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February 23, 2012

Mary-Beth Baptista
Director, Independent Police Review Division
1221 S.W. 4th Avenue, Room 320
Portland, Oregon 97204


Dear Ms. Baptista:

I write today on behalf of Fred Bryant, the father of Keaton Otis, who was shot by Portland Police Bureau officers during a traffic stop in May 2010. Mr. Bryant came to me after he became aware of the Police Review Board's October 2011 findings regarding the shooting, which were publicly released last month, and which concluded that the officers' conduct was within policy. Although Mr. Bryant filed a tort claim notice with the City and twice spoke to an Independent Police Review (IPR) staff member concerning his son's death, no one from your office gave him information on how to file an IPR complaint. As a result, Mr. Bryant was not informed of the Police Review Board findings before they were made public, and lost his opportunity to appeal those findings to the Citizen Review Committee.

In my past role as the staff attorney for the Northwest Constitutional Rights Center, I worked extensively on issues related to IPR and ways it could be improved. I write today out of concern that IPR violated its own policies when it did not inform Mr. Bryant that he had a right to file a complaint, despite Mr. Bryant's calls to the IPR office. I can find nothing in IPR's case handling guidelines and procedures that would allow an intake staff member to dismiss Mr. Bryant's serious concerns regarding the officers' actions during the traffic stop that ended in his son's death. Moreover, according to Administrative Rule PSF-5.19(3)(b)(1)(c), "in most cases IPR will treat the tort claim as a complaint and proceed accordingly."

As a result of these policy violations, IPR has deprived Mr. Bryant of the opportunity to appeal the Police Review Board findings to the Citizen Review Committee, as provided in Ordinance No. 3.20.140(G). I therefore request that Mr. Bryant be allowed to file an untimely appeal pursuant to Administrative Rule PSF-5.15. Since Mr. Bryant did not learn of the disposition of his son's case until last month, he is within the 60 days provided for in the rule. I thank you for your time and attention to this matter and look forward to hearing from you concerning Mr. Bryant's request for an appeal.

Sincerely,


Shauna Curphey

Cc: Fred Bryant, Portland Copwatch