

1 **INTERNAL AFFAIRS DIVISION GUIDELINES**
2 **FOR SCREENING REFERRALS FROM IPR**
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4 **1. INTRODUCTION**
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6 The mission of the Portland Police Bureau is to maintain and improve community
7 livability by working with all citizens to preserve life, maintain human rights,
8 protect property and promote individual responsibility and community
9 commitment. To fulfill its mission, the Bureau needs to respond fairly and
10 promptly to complaints about its services, officers, and employees.
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12 In 2001, in an effort to improve police accountability to the public, Portland Police
13 began a partnership with the Independent Police Review of the City Auditor's
14 Office to respond to citizen complaints. Citizen complaints may be filed directly
15 with IPR, Police Bureau officer, or at any Police Bureau facility. Internal Affairs
16 will notify IPR of all complaints in compliance with Portland City Code 3.21.070
17 (D) and PPB Directive 330.00. After an initial investigation, IPR may resolve or
18 administratively close a complaint. IPR may also refer complaints to the Police
19 Bureau's Internal Affairs for administrative investigation or supervisory
20 investigation. IPR may also conduct a joint investigation with Internal Affairs or
21 conduct an independent investigation.
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23 When citizen complaints are received from IPR, the Internal Affairs Captain
24 makes an initial screening decision that determines how each of the allegations
25 referred by IPR will be handled. Throughout this document the term "Captain"
26 includes the Captain's designees unless prohibited by ordinance or Bureau
27 policy. The Captain's initial screening decision requires mature and experienced
28 judgment. This document provides general principles that outline PPB's
29 decision-making process. The principles are not mechanical rules. While
30 complaints may have patterns or similarities, no two are identical. The principles
31 of decision-making recognize that it is impractical, indeed impossible, to establish

1 a “rule” for every circumstance. The principles expect the Captain to make
2 informed *judgments* that are logical, rational, objective, consistent, and
3 transparent. They acknowledge the value of swift and certain resolutions for
4 citizens and Bureau employees. They acknowledge that Internal Affairs’
5 obligation to use public resources wisely requires the Captain to make choices
6 about priorities.

8 2. CAPTAIN’S SCREENING OPTIONS

9 When INTERNAL AFFAIRS receives citizen complaints from IPR, the Captain’s
10 initial screening options are:

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- 12 a. **Internal Affairs Investigation**. After reviewing IPR’s initial investigation and
13 any other readily available evidence, the Captain generally will assign for
14 Internal Affairs investigation the allegations which:
15 (1) State a prima facie allegation of misconduct, and
16 (2) If true would be a violation of one or more Police Bureau directives, and
17 (3) Could result in discipline
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- 19 b. **Criminal Investigation**. If the Captain finds that a complaint includes a
20 possible criminal law violation by a Bureau employee, INTERNAL AFFAIRS
21 will refer the case for criminal investigation. Criminal and administrative
22 investigations shall be investigated concurrently.
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- 24 c. **Supervisory Investigation**. If the Captain finds that the complaint contains
25 allegations that meet the Bureau’s standards for being handled as a
26 Supervisory Investigation as described in Directive 331.00, the Captain will
27 forward the complaint to the appropriate Manager as a Supervisory
28 Investigation. If IPR disagrees with the Supervisory Investigation assignment,
29 the Captain will be notified and the completion of the Supervisory
30 Investigation will be postponed until the IPR has an opportunity to determine
31 whether an independent IPR investigation should be conducted.

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d. **Mediation**. If a complaint is referred to INTERNAL AFFAIRS for possible mediation and the Captain concludes that mediation will meet the needs of the Police Bureau and the community, the Captain will offer the mediation option to the involved officer through his or her RU Manager.

e. **Administrative Closure**. After initial investigation by either IA or IPR, the Captain may decline to conduct further investigation of an allegation contained within a complaint under the following circumstances:

(1) **No Misconduct**. The Captain may decline to assign allegations for a full Internal Affairs investigation and take no further action if the Captain finds that the employee's conduct, as alleged by the complainant, does not violate Bureau policy.

(2) **Trivial or *De Minimus* Rules Violation**. The Captain may decline to assign allegations for a full INTERNAL AFFAIRS investigation and take no further action (or refer the complaint to the appropriate RU Manager for an informal briefing) if the Captain finds that the employee's conduct, as alleged by the complainant, constitutes a minor technical violation that if sustained would not result in discipline and is too minor or too vague to justify a Supervisory Investigation.

(3) **No Jurisdiction**. The Captain may decline to assign a complaint for a full INTERNAL AFFAIRS investigation and take no further action if the complaint is against a non-employee, a former employee, or an employee of another department or other agency. The Captain may also decline to investigate and take no further action if the employee resigns, retires, or will be no longer employed by the Bureau by the time an investigation and disciplinary process could be completed. Even if the Bureau lacks jurisdiction, the Captain may decide to investigate a complaint based on

1 the nature and seriousness of the allegations or based on a request from
2 IPR or another law enforcement agency. For example, if serious
3 misconduct has been alleged, the Captain may order an investigation so
4 that the findings will be placed in the employee's personnel or INTERNAL
5 AFFAIRS file, forward the findings to another agency, review the actions
6 of the employee's supervisors, or recommend a review of Bureau training
7 or policies. Discipline may also be imposed if the employee returns to
8 service.

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10 (4) Judicial review. The Captain may decline to assign allegations for a full
11 INTERNAL AFFAIRS investigation and take no further action if is likely
12 that the investigation would focus on the action of a complainant such as
13 an allegation that the complainant was improperly cited for a traffic
14 infraction. Such cases are better addressed through legal proceedings
15 where a court could place witnesses under oath, take live testimony, and
16 render a decision.

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19 (5) Unidentifiable employee. The Captain may decline to assign a complaint
20 for a full INTERNAL AFFAIRS investigation and take no further action if
21 the Captain finds that a reasonable INTERNAL AFFAIRS investigative
22 effort would not be able to identify the complained-against employee.

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24 (6) Previously investigated or adjudicated. The Captain may decline to assign
25 allegations for a full INTERNAL AFFAIRS investigation and take no further
26 action if the Captain finds that the alleged conduct was previously
27 investigated or adjudicated by the Bureau and that the current complaint
28 does not provide substantial new evidence.

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30 (7) Lacks Investigative Merit. The Captain may decline to assign allegations
31 for a full INTERNAL AFFAIRS investigation and take no further action

1 based on the preliminary investigation if the Captain articulates specific
2 reasons why the complaint is not credible or reliable.

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5 f. **Administrative Closure and Refer.** The Captain may forward information
6 about a declined allegation or complaint to another Bureau official (e.g., Chief,
7 Assistant Chief, or Precinct Captain) or another agency for review and
8 possible action.

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10 g. **Administrative Closure Letters.** If the Captain decides to close out a
11 complaint through declination or informal referral to an RU Manager, the
12 Captain will write a letter addressed to the complainant(s) (at the
13 complainant's last known address) and explain the reasoning behind this
14 decision. The original of this letter will be forwarded to the IPR Director to
15 mail to the complainant(s).

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17 h. **IPR review of INTERNAL AFFAIRS dispositions.** The Captain notifies IPR
18 of his disposition of each allegation in every complaint through timely data
19 entry in AIM. If IPR disagrees with a disposition, IPR will notify the Captain;
20 the IPR Director and the Captain will confer as to whether an independent
21 IPR investigation should be conducted. If IPR does not promptly notify the
22 Captain of a disagreement, the Captain's decision will be considered final.

23 24 **4. EVALUATING INITIAL INVESTIGATIONS**

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26 The Captain's initial screening decisions are based in part on the Captain's
27 evaluation of the evidence gathered during the IPR intake investigation, other
28 available evidence, and the Captain's assessment of the Bureau's ability to
29 successfully investigate the complaint.

1 The Captain makes screening decisions based on evidence provided by others,
2 usually the complainant, Bureau employees, and IPR. The evidence may be
3 inconsistent, contradictory, biased, or otherwise of questionable reliability.

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5 a. Evidentiary guidance. The Captain will evaluate complaints referred by IPR
6 using standard evidentiary principles and the guidance described below:

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8 (1) The Captain may consider a witness's credibility. Complainants, officers,
9 and other witnesses are presumed to be truthful, but the presumption may
10 be overcome by contradictory evidence or circumstances or evidence of
11 bias, self-interest, or past untruthfulness.

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13 (2) The Captain may consider a witness's reliability, i.e., the witness's ability
14 to observe, remember, and report an incident. For example, was the
15 witness in a position to observe the incident? Was the witness under the
16 influence of an intoxicant at the time of the incident or the time of the
17 complaint?

18
19 (3) The Captain may consider the internal logic and probability of a witness's
20 statement for the effect it has on the witness's credibility and reliability.
21 The Captain is not bound to accept as true statements that are highly
22 improbable or illogical on their face.

23
24 (4) The Captain may consider a complainant's past history of making
25 demonstrably inaccurate statements to IPR or INTERNAL AFFAIRS for
26 the effect it has on the witness's credibility. Similarly, the Captain may
27 consider an employee's past history of inaccurate statements or acts of
28 misconduct when deciding whether to order an investigation.

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30 (5) The Captain may give greater weight to information that is corroborated by
31 independent witnesses or by physical evidence.