

# 2020 Annual Report

 portland.gov/ipr/news/2021/6/3/2020-annual-report

June 3, 2021



This annual report highlights unique occurrences, challenges, and lessons learned from 2020.

## Summary: 2020 in review

Last year was a challenging one for police accountability. The COVID-19 pandemic altered the operations of Independent Police Review (IPR) in March. Staff worked remotely, taking complaints and conducting investigations, and switched to virtual platforms for meetings and interviews. In the summer, local protests sparked by the murder of George Floyd in Minneapolis, Minn., led to an extraordinary increase in use-of-force incidents and complaints about the Portland Police Bureau. This increase and the complexity of the complaints received overwhelmed the accountability system. The U.S. Department of Justice found the City out of compliance with four sections of the ongoing settlement agreement, including timeliness of investigations and issues related to uses of force during street protests and force reporting. In November, Portlanders voted to implement a new system of police oversight, which eventually will be defined by a community board and City Council. The Citizen Review Committee conducted its meetings virtually for most of 2020.



Independent Police Review was created in 2001 as a division in the City Auditor’s Office. As the City’s civilian police oversight agency, IPR:

- Receives complaints and commendations about Portland Police Bureau officers,
- Conducts administrative investigations, including interviewing officers and witnesses,
- Monitors investigations of officer-involved shootings and in-custody deaths,
- Coordinates appeals filed by community members who are not satisfied with the outcome of administrative investigations, and
- Issues policy reports and recommends systemic changes to improve police accountability.

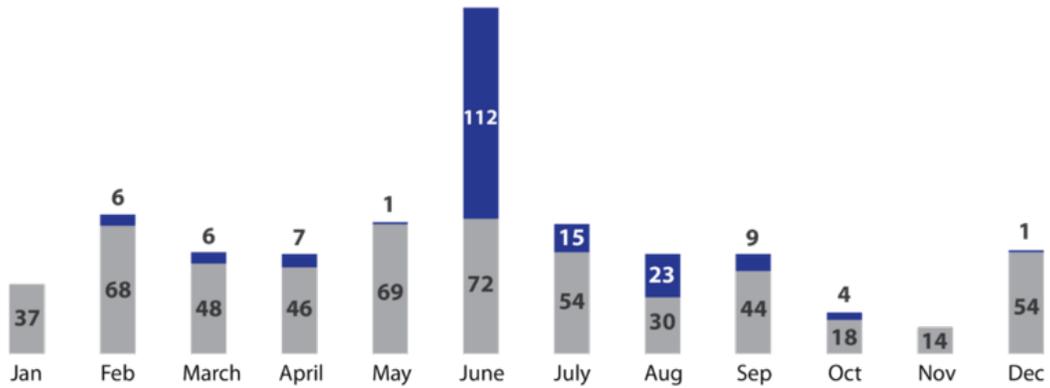
This annual report highlights unique occurrences, challenges, and lessons learned from 2020. An appendix at the end of the report summarizes case handling decisions and outcomes. Detailed information about cases and allegations is available on [IPR’s website](#).

## Police response to protests led to surge in complaints

Events in 2020 highlighted the inadequacies of the criminal justice system, especially the harmful effects of some policing practices and policies. Racism and disparate enforcement are closely tied to the origins of policing in America, and their legacy extends beyond the behavior of individual officers.

In the wake of George Floyd’s death in May 2020 under the knee of a Minneapolis, Minn., police officer, community members in Portland organized hundreds of large, peaceful demonstrations and protests to demand changes in policing. Other protests had a spectrum of messages, and some ended after individuals damaged property, set fires, and hurled objects at officers, prompting commanders to call them unlawful assemblies or riots. Interactions between protestors and officers led to a surge of complaints to IPR during the late spring and summer.

**Protest-related complaints overtook non-protest complaints in June**

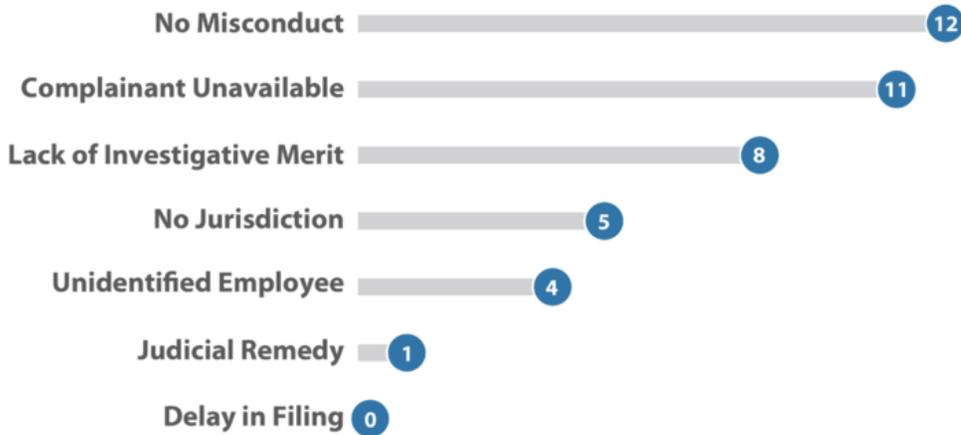


Sixty-two percent of the 118 protest-related complaints in 2020 merited full investigation by IPR (25) or Internal Affairs (48). The remaining complaints were closed or referred for additional attention by the Police Bureau at the end of the intake phase. See our [dashboard of protest-related complaints](#).

**Most protest complaints merited full investigation**



There are eight reasons in City Code that outline when a complaint can be closed after an intake assessment. The most common reason for protest-related cases was that the officer’s conduct did not violate a Bureau directive (12), so there was no misconduct to investigate.



The high volume of contacts we received about law enforcement’s response to protests exceeded the limits of the IPR complaint intake process. We received more than 3,000 communications from community members upset with police policies or actions they had learned about from the news or

social media and City Council's budget decisions for the Police Bureau. The majority were not about officer misconduct, and therefore were beyond the scope of IPR's role and authority.

## **Increase in complaints strained investigative capacity**

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The extraordinary increase in complaints over a short period of time swamped IPR's ability to complete the intake process and investigations within its established deadlines. Addressing the caseload was further complicated by a staffing shortage and adjusting to working remotely during the COVID-19 shutdown. The dynamic nature of protests also made it more difficult to gather accurate information and identify officers and witnesses in a timely manner.

Complaints typically start with a community member providing IPR the details of an interaction they had with police. By contrast, many protest complaints in 2020 started with community members who were not directly involved in an interaction sending IPR a video of an incident or IPR investigators reviewing videos that appeared in the news and on social media.

Multiple police agencies sent officers to Portland to help during the protests, so the first step in the investigation often was to determine if officers in the videos worked for the Portland Police. City Code does not allow IPR to investigate the conduct of officers from other agencies even when they are operating in Portland.

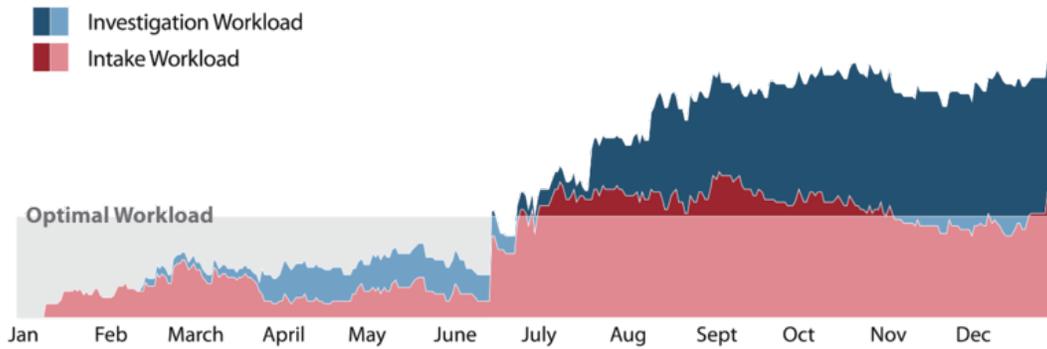
There was no comprehensive list of which agencies participated or who was working on any given night. Officers were allowed to cover their name tags and were often dressed in similar uniforms that made it difficult in the darkness of the videos to tell which agency they worked for.

After establishing that an officer worked for the Police Bureau, investigators needed to identify the officer. Sometimes a video captured the two-digit identification number on an officer's helmet, which investigators then could match to a roster. If no number was visible, investigators requested all reports produced from a night's protest to see if any matched the actions captured in a video.

IPR's lack of direct access to police records and data systems – while always a problem – became a rolling burden given the volume of investigations required by the police response to the protests. Investigators submitted requests for incident records to the Bureau's Records Division. Reports, including those that documented uses of force, were often delayed while they underwent reviews by Bureau supervisors. When IPR investigators eventually received records, they had no way to know if the Bureau had provided all relevant records. The Bureau did not notify investigators when new records relevant to their investigations became available.

Officers also often took similar actions at the same time, such as firing less-lethal weapons into a crowd or forming a line and using batons to move groups. The officers did not specifically describe in their reports who was struck by the munitions, which made it difficult to match an officer's actions to a particular complaint.

## Complicated protest cases overwhelmed workload



Workload surpassed capacity in July and never returned to a manageable level. By the end of 2020, investigators carried an average of 6.5 intakes and 2.7 full investigations per person, about 2.5 times the optimal workload per investigator.

## Untimely investigations affect compliance with settlement agreement

The U.S. Department of Justice found in January 2020 that the City was in substantial compliance with terms established in the [Settlement Agreement](#). A section of the agreement obligates the Police Bureau and IPR to complete the accountability process within 180 days.

The City fell out of compliance in November 2020 with four sections of the settlement agreement, including the timeliness standard. Up to 83 percent of IPR's investigations went over the allotted 180 days in the first, second, and third quarters of 2020. The Auditor's Office has taken steps to ensure IPR can work through the case backlog and achieve substantial compliance again.

## Misconduct investigations alone can't fix policing

Police oversight focused on individual acts of misconduct alone cannot fix the problems with modern policing. Many issues and actions that frustrate or confuse community members do not meet the threshold of misconduct because they do not violate Bureau policy, which is the criteria on which misconduct is judged. Individual complaints are helpful in identifying trends and exposing gaps in Bureau policies. IPR watches for such trends or single incidents that may indicate an opportunity for systemic improvements in the Bureau.

In 2020, we published two policy reviews with recommendations:

- **Transit policing and accountability**

A review of the Transit Division that found accountability falls short of community expectations. Although a Portland Police Commander managed the officers assigned to the Transit Division, officers from neighboring jurisdictions were not accountable to Portland policies and subject to its accountability system. The Bureau withdrew from managing the Transit Division on behalf of TriMet shortly after our report was issued. [View our full report online.](#)

- **Policy for weapon-mounted flashlights**

A complaint that an officer used the flashlight on his gun to look into and clear an unoccupied tent prompted this review. There have been several high-profile incidents in other states involving weapon-mounted flashlights and accidental discharges that resulted in deaths and injuries. We found that the Police Bureau needs more specific policies and training on the types of flashlights allowed and how they are to be used to clear spaces. View our full report [online](#).

## **Work continues on overarching goals**

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Last year IPR pledged to focus on areas to protect our independence and make the oversight process more effective and equitable.

### **Analyze Allegations of Disparate Treatment**

IPR acquired data from the Police Bureau and began analyzing allegations of disparate treatment. We also received data on traffic and pedestrian stops and incidents involving force.

### **Promote Mediation**

Our goal to resolve more cases through mediation in 2020 was hindered by the move to virtual meetings. IPR arranged one virtual mediation between a complainant and an officer.

### **Make More Investigative Information Available to the Public**

State law and labor contracts limit information that can be disclosed about police misconduct cases.

IPR published a [case summary dashboard](#) within these constraints to show the types of cases investigated and common outcomes. We also released the investigation of Portland officers involved in the arrest of Michael Fesser at the request of West Linn police. It was later learned that Mr. Fesser was the subject of a racially based retaliation scheme by West Linn. The Fesser investigative report is available [online](#).

### **Improve Access to Bureau Systems and Data**

Access to Bureau systems and data took a step backward in 2020 when the Bureau required IPR to use a public records request portal. This caused delays in report acquisition and investigations. The Auditor's Office is pursuing a Legislative change to include civilian oversight agencies in the definition of entities that can directly access certain types of law enforcement data.

### **Examine Equity**

IPR staff participated in Results-Based Accountability training. We used the tools we learned to revamp our equity plan and incorporate root-cause analysis into our strategies. This changed the way we think about our services and enabled an outcomes-based approach.

## **Citizen Review Committee challenges police supervisors' decisions**

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The Citizen Review Committee is an 11-member volunteer body that hears appeals when a community member or officer disagrees with a police supervisor's decision about their complaint. The group also works on policy issues and engages with the public about police matters.

The committee heard appeals of three cases in 2020. It challenged a finding in one, recommending that the supervisor change the result from unfounded to not sustained. The Chief agreed with the Committee's recommendation in that case.

The Chief disagreed with the Committee's recommendation in another case, which eventually was heard by City Council. Council sided with the Committee's recommendation. In the third case, the Committee affirmed one finding, challenged two, and asked for more information on a fourth allegation.

The Committee released a statement in response to the killing of George Floyd and worked on a crowd control report for release in 2021. Members of the Committee also held recurring meetings with elected officials and the Committee Chair participated in monthly meetings with the chairs of different advisory councils.

The Committees' statement on George Floyd is available [online](#).

# 2020 Annual Report Appendix

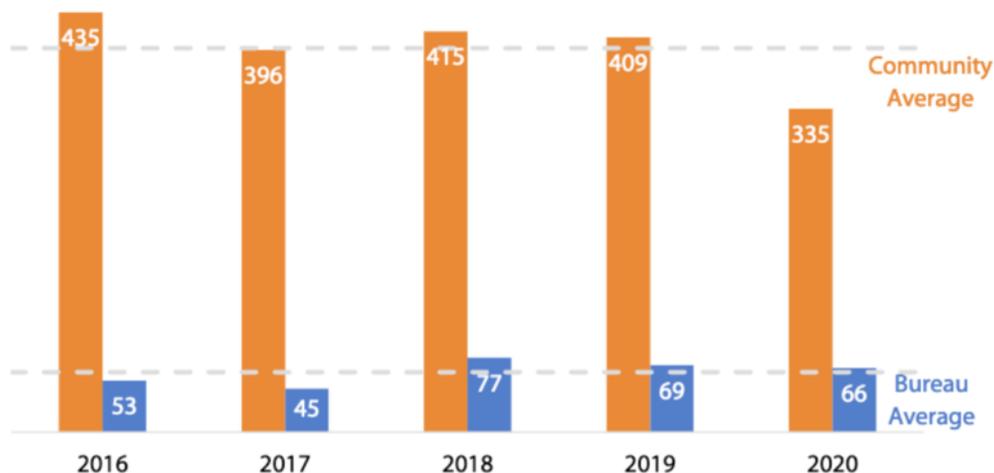
[portland.gov/ipr/2020-annual-report-appendix](http://portland.gov/ipr/2020-annual-report-appendix)

Portland’s police accountability system usually starts when a community member or Bureau employee allege officer misconduct. Various agencies and officials have specific duties during the process. Under the City Auditor, the Independent Police Review receives and investigates community complaints, recommends whether a violation occurred, and monitors the accountability process. The power to determine if a violation occurred and decide officer discipline is held by the Police Bureau and Police Commissioner, a role usually filled by the Mayor. Officers can have their cases heard by an arbitrator after the case is completed if they disagree with the outcome.

Task	Auditor	Portland Police Bureau					Arbitrator
	Independent Police Review	Internal Affairs	Commanders	Police Review Board	Chief	Commissioner (Mayor)	
Receives complaints	●	●					
Assigns/Closes complaints	●						
Investigates complaints	●	●					
Recommends whether violation occurred	●	●	●	●			
Decides if violation occurred					●	●	●
Recommends discipline			●	●	●		
Decides discipline					●	●	●
Monitors process	●						

Community members and Bureau employees filed 401 complaints of officer misconduct in 2020. Community member filed 335 complaints, 74 complaints fewer than 2019. Bureau members submitted 66 complaints, similar to the 69 Bureau complaints submitted in 2019.

**Complaints from community members were below average in 2020**

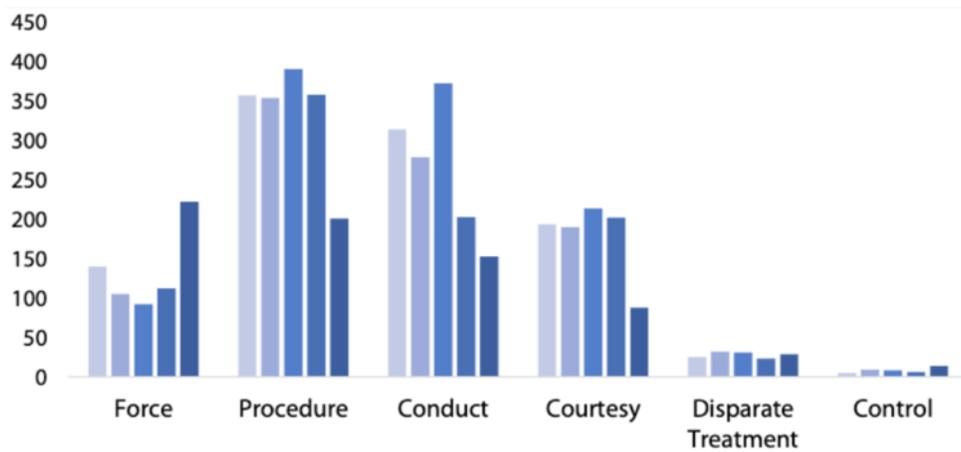


Community members submitted complaints about 247 officers in 2020, down from 337 in 2019. Two-thirds of those officers were named in one complaint. Twenty-eight officers were named in three or more complaints, five fewer than the previous year. However, no officers received more than five complaints in 2019 while four were the subjects of six or more in 2020.



The 335 complaints filed by community members resulted in 707 allegations of misconduct. Allegations are categorized by type and the specific policy violated. There were 222 allegations related to use of force in 2020, almost double the 112 from 2019.

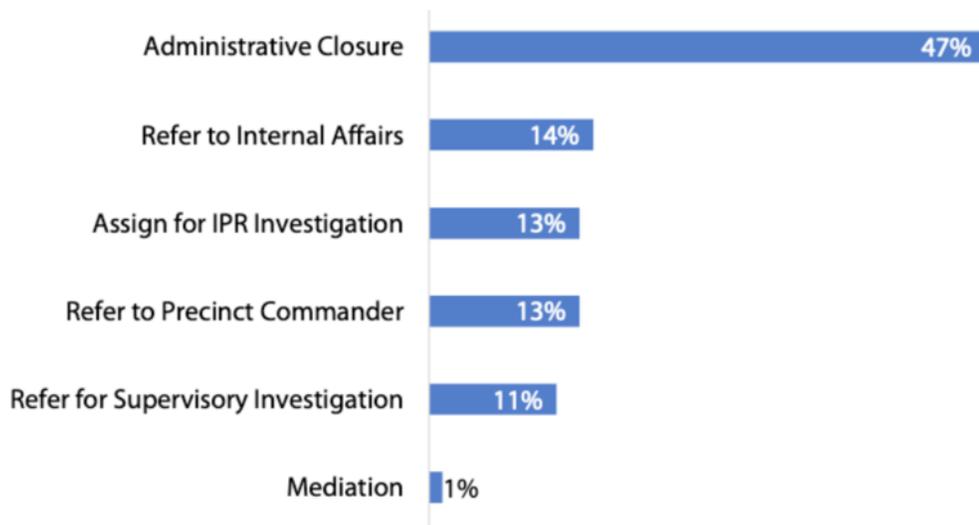
**Allegation trends by type 2016 - 2020**



<b>Force</b>	<b>Procedure</b>	<b>Conduct</b>
Inappropriate use of physical force or pointing a firearm at a person	Failure to follow an administrative or procedural requirement	Unjustified, unprofessional, or inappropriate actions, or unsatisfactory performance
<b>Courtesy</b>	<b>Disparate Treatment</b>	<b>Control</b>
Discourteous or rude statements or conduct	Inappropriate action or statement based on a characteristic of a person such as race, sex, age, or disability	Inappropriate use of a hold or other technique to control a person's movement

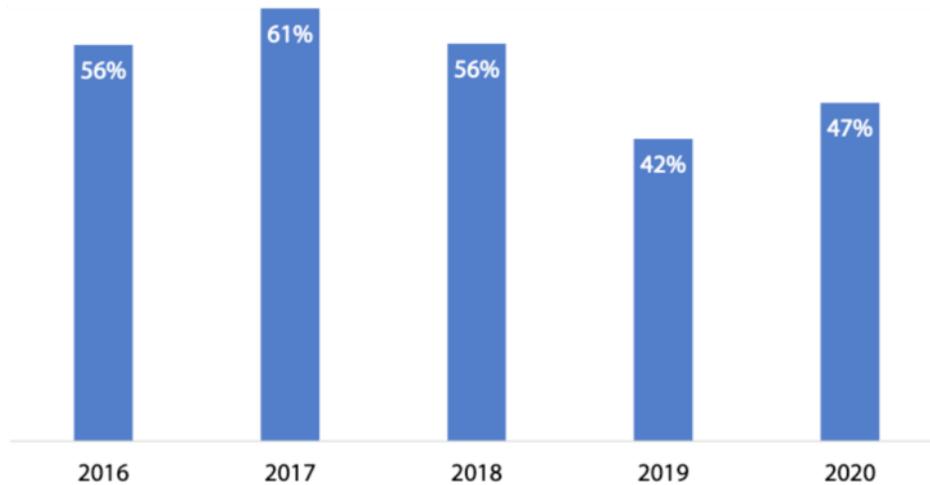
When IPR investigators receive a misconduct complaint, they conduct an initial intake investigation to collect evidence and reports related to the allegations to determine what should happen next. Investigators attempt to identify involved officers and understand what policies may have been violated. IPR uses this information to decide whether to refer the case to Internal Affairs, conduct its own investigation, or administratively close the case.

**Almost half of misconduct complaints were closed in 2020**



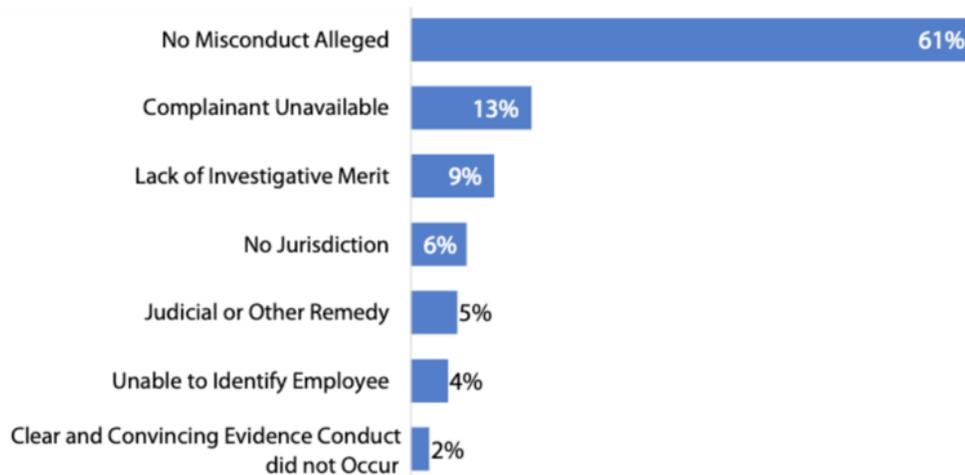
IPR administratively closed 47 percent of complaints in 2020, an increase from 2019 but below the five-year average of 52 percent.

### Closure rates rose slightly in 2020



There are eight reasons in City Code that outline when a complaint can be closed after an intake assessment. Most complaints in 2020 were closed because the allegations, even if proven true, would not violate Bureau policy.

### No Misconduct was the most common reason to close a case in 2020

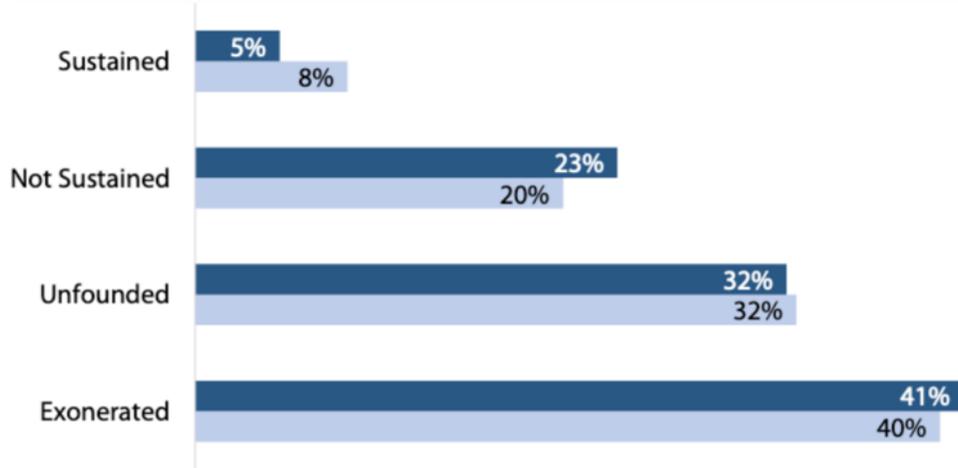


After an investigation is complete, a Police Bureau supervisor reviews the investigation and decides if the officer violated a Bureau policy. The supervisor has four options:

- **Sustain** the allegation as a violation of Bureau policy or procedure;
- **Not sustain** the allegation because the evidence was insufficient to prove it;
- **Exonerate** the officer's actions because they were lawful and within Bureau policy; or
- Find the allegation to be **unfounded** because it was false or without a credible basis as a possible violation.

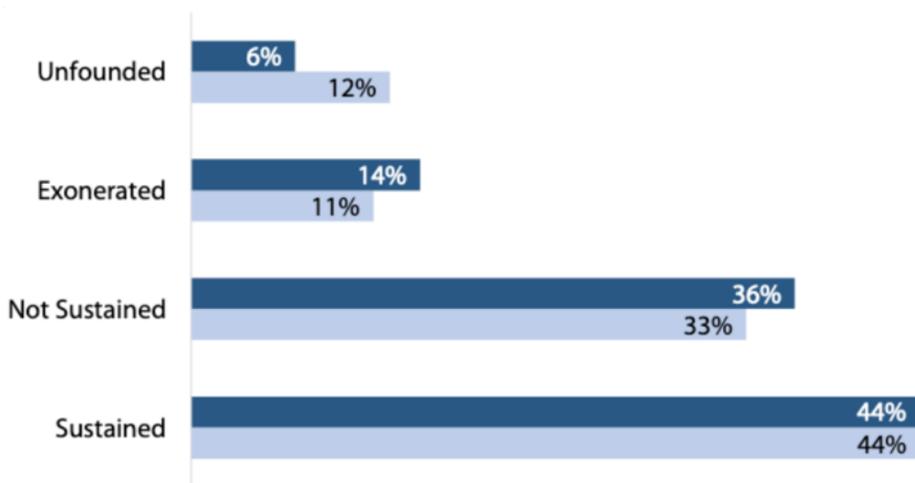
IPR and Internal Affairs completed 91 investigations into community member complaints in 2020, 12 more than 2019. Those investigations involved 221 allegations, 5 percent of which were sustained (10).

**Police supervisors sustained fewer community member allegations in 2020 than 2019**



IPR and Internal Affairs completed 42 investigations into Bureau member complaints filed in 2020, 24 fewer than in 2019. They contained 80 allegations, 44% of which were sustained (35).

**Police supervisors sustained the same rate of Bureau member allegations in 2020 and 2019**



Discipline for a sustained allegation falls within a range. The mildest discipline an officer can receive is command counseling or a letter of reprimand. More serious forms of discipline are demotion, suspension from work without pay, or termination of employment. Some officers also resign or retire while an investigation is pending.

Twenty officers were disciplined in 2020 and three resigned or retired before discipline was decided. Most officers received command counseling for allegations brought by community members and Bureau members.

**Twenty officers were disciplined in 2020**

