has also not been a noticeable improvement in community satisfaction.

In Portland, the instance in which an independent investigation may be conducted is vague. The authority to decide whether or not to conduct an independent investigation rests solely with the IPR Director. Further, it is not evident that the IPR staff would be able to conduct such investigations, due both to training and to staff availability. Other Auditing agencies with independent investigative power have addressed these limitations of time or staffing in different ways. In some, the office investigates only specific categories of complaints. In other Auditing agencies, the Auditor contracts with outside investigators to conduct independent investigations.

The issue for Portland is that while this power is available, it has never been used. Open process and transparency is a major factor in public confidence in a civilian oversight system. As comparable Auditor models have found, an Auditor model can be both highly effective and have a high community satisfaction level, if the possibility of independent investigation is actual, rather than just in writing.

To have the specific statutory authority to conduct independent investigations in specific circumstances, to have those specific circumstances exist, and to do nothing, is demoralizing to the public and can cause a lack of public confidence that the system is working as claimed. As an Independent Auditor from another city who is familiar with Portland stated, "this has undoubtedly caused the loss of public confidence that the IPR takes complaints filed by members of the public seriously."

## **2. The Portland IPR has done little to increase the sustain rate for complaints against the PPB.**

The extremely low sustain rate for complaints in Portland has resulted in a lack of community confidence that the system is working and takes complaints seriously. This Best Practices/ Recommendations - Section 6

is a perspective that is hard to argue against when the sustain rate in Portland, for all publicly generated complaints is reviewed against other cities with Auditor models of civilian oversight.

The sustain rate for other monitoring systems is substantially higher than in Portland, particularly if you consider the different ways that other cities count their cases for sustain rate computation.

Albuquerque, for example, received 324 external complaints, and sustained 57. This Consultant interviewed the Albuquerque Independent Review Officer (IRO). The IRO stated that all complaints received by this office are included in the computation of the sustain rate, not just those that receive a full investigation, as in Portland. Thus, Albuquerque computes the 2006 sustain rate for externally generated complaints as 17.4%.

The San Jose Independent Police Auditor (IPA), as compared with Portland, also has a higher sustain rate and includes many more cases in its calculation. San Jose includes in their calculation those complaints that are fully investigated, those that are handled by precinct command, and those that are handled as service complaints. In 2006, the City of San Jose IPA received a total of 358 external complaints. Of these, 11 were sustained which results in an overall sustain rate of 3%. This must be compared with the City of Portland IPR which received a total of 789 complaints. Of this total 8 were ultimately sustained, which resulted in an overall sustain rate of 1%.

If San Jose were to count as Portland does, their sustained rate would increase. Portland only counts as sustained those complaints which were sent for full IAD investigation. In 2006, the Portland IPR referred 207 for IAD investigation. If this IPR number is used, the number of sustained cases (8 out of 207) results in a 4% sustain rate. The computation of numbers in this way by the San Jose Independent Auditor (11 cases out of 116) results in a 9% sustain rate.

### **3. The Issue of Complaint Findings:**

The PPB has recently changed its complaint investigation findings from the common set of terms used across the nation and by the U.S. Department of Justice.

The issue of findings is critical if complainants, police officers, and community members are to be able to understand the action that has been taken as a result of a given complaint. According to the National Institute of Justice report, review boards and police departments generally use a common set of terms to identify the findings that their investigations can lead to:

1. **Unfounded:** The alleged act did not occur, or the subject officer was not involved in the act; therefore the officer is innocent.
2. **Exonerated:** The alleged act did occur, but the officer engaged in no misconduct because the act was lawful, justified, and proper (sometimes called "proper conduct").
3. **Not sustained (or insufficient evidence):** The evidence fails to prove or disprove that the alleged act(s) occurred.

4. **Sustained:** The alleged act occurred and was not justified (e.g., it violated department policy).

Best Practices/ Recommendations - Section 6

### The Findings in Portland

This system of findings as set forth above is one that is followed by other cities around the country, including Eugene, Oregon, San Jose, and others. However, the City of Portland recently changed its findings from the system set forth by the U.S. Department of Justice to one where there are only three findings possible.

1. **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 complaints with the member should be conducted.
2. **Exonerated :**
  - Actions of the member were within the guidelines of policy and procedure.
  - **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.
3. **Sustained :** Member found to be in violation of policy or procedure

The use of commonly held dispositions benefits both the community and the police department. There is clarity when common definitions are used (e.g., Unfounded, Exonerated, Not Sustained, and Sustained). The changing of the two, Unfounded and Insufficient Evidence, to a finding of Unproven leaves community members and police officers to wonder what the result of this finding might be; whether the IAD decision is that the incident complained of did not happen; or that an allegation of misconduct could not be proven against the officer. Further, this new classification of findings has taken the City of Portland significantly away from the standard in the field, and specifically as set forth by the U.S. Department of Justice. This could jeopardize Department of Justice funding if statistics provided by the PPB are not easily reconciled with those submitted by other agencies.

### Mediation

In Portland, while the IPR staff and the City Auditor express general support for Mediation, the fact remains that Mediation is seldom used. Mediation has been conducted in Portland since 2002, but the process became fully operational in 2003. Unfortunately, the system has not expanded in the years from 2003 to 2006. In 2003, 23 (3%) complaints were either mediated or pending mediation. In 2004, there were 38 (5%); in 2005 there were 29 (4%); and in 2006, there were only 25 (4%) complaints that were mediated or pending mediation. This percentage compares poorly with the percentage of complaints mediated in Albuquerque for example, where 14 % were mediated (46 complaints mediated as compared with a total of 324).

A significant problem with mediation in Portland, and one that takes the city out of the mainstream of cities with civilian oversight, is that it can be used for any type of allegation. While this would seem to broaden the possibility of mediation, it has not enhanced the number of cases that select this approach. Mediation is not an absolute right in Portland. The case has to be determined by IPR staff to be 'appropriate' before

the process can be presented to the complainant as a potential avenue for resolution. Mediation is not granted at the request of either the complainant or the officer.

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### **NIJ Mediation guidelines**

The 2001 NIJ Report "Citizen Review of Police: Approaches & Implementation" asserts:

"Mediation is eminently appropriate for discourtesy and procedural complaints. It is not appropriate for complaints that relate to use of force, legal violations such as improper stop, detention, search, or arrest, or where the officer has a pattern of misconduct. "

## **RECOMMENDATIONS**

**1. The IPR Director and staff should become more active participants in complaint investigations.** The Office of Independent Police Review should exercise their authority under the Ordinance to conduct independent investigations where the complaint is one of public import, and with the concurrence of the CRC, where the following conditions exist:

- A. Where the IAD has not done an adequate job investigating a particular category of complaints. If the number of a particular category of complaints rises more than 25% over the previous year, the Director should investigate a complaint or complaints falling in that category.
- B. The IPR Director should closely monitor the IAD investigations. If more than 25 percent of the investigations exceed 120 days, independent investigations of complaints alleging use of force, racial profiling, and legal violations should be conducted by the IPR until that deadline is again being met in 75% of the IAD investigations.
- C. The IAD Director should conduct an independent investigation when the complainant has appealed to the CRC, and in the opinion of the CRC, more investigation is needed to consider the appeal.
- D. The Director should monitor complaints against specific officers and report to the CRC if a particular officer has fit the criteria for EWS (5 complaints in one year, or 3 in a six month period). The Director should then conduct independent investigations of the complaints against this officer during the subsequent year.

**2. The IPR Director and/or their designee should participate on a routine basis in IAD investigations of publicly generated complaints of public import, including being present at interviews and questioning the interviewee.**

**3. The process of the Rapid Dismissal of complaints should be continued where appropriate.** This allows for an expeditious handling of complaints where a referral to another agency is necessary (Multnomah County officer), or where the complaint alleges issues which should be handled in court (traffic ticket). These complaints should count as an inquiry rather than as a complaint.

**4. Additional staff should be hired to handle independent investigations.** In order to balance the IPR office, these new investigators should not have a police background. While it is important to retain existing staff, it is also important to broaden the recruitment, and selection process. Outreach for new staff positions should include

civilian investigative arenas, for example, organizations that have investigators (e.g. OSHA, Housing authorities, health care programs and others), Public Defenders, Private

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Investigators, attorneys and legal workers. This will enhance public confidence in the office, while preserving dedicated staff in their positions.

**NOTE: NIJ Position on Funding:** As is stated in the NIJ Report, a police auditor's office must have adequate resources to ensure that all duties can be conducted effectively and efficiently. The NIJ Report suggests that the exact size of an auditor's office staff should be based on a formula reflecting the size of the law enforcement agency under the auditor's jurisdiction, as measured by the number of full-time sworn officers.

**5. The sustain rate computation in Portland should include all complaints received by the IPR that are not referred to other agencies.** This should include all complaints that are reviewed and a determination made by IPR to dismiss, decline, or refer to IAD. It should also include all complaints referred to IAD, regardless of the disposition decision made by IA, whether it is to decline, to handle as a command referral, service complaint, or to fully investigate.

**6. The training for existing staff should be civilianized.** The NACOLE training should be conducted for all staff, and should continue on a bi-annual basis. IPR staff should be encouraged to attend NACOLE conferences with time release and fee reimbursement.

**7. The IPR should offer and conduct the mediation of complaints at the request of either party, and the concurrence of both, on all complaints that make allegations of discourtesy or procedural complaints.** The IPR should not offer mediation for complaints that allege use of force, legal violations such as improper stop, detention, search, or arrest, or where the officer has a pattern of misconduct.

**8. The City Council needs to take a more active interest and role with the IPR system.**

The CRC should make an annual, public presentation to the City Council of its activities.

**9. The City Council should direct the PPB to use the common law enforcement terms (Unfounded, Exonerated, Not sustained, Sustained) to identify the findings to which their investigations can lead.** These findings should be expanded to include those that conclude the subject officer committed an act that was inappropriate but that hold the department responsible for the officer's misconduct:

- **Policy failure:** Department policy or procedures require or prohibit the act;
- **Supervision failure:** Inadequate supervision--the officer's sergeant or lieutenant should have informed the officer not to engage in the act or to discontinue it;
- **Training failure:** The officer receives inappropriate or no training in how to perform the act properly.

**10. The IPR should ensure that officers and complainants are routinely noticed about the status of the complaint.** As the Auditor found in his March 2001 study, IAD

(and now IPR) are consistently failing to notify complainants about the status of their complaints, even though this is required every six weeks.

Best Practices/ Recommendations - Section 6

***b. Does the Citizen Review Committee (CRC) have the key features of an effective complaint hearings body? Are there better practices in place elsewhere?***

(RFP NO. MAY008)

**Strengths of the Portland CRC**

The Citizen Review Committee is a critical component of an effective complaint investigative and hearing body. The CRC has:

1. the right, under the ordinance to hear appeals, and to advise on operations. It has a committed group of citizen volunteers who support civilian oversight and who donate their time to the City and its residents;
2. the statutory authority to review methods for handling complaints and to advise on criteria for dismissal, mediation, and investigation. The CRC may review its own operational procedures and address insufficiencies;
3. the statutory authority to hear appeals, and to recommend referral to a final hearing before Council; to publicly report its findings, conclusions and recommendations. The CRC members are supportive of the appeals process and interested in sitting on appeals;
4. the authority to review complaints and recommend policy changes to both the PPB and to the IPR. The members may be part of Task Forces to work on issues of importance. Some Task Forces have designated slots for CRC members.

**Deficiencies of the Portland CRC**

**Appeals**

1. The CRC has no direct authority to hear requests for appeals. The IPR Director makes the decision to bring an appeal forward if, in her opinion, the complaint warrants this.
2. The CRC uses a standard of proof (Reasonable Person) which according to some CRC members and observers “no one seems to understand.” The Merriam Webster Dictionary of Law defines the Reasonable Person Standard as: a fictional person with an ordinary degree of reason, prudence, care, foresight, or intelligence whose conduct, conclusion, or expectation in relation to a particular circumstance or fact is used as an objective standard by which to measure or determine something (as the existence of negligence). This standard is more difficult for a layperson to understand than the Preponderance of the Evidence standard used by the Portland IAD in its investigations, by other civilian oversight agencies, and in Civil law. The definition of Preponderance of the Evidence is that the party bearing the burden of proof must present evidence which is more credible and convincing than that presented by the other party or which shows that the fact to be proven is more probable than not.
3. The CRC has no subpoena power, therefore it has no independent authority to compel testimony in an appeal that it considers essential to a decision.

### **Staffing**

4. The CRC has no staff member who works at their direction. The staffing level and assignment of staff is as decided by the IPR Director, who is not accountable to the CRC. The CRC can not direct PPB staff to provide expert opinion, but can only request that information be provided, even if it considers that information or specific person to be essential.

5. The CRC has no role in directing the Auditor to conduct an independent investigation, even where the CRC believes, in regard to an appeal, that not enough investigation was conducted.

### **Selection**

6. The selection process for CRC members is not clear or consistent. The criteria for appointment are vague; “a record of community involvement”; and negative “passing a criminal background check performed by an agency other than the Bureau, and absence of any real or perceived conflict of interest.” There has been little development of the criteria for appropriate appointment guidelines. The criteria that exist leave the selection of CRC members largely to the City Auditor. “The City Auditor shall appoint a committee that shall recommend to the Auditor...The Mayor and commissioners may each submit an applicant who may be given preference over others of equivalent background and qualifications...The Auditor shall recommend nominees to Council for appointment.” There is no requirement that the CRC comply with the guidelines presented by the NIJ Report: “A police auditor must have the benefit of community involvement and input. Community involvement and input can best be achieved through an advisory board consisting of members who represent the diverse composition of the local population.” Rather, there is vague wording that suggests diversity of appointment to the Auditor, who is the appointing authority.

## **RECOMMENDATIONS**

### **1. The powers of the CRC should be broadened to include oversight of the Independent Police Review Director and the Appeal Process.**

To address this recommendation:

- a. The IPR Director should report to the CRC on the adequacy and timeliness of IAD complaints.
- b. Where it deems appropriate, the CRC should have the authority to review complaints as to the quality, thoroughness, and impartiality of investigation. The CRC should appoint a subcommittee to review individual complaints. While a citizen board may be limited in time, this is a very important role.
- c. The CRC should advise the IPR Director to conduct independent investigations where, in their opinion, the quality or timeliness has triggered the language of the ordinance that allows the IPR Director to conduct independent investigations.
- d. Independent investigations should be conducted on all complaints where an appeal has been granted, and before an Appeal hearing is scheduled.



- e. The CRC should have a subcommittee that works with the IPR Director to monitor the PPB Early Warning System. If the EWS is triggered regarding a particular officer then the CRC should notify the IPR Director to conduct

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independent investigations of all complaints received against this officer for the subsequent year.

**2. The CRC should determine what cases it chooses to hear.**

The CRC should establish a subcommittee that will conduct appeals. At present, the IPR Director decides what cases are dismissed or declined. The Director now also decides what complaints may be taken to appeal. This gives the IPR Director “two bites of the apple,” and may be part of the reason that so few appeals are made to the CRC. The CRC should request that the City Council grant subpoena power on an ad hoc basis for Appeal hearings. Conversely, the City Council should order that the PPB members testify as a condition of employment.

**3. The CRC should take an assertive role in the identification of policy issues and the promulgation and implementation of policy recommendations.**

A subcommittee should identify policy issues that arise from review of on-going IPR investigations, the review of closed cases, appeals, and from community input. CRC members with expertise or interest in a particular policy should form subcommittees to work on that particular policy topic.

**4. New guidelines should be developed for the selection of the members of the CRC.**

The CRC should remain at nine members. The Commissioners should each have one appointee to the CRC. The four remaining members should be appointed by the City Auditor from a pool of candidates as set forth in 3.21.080 Citizen Review Committee. Personalizing the selection process and tying the appointee to the appointer could greatly enhance the relationship between the City Council and the CRC.

**5. CRC meetings should be restructured with public comment at the beginning and an established agenda which focuses on the work to be done at the meeting.**

Examine more effective ways of conducting CRC meetings. The CRC should have a secretary, who works with the IPR and the Chair to set the monthly agenda. This established agenda should be sent to police department policy personnel with requested reports on specific subjects set for a designated time on the agenda. The Minutes and the Agenda should be distributed with enough lead time to allow for the public and the CRC members to fully consider the information.

**6. Outreach to all communities which explains the police complaint process.**

Presentations and brochures should be made available to community organizations. Discussions and presentations should be made regarding the complaint procedures of the IPR, the Appeal process, and the function of the CRC. The CRC should form a Speakers Bureau which reaches out to all community organizations, churches, and youth groups, with requests made for presentation time. A simple form related to the CRC appeal processes should be developed and distributed at these community meetings along with the IPR brochures.

## **7. The CRC should develop a training program using the recommended NACOLE training.**

All CRC members should receive training prior to participating in an Appeal Hearing. The NACOLE recommended training should be used as a guide for all new CRC members. New IPR staff should also attend this training. The CRC should include Best Practices/ Recommendations - Section 6

training in problem solving and conflict resolution skills, and should have a yearly, four-hour civil rights training session to be conducted by a civil rights attorney or advocacy group. They should also participate in a minimum of two ride-a-longs every year with PPB officers. CRC members should be encouraged to attend NACOLE conferences with time release and fee reimbursement

***c. Do IPR and CRC provide a reasonable system of checks to ensure that complaints are properly handled? Are there better practices in place elsewhere?***

*(RFP NO. MAY008)*

### **Strengths of the Portland IPR and CRC**

The IPR office goal is that the Review and Determination of a complaint take no more than 3 weeks. This is an effective time period, but one that is often not met.

The IPR Director, or her designee, meet frequently with IAD to discuss the investigation of complaints and their proper disposition.

The CRC has the authority to identify and review policy issues. Identification and discussions of policy and appropriate changes take place at CRC Retreats, Task Forces, Work Groups and CRC meetings.

### **Deficiencies of the Portland IPR and CRC**

The IPR office dismisses a large proportion of the complaints that it receives. In 2005, 399 (55%) were dismissed by IPR without investigation, and in 2006, 427 (63%) were dismissed without investigation. In 2006, this 427 included 343 complaints (51%) that were given 'Rapid Dismissals,' a process that took an average of 4.9 days from receipt to closure of the complaint. While the Rapid Dismissal process is important, it is questionable whether more than 50 percent of all IPR complaints should receive no investigation. This is perhaps a result of the situation in Portland where many complaints do not come directly to the IPR, but instead may be inquiries to City Administration, but are then forwarded to the IPR and handled as a formal complaint.

Many complaints are not investigated by IAD in a timely manner. This lack of timeliness is not a public focus of concern by the CRC.

The identification of policy issues often takes place at CRC retreats, or with limited public input. This reduces the transparency necessary for public confidence in the IPR/CRC process.

Many policy issues are discussed without PPB policy personnel present to provide information essential to the CRC discussion. Rather, IAD personnel, who may not be informed on a particular policy topic, often provide information to the CRC. Portland Police Association (PPA) representatives also provide policy information at CRC meetings which can cause the public to view such information as self-serving.

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## RECOMMENDATIONS

- 1. Transparency should be encouraged for all aspects of the IPR/CRC process.** As the NIJ Report asserts “TRANSPARENCY: Police auditors provide transparency for law enforcement agencies. Transparency helps to overcome community suspicion and hostility toward law enforcement. Transparency is achieved through public reports with information about the citizen complaint process, the policies and procedures of the law enforcement agency, and special reports on particularly sensitive issues such as racial profiling, use of force or particularly controversial incidents.”
- 2. The IPR should have absolute deadlines on the processing of complaints.**
- 3. A PPB representative should be present at CRC meetings to answer policy questions.**

***d. Do IPR and CRC have the key features to impact and improve police services? Are the IPR and CRC using these features effectively? Are there better practices in place elsewhere?***

(RFP NO.

MAY008)

One of the most important contributions that a civilian oversight mechanism can make is to improve police policy. This contribution is one that Auditor models are known for. The IPR and CRC have some of the key features necessary to impact and improve police services. However, there are key features missing that cause the IPR Division to have limited impact on PPB policies and procedures.

### **Strengths of the Portland IPR/CRC**

The authority that the IPR and CRC have to review existing PPB policies and to develop and implement new policies is an essential component of civilian oversight. The three policies that have been promulgated by the IPR and CRC are excellent examples of what civilian oversight can accomplish.

There are many issues that should be addressed through a policy promulgation approach, rather than simply waiting for an individual complaint to raise an issue. This activist approach to policy development can come from a retroactive look at policy implications that arise from specific complaints, or from community forums or task forces.

The creation of Task Forces to discuss police policies is an important component of the IPR/CRC policy review function.

## Deficiencies of the Portland IPR/CRC

The IPR and the CRC cannot change police practices. Rather they must work with the City Administration and the PPB to develop and implement new or changed policies. While this is an important process, it can take some time.

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Much more needs to be done in the policy arena. And, that which is done, should be done in the public eye. Policy development is part of the 'learning function' of civilian oversight. Through watching civilian oversight systems compile data, hold hearings and write and negotiate policies, the general citizenry learns the intricacies of government. They also learn the extent and limitations of power.

## RECOMMENDATIONS

1. Policy issues that arise from appeals should be sent to a CRC subcommittee that considers policy issues and makes policy recommendations.
2. Public meetings should be held to discuss policy issues.
3. Interested citizens with expertise in policy issues should be included in policy meetings and should be invited and encouraged to participate in Task Forces and CRC sub-committees.
4. There should be outreach to Professors of criminal justice, law, and public policy to request time for the IPR/CRC to do guest lectures to their classes. Student groups should be invited to participate in Task Forces and CRC sub-committees, and should be encouraged to assist the CRC in policy development on issues of interest.

***e. Is there evidence of the Police Bureau making improvements as a result of IPR and CRC efforts? Are there better practices in place elsewhere?***

*(RFP NO.*

*MAY008)*

The PPB has made some improvements as a result of IPR/CRC efforts. The policies on towing of vehicles, Profanity and Detox are important contributions made by the CRC. The oversight of PARC recommendations by the City Auditor and the new role of the CRC in looking at the implementation of these recommendations is very important. These are examples that should be followed for those policy recommendations that arise from IPR/CRC efforts. The PPB response and the negotiations regarding implementation of the PARC recommendations and others should be closely monitored by the CRC.

A CRC policy review subcommittee, working with an assigned IPR staff person, could address issues more effectively and more directly than is being done at present. It is essential for the PPB to notify and train officers in the new policy. Portland is the home of a number of universities that are located throughout the city. The IPR/CRC could work with the universities and law schools to develop legal clinics or internships for

students to research and help develop appropriate policies for the PPB. This clinic could also provide a means to enhance the education and to provide credit hours for students.

It is critical to hold officers accountable for violations of the new policy and to hold supervisors accountable if their officers are non-compliant. The IPR and the CRC should monitor the implementation of the new policies that are developed. If the IAD does not enforce the new policy through the investigation of complaints, then the IPR and CRC  
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should designate this as a type of complaint that is investigated independently by the IPR.

## RECOMMENDATIONS

1. The CRC should form a policy review subcommittee, working with an assigned IPR staff person, to determine what policy issues should receive attention. This subcommittee should include students who could conduct research at no cost to the City, in exchange for credit hours. This would enhance community participation and community awareness of the important work of the CRC.
2. The IPR should monitor the accountability for adherence to new police policies by PPB members.
3. The CRC should participate in training programs for PPB officers and personnel on new policies developed through the action of the CRC.

***f. Do IPR and CRC have the key features to improve public trust and credibility in police accountability? Are there better practices in place elsewhere?***

(RFP NO. MAY008)

The IPR/CRC have many key features that can improve public credibility in police accountability. Unfortunately, the public does not believe that the City of Portland is doing all that it can do to control misconduct. The Auditor's Annual Neighborhood Survey reported that in 2006, an overall average of 61.5 percent of Portland residents who responded to this survey do not believe that the City's efforts to control misconduct by Portland Police Officers are adequate.

The IPR Director should promote community awareness for the citizen complaint process.

Both the IPR and the CRC are widely discredited in the community. CRC meetings are not attended by members of the general community and its outreach activities have been unsuccessful. The community has little information about the complaint process. The IPR should be responsible for outreach to the community including production and distribution of the brochure and the coordination of presentations to the community regarding the complaint process. A university organization or legal clinic could be developed regarding police issues and interns trained to assist complainants in the writing and filing of their complaint.

The NIJ report asserts that a police auditor must issue periodic public reports. Such public reports shall be issued at least once a year and, ideally, more frequently, in order to familiarize residents with, and to build community confidence in, the Independent Police Review Division.

A review of the 2004 IPR Annual Report reveals that it was very well done. However, due to staffing issues, the IPR has not issued a detailed Annual Report since 2005. The Quarterly Reports have not filled this void. They present issues of interest, and are Best Practices/ Recommendations - Section 6

conversational in tone. They are essentially Public Relations pieces. They do not provide the statistics and close look at the IPR system that is necessary to enhance public trust and confidence in the system. The failure of the IPR to issue comprehensive Annual Reports limits the ability of the IPR to influence public opinion about the success of the office in controlling misconduct by Portland Police Officers.

The IPR system relies on computer access for the dissemination of information and for access to the system. It is possible for some Portland residents to access information through this computerized approach. For others a computer based approach is neither possible, nor comfortable. While it is impossible to determine how many complainants found out about the IPR from Portlandonline, few file through that system. The IPR reports that only 91 of 861 complaints in 2005 were received from Portlandonline. In 2006, only 89 of 788 complaints were received over Portlandonline.

The NIJ Report outlines an effective outreach approach for civilian oversight agencies. This approach includes the following:

**Publicity materials:**

- Brochures (some in foreign languages).
- Business cards.

**Postings:**

- Listings in the telephone directory.
- Brochure and business card racks in the mayor's office.
- An Internet site.

**Media:**

- Sending notices of hearings to the media.
- Placing announcements in newspapers.
- Televising hearings.

**Neighborhood groups and other agencies**

- Mailing brochures and business cards.
- Making presentations.

**Filing locations:**

- Providing filing forms at multiple locations.
- Facilitating Internet filing.

**Referrals by police:**

- Posting signs in police stations.
- Handing out oversight brochures and business cards.

The IPR uses many approaches to outreach. However, the outreach to Portland communities has not been successful. The IPR produces brochures in various languages, but according to Portland community organizations, neither brochures nor filing forms are available in their offices. The community organizations also reported that they have not been contacted by IPR staff, nor has IPR staff made presentations to their

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membership. Community organizations also stated that their leadership has not been invited to make presentations to the CRC or IPR staff. There do not appear to be notices of the IPR system posted in police stations. Where brochures are available, they are simply placed in a rack with other documents. The outgoing IPR message for persons who call the office first refers people to the police emergency and non-emergency numbers before stating the message that the person has reached the IPR office. The CRC does not televise its meetings or appeal hearings, nor are they broadcast over a radio station.

## RECOMMENDATIONS

1. The IPR should produce comprehensive reports on an annual basis. These reports should mirror the 2004 IPR Annual Report and should include information on discipline, and of numbers of officers disciplined as a result of citizen complaints, and numbers of days off the job.
2. The IPR Director should ensure that IAD investigations are adequate and that officers are being held responsible for misconduct. This should be done by close monitoring as well as by independent investigations of issues of community concern.
3. The IPR should develop an effective community outreach program. IPR staff should regularly request and schedule monthly presentations with community and business organizations, including communities of color, church groups, neighborhood organizations, and youth groups. They should encourage a question and answer approach to enhance community confidence in the accessibility of staff and program.
4. The IPR should help complainants fill out and file forms. The IPR should provide training to community volunteers, community center personnel, and to university legal students to provide assistance to complainants. A university legal clinic could provide interns to help with this important work.
5. The IPR should develop a “Know your Rights and Responsibilities” card that can be distributed at community meetings and youth groups where presentations are made.

6. The IPR should develop a 'user-friendly' poster for the public areas of police division and community organization offices that explains the process for filing a complaint and gives the phone numbers and addresses of the IPR office.
7. The IPR should distribute brochures and complaint filing forms to neighborhood organizations and offices, and make their distribution part of an outreach presentation.
8. The appeal hearings should be televised on a community access television channel and advertised as upcoming. This would enhance community

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information about the right to appeal and would also enhance community trust in the process through increased transparency.

### **An example of a best practice.**

The 2006 Annual Report of the San Jose Office of the Independent Police Auditor is an example of a best practice. This report is a particularly comprehensive and well-presented document. The 58-page, spiral-bound report, with a glossy burgundy cover, includes:

- Biographical sketches of office staff.
- An 11-page executive summary printed on burgundy-colored pages, which are thus easy to locate.
- A flowchart illustrating the complaint process.
- A discussion of complaint timeliness that includes a chart illustrating a sample of 10 cases and the number of days a complaint remained at different stages of the review process
- The types of complaints and sustained cases by city council district for the previous 3 years.
- A chart showing the type of alleged unnecessary force used by body area affected and degree of injury.
- Demographic information about complainants, including gender, ethnicity, age, educational level, and occupation
- Statistical information about subject officers, including bureau, gender, years of experience, type of allegation by years of experience, and police unit in which they work(ed).
- A chart showing discipline imposed.
- A discussion of the criteria for evaluating internal affairs investigations and the auditor's findings related to each criterion.
- Summaries of seven selected audited cases.
- A chart showing the status of every policy recommendation the auditor has presented and its disposition since the office was established in 1993.



## **Best Practices: Evaluative and Performance-Based Models**

The Continuous Improvement Model is a continuum. The 'Best Practices' approach of any civilian oversight agency is a journey, not a destination. Some models are farther along than others, but the sample below should give an indication as to the direction in which Evaluative and Performance-Based Models (Auditor) are going.

The following information is based on interviews and research conducted by this Consultant of the agencies, directors and PARC Best Practices reports done for the city of Eugene, Oregon.

### **Albuquerque, New Mexico**

Independent Review Office of the Police Oversight Commission  
Jurisdiction: City of Albuquerque Police Department  
907 Sworn officers

The Independent Review Office (IRO) receives citizen complaints involving the Albuquerque Police Department and its employees. The complaints are assigned to either an IRO Investigator or the Internal Affairs division of the Albuquerque Police Department (APD). Recommended findings are forwarded to the Chief of Police who has sole authority for discipline. Citizens may appeal the final disposition of their complaints to the Police Oversight Commission (POC). In addition, the IRO may make recommendations regarding APD policies and procedures to the Chief of Police, the City Council and the Mayor. The Office was created by City Ordinance, effective January 1999.

In **Albuquerque, New Mexico**, only traffic complaints, a failure to make a report, or rudeness are mediated. No use of force cases are mediated, nor are cases that involve an officer with a history of complaints.

The **Albuquerque Independent Review Office (IRO)** has the authority to investigate all citizen complaints but may select certain complaints if staffing is not adequate. The office is required to investigate all use of force, searches and racial profiling complaints and the IRO attempts to independently investigate all complaints received from members

of the public. Any complaints which they do not have the staffing to investigate may be sent to the APD IA unit for investigation. The IRO then monitors these IA investigations. In 2007, the IRO investigated all but one of the complaints received. The one complaint was referred to the APD IA unit.

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## Boise, Idaho

**Agency:** Office of the Community Ombudsman

**Jurisdiction:** Boise Police Department; Boise Airport Police; Boise Parking Enforcement; Boise Code Enforcement

The Boise Ombudsman is appointed by the Mayor and confirmed by the City Council, and reports directly to them. The agency does not have Subpoena power, but can compel officers to testify as a condition of employment.

**Complaint Process:**

Complaints can be filed with the Ombudsman by mail, telephone, facsimile, in person, or online. Complaints can also be filed with the Boise Police Department. Complaints must be filed within 90 days of the incident. Once filed, complaints are classified by the seriousness of the alleged offense. The Office of the Community Ombudsman classifies complaints as either Class I or Class II. Class I complaints are complaints which, if sustained, constitute a serious violation that could result in criminal charges and/or serious discipline. Class II complaints include lesser offenses such as general demeanor or selective enforcement.

Informal Resolution: Class II complaints may be investigated by the officer's immediate supervisor in lieu of a formal investigation. The Ombudsman may issue findings based on the report from the officer's supervisor. Alternatively, the Ombudsman may conduct further independent investigation and then issue findings.

Formal Investigation: The Ombudsman, if appropriate, may refer a complaint to Internal Affairs for investigation and case management. The Ombudsman reviews all Class I investigations and at least half of the Class II investigations conducted by the police. The Ombudsman may also review any ongoing or completed internal investigation.

The **Boise Ombudsman** has full, independent authority to receive and investigate complaints. He also has authority to investigate all officer-involved shootings and incidents resulting in serious bodily harm without any complaint being filed. The Boise Ombudsman has conducted independent investigations of controversial incidents

involving, for example, a shooting at the Boise zoo, and also a series of multi-jurisdictional high-speed pursuits.”

Findings: Findings are: exonerated, no finding, not sustained, sustained, and unfounded.

Appeals: Appeals of completed Internal Affairs investigations must be filed with the Office of the Community Ombudsman within 30 days. The Ombudsman may conduct further investigation and issue findings. Investigations initiated by an appeal are conducted in accordance with the same guidelines as those governing primary investigations conducted by the Ombudsman. Dispositions of appeals are reviewed by the Chief of Police.

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Other Functions: If during the course of a formal investigation new allegations unrelated to the original allegations are discovered, a new investigation, independent of the original investigation, will be conducted. The Ombudsman can reopen and further investigate any complaint filed with his office or the Boise Police Department. The Ombudsman submits semi-annual reports to the City Clerk, the City Council, and the Mayor. The Ombudsman also makes policy recommendations, analyzes trends in complaints, reviews completed internal investigations, and monitors ongoing internal investigations.

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<b>Denver, Colorado</b>
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(A) Office of the Independent Monitor

The Monitor's Office works with a seven-member Citizen Oversight Board (COB) that evaluates the work of the monitor, holds public meetings, and makes policy recommendations.

Monitor staff will conduct policy reviews and make policy recommendations as necessary and appropriate.

**The Monitor may undertake independent investigations** at two stages:

- the Monitor reviews all IAB case assignment decisions for reasonableness and conducts independent investigations as necessary;
- the Monitor also reviews IAB assignment decisions & IAB disposition letters; if the Monitor disagrees with a decision made by IAB and if agreement is reached with the IAB commander, conducts an independent Monitor investigation.

(B) The Citizen Oversight Board consists of seven members appointed by the Mayor with the approval of City Council. The Mission of the Board is to improve fundamental relationships between the community and law enforcement and to assess the effectiveness of the Office of Independent Monitor. The Board has the authority to make policy recommendations on a range of topics from complaint processing to discipline, including review of cases as appropriate. The Board must furnish an annual public report to the Mayor and City Council assessing the Office of the Independent Monitor, assessing the Police, Sheriff and Fire Department investigative and disciplinary processes and making recommendations for changes in the policies of the respective departments.

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## Eugene, Oregon

**Agency:** Eugene Police Auditor and Civilian Review Board (CRB)

**Jurisdiction:** Eugene Police Department

**Mandates:**

1. to receive and classify complaints of police misconduct;
2. to audit the investigations based on these complaints;
3. to analyze trends and recommend improvements to police services in this city.

**Authority of the Auditor:** The Auditor shall receive and process complaints, monitor IA investigations, and provide status reports to the CRB and city council. The Police Auditor may require, and is authorized to contract for, an external investigation when the police auditor determines that an external investigation is appropriate.

**Authority of the Civilian Review Board:** To evaluate the work of the Independent Police Auditor, and may review completed complaint investigations involving sworn police employees, as to whether, from a civilian perspective, the complaint was handled fairly and with due diligence. The CRB is advisory to the city council. The CRB may hold confidential deliberations on 'community impact cases,' and require more investigation should that be determined by the CRB. The CRB shall review trends and statistics of complaints and shall provide public community forums.

The newly established **City of Eugene, Oregon Police Auditor** code and protocols, section 2.456, specifically grants the Police Auditor the right to contract for an external investigation when they decide that one is appropriate. When interviewed by this Consultant, the Eugene Police Auditor stated that the office is new and no external investigation has yet been ordered. However, she anticipates that an external investigation may be done in instances of conflict of interest, complaints where the emotions of the community may run high, or in 'community impact cases.' An external investigation could also be ordered if the Chief of Police disagrees with the auditor's classification of a complaint as one requiring an internal affairs investigation.

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<b>Sacramento, California</b>
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Office of Public Safety Accountability

Jurisdiction:

City of Sacramento  
Police and Fire Departments  
676 Sworn Officers  
519 Firefighters

In 1999, the Mayor and Sacramento City Council established the Office of Police Accountability for the purpose of monitoring the investigation of citizens' complaints. In July 2004, the City Manager, with City Council approval, increased the Officer's responsibilities to include the Sacramento Fire Department. The Office was renamed the Office of Public Safety Accountability (OPSA).

The Director has broad oversight authority that includes the evaluation of the overall quality of performance by employees and the authority to encourage systemic change. The Office specifically tracks and monitors high profile or serious complaint cases to conclusion, reviews completed investigations, and advises the City Manager of any deficient investigations.

The Director reports directly to the City Manager. The Director has the authority to review policies and systems, and to make recommendations to the City Manager. The Director may conduct independent investigations into serious allegations of misconduct, at the direction of the City Manager. The Director reviews and audits all Police Department administrative investigations pertaining to force issues. The Director also responds as a member of the Critical Incident Response Team for Police and the High Profile Incident Response Team for the Fire Department.

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## San Jose, California

Office of the Independent Police Auditor

**Jurisdiction:** San Jose Police Department

**Structure:** The Independent Police Auditor reports directly to the Mayor and City Council. The Council may remove the Auditor upon a resolution of ten of its 11 members. The IPA monitors IA's investigations of complaints, both throughout the process and upon their completion. If the Auditor does not agree with the Police Department's findings and cannot reach a resolution with the Department, the Auditor can have the case referred to the City Manager for determination. The Auditor has formed an IPA Advisory Committee – which has no official status – to obtain community input.

**Subpoena power:** No.

### Complaint Process

**Intake:** Complaints can be filed with the IPA or Internal Affairs. All complaints are investigated by IA and monitored by the IPA. IPA intake investigators take the initial statements for complaints filed with the IPA. If the complainant does not sign the form within 30 days, it does not preclude an IA investigator from conducting a preliminary investigation that includes reviewing all documents or evidence. As long as the form is signed within one year of the incident, complaints will be investigated fully.

**Formal Investigation:** Complaints are classified in one of five categories; formal, command review, policy, procedural, and inquiry. Inquiries are cases that were resolved before becoming a complaint. Face sheets containing information about each complaint are forwarded to the IPA within three days of classification by Internal Affairs. The IPA reviews IA classifications to ensure that complaints receive the proper level of review. The IPA monitors all ongoing investigations. The IPA is involved in many of the interviews conducted by IA. Internal Affairs sends its completed investigations to the Chief who makes the Department's findings on the case.

The IPA has recommended to the City Council that it be granted specific limited investigatory authority in instances: Investigation of community-initiated complaints where IA did not investigate; Investigation of critical incidents in which any SJPD action resulted in death or serious bodily injury and the SJPD did not conduct an administration investigation; and with investigations of complaints or critical incidents that are deemed by the IPA to be incomplete.

**Findings:** Findings are as follows: sustained, not sustained, exonerated, unfounded, and no finding. For procedural complaints the findings are as follows: within procedure or no misconduct determined. The IPA is notified of all completed investigations within five days of action by the Chief. If IPA agrees with the findings, the complainant is notified. If IPA disagrees with the findings, it can request further investigation and/or meet with Internal Affairs and the Chief to resolve the matter in issue. If IPA and the Department cannot reach agreement, the unresolved issues are sent to the City Manager for final resolution (after which the complainant is notified).



**Other Functions:** The IPA makes policy recommendations and conducts community outreach.

The IPA uses the Independent Police Auditor Advisory Committee (IPAAC) to publicly advocate on its behalf and to address the needs and problems of the various communities in San Jose. The IPA believes that the strength of San Jose's model lies in the IPA's ability to make policy recommendations that provide a broader scope than a case-by-case analysis can.

The **San Jose Independent Police Auditor** published the report "A Student's Guide to Police Practices," explaining both the rights and the responsibilities of young people in dealing with the police.

The **San Jose Independent Police Auditor** has made a series of recommendations for improving the citizen complaint process in the San Jose Police Department. The recommendations include a new system for classifying complaints, creating a timetable for completing investigations, maintaining a central log for recording all complaint-related contacts with citizens, and others.

**Additional Information:** The IPR has recommended to the San Jose City Council that it be granted specific limited investigatory authority to conduct independent investigations in the following instances: Investigation of community-initiated complaints where IA did not investigate; Investigation of critical incidents in which any SJPD action resulted in death or serious bodily injury and the SJPD did not conduct an administration investigation; and with investigations of complaints or critical incidents that are deemed by the IPA to be incomplete.

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**8.****APPENDIX**

1. (Frequencies) - Complainant Satisfaction Survey results – Luna - 2007
2. (Frequencies) - Police Satisfaction Survey results – Luna - 2007
3. (Cross Tabulations) - Satisfaction results – Luna - 2007
4. (Cross Tabulations) -Respect/ Fair Questions results – Luna - 2007
5. (Cross Tabulations) - Witnesses results – Luna - 2007
6. (Cross Tabulations) - Information results – Luna - 2007
7. (Cross Tabulations) - Civilian Oversight [Questions to Police] results – Luna - 2007
8. Independent Police Review – various charts and tables

## COMPLAINANT SATISFACTION SURVEY – FREQUENCIES – LUNA – 2007 – PORTLAND, OREGON

\*NOTE - Re: Citizen & Police Survey data charts. Statistics referred to in the report are measured only for those who responded to the specific survey question. While charts also show numbers and percents for responders who left answers "blank," these numbers are not calculated in our percentages discussed in the report

		Year			
Complainant Satisfaction Survey – LUNA - 2007		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	2002	20	5.7	5.7	5.7
	2003	51	14.5	14.5	20.2
	2004	71	20.2	20.2	40.3
	2005	58	16.5	16.5	56.8
	2006	87	24.7	24.7	81.5
	2007	65	18.5	18.5	100.0
	Total	352	100.0	100.0	

### IPR/ IAD Number of days (open to close)

Complainant Satisfaction Survey – LUNA - 2007		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	10 days or less	27	7.7	7.7	7.7
	11-30 days	45	12.8	12.8	20.5
	31-90 days	108	30.7	30.7	51.1
	90-180 days	65	18.5	18.5	69.6
	181 days or more	30	8.5	8.5	78.1
	Missing records (or not yet closed)	77	21.9	21.9	100.0
	Total	352	100.0	100.0	

### 1. PART 1 (Demographics) Gender

Complainant Satisfaction Survey – LUNA - 2007		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	male;	209	59.4	59.4	59.4
	female	143	40.6	40.6	100.0
	Total	352	100.0	100.0	

## 2. Age

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid 1=24 under;	11	3.1	3.1	3.1
25-34;	46	13.1	13.1	16.2
35-44;	64	18.2	18.2	34.4
45-54;	110	31.3	31.3	65.6
55-64;	72	20.5	20.5	86.1
65 older	31	8.8	8.8	94.9
Not Appl./No Answer/Don't Know	17	4.8	4.8	99.7
deceased	1	.3	.3	100.0
Total	352	100.0	100.0	

## 3. Ethnicity

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid African American;	41	11.6	11.6	11.6
Asian American;	15	4.3	4.3	15.9
Caucasian;	245	69.6	69.6	85.5
Hispanic;	14	4.0	4.0	89.5
American Indian;	8	2.3	2.3	91.8
other	10	2.8	2.8	94.6
Not Appl./No Answer/Don't Know	19	5.4	5.4	100.0
Total	352	100.0	100.0	

## 4. Education

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid some high school	16	4.5	4.5	4.5
high school graduate;	31	8.8	8.8	13.4
some college;	101	28.7	28.7	42.0
college grad;	95	27.0	27.0	69.0
advanced degree;	80	22.7	22.7	91.8
other	11	3.1	3.1	94.9
Not Appl./No Answer/Don't Know	18	5.1	5.1	100.0
Total	352	100.0	100.0	

## 5. Do you have access to a computer, the internet or e-mail?

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	291	82.7	82.7	82.7
No	42	11.9	11.9	94.6
No Answer	19	5.4	5.4	100.0
Total	352	100.0	100.0	

**6. Occupation**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Student	10	2.8	2.8	2.8
professional	158	44.9	44.9	47.7
self-employed	54	15.3	15.3	63.1
laborer	20	5.7	5.7	68.8
homemaker	11	3.1	3.1	71.9
unemployed	8	2.3	2.3	74.1
retired	27	7.7	7.7	81.8
disabled	37	10.5	10.5	92.3
declined to answer	14	4.0	4.0	96.3
No Answer/Don't Know/Not Appl.	13	3.7	3.7	100.0
Total	352	100.0	100.0	

**7-1. In what year(s) did you file your complaint...2001?**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	10	2.8	2.8	2.8
No	333	94.6	94.6	97.4
Not Appl./No Answer/Don't Know	9	2.6	2.6	100.0
Total	352	100.0	100.0	

**7-2. In what year(s) did you file your complaint...2002**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	21	6.0	6.0	6.0
No	323	91.8	91.8	97.7
Not Appl./No Answer/Don't Know	8	2.3	2.3	100.0
Total	352	100.0	100.0	

**7-3. In what year(s) did you file your complaint...2003**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	55	15.6	15.6	15.6
No	295	83.8	83.8	99.4
Not Appl./No Answer/Don't Know	2	.6	.6	100.0
Total	352	100.0	100.0	

**7-4. In what year(s) did you file your complaint...2004**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	75	21.3	21.3	21.3
No	266	75.6	75.6	96.9
Not Appl./No Answer/Don't Know	11	3.1	3.1	100.0
Total	352	100.0	100.0	

**7-5. In what year(s) did you file your complaint...2005**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	60	17.0	17.0	17.0
No	281	79.8	79.8	96.9
Not Appl./No Answer/Don't Know	11	3.1	3.1	100.0
Total	352	100.0	100.0	

**7-6. In what year(s) did you file your complaint...2006**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	88	25.0	25.0	25.0
No	254	72.2	72.2	97.2
Not Appl./No Answer/Don't Know	10	2.8	2.8	100.0
Total	352	100.0	100.0	

**7-7. In what year(s) did you file your complaint...2007 (through July)**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	65	18.5	18.5	18.5
No	276	78.4	78.4	96.9
Not Appl./No Answer/Don't Know	11	3.1	3.1	100.0
Total	352	100.0	100.0	

**7-8 Multiple year Complaints (Complaints in more than 1 year).**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	12	3.4	3.4	3.4
No	333	94.6	94.6	98.0
Not Appl./No Answer/Don't Know	7	2.0	2.0	100.0
Total	352	100.0	100.0	



**PART 2: 1- Force - What were the allegation(s) against the police in your complaint...Force?**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	61	17.3	17.3	17.3
No	277	78.7	78.7	96.0
Not Appl./No Answer/Don't Know	14	4.0	4.0	100.0
Total	352	100.0	100.0	

**2-1 Control - What were the allegation(s) against the police in your complaint...Control?**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	35	9.9	9.9	9.9
No	302	85.8	85.8	95.7
Not Appl./No Answer/Don't Know	15	4.3	4.3	100.0
Total	352	100.0	100.0	

**2-1 Conduct - What were the allegation(s) against the police in your complaint...Conduct?**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	222	63.1	63.1	63.1
No	118	33.5	33.5	96.6
Not Appl./No Answer/Don't Know	12	3.4	3.4	100.0
Total	352	100.0	100.0	

**2-1 Disp. Treat. - What were the allegation(s) against the police in your complaint...Disparate Treatment?**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	51	14.5	14.5	14.5
No	286	81.3	81.3	95.7
Not Appl./No Answer/Don't Know	15	4.3	4.3	100.0
Total	352	100.0	100.0	

**2-1 Courtesy - What were the allegation(s) against the police in your complaint...Courtesy?**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	175	49.7	49.7	49.7
No	162	46.0	46.0	95.7
Not Appl./No Answer/Don't Know	15	4.3	4.3	100.0
Total	352	100.0	100.0	

**2-1 Procedure - What were the allegation(s) against the police in your complaint...Procedure?**

Complainant Satisfaction Survey – LUNA - 2007		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	132	37.5	37.5	37.5
	No	206	58.5	58.5	96.0
	Not Appl./No Answer/Don't Know	14	4.0	4.0	100.0
	Total	352	100.0	100.0	

**2-2 From what source did you hear about the complaint process?**

Complainant Satisfaction Survey – LUNA - 2007		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Officer	14	4.0	4.0	4.0
	IPR	4	1.1	1.1	5.1
	Portland-online	28	8.0	8.0	13.1
	lawyer	12	3.4	3.4	16.5
	called Police	65	18.5	18.5	34.9
	other (media, mayor's office, etc.)	158	44.9	44.9	79.8
	Not Appl./No Answer/Don't Know	71	20.2	20.2	100.0
	Total	352	100.0	100.0	

**2-3 Were you given a form / brochure explaining the complaint process?**

Complainant Satisfaction Survey – LUNA - 2007		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	96	27.3	27.3	27.3
	No	200	56.8	56.8	84.1
	Not Appl./No Answer/Don't Know.	56	15.9	15.9	100.0
	Total	352	100.0	100.0	

**2-4 Where did you obtain the complaint form?**

Complainant Satisfaction Survey – LUNA - 2007		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Portlandonline.com	44	12.5	12.5	12.5
	IPR (Independent Police Review)	77	21.9	21.9	34.4
	Precinct office	50	14.2	14.2	48.6
	other	91	25.9	25.9	74.4
	Not Appl./No Answer/Don't Know	90	25.6	25.6	100.0
	Total	352	100.0	100.0	

**2-5 The complaint form was easily obtained?**

Complainant Satisfaction Survey – LUNA - 2007		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	167	47.4	47.4	47.4
	No	91	25.9	25.9	73.3
	Not Appl./No Answer/Don't Know	94	26.7	26.7	100.0
	Total	352	100.0	100.0	

**2-6 Were you provided with adequate information about how to file your complaint?**

Complainant Satisfaction Survey – LUNA - 2007		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	163	46.3	46.3	46.3
	No	118	33.5	33.5	79.8
	No Answer/Don't Know/Not Appl.	71	20.2	20.2	100.0
	Total	352	100.0	100.0	

**2-7 Was the complaint process clearly explained to you?**

Complainant Satisfaction Survey – LUNA - 2007		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	129	36.6	36.6	36.6
	No	158	44.9	44.9	81.5
	Not Appl./No Answer/Don't Know	65	18.5	18.5	100.0
	Total	352	100.0	100.0	

**2-8 Did a private attorney help you with your complaint?**

Complainant Satisfaction Survey – LUNA - 2007		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	17	4.8	4.8	4.8
	No	304	86.4	86.4	91.2
	Not Appl./No Answer/Don't Know	31	8.8	8.8	100.0
	Total	352	100.0	100.0	

**PART 3-9 My complaint was handled in the following way:**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid resolved at intake by IPR (Independent Police Review)	3	.9	.9	.9
investigated by IPR	10	2.8	2.8	3.7
investigated by Internal Affairs (Portland Police)	20	5.7	5.7	9.4
Mediated	25	7.1	7.1	16.5
a service complaint	84	23.9	23.9	40.3
referred to another agency	8	2.3	2.3	42.6
declined / dismissed complaint	178	50.6	50.6	93.2
No answer/Don't Know/Not Appl.	24	6.8	6.8	100.0
Total	352	100.0	100.0	

**3-10 I was interviewed by one or both of the following agencies**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid IPR (Independent Police Review)	220	62.5	62.5	62.5
Police Internal Affairs Division	85	24.1	24.1	86.6
Don't know (Maybe both?)	23	6.5	6.5	93.2
Was not interviewed	2	.6	.6	93.8
Not Appl./No Answer/Don't Know	22	6.3	6.3	100.0
Total	352	100.0	100.0	

**3- 11/12 I was interviewed in a timely manner?**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	140	39.8	39.8	39.8
No	112	31.8	31.8	71.6
Not Appl./No Answer/Don't Know	100	28.4	28.4	100.0
Total	352	100.0	100.0	

**3- 13/14 I was treated politely by investigating staff**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	176	50.0	50.0	50.0
No	66	18.8	18.8	68.8
Not Appl./No Answer/Don't Know	110	31.3	31.3	100.0
Total	352	100.0	100.0	

**3- 15/16 The complaint investigator was objective/unbiased?**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	122	34.7	34.7	34.7
No	95	27.0	27.0	61.6
Not Appl./No Answer/Don't Know	135	38.4	38.4	100.0
Total	352	100.0	100.0	

**3- 17/18 The investigator listened well to my description of what happened?**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	168	47.7	47.7	47.7
No	70	19.9	19.9	67.6
Not Appl./No Answer/Don't Know	114	32.4	32.4	100.0
Total	352	100.0	100.0	

**3- 19/20 I was treated with respect by the investigator.**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	172	48.9	48.9	48.9
No	64	18.2	18.2	67.0
Not Appl./No Answer/Don't Know	116	33.0	33.0	100.0
Total	352	100.0	100.0	

**3- 21/22 The investigator asked fair questions.**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	154	43.8	43.8	43.8
No	70	19.9	19.9	63.6
Not Appl./No Answer/Don't Know	128	36.4	36.4	100.0
Total	352	100.0	100.0	

**3- 23/24 My information was carefully considered before a decision was made on my complaint.**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	80	22.7	22.7	22.7
No	116	33.0	33.0	55.7
Not Appl./No Answer/Don't Know	156	44.3	44.3	100.0
Total	352	100.0	100.0	

**3- 25/26A Were there any witnesses to your incident?**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	175	49.7	49.7	49.7
No	72	20.5	20.5	70.2
Not Appl./No Answer/Don't Know	105	29.8	29.8	100.0
Total	352	100.0	100.0	

**3- 25/26B If yes, to your knowledge, were they contacted?**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	21	6.0	6.0	6.0
No	124	35.2	35.2	41.2
Not Appl./No Answer/Don't Know	207	58.8	58.8	100.0
Total	352	100.0	100.0	

**3- 27/28 I was kept informed of the progress of my complaint**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	87	24.7	24.7	24.7
No	160	45.5	45.5	70.2
Not Appl./No Answer/Don't Know	105	29.8	29.8	100.0
Total	352	100.0	100.0	

**3- 29/30 Enough information was gathered to make a fair decision.**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	75	21.3	21.3	21.3
No	139	39.5	39.5	60.8
Not Appl./No Answer/Don't Know	138	39.2	39.2	100.0
Total	352	100.0	100.0	

**3- 31/32 I felt comfortable filing my complaint.**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	176	50.0	50.0	50.0
No	82	23.3	23.3	73.3
Not Appl./No Answer/Don't Know	94	26.7	26.7	100.0
Total	352	100.0	100.0	

**3- 33/34 Investigator tried to discourage me from filing complaint.**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	52	14.8	14.8	14.8
No	183	52.0	52.0	66.8
Not Appl./No Answer/Don't Know	117	33.2	33.2	100.0
Total	352	100.0	100.0	

**3- 35/36 The investigation of my complaint was completed in a timely manner.**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	105	29.8	29.8	29.8
No	116	33.0	33.0	62.8
Not Appl./No Answer/Don't Know	131	37.2	37.2	100.0
Total	352	100.0	100.0	

**3- 37A Were you notified of the outcome of your complaint?**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	197	56.0	56.0	56.0
No	110	31.3	31.3	87.2
Not Appl./No Answer/Don't Know	45	12.8	12.8	100.0
Total	352	100.0	100.0	

**3- 37B If yes, how were you notified of the outcome?**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid In person	8	2.3	2.3	2.3
Phone call	67	19.0	19.0	21.3
Letter	104	29.5	29.5	50.9
e-mail	3	.9	.9	51.7
Not Appl./No Answer/Don't Know	170	48.3	48.3	100.0
Total	352	100.0	100.0	

**3- 38 Were you informed that potential policy recommendations could result from your complaint?**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	42	11.9	11.9	11.9
No	228	64.8	64.8	76.7
Not Appl./No Answer/Don't Know	82	23.3	23.3	100.0
Total	352	100.0	100.0	

**3- 39 What was the disposition / finding of the allegations of your complaint...Sustained.**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	9	2.6	2.6	2.6
No	48	13.6	13.6	16.2
Not Appl./No Answer/Don't Know	295	83.8	83.8	100.0
Total	352	100.0	100.0	

**3- 39 What was the disposition / finding of the allegations of your complaint...Insufficient Evidence.**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	24	6.8	6.8	6.8
No	35	9.9	9.9	16.8
Not Appl./No Answer/Don't Know	293	83.2	83.2	100.0
Total	352	100.0	100.0	

**3- 39 What was the disposition / finding of the allegations of your complaint...Unfounded.**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	22	6.3	6.3	6.3
No	36	10.2	10.2	16.5
Not Appl./No Answer/Don't Know	294	83.5	83.5	100.0
Total	352	100.0	100.0	

**3- 39 What was the disposition / finding of the allegations of your complaint...Exonerated.**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	19	5.4	5.4	5.4
No	38	10.8	10.8	16.2
Not Appl./No Answer/Don't Know	295	83.8	83.8	100.0
Total	352	100.0	100.0	



**PART 4- 40 If your complaint was investigated, were you told you had a right to appeal within 30 days?**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	35	9.9	9.9	9.9
No	136	38.6	38.6	48.6
Not Appl./No Answer/Don't Know	181	51.4	51.4	100.0
Total	352	100.0	100.0	

**4- 41 Did you appeal the decision regarding this complaint?**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	2	.6	.6	.6
No	153	43.5	43.5	44.0
Not Appl./No Answer/Don't Know	197	56.0	56.0	100.0
Total	352	100.0	100.0	

**4- 42 Was you request for an appeal handled in a timely manner?**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid No	9	2.6	2.6	2.6
Not Appl./No Answer/Don't Know	343	97.4	97.4	100.0
Total	352	100.0	100.0	

**4- 43 Were you provided with a copy of the IPR/CRC report at least one week prior to appeal hearing?**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid No	14	4.0	4.0	4.0
Not Appl./No Answer/Don't Know	338	96.0	96.0	100.0
Total	352	100.0	100.0	

**4- 44 Were you (and/or witnesses) provided adequate opportunity to testify at the hearing?**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid No	14	4.0	4.0	4.0
Not Appl./No Answer/Don't Know	338	96.0	96.0	100.0
Total	352	100.0	100.0	

**4- 45 Did you feel the CRC took your concerns into account?**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid No	14	4.0	4.0	4.0
Not Appl./No Answer/Don't Know	338	96.0	96.0	100.0
Total	352	100.0	100.0	

**4- 46 Did a private attorney help you with your appeal?**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid No	10	2.8	2.8	2.8
Not Appl./No Answer/Don't Know	342	97.2	97.2	100.0
Total	352	100.0	100.0	

**4- 47 Did you have an "appeal advisor" who helped you?**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid No	11	3.1	3.1	3.1
Not Appl./No Answer/Don't Know	341	96.9	96.9	100.0
Total	352	100.0	100.0	

**4- 48 Did the CRC explain the decisions they made at the hearing?**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	1	.3	.3	.3
No	8	2.3	2.3	2.6
Not Appl./No Answer/Don't Know	343	97.4	97.4	100.0
Total	352	100.0	100.0	

**4- 49 If you appealed, were you satisfied with the result?**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid No	9	2.6	2.6	2.6
Not Appl./No Answer/Don't Know	343	97.4	97.4	100.0
Total	352	100.0	100.0	

**PART 5- MEDIATION 50 If you wanted to mediate the complaint, were you allowed to do so?**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	35	9.9	9.9	9.9
No	98	27.8	27.8	37.8
Not Appl./No Answer/Don't Know	219	62.2	62.2	100.0
Total	352	100.0	100.0	

**5- 51 Were you provided enough information ...about whether or not to go to mediation?**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	28	8.0	8.0	8.0
No	113	32.1	32.1	40.1
Not Appl./No Answer/Don't Know	211	59.9	59.9	100.0
Total	352	100.0	100.0	

**5- 52 Were you informed of the consequence of not following through with mediation once you agreed to it?**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	22	6.3	6.3	6.3
No	105	29.8	29.8	36.1
Not Appl./No Answer/Don't Know	225	63.9	63.9	100.0
Total	352	100.0	100.0	

**5- 53 Did you agree to mediation of your complaint?**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	26	7.4	7.4	7.4
No	89	25.3	25.3	32.7
Not Appl./No Answer/Don't Know	237	67.3	67.3	100.0
Total	352	100.0	100.0	

**5- 54 Was the setting of the mediation informal and non-confrontational?**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	14	4.0	4.0	4.0
No	9	2.6	2.6	6.5
Not Appl./No Answer/Don't Know	329	93.5	93.5	100.0
Total	352	100.0	100.0	

**5- 55 Was the officer present and cooperative in the mediation process?**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	10	2.8	2.8	2.8
No	11	3.1	3.1	6.0
Not Appl./No Answer/Don't Know	331	94.0	94.0	100.0
Total	352	100.0	100.0	

**5- 56 If you needed to re-schedule, were you allowed to do so?**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	7	2.0	2.0	2.0
No	4	1.1	1.1	3.1
Not Appl./No Answer/Don't Know	341	96.9	96.9	100.0
Total	352	100.0	100.0	

**5- 57 Were you satisfied with the result of the mediation?**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	9	2.6	2.6	2.6
No	19	5.4	5.4	8.0
Not Appl./No Answer/Don't Know	324	92.0	92.0	100.0
Total	352	100.0	100.0	

**6- 58 Overall, were you satisfied with the Citizen complaint process?**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	65	18.5	18.5	18.5
No	259	73.6	73.6	92.0
Not Appl./No Answer/Don't Know	28	8.0	8.0	100.0
Total	352	100.0	100.0	

**Do you have any additional comments?**

Complainant Satisfaction Survey – LUNA - 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	278	79.0	79.2	79.2
No	69	19.6	19.7	98.9
Not Appl./No Answer/Don't Know	4	1.1	1.1	100.0
Total	351	99.7	100.0	
Missing System	1	.3		
Total	352	100.0		

END of Complainant Satisfaction Survey – Frequencies

**POLICE SATISFACTION SURVEY – FREQUENCIES –  
LUNA – 2007 – PORTLAND, OREGON**

\*NOTE - Re: Citizen & Police Survey data charts. Statistics referred to in the report are measured only for those who responded to the specific survey question. While charts also show numbers and percents for responders who left answers "blank," these numbers are not calculated in our percentages discussed in the report.

**PART 1 (Demographics) Age**

Police Satisfaction Survey – LUNA – 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid 1=24 under;	5	1.7	1.7	1.7
25-34;	104	35.3	35.3	36.9
35-44;	133	45.1	45.1	82.0
45-54;	39	13.2	13.2	95.3
55-64;	12	4.1	4.1	99.3
Not Appl./No Answer/Don't know	2	.7	.7	100.0
Total	295	100.0	100.0	

**Gender**

Police Satisfaction Survey – LUNA – 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Male;	241	81.7	81.7	81.7
female	50	16.9	16.9	98.6
Not Appl./No Answer/Don't know	4	1.4	1.4	100.0
Total	295	100.0	100.0	

**Ethnicity**

Police Satisfaction Survey – LUNA – 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid African American;	12	4.1	4.1	4.1
Asian American;	16	5.4	5.4	9.5
Caucasian;	253	85.8	85.8	95.3
Hispanic;	7	2.4	2.4	97.6
other	3	1.0	1.0	98.6
Not Appl./No Answer/Don't know	4	1.4	1.4	100.0
Total	295	100.0	100.0	

**Education**

Police Satisfaction Survey – LUNA – 2007		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	high school graduate;	2	.7	.7	.7
	some college;	69	23.4	23.4	24.1
	college grad;	203	68.8	68.8	92.9
	advanced degree;	15	5.1	5.1	98.0
	other	1	.3	.3	98.3
	Not Appl./No Answer/Don't know	5	1.7	1.7	100.0
	Total	295	100.0	100.0	

**Years with Portland Police**

Police Satisfaction Survey – LUNA – 2007		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	less than 1 year;	4	1.4	1.4	1.4
	1-3 years;	64	21.7	21.7	23.1
	4-6 years;	41	13.9	13.9	36.9
	7-10 years;	59	20.0	20.0	56.9
	11-15 years;	66	22.4	22.4	79.3
	16 or more years	58	19.7	19.7	99.0
	Not Appl./No Answer/Don't know	3	1.0	1.0	100.0
	Total	295	100.0	100.0	

**Rank**

Police Satisfaction Survey – LUNA – 2007		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Officer	254	86.1	86.1	86.1
	Sergeant	22	7.5	7.5	93.6
	Lieutenant	4	1.4	1.4	94.9
	Other (including Detective)	7	2.4	2.4	97.3
	Commander	2	.7	.7	98.0
	Not Appl./No Answer/Don't know	6	2.0	2.0	100.0
	Total	295	100.0	100.0	

**PART 2-1 Have you been the subject of a complaint in the last 6 years?**

Police Satisfaction Survey – LUNA – 2007		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	198	67.1	67.1	67.1
	No	97	32.9	32.9	100.0
	Total	295	100.0	100.0	

**2-3 How many times have complaints been filed against you?**

Police Satisfaction Survey – LUNA – 2007		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1-2	119	40.3	40.3	40.3
	3-4	51	17.3	17.3	57.6
	5 or more	27	9.2	9.2	66.8
	No complaints/Not Appl./No Answer/Don't know	98	33.2	33.2	100.0
	Total	295	100.0	100.0	

**2-4 In what Precinct did the complaint occur**

Police Satisfaction Survey – LUNA – 2007		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Central	53	18.0	18.0	18.0
	East	49	16.6	16.6	34.6
	Southeast	37	12.5	12.5	47.1
	North	29	9.8	9.8	56.9
	Traffic	11	3.7	3.7	60.7
	Complaints in multiple precincts	12	4.1	4.1	64.7
	Not Appl./No Answer/Don't know	104	35.3	35.3	100.0
	Total	295	100.0	100.0	

**2-5 I was promptly notified of the complaint?**

Police Satisfaction Survey – LUNA – 2007		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	104	35.3	35.3	35.3
	No	89	30.2	30.2	65.4
	Not Appl./No Answer/Don't know	102	34.6	34.6	100.0
	Total	295	100.0	100.0	

**3- 1/2 I was interviewed in a timely manner?**

Police Satisfaction Survey – LUNA – 2007		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	72	24.4	24.4	24.4
	No	48	16.3	16.3	40.7
	Not Appl./No Answer/Don't know	175	59.3	59.3	100.0
	Total	295	100.0	100.0	

**3- 5/6 The complaint investigator was objective/unbiased?**

Police Satisfaction Survey – LUNA – 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	107	36.3	36.3	36.3
No	13	4.4	4.4	40.7
No Answer/Don't Know/Not Appl.	175	59.3	59.3	100.0
Total	295	100.0	100.0	

**3- 9/10 I was treated with respect by the investigator.**

Police Satisfaction Survey – LUNA – 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	107	36.3	36.3	36.3
No	10	3.4	3.4	39.7
No Answer/Don't Know/Not Appl.	178	60.3	60.3	100.0
Total	295	100.0	100.0	

**3- 11/12 The investigator asked fair questions.**

Police Satisfaction Survey – LUNA – 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	104	35.3	35.3	35.3
No	11	3.7	3.7	39.0
Not Appl./No Answer/Don't know	180	61.0	61.0	100.0
Total	295	100.0	100.0	

**3- 13/14 My information was carefully considered before a decision was made on my complaint.**

Police Satisfaction Survey – LUNA – 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	83	28.1	28.1	28.1
No	17	5.8	5.8	33.9
Not Appl./No Answer/Don't know	195	66.1	66.1	100.0
Total	295	100.0	100.0	

**3- 15/16A Were there any witnesses to your incident?**

Police Satisfaction Survey – LUNA – 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	103	34.9	34.9	34.9
No	24	8.1	8.1	43.1
Not Appl./No Answer/Don't know	168	56.9	56.9	100.0
Total	295	100.0	100.0	



**3- 15/16B If yes, to your knowledge, were they contacted?**

Police Satisfaction Survey – LUNA – 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	85	28.8	28.8	28.8
No	10	3.4	3.4	32.2
Not Appl./No Answer/Don't know	200	67.8	67.8	100.0
Total	295	100.0	100.0	

**3- 17/18 I was kept informed of the progress of my complaint**

Police Satisfaction Survey – LUNA – 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	43	14.6	14.6	14.6
No	87	29.5	29.5	44.1
Not Appl./No Answer/Don't know	165	55.9	55.9	100.0
Total	295	100.0	100.0	

**3- 19/20 Enough information was gathered to make a fair decision.**

Police Satisfaction Survey – LUNA – 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	96	32.5	32.5	32.5
No	17	5.8	5.8	38.3
Not Appl./No Answer/Don't know	182	61.7	61.7	100.0
Total	295	100.0	100.0	

**3- 21/22 The investigation of my complaint was completed in a timely manner.**

Police Satisfaction Survey – LUNA – 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	67	22.7	22.7	22.7
No	55	18.6	18.6	41.4
Not Appl./No Answer/Don't know	173	58.6	58.6	100.0
Total	295	100.0	100.0	

**PART 4- 1 Were you notified of the outcome of your complaint?**

Police Satisfaction Survey – LUNA – 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	128	43.4	43.4	43.4
No	45	15.3	15.3	58.6
Not Appl./No Answer/Don't know	122	41.4	41.4	100.0
Total	295	100.0	100.0	

**4- 3 The Outcome was what I deserved.**

Police Satisfaction Survey – LUNA – 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	94	31.9	31.9	31.9
No	29	9.8	9.8	41.7
Not Appl./No Answer/Don't know	172	58.3	58.3	100.0
Total	295	100.0	100.0	

**4- 6 Discipline-The consequences that most concerned me was:**

Police Satisfaction Survey – LUNA – 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	31	10.5	10.5	10.5
No	108	36.6	36.6	47.1
Not Appl./No Answer/Don't know	156	52.9	52.9	100.0
Total	295	100.0	100.0	

**4- 6 Civil Suits-The consequences that most concerned me was:**

Police Satisfaction Survey – LUNA – 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	13	4.4	4.4	4.4
No	126	42.7	42.7	47.1
Not Appl./No Answer/Don't know	156	52.9	52.9	100.0
Total	295	100.0	100.0	

**4- 6 Reprimands-The consequences that most concerned me was:**

Police Satisfaction Survey – LUNA – 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	12	4.1	4.1	4.1
No	127	43.1	43.1	47.1
Not Appl./No Answer/Don't know	156	52.9	52.9	100.0
Total	295	100.0	100.0	

**4- 6 Tarn. Reputation-The consequences that most concerned me was:**

Police Satisfaction Survey – LUNA – 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	45	15.3	15.3	15.3
No	94	31.9	31.9	47.1
Not Appl./No Answer/Don't know	156	52.9	52.9	100.0
Total	295	100.0	100.0	

**4- 6 None-The consequences that most concerned me was:**

Police Satisfaction Survey – LUNA – 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	59	20.0	20.0	20.0
No	80	27.1	27.1	47.1
Not Appl./No Answer/Don't know	156	52.9	52.9	100.0
Total	295	100.0	100.0	

**4- 8 Did you appeal the decision regarding this complaint?**

Police Satisfaction Survey – LUNA – 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	5	1.7	1.7	1.7
No	115	39.0	39.0	40.7
Not Appl./No Answer/Don't know	175	59.3	59.3	100.0
Total	295	100.0	100.0	

**5- 5 If you appealed, were you satisfied with the result?**

Police Satisfaction Survey – LUNA – 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	2	.7	.7	.7
No	1	.3	.3	1.0
Not Appl./No Answer/Don't know	292	99.0	99.0	100.0
Total	295	100.0	100.0	

**7- 3 Did you agree to mediation of the complaint against you?**

Police Satisfaction Survey – LUNA – 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	20	6.8	6.8	6.8
Not Appl./No Answer/Don't know	275	93.2	93.2	100.0
Total	295	100.0	100.0	

**7- 8 Were you satisfied with the result of the mediation?**

Police Satisfaction Survey – LUNA – 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	17	5.8	5.8	5.8
No	2	.7	.7	6.4
Not Appl./No Answer/Don't know	276	93.6	93.6	100.0
Total	295	100.0	100.0	

**8- 9 Internal Affairs quality of investigations is improved by Civilian Oversight.**

Police Satisfaction Survey – LUNA – 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	60	20.3	20.3	20.3
No	150	50.8	50.8	71.2
Not Appl./No Answer/Don't know	85	28.8	28.8	100.0
Total	295	100.0	100.0	

**8- 6 IPR improves the complaint process.**

Police Satisfaction Survey – LUNA – 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	78	26.4	26.4	26.4
No	88	29.8	29.8	56.3
Not Appl./No Answer/Don't know	129	43.7	43.7	100.0
Total	295	100.0	100.0	

**PART 8-1 COMPLAINT PROCESS Citizens can competently review police complaints.**

Police Satisfaction Survey – LUNA – 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	78	26.4	26.4	26.4
No	94	31.9	31.9	58.3
Not Appl./No Answer/Don't know	123	41.7	41.7	100.0
Total	295	100.0	100.0	

**8- 10 COMPLAINTS - Do you have any additional comments?**

Police Satisfaction Survey – LUNA – 2007	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	62	21.0	21.0	21.0
No	230	78.0	78.0	99.0
Not Appl./No Answer/Don't know	3	1.0	1.0	100.0
Total	295	100.0	100.0	

\*NOTE - Re: Citizen & Police Survey data charts. Statistics referred to in the report are measured only for those who responded to the specific survey question. While charts also show numbers and percents for responders who left answers "blank," these numbers are not calculated in our percentages discussed in the report .

END of Police Satisfaction Survey – Frequencies

**SATISFACTION CROSTABULATIONS  
COMPLAINANT SATISFACTION SURVEY  
LUNA – 2007 – PORTLAND, OREGON**

\*NOTE - Re: Citizen & Police Survey data charts. Statistics referred to in the report are measured only for those who responded to the specific survey question. While charts also show numbers and percents for responders who left answers "blank," these numbers are not calculated in our percentages discussed in the report

**Overall, were you satisfied with the Citizen Complaint process? Crosstabulated with Gender, Age, Ethnicity and Education.**

**1. PART 1 (Demographics) Gender \* 6- 58 Overall, were you satisfied with the Citizen complaint process? Crosstabulation**

Complainant Satisfaction Survey – LUNA - 2007	6- 58 Overall, were you satisfied with the Citizen Complaint process?			Total
	Yes	No	Not Appl./No Answer/Don't Know	Yes
1. PART 1 (Demographics) male;	34	159	16	209
Gender female	31	100	12	143
Total	65	259	28	352

**2. Age \* 6- 58 Overall, were you satisfied with the Citizen complaint process? Crosstabulation**

Complainant Satisfaction Survey – LUNA - 2007	6- 58 Overall, were you satisfied with the Citizen complaint process?			Total
	Yes	No	Not Appl./No Answer/Don't Know	Yes
2. Age 1=24 under;	1	8	2	11
25-34;	9	36	1	46
35-44;	18	46	0	64
45-54;	17	88	5	110
55-64;	13	51	8	72
65 older	6	24	1	31
Not Appl./No Answer/Don't Know	1	6	10	17
deceased	0	0	1	1
Total	65	259	28	352

**3. Ethnicity \* 6- 58 Overall, were you satisfied with the Citizen complaint process? Crosstabulation**

Complainant Satisfaction Survey – LUNA - 2007		6- 58 Overall, were you satisfied with the Citizen complaint process?			Total
		Yes	No	Not Appl./No Answer/Don't Know	Yes
3.	African American;	3	36	2	41
	Asian American;	1	14	0	15
	Caucasian;	55	178	12	245
	Hispanic;	3	8	3	14
	American Indian;	0	8	0	8
	other	2	7	1	10
	Not Appl./No Answer/Don't Know	1	8	10	19
Total		65	259	28	352

**4. Education \* 6- 58 Overall, were you satisfied with the Citizen complaint process? Crosstabulation**

Complainant Satisfaction Survey – LUNA - 2007		6- 58 Overall, were you satisfied with the Citizen complaint process?			Total
		Yes	No	Not Appl./No Answer/Don't Know	Yes
4.	some high school	3	13	0	16
	high school graduate;	5	24	2	31
	some college;	17	81	3	101
	college grad;	20	69	6	95
	advanced degree;	19	56	5	80
	other	0	10	1	11
	Not Appl./No Answer/Don't Know	1	6	11	18
Total		65	259	28	352

END of Cross Tabs – ‘Demographics with ‘Satisfaction’ - Complainants

**RESPECT / FAIR QUESTIONS - CROSSTABULATIONS  
COMPLAINANT SATISFACTION SURVEY  
LUNA – 2007 – PORTLAND, OREGON**

\*NOTE - Re: Citizen & Police Survey data charts. Statistics referred to in the report are measured only for those who responded to the specific survey question. While charts also show numbers and percents for responders who left answers "blank," these numbers are not calculated in our percentages discussed in the report

**I was treated with respect by the investigator. Crosstabulated with Gender, Age, Ethnicity and Education.**

**1. Gender \* 3- 19/20 I was treated with respect by the investigator. Crosstabulation**

Complainant Satisfaction Survey – LUNA - 2007	3- 19/20 I was treated with respect by the investigator.			Total
	Yes	No	Not Appl./No Answer/Don't Know	Yes
1. PART 1 (Demographics) male;	99	37	73	209
Gender female	73	27	43	143
Total	172	64	116	352

**2. Age \* 3- 19/20 I was treated with respect by the investigator. Crosstabulation**

Complainant Satisfaction Survey – LUNA - 2007	3- 19/20 I was treated with respect by the investigator.			Total
	Yes	No	Not Appl./No Answer/Don't Know	Yes
2. Age 1=24 under;	7	2	2	11
25-34;	21	10	15	46
35-44;	32	15	17	64
45-54;	58	21	31	110
55-64;	41	8	23	72
65 older	11	7	13	31
Not Appl./No Answer/Don't Know	2	1	14	17
deceased	0	0	1	1
Total	172	64	116	352

**3. Ethnicity \* 3- 19/20 I was treated with respect by the investigator. Crosstabulation**

Complainant Satisfaction Survey – LUNA - 2007		3- 19/20 I was treated with respect by the investigator.			Total
		Yes	No	Not Appl./No Answer/Don't Know	Yes
3. Ethnicity	African American;	15	14	12	41
	Asian American;	5	4	6	15
	Caucasian;	128	41	76	245
	Hispanic;	10	2	2	14
	American Indian;	3	3	2	8
	other	6	0	4	10
	Not Appl./No Answer/Don't Know	5	0	14	19
Total		172	64	116	352

**4. Education \* 3- 19/20 I was treated with respect by the investigator. Crosstabulation**

Complainant Satisfaction Survey – LUNA - 2007		3- 19/20 I was treated with respect by the investigator.			Total
		Yes	No	Not Appl./No Answer/Don't Know	Yes
4. Education	some high school	9	2	5	16
	high school graduate;	12	8	11	31
	some college;	53	18	30	101
	college grad;	52	24	19	95
	advanced degree;	41	9	30	80
	other	3	2	6	11
	Not Appl./No Answer/Don't Know	2	1	15	18
Total		172	64	116	352

**The investigator asked fair questions. Crosstabulated with Gender, Age, Ethnicity and Education.**

**1. Gender \* 3- 21/22 The investigator asked fair questions. Crosstabulation**

Complainant Satisfaction Survey – LUNA - 2007		3- 21/22 The investigator asked fair questions.			Total
		Yes	No	Not Appl./No Answer/Don't Know	Yes
1. PART 1 (Demographics)	male;	87	42	80	209
Gender	female	67	28	48	143
Total		154	70	128	352



**2. Age \* 3- 21/22 The investigator asked fair questions. Crosstabulation**

Complainant Satisfaction Survey – LUNA - 2007	3- 21/22 The investigator asked fair questions.			Total
	Yes	No	Not Appl./No Answer/Don't Know	Yes
2. Age 1=24 under;	6	2	3	11
25-34;	19	10	17	46
35-44;	34	12	18	64
45-54;	49	23	38	110
55-64;	36	15	21	72
65 older	8	6	17	31
Not Appl./No Answer/Don't Know	2	2	13	17
deceased	0	0	1	1
Total	154	70	128	352

**3. Ethnicity \* 3- 21/22 The investigator asked fair questions. Crosstabulation**

Complainant Satisfaction Survey – LUNA - 2007	3- 21/22 The investigator asked fair questions.			Total
	Yes	No	Not Appl./No Answer/Don't Know	Yes
3. African American;	14	17	10	41
Ethnicity Asian American;	5	3	7	15
Caucasian;	113	43	89	245
Hispanic;	11	1	2	14
American Indian;	3	3	2	8
other	5	1	4	10
Not Appl./No Answer/Don't Know	3	2	14	19
Total	154	70	128	352

**4. Education \* 3- 21/22 The investigator asked fair questions. Crosstabulation**

Complainant Satisfaction Survey – LUNA - 2007	3- 21/22 The investigator asked fair questions.			Total
	Yes	No	Not Appl./No Answer/Don't Know	Yes
4. some high school	7	5	4	16
Education high school graduate;	12	7	12	31
some college;	49	19	33	101
college grad;	44	25	26	95
advanced degree;	39	10	31	80
other	1	4	6	11
Not Appl./No Answer/Don't Know	2	0	16	18
Total	154	70	128	352

END of Cross Tabs – ‘Demographics with Respect/ Fair Questions’ - Complainants

**WITNESSES CROSSTABLATIONS  
COMPLAINANT SATISFACTION SURVEY  
LUNA – 2007 – PORTLAND, OREGON**

\*NOTE - Re: Citizen & Police Survey data charts. Statistics referred to in the report are measured only for those who responded to the specific survey question. While charts also show numbers and percents for responders who left answers "blank," these numbers are not calculated in our percentages discussed in the report

**Were there any witnesses to your incident? Crosstabulated with Gender, Age, Ethnicity and Education.**

**1. (Demographics) Gender \* 3- 25/26A Were there any witnesses to your incident? Crosstabulation**

Complainant Satisfaction Survey – LUNA - 2007	3- 25/26A Were there any witnesses to your incident?			Total
	Yes	No	Not Appl./No Answer/Don't Know	Yes
1. PART 1 (Demographics) male;	103	45	61	209
Gender female	72	27	44	143
Total	175	72	105	352

**2. Age \* 3- 25/26A Were there any witnesses to your incident? Crosstabulation**

Complainant Satisfaction Survey – LUNA - 2007	3- 25/26A Were there any witnesses to your incident?			Total
	Yes	No	Not Appl./No Answer/Don't Know	Yes
2. Age 1=24 under;	8	1	2	11
25-34;	27	9	10	46
35-44;	36	14	14	64
45-54;	55	22	33	110
55-64;	32	18	22	72
65 older	14	7	10	31
Not Appl./No Answer/Don't Know	3	1	13	17
deceased	0	0	1	1
Total	175	72	105	352

**3. Ethnicity \* 3- 25/26A Were there any witnesses to your incident? Crosstabulation**

Complainant Satisfaction Survey – LUNA - 2007		3- 25/26A Were there any witnesses to your incident?			Total
		Yes	No	Not Appl./No Answer/Don't Know	Yes
3.	African American;	24	10	7	41
	Asian American;	7	2	6	15
	Caucasian;	123	50	72	245
	Hispanic;	8	4	2	14
	American Indian;	7	1	0	8
	other	4	3	3	10
	Not Appl./No Answer/Don't Know	2	2	15	19
Total		175	72	105	352

**4. Education \* 3- 25/26A Were there any witnesses to your incident? Crosstabulation**

Complainant Satisfaction Survey – LUNA - 2007		3- 25/26A Were there any witnesses to your incident?			Total
		Yes	No	Not Appl./No Answer/Don't Know	Yes
4.	some high school	9	5	2	16
	high school graduate;	15	8	8	31
	some college;	48	22	31	101
	college grad;	62	18	15	95
	advanced degree;	32	18	30	80
	other	7	0	4	11
	Not Appl./No Answer/Don't Know	2	1	15	18
Total		175	72	105	352

**WITNESSES - were they contacted?**

**1. PART 1 (Demographics) Gender \* 3- 25/26B If yes, to your knowledge, were they contacted? Crosstabulation**

Complainant Satisfaction Survey – LUNA - 2007		3- 25/26B If yes, to your knowledge, were they contacted?			Total
		Yes	No	Not Appl./No Answer/Don't Know	Yes
1. PART 1 (Demographics)	male;	11	71	127	209
Gender	female	10	53	80	143
Total		21	124	207	352

**2. Age \* 3- 25/26B If yes, to your knowledge, were they contacted? Crosstabulation**

Complainant Satisfaction Survey – LUNA - 2007	3- 25/26B If yes, to your knowledge, were they contacted?			Total
	Yes	No	Not Appl./No Answer/Don't Know	Yes
2. Age 1=24 under;	1	6	4	11
25-34;	4	18	24	46
35-44;	6	22	36	64
45-54;	3	42	65	110
55-64;	6	22	44	72
65 older	1	11	19	31
Not Appl./No Answer/Don't Know	0	3	14	17
deceased	0	0	1	1
Total	21	124	207	352

**3. Ethnicity \* 3- 25/26B If yes, to your knowledge, were they contacted? Crosstabulation**

Complainant Satisfaction Survey – LUNA - 2007	3- 25/26B If yes, to your knowledge, were they contacted?			Total
	Yes	No	Not Appl./No Answer/Don't Know	Yes
3. Ethnicity African American;	2	19	20	41
Asian American;	1	4	10	15
Caucasian;	14	87	144	245
Hispanic;	1	7	6	14
American Indian;	2	5	1	8
other	1	1	8	10
Not Appl./No Answer/Don't Know	0	1	18	19
Total	21	124	207	352

**4. Education \* 3- 25/26B If yes, to your knowledge, were they contacted? Crosstabulation**

Complainant Satisfaction Survey – LUNA - 2007	3- 25/26B If yes, to your knowledge, were they contacted?			Total
	Yes	No	Not Appl./No Answer/Don't Know	Yes
4. Education some high school	2	8	6	16
high school graduate;	2	11	18	31
some college;	10	33	58	101
college grad;	4	45	46	95
advanced degree;	3	20	57	80
other	0	5	6	11
Not Appl./No Answer/Don't Know	0	2	16	18
Total	21	124	207	352

END of Cross Tabs – 'Demographics with Witnesses' - Complainants

**INFORMATION - CROSSTABULATIONS  
COMPLAINANT SATISFACTION SURVEY  
LUNA – 2007 – PORTLAND, OREGON**

\*NOTE - Re: Citizen & Police Survey data charts. Statistics referred to in the report are measured only for those who responded to the specific survey question. While charts also show numbers and percents for responders who left answers "blank," these numbers are not calculated in our percentages discussed in the report

**Enough information was gathered to make a fair decision. Crosstabulated with Gender, Age, Ethnicity and Education.**

**1. Gender \* 3- 29/30 Enough information was gathered to make a fair decision. Crosstabulation**

Complainant Satisfaction Survey – LUNA - 2007	3- 29/30 Enough information was gathered to make a fair decision.			Total
	Yes	No	Not Appl./No Answer/Don't Know	Yes
1. PART 1 (Demographics) male;	41	88	80	209
Gender female	34	51	58	143
Total	75	139	138	352

**2. Age \* 3- 29/30 Enough information was gathered to make a fair decision. Crosstabulation**

Complainant Satisfaction Survey – LUNA - 2007	3- 29/30 Enough information was gathered to make a fair decision.			Total
	Yes	No	Not Appl./No Answer/Don't Know	Yes
2. Age 1=24 under;	2	5	4	11
25-34;	9	23	14	46
35-44;	18	23	23	64
45-54;	19	48	43	110
55-64;	17	27	28	72
65 older	9	11	11	31
Not Appl./No Answer/Don't Know	1	2	14	17
deceased	0	0	1	1
Total	75	139	138	352

COMPLAINANT SATISFACTION SURVEY – CROSSTABS - INFORMATION

**3. Ethnicity \* 3- 29/30 Enough information was gathered to make a fair decision. Crosstabulation**

Complainant Satisfaction Survey – LUNA - 2007	3- 29/30 Enough information was gathered to make a fair decision.			Total
	Yes	No	Not Appl./No Answer/Don't Know	Yes
3. Ethnicity				
African American;	4	23	14	41
Asian American;	2	7	6	15
Caucasian;	60	92	93	245
Hispanic;	4	6	4	14
American Indian;	1	6	1	8
other	2	3	5	10
Not Appl./No Answer/Don't Know	2	2	15	19
Total	75	139	138	352

**4. Education \* 3- 29/30 Enough information was gathered to make a fair decision. Crosstabulation**

Complainant Satisfaction Survey – LUNA - 2007	3- 29/30 Enough information was gathered to make a fair decision.			Total
	Yes	No	Not Appl./No Answer/Don't Know	Yes
4. Education				
some high school	3	9	4	16
high school graduate;	3	19	9	31
some college;	26	41	34	101
college grad;	21	42	32	95
advanced degree;	21	19	40	80
other	0	7	4	11
Not Appl./No Answer/Don't Know	1	2	15	18
Total	75	139	138	352

**My information was carefully considered before a decision was made on my complaint. Crosstabulated with Gender, Age, Ethnicity and Education.**

**1. Gender \* 3- 23/24 My information was carefully considered before a decision was made on my complaint. Crosstabulation**

Complainant Satisfaction Survey – LUNA - 2007	3- 23/24 My information was carefully considered before a decision was made on my complaint.			Total
	Yes	No	Not Appl./No Answer/Don't Know	Yes
1. PART 1 (Demographics) male;	45	75	89	209
Gender female	35	41	67	143
Total	80	116	156	352

COMPLAINANT SATISFACTION SURVEY – CROSSTABS - INFORMATION

**2. Age \* 3- 23/24 My information was carefully considered before a decision was made on my complaint. Crosstabulation**

Complainant Satisfaction Survey – LUNA - 2007	3- 23/24 My information was carefully considered before a decision was made on my complaint.			Total
	Yes	No	Not Appl./No Answer/Don't Know	Yes
2. Age 1=24 under;	2	4	5	11
25-34;	12	20	14	46
35-44;	18	22	24	64
45-54;	20	42	48	110
55-64;	21	18	33	72
65 older	6	8	17	31
Not Appl./No Answer/Don't Know	1	2	14	17
deceased	0	0	1	1
Total	80	116	156	352

**3. Ethnicity \* 3- 23/24 My information was carefully considered before a decision was made on my complaint. Crosstabulation**

Count

Complainant Satisfaction Survey – LUNA - 2007	3- 23/24 My information was carefully considered before a decision was made on my complaint.			Total
	Yes	No	Not Appl./No Answer/Don't Know	Yes
3. Ethnicity African American;	6	20	15	41
Asian American;	3	7	5	15
Caucasian;	62	76	107	245
Hispanic;	4	5	5	14
American Indian;	2	4	2	8
other	2	1	7	10
Not Appl./No Answer/Don't Know	1	3	15	19
Total	80	116	156	352

COMPLAINANT SATISFACTION SURVEY – CROSSTABS - INFORMATION

**4. Education \* 3- 23/24 My information was carefully considered before a decision was made on my complaint. Crosstabulation**

Complainant Satisfaction Survey – LUNA - 2007		3- 23/24 My information was carefully considered before a decision was made on my complaint.			Total
		Yes	No	Not Appl./No Answer/Don't Know	Yes
4.	some high school	4	8	4	16
Education	high school graduate;	6	15	10	31
	some college;	21	34	46	101
	college grad;	25	36	34	95
	advanced degree;	23	16	41	80
	other	1	5	5	11
	Not Appl./No Answer/Don't Know	0	2	16	18
Total		80	116	156	352

END of Cross Tabs – ‘Demographics with Information’ - Complainants



**CIVILIAN OVERSIGHT QUESTIONS – CROSSTABULATIONS -  
WITH OFFICERS WITH COMPLAINTS IN THE LAST 6 YEARS  
LUNA – 2007 – PORTLAND, OREGON**

\*NOTE - Re: Citizen & Police Survey data charts. Statistics referred to in the report are measured only for those who responded to the specific survey question. While charts also show numbers and percents for responders who left answers "blank," these numbers are not calculated in our percentages discussed in the report

**PART 2-1 Have you been the subject of a complaint in the last 6 years? \***

**8- 9 Internal Affairs quality of investigations is improved by Civilian Oversight. Crosstabulation**

Police Satisfaction Survey – LUNA – 2007		8- 9 Internal Affairs quality of investigations is improved by Civilian Oversight.			Total
		Yes	No	Not Appl./No Answer/Don't know	Yes
PART 2-1 Have you been the subject of a complaint in the last 6 years?	Yes	39	106	53	198
	No	21	44	32	97
Total		60	150	85	295

**PART 2-1 Have you been the subject of a complaint in the last 6 years? \***

**8- 6 IPR improves the complaint process. Crosstabulation**

Police Satisfaction Survey – LUNA – 2007		8- 6 IPR improves the complaint process.			Total
		Yes	No	Not Appl./No Answer/Don't know	Yes
PART 2-1 Have you been the subject of a complaint in the last 6 years?	Yes	57	62	79	198
	No	21	26	50	97
Total		78	88	129	295

**PART 2-1 Have you been the subject of a complaint in the last 6 years? \* PART 8-1 COMPLAINT  
PROCESS Citizens can competently review police complaints. Crosstabulation**

Police Satisfaction Survey – LUNA – 2007		PART 8-1 COMPLAINT PROCESS Citizens can competently review police complaints.			Total
		Yes	No	Not Appl./No Answer/Don't know	Yes
PART 2-1 Have you been the subject of a complaint in the last 6 years?	Yes	58	63	77	198
	No	20	31	46	97
Total		78	94	123	295

END of Cross Tabs – 'Police responses to Civilian Oversight Questions' – Police Survey

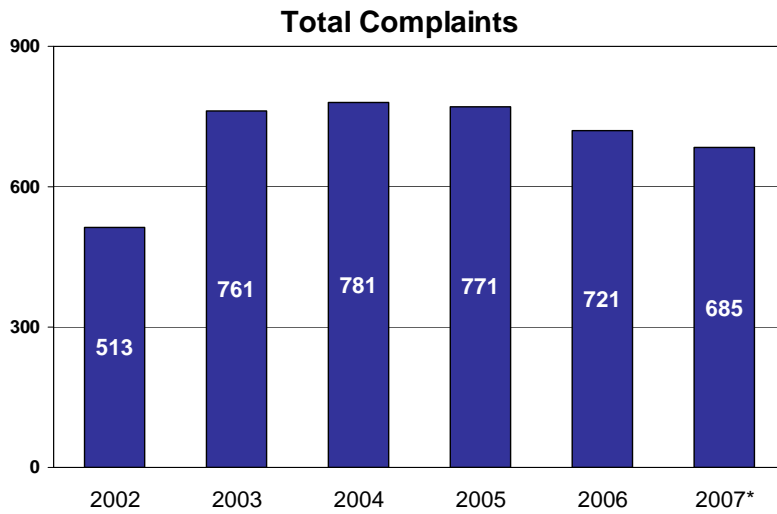
**Independent  
Police Review  
(IPR)  
Various charts,  
tables & related  
documents**

New Complaints filed with IPR

Year	Citizen Complaints	Rapid Dismissals	Total	Tort Claims
2000	831	-	831	
2001	690	-	690	
2002	531	-	531	
2003	761	-	761	
2004	781	-	781	
2005	609	162	771	75
2006	537	181	718	25

**Chart # 1**

**Chart # 2**



**Chart # 3**

Sources of Citizen Complaints Received by IPR				
	2005		2006	
	Number	Percent	Number	Percent
Phone	325	38%	280	36%
Unknown/Other	206	24%	249	32%
E-mail	91	11%	89	11%
Mail	87	10%	64	8%
Walk-in	71	8%	37	5%
Precinct	48	6%	34	4%
Inter-office	17	2%	26	3%
Fax	16	2%	9	1%

**IPR and IAD Decisions on Citizen Complaints**

Assignment Decision	2002*		2003*		2004*		2005*		2006*	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
Resolved or Referred by IPR (other than to IAD)	61	13%	69	9%	37	5%	11	2%	22	3%
Pending or Completed Mediation	3	1%	23	3%	38	5%	29	4%	25	4%
Dismissed by IPR	123	26%	285	39%	388	48%	399	55%	427	63%
Decline by IAD	91	19%	101	14%	114	14%	74	10%	30	4%
Service Complaint	97	21%	189	26%	164	20%	134	19%	91	13%
Full Investigation Resolved	86	18%	60	8%	55	7%	39	5%	65	10%
Administratively by IAD	8	2%	3	0%	18	2%	33	5%	16	2%
<b>Total</b>	<b>469</b>	<b>100%</b>	<b>730</b>	<b>100%</b>	<b>814</b>	<b>100%</b>	<b>719</b>	<b>100%</b>	<b>676</b>	<b>100%</b>

\* Year of Decision; not Reported Year for Complaint

## Allegations

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid	3	.0	.0	.0
1. Baton	53	.5	.5	.5
2. Bean bag shotgun	16	.1	.1	.7
3. Beyond scope of officer's authority	138	1.3	1.3	1.9
4. Bicycle	3	.0	.0	1.9
5. C. Tech aggravated old injury	1	.0	.0	2.0
6. Choke hold	4	.0	.0	2.0
7. Coercion	20	.2	.2	2.2
8. Conspiracy	67	.6	.6	2.8
9. Control holds	115	1.0	1.0	3.8
10. Control technique-injury	17	.2	.2	4.0
11. Cross gender search	8	.1	.1	4.1
12. Crowd control-baton	1	.0	.0	4.1
13. Crowd control-horse	4	.0	.0	4.1
14. Crowd control-pepper spray	1	.0	.0	4.1
15. Crowd control	31	.3	.3	4.4
16. Defamation	6	.1	.1	4.4
17. Demeaning behavior or language	39	.4	.4	4.8
18. Did not conform to laws	26	.2	.2	5.0
19. Did not give reason for arrest/stop	38	.3	.3	5.4
20. Disclosed confidential info	6	.1	.1	5.4
21. Discrimination-disability	11	.1	.1	5.5
22. Discrimination-gender	34	.3	.3	5.9
23. Discrimination-other	33	.3	.3	6.2
24. Discrimination-political views	4	.0	.0	6.2
25. Discrimination-Race-General	141	1.3	1.3	7.5
26. Discrimination-race	87	.8	.8	8.3
27. Discrimination-religion	4	.0	.0	8.3
28. Discrimination-sexual orientation	28	.3	.3	8.6
29. Display of firearm	26	.2	.2	8.8
30. Dog bite	1	.0	.0	8.8
31. Domestic violence	1	.0	.0	8.8
32. Draw/exhibit firearm	16	.1	.1	9.0
33. Entrapment	3	.0	.0	9.0
34. Excessively rough takedown	201	1.8	1.8	10.8

35. Fail to appear court/hearing	1	.0	.0	10.8
36. Fail to arrest	36	.3	.3	11.2
37. Fail to assist motorist	12	.1	.1	11.3
38. Fail to cite	5	.0	.0	11.3
39. Fail to document handcuffing	8	.1	.1	11.4
40. Fail to document profanity	11	.1	.1	11.5
41. Fail to document use of force	16	.1	.1	11.6
42. Fail to enforce RO-stand by	2	.0	.0	11.6
43. Fail to enforce RO	17	.2	.2	11.8
44. Fail to file a complete police report	15	.1	.1	11.9
45. Fail to file an accurate police report	34	.3	.3	12.2
46. Fail to follow investigation procedures	35	.3	.3	12.6
47. Fail to follow traffic law	61	.6	.6	13.1
48. Fail to give reason for arrest	13	.1	.1	13.2
49. Fail to give reason for citation	1	.0	.0	13.2
50. Fail to give reason for subject stop	15	.1	.1	13.4
51. Fail to give reason for traffic stop	15	.1	.1	13.5
52. Fail to investigate	43	.4	.4	13.9
53. Fail to issue receipt for evidence/property	23	.2	.2	14.1
54. Fail to mirandize	45	.4	.4	14.5
55. Fail to provide accurate or timely info	26	.2	.2	14.8
56. Fail to provide medical attention	23	.2	.2	15.0
57. Fail to provide name/badge	195	1.8	1.8	16.8
58. Fail to release property	39	.4	.4	17.1
59. Fail to return phone calls	47	.4	.4	17.5
60. Fail to seat belt prisoner	6	.1	.1	17.6
61. Fail to take appropriate action	237	2.2	2.2	19.8
62. Fail to write or file a police report	78	.7	.7	20.5
63. Failed to seat belt prisoner	1	.0	.0	20.5
64. Failure ro follow orders	1	.0	.0	20.5
65. Failure to act properly	95	.9	.9	21.4

66. Failure to arrest	32	.3	.3	21.6
67. Failure to cite	3	.0	.0	21.7
68. Failure to file an accurate police report	74	.7	.7	22.3
69. Failure to follow Investigation Procedures	74	.7	.7	23.0
70. Failure to follow traffic law	95	.9	.9	23.9
71. Failure to investigate	45	.4	.4	24.3
72. Failure to log money as evidence	6	.1	.1	24.3
73. Failure to provide accurate or timely info	34	.3	.3	24.7
74. Failure to provide medical attention	33	.3	.3	25.0
75. Failure to release property	67	.6	.6	25.6
76. Failure to return phone calls	72	.7	.7	26.2
77. Failure to show ID	7	.1	.1	26.3
78. Failure to take appropriate action	307	2.8	2.8	29.1
79. Failure to write or file a police report	130	1.2	1.2	30.3
80. False accusation	119	1.1	1.1	31.4
81. False traffic charges	79	.7	.7	32.1
82. False/inappropriate arrest	138	1.3	1.3	33.3
83. Falsifying a police report	26	.2	.2	33.6
84. Filed false charges/citations	269	2.5	2.5	36.0
85. Firearm	13	.1	.1	36.1
86. Firearm at animal	5	.0	.0	36.2
87. Flashlight	6	.1	.1	36.2
88. FTA court/hearing	2	.0	.0	36.3
89. Hand/Feet/Knee	352	3.2	3.2	39.5
90. Handcuffs	187	1.7	1.7	41.2
91. Hands/feet--distraction tech	5	.0	.0	41.2
92. Hands/feet/knees	95	.9	.9	42.1
93. Harassment	466	4.2	4.2	46.3
94. Hobbles	10	.1	.1	46.4
95. Horse	2	.0	.0	46.4
96. Illegible citation	12	.1	.1	46.5
97. Illegible/incomplete citation	5	.0	.0	46.6
98. Improper disclosure of info	8	.1	.1	46.7
99. Improper S and/or S	38	.3	.3	47.0
100. Improper tow	47	.4	.4	47.4

101.Improper use of exclusion	14	.1	.1	47.6
102.Improperly disclosed confid Info	2	.0	.0	47.6
103.Inadequate investigation	61	.6	.6	48.1
104.Inadequate notebook record-keeping	1	.0	.0	48.2
105.Inappropriate use of detox	42	.4	.4	48.5
106.Inappropriate arrest/charges	73	.7	.7	49.2
107.Inappropriate exclusion	5	.0	.0	49.2
108.Inappropriate off-duty behavior	61	.6	.6	49.8
109.Inappropriate sexual conduct	46	.4	.4	50.2
110.Inappropriate use of detox	50	.5	.5	50.7
111.Inappropriate use of LEDS	3	.0	.0	50.7
112.Incorrect application of law	36	.3	.3	51.0
113.Incorrect tow	56	.5	.5	51.5
114.Incorrect use of exclusion	14	.1	.1	51.7
115.Intentionally demeaning language--not profanity	33	.3	.3	52.0
116.Intimidation	219	2.0	2.0	54.0
117.Loud music	2	.0	.0	54.0
118.Loud/inappropriate music	3	.0	.0	54.0
119.Male officer search of female	6	.1	.1	54.1
120.Manufacture evidence	10	.1	.1	54.2
121.Manufacture/planting evidence	3	.0	.0	54.2
122.Mishandled property	202	1.8	1.8	56.0
123.No explanation for citation	10	.1	.1	56.1
124.Other	262	2.4	2.4	58.5
125.Other control technique	59	.5	.5	59.0
126.Other striking instrument	5	.0	.0	59.1
127.Pepper spray	77	.7	.7	59.8
128.Pointing a firearm	12	.1	.1	59.9
129.Poor service	153	1.4	1.4	61.3
130.Profanity	247	2.3	2.3	63.5
131.Profanity/profane gesture	47	.4	.4	64.0
132.Racial Profiling--Non-specific	72	.7	.7	64.6
133.Racial profiling	40	.4	.4	65.0
134.Retaliation	108	1.0	1.0	66.0



135. Rubber bullets	3	.0	.0	66.0
136. Rude behavior	703	6.4	6.4	72.4
137. Rude behavior or language	513	4.7	4.7	77.1
138. Selective enforcement	24	.2	.2	77.3
139. Slammed CO against ground/other object	9	.1	.1	77.4
140. Slammed into fixed object	27	.2	.2	77.6
141. Stopped for no reason	51	.5	.5	78.1
142. Stopped or detained without cause	150	1.4	1.4	79.5
143. Taser	46	.4	.4	79.9
144. Theft	29	.3	.3	80.1
145. Theft of property	15	.1	.1	80.3
146. Threat to arrest	50	.5	.5	80.7
147. Threat to unlawfully enter	3	.0	.0	80.8
148. Threat to use force	134	1.2	1.2	82.0
149. Threats to arrest	51	.5	.5	82.4
150. Unauthorized use of LEDS	9	.1	.1	82.5
151. Unidentified force	26	.2	.2	82.8
152. Unjustified behavior	510	4.6	4.6	87.4
153. Unlawful entry	46	.4	.4	87.8
154. Unlawful request for money	4	.0	.0	87.9
155. Unlawfully detained complainant	137	1.2	1.2	89.1
156. Unnecessarily damaged property-dwelling	17	.2	.2	89.3
157. Unnecessarily damaged property-other	11	.1	.1	89.4
158. Unnecessarily damaged property-vehicle	12	.1	.1	89.5
159. Unnecessarily damaged property	25	.2	.2	89.7
160. Unnecessary threats	49	.4	.4	90.2
161. Unprofessional behavior	235	2.1	2.1	92.3
162. Unsatisfactory work performance	98	.9	.9	93.2
163. Untruthfulness	165	1.5	1.5	94.7
164. Unwilling to listen	98	.9	.9	95.6
165. Use of authority for personal gain	6	.1	.1	95.6
166. Used other discriminatory epithets	5	.0	.0	95.7
167. Used racial epithets	33	.3	.3	96.0
168. Vague procedure allegation	45	.4	.4	96.4

169. Vehicle	8	.1	.1	96.5
170. Verbal command- profanity	2	.0	.0	96.5
171. Verbal command	1	.0	.0	96.5
172. Violate constitutional rights	101	.9	.9	97.4
173. Warrantless S and/or S- dwelling	33	.3	.3	97.7
174. Warrantless S and/or S- other	7	.1	.1	97.8
175. Warrantless S and/or S- person	38	.3	.3	98.1
176. Warrantless S and/or S- vehicle	19	.2	.2	98.3
177. Warrantless S and/or S	186	1.7	1.7	100.0
Total	10974	100.0	100.0	