



To: Mayor Sam Adams, Police Chief Mike Reese, Auditor Lavonne Griffin Valade

cc: Independent Police Review Division (IPR), Citizen Review Committee (CRC), City Council, members of the press and the public

re: **Proposals for Portland Police Bureau and IPR/CRC**

November 9, 2011

Late last week, Mayor Sam Adams and Police Chief Mike Reese released a 44-page document responding to at least four sets of recommendations to improve the Police Bureau and the city's oversight system (the Independent Police Review Division, or IPR).

<http://www.portlandonline.com/shared/cfm/image.cfm?id=372686>

On Monday, Portland City Auditor Lavonne Griffin Valade released her own 45-page response to most of the same reports, as well as draft language to change the IPR ordinance, particularly parts revolving around the 9-member Citizen Review Committee (CRC).

<http://www.portlandonline.com/auditor/index.cfm?c=44653&a=372942>

Amazingly, even though there are over 150 recommendations for changes and improvements, the Auditor's proposal contains only six changes to the ordinance, only three of which are based on community concerns. Below is an analysis from Portland Copwatch (PCW) of many of the City's positions, mainly focusing on the IPR/CRC structure questions; a further analysis regarding Bureau policies will be contained in a separate document.

OVERVIEW

There seem to be a few fundamental issues that caused the City officials to disagree with recommendations:

—The Police Bureau insists that they need “flexibility” to use various kinds of force, including multiple Taser cycles, unleashing police dogs simultaneously with other force options, and firing “beanbag” guns from less than ten feet. Here's an analogy: While many people oppose the existence of pornography, society has agreed to tolerate a certain amount of it, so long as it does not involve children. What the community is asking is that we don't want any police violence, but if they are going to use it, there have to be limits.

—The City insists that the IPR and CRC were, in the Mayor's words, “established in an effort to increase the transparency and fairness of the Police Bureau's complaint-handling and discipline processes, not to supplant those processes or relieve the Police Bureau of the responsibility of holding its own members accountable.” We believe that the civilian oversight system was set up to supplement the Bureau's processes, not merely to increase transparency and/or review Internal Investigations. People do not trust a system where police investigate other police, no matter how good it might be, it is fundamentally never going to gain community trust until the system is fixed.

—In many instances, the disagreements come because the City officials use faulty logic; in others, they seem to have missed the point of the recommendations, perhaps purposefully.

By the numbers, the Mayor and Chief reviewed 103 recommendations and “agreed” with 56, partially agreed with 10, disagreed with 28 (27%) and did not respond to 9 (9%). More significantly, regarding the “Police Oversight Stakeholder Group,” which met from May to September 2010 under the auspices of Commissioner Randy Leonard (and included the Auditor, IPR Director, and Chief), the Mayor and Chief disagreed with 19 of 41 recommendations (46%) and “agreed” with just 14 (34%). (Quotes are used because in many cases, the agreement is not supported by the explanation given, indicating again a misreading of the recommendations.)

The Auditor looked at 115 recommendations and agreed with 29 (25%) while saying that 37 were done or in progress (34%), disagreed with 26 (22%) and did not respond or deferred to the Bureau in 13 (11%). Her rate of agreement with the Stakeholders is only slightly better than the Mayor and Chief, with 16 of 41 or 39% agreement while disagreeing with 13 (32%).

These proposals will be discussed at City Council on Wednesday, November 16 at City Council at 2 PM. It is extremely troublesome that the City is expecting members of the public to digest and respond to this information in 12 days (Mayor/Chief) or less (9 days for the Auditor). Surely we hope that people will not be limited to three minutes of testimony to respond to over 150 recommendations.

CHANGES TO THE IPR AND CRC

Because the Chief, Mayor and Auditor are addressing the IPR and CRC prior to the Council hearing, we begin our analysis on the recommendations around Portland's civilian review system.

Broadly speaking, CRC's tagline is "community oversight of the Portland Police Bureau," not "community oversight of the IPR and Internal Affairs." People enter service into CRC believing they are participating in civilian oversight of the police. The community comes to CRC expecting that. But the Auditor, City Attorney, Mayor and Chief seem to think that the CRC is and should be relegated to quality of service review for the City's internal investigations.

CRC's Standard of Review

Because of the support for true civilian oversight and other reasons, CRC, the Stakeholder group (recommendation 2A), the expert review done by Eileen Luna-Firebaugh in 2008, and the Albina Ministerial Alliance all recommended that the CRC's standard of review— when they determine whether a Bureau finding is "supported by the evidence," should not be the current very deferential "reasonable person standard," but rather, the "preponderance of the evidence."

The City's pushback on this is that it would create two systems that "muddle lines of accountability." Their perspective is that CRC reviews the quality of investigations. However, that is what their predecessor, the Police Internal Investigations Auditing Committee (PIIAC) was limited to doing. The affected public, engaged in efforts to get a true civilian review board on the ballot in 2000 and 2002, wanted to see that limited mandate changed.

We should note that when PCW sent its top 10 priorities from the Stakeholder report to Council, the change in standard of review was our #2 priority; it was the CRC's #1 priority; it was the Albina Ministerial Alliance Coalition for Justice and Police Reform (AMA Coalition)'s #4 priority. A detailed analysis on this issue was written by PCW and supported by various organizations and individuals from the Stakeholder group and sent to Council in April 2011: http://www.portlandcopwatch.org/preponderance_analysis_0411.pdf

Hearing and Compelling New Evidence at Appeals Hearings

Another, similar issue is whether CRC should be able to compel officer testimony when they hear appeals of misconduct complaints, or else Council should be able to hear new evidence (2F, 2G). The current ordinance is very clear: If the CRC proposes a changed finding and the case goes to City Council, Council may not hear new evidence (3.21.160 C). However, that prohibition does not exist for CRC (3.21.160 B). Conversely, Council is allowed by ordinance to subpoena witnesses and compel testimony, but CRC is not (3.21.160 D3). Why retain a system that is so imbalanced? The City claims that CRC's appeals hearings are more like an appeals trial than a criminal trial, and giving them power to compel and hear new evidence would fundamentally change that system.

However, it has repeatedly been pointed out to the City that (a) this is an administrative process, and court analogies don't hold; (b) even if you do use a court analogy, ordinary citizens sit on juries all the time and decide people's fates in far more serious issues than most CRC appeals, and (c) whatever finding the CRC recommends based on its standard of review remains a recommendation to the Chief and the Police Commissioner— therefore changing that standard or the rules of evidence do not fundamentally change the disciplinary actions taken against the police officers.

Fixing the contradiction in the CRC/City Council hearing process was listed by the CRC as their #5 priority and the AMA Coalition as its #6 priority, and it has been an ongoing concern of PCW since the ordinance was written in 2001.

Independent Investigations

Despite the City's repeated claim that IPR was set up solely to monitor the Bureau's Internal Affairs (IA) process, the 2001 ordinance included a provision for IPR to conduct independent investigations. That provision was strengthened in March 2010, allowing IPR to ask questions directly to officers, rather than relying on IA to do so, except "when a collective bargaining agreement is applicable." The community has asked for IPR to have the power to compel (1D). Council clearly needs to take the lead now so that the 2013 agreements with the Portland Police Association (PPA) and the Portland Police Commanding Officers Association (PPCOA) allow IPR to conduct these interviews.

The argument against this from the Mayor and Chief (and IPR) is twofold: One, that "this has not been an issue, as IPR staff routinely asks questions of officers while sitting in on interviews." However, the City should not wait for the problem to arise of IA and the officers refusing to cooperate with IPR before making such interviews possible.

The second argument is that changing the process “would be a mandatory subject for bargaining with the Bureau’s labor unions.” The City here shows its lack of courage in going up against the PPA. A detailed paper researched by a Lewis and Clark law student shows that case law finds that issue “permissive” meaning the City and the “union” may bargain around the question, but is not necessarily mandatory.

Furthermore, the Stakeholder report (1B), the CRC’s Structure Review Committee, and the Luna Firebaugh report all recommended that the IPR set standards for what kind of investigations will be done by IPR. The Mayor and Chief “partially agree” with the idea of IPR investigating more serious complaints, opining that IPR’s review of IA investigations of all kinds is sufficient, though they acknowledge IPR can choose to investigate. They respond similarly to the recommendation that IPR conduct independent investigations when high-ranking Bureau officials are accused of misconduct (1G). The Auditor states that investigations should be decided on a case by case basis.

The community is frustrated and has shown amazing patience. PIIAC was put in place nearly 30 years ago; the IPR, 10 years ago. And yet we still have never seen an investigation done by civilians outside the Portland Police Bureau. It is time for IPR to set specific criteria and start investigating. This was PCW’s #1 priority (with IPR power to compel as #3) and the AMA Coalition’s #1 priority (with power to compel as #3) from the Stakeholder report.

Dedicated Staff for CRC

The Auditor and IPR claim that IPR’s current staffing support for the CRC and its work groups is adequate. However, it became clear in January 2010 when IPR withheld staff support (and refused to show up for) a CRC public forum to hear community concerns that IPR may withhold such support on a whim. The Auditor claims she cannot have the civilians on the board directing the work of a staff person. We understand that the Portland Development Commission has a city staff person to support the administrative work of that group. Surely so long as a dedicated staff person were given guiding parameters (within the powers and duties of the ordinance, as suggested by the Stakeholder report #2L), Council should support such administrative help for the CRC. With 5-7 active work groups and the full committee meeting once a month, a single dedicated staff person would be more efficient than IPR’s cobbling together staff time as they do now.

This was listed as PCW’s #4 priority and the CRC’s #6 priority.

Outside Counsel for Auditor, IPR, CRC

The Auditor supports changing the City Charter to allow outside legal counsel for times when the City Attorney would be in a conflict of interest advising both IPR/CRC and the Police Bureau. The Mayor and Chief defer to IPR. The City Council should firmly support this recommendation (1F), since the Auditor, while elected, has no vote or ability to change City ordinances or the Charter. The Charter Commission should consider outside counsel for IPR, the Human Rights Commission, and the Ombudsman.

The history of the conflict dates back to 2003, when CRC wanted to hear the case of Jose Santos Victor Mejia Poot, who in 2001 was beaten by police after being taken off a Tri-Met bus for being 20 cents short of fare. (Mr. Mejia was shot and killed by police two days later in a psychiatric hospital). When CRC wanted to hear the case, the City Attorney (along with the then-Auditor and IPR director) made several unfounded arguments against doing so, ultimately prevailing but setting in motion the eventual mass resignation of 5 of the 9 original CRC members.

This item is listed as PCW’s #5 priority and the AMA Coalition’s #3 priority.

Improving CRC’s Oversight Functions

Several recommendations regarding the Citizen Review Committee would help clarify and strengthen the current process, and avoid debates that have arisen in the past about the limits of their powers and abilities.

For example, while it is a generally accepted practice that CRC may send cases back to IA or IPR for more investigation rather than making a finding, that ability is based on their conclusion that a finding is not supported by the evidence because there is not enough evidence to decide. The current ordinance and the changes proposed by the Auditor do not spell out that CRC has this power. Furthermore, IA has refused to conduct such investigation on at least one occasion, and CRC has no recourse without the power to compel (see above). This power should be explicitly added to the ordinance (2J).

CRC has, several times, received cases in which they determined that IA did not investigate allegations raised by the complaint. There has been considerable debate among IPR, CRC and the Bureau about whether CRC can create a new allegation at the time of a hearing. There are two remedies in the Stakeholder report to this problem:

1: That CRC be given a limited time period to review allegations before the preliminary investigation becomes a full investigation (2I). The Auditor, Mayor and Chief all state that doing this will make the process take too long. Perhaps they did not read the recommendation that the process must be “consistent with the benefits of a timely investigation (such as providing a limited time or opportunity to review).” The Auditor further states that such a review would be outside CRC’s function, which she claims is to audit IPR and IA. The Mayor and Chief state that allowing this practice will “blur the lines” of accountability. Since CRC is able to hold hearings on the appropriate findings for allegations on the tail end, it would improve the process to have them help formulate the allegations at the front end when possible, to avoid timely re-investigation later.

2: That CRC be allowed to re-categorize allegations (2J). As noted above, the question of CRC asking to create new allegations or reformulate existing ones has been inconsistently applied. Again, the Auditor claims CRC should only audit, and not have this power; the Chief and Mayor seem to have missed the point of the recommendation by stating that the power is vested in IPR. In the current system, if the IPR makes a mistake, the CRC is supposed to wait a year and audit the case, but is not allowed to remedy the problem.

The stakeholder report also recommends that CRC be able to hear appeals if IPR dismisses a complaint, IA refuses to investigate (decline) (2J) or a person is not satisfied with a “Service Improvement Opportunity (SIO)” (2K). The Auditor states that IPR has an internal process for such circumstances, and repeats that CRC should only audit. The Mayor and Chief state that CRC’s role is to review decisions made by IPR and PPB and make recommendations for improvement. CRC is already hearing appeals on fully investigated cases, a process which used to happen 3-8 times a year but is happening only once in 2011. By making the processes and policies leading to the officers’ and supervisors’ decisions public, CRC and the community would benefit from more appeals hearings, and broadening what kinds of cases can be appealed would accomplish that goal.

These ideas to improve CRC were listed as PCW’s #6 and #7 priorities, based on our observation of these meetings for nearly 20 years.

Use Meaningful Terms and Categorizations for Complaints

In 2007, the PPB and IPR Director unilaterally, with no public discussion, collapsed to possible findings in misconduct complaints into one. The former “Insufficient Evidence” and “Unfounded” (meaning, not supported by the evidence, or that 50%+ of the evidence says the incident did not happen as claimed) findings were turned into the single “Unproven” finding. The City officials refuse to return to the old findings because, they say, the outcome of either finding is that there is no discipline for the officer. This is despite the fact that the four findings are supported by:

- two unanimous decisions by the Stakeholder Group (3A);
- the Luna Firebaugh Report;
- PCW (listed as our #8 priority);
- the CRC (listed as their #7 priority),

and, as we understand it,

- the rank and file officers, because they prefer to know whether not enough information was present to prove the allegation or whether they were proven to have not performed the alleged behavior.

The Auditor deferred to the Chief and Mayor on this issue, which is surprising given that precise categorization should be a priority for an Auditor. The Chief and Mayor’s push-back is that it takes too much time to decide whether a finding should be “Unfounded” or “Insufficient Evidence.” Given that most investigations take upwards of a year, it is probably not adding tremendous amounts of time to make that finding; in addition, a few of the “Unproven” findings that have come to CRC have led to lengthy (and unnecessary if there were four categories) discussions about whether “Unproven” indicated one or the other of the two original meanings.

The Stakeholders also expanded on a long-time recommendation from the community reflected in the Luna-Firebaugh report to add “Policy Failure,” “Training Failure,” and “Supervisory Failure” as possible findings. The new proposal was to add “ratings” of Training, Communication, Management, Equipment, or Other Policy-Related issue to findings to clarify when the officer may not be at fault due to one or more of these other factors (3B). IPR and IA again went behind closed doors and created a cover sheet for investigative files with checkboxes for Policy, Training and Supervisory issues. While that is a step forward, it is not clear that CRC is able to review those cover sheets, comment on them, or make additional recommendations; the Bureau would also likely benefit from adding the other two new categories of “Communication” and “Equipment.”

This recommendation was also a unanimous Stakeholder vote, and is supported by PCW despite the “ratings” not taking the place of other findings.

For less serious complaints, the IPR and PPB chose to re-name “Service Complaints” a few years ago as “Service Improvement Opportunities.” The Stakeholder group recommended changing this to “Non-Disciplinary Complaint,” since that is a more accurate (and, we would add, less belly-laugh inducing) name for such complaints (3C). However, the Mayor and Chief, defying logic and semantics, define SIOs as “complaints regarding cases which involve minor rule violations or in which the officer, even if the allegation is true, would not face disciplinary action... the current name for this process more accurately conveys its intent than ‘non-disciplinary complaint.’”

This recommendation was PCW’s #9 priority and continues to cause unintended giggling when the process is explained to people at trainings.

Increase Transparency

A recommendation to make task forces “charged with policy review that includes members of IPR or the CRC be open to public observation” (3H) is supported by the Auditor, but slammed by the Chief and Mayor something that “will complicate the process and make change much slower.” They assert that these meetings often “take place informally.” What they seem to miss is that the outcomes of some of these meetings, including the Use of Force Task Force, lack credibility with the community because there was no opportunity for the public to witness or comment on the process before the final product was released. The Bureau and IPR would both build their trust and credibility by simply allowing observation, even without comment, at these meetings. (Clearly, the attending public could then contact the appropriate people outside the meetings with concerns, ideas, or points of clarification.) If the point of the IPR system is to improve transparency, rejecting this proposal only reinforces the perception that the PPB is not open to public input.

This was listed as PCW’s #10 priority, the AMA Coalition’s #7 priority, and was referred to in the CRC Structure Review report citing Luna-Firebaugh: “Transparency [is] the public’s right to know the public’s business.”

In addition, the Chief and Mayor reject the sensible recommendation that the Bureau share with CRC “drafts of Police Bureau policies that relate to Bureau member interactions with the public (or to the investigation of such interactions)” (5A). Again, twisting logic, they write that “IPR and CRC are responsible for reviewing Police Bureau policies and making recommendations when necessary,” yet refuse to include the civilian oversight bodies because it would “slow an important process.” As with the Task Forces, the Bureau can avoid community backlash if policies are discussed openly before they are adopted.

The City Officials all also miss the point about releasing more information to the complainants and the public. One recommendation, to make publicly available documents more accessible to complainants (3E), recognizes that many people are confused by City bureaucracy and cannot afford the \$10 or more fee to pay for their own police reports. The Auditor and the Bureau should find a way to make these documents easy to distribute to a person involved in the incident when the person is filing a complaint, and therefore is not necessarily entitled to legal counsel or discovery.

Similarly, the recommendation to make documents available to the public (3F) refers to innocuous items such as photographs of the scene, redacted versions of police reports, or other non-sensitive items which will help observers of CRC appeals hearings understand the substance of the cases. The fact that the Mayor, Chief and Auditor are not willing to do this, citing state laws, creates a sense of “circling the wagons” rather than seeking transparent solutions.

Another example is the Bureau’s reluctance to report on the reasons that investigations are taking so long. While they “partially agree” with the recommendation to do so (3G), they claim that releasing such information could compromise an investigation or reveal confidential information. Without concrete examples, this seems like a catch-all excuse to avoid explaining why so many cases take over a year to complete.

Similarly, the Chief and Mayor state that they disagree with the Auditor and the Stakeholder recommendation to explain why a final discipline decision would differ from that of the Police Review Board (PRB)’s recommendations (3J). They claim this could compromise public records laws and legal rights. However, the publication of the PRB’s first semi-annual report shows that such documents can be released without revealing the names of the involved officers, civilians, or even the Review Board members themselves. In addition, state law does exempt employee privacy rights when revealing the information has a compelling public interest, which, in the case of the Chief/Police Commissioner overturning the PRB, would exist.

Increase the Size of CRC

It should be noted that the Auditor, Mayor and Chief point to the CRC's rejection of the recommendation to expand CRC from 9 to 11 members (2H) as their reason to also reject it. Yet they openly reject about a dozen CRC recommendations... so they agree with CRC only when convenient. The purpose of that recommendation was twofold: One, each Council member currently gets to nominate CRC members, so with 9 people, 5 (a majority) could be political appointees; with 11 members, a majority would be 6.

Two, a larger membership would encourage more diversity. There is currently only one woman on CRC, and no Latino has sat on the board for 6 years.

In addition, CRC has 5-7 active Work Groups which need a minimum of three members each. Currently this means each CRC member has to be part of at least two work groups, with some involved in three or more. The individual work load would be reduced by increasing CRC's size.

The Stakeholder Group vote on this was 14-1 with two abstaining and one "no opinion" vote—then-CRC Chair Michael Bigham.

As a side note, one reason the CRC argued against increasing their membership was that having more people would mean that each of the current members would have less time to talk at meetings, hardly a compelling reason to counterbalance the three listed here.

Find Out What the People Want

Glaring examples of the City Officials either not understanding or not wanting to understand the proposals are their identical responses to two suggestions that IPR conduct complainant surveys at two points in the process. One would ask whether they would prefer an Internal Affairs investigation or one done by IPR (1I), and the other whether they prefer a full investigation or non-disciplinary complaint (SIO) treatment (3D). The Stakeholder group was explicit that the complainant would not be making an actual choice, only filling out a survey, yet the Auditor, Chief and Mayor responded as though asking such questions would undermine the objectivity of IPR. While it is true that the outcome of such surveys probably would undermine the perceived objectivity of IPR— since most people would most likely not trust IA and many would want a full investigation—merely asking the question can't possibly harm IPR.

This recommendation is a very toned down recommendation from the Mayor's Work Group on PIIAC, which in 2000 suggested that the complainant be able to actively choose Internal Affairs or independent investigators.

More Clarification Needed

In addition to disagreements due to misunderstandings, the City Officials also agreed with some recommendations, but only addressed parts of them.

For example:

—The Mayor and Chief say they support IA, IPR and CRC being able to pursue cases of any kind, but did not address those two recommendations' explicit intent to not worry about civil litigation (Stakeholder 1E and 2D).

—When the recommendation calls for IPR to be involved in *or investigate* cases involving high ranking officers, they state that this is "current practice," meaning they clearly did not address the idea of IPR conducting such investigations (1G).

—Where the Stakeholders called to diversify the pool of investigators at IA and IPR, the Chief and Mayor respond to the notion of cultural diversity and note that one IA investigator is from outside Portland. However, the recommendation was to find investigators who were not former police officers as well (1H).

Proposed Changes: The Good, The Bad, The Ugly

PCW does support two of the six changes to the IPR ordinance being proposed by the Auditor:

—Extending CRC member terms to three years from the current two (Stakeholder 2C, CRC priority #3)

—Allowing CRC to make policy recommendations to the Bureau (and IPR) rather than needing to do so in conjunction with IPR (Stakeholder 2B, CRC priority #2, AMA Coalition priority #5).

We have minor concerns about:

—Adding the recently developed Case File Review into the ordinance (administrative fix to reflect current practice); that practice could change before Council revisits the ordinance again

—Cleaning up language about CRC holding hearings when a civilian files an appeal of Bureau findings (administrative fix to reflect current practice); fixing this section without addressing the other concerns about CRC powers is troubling.
—Formalizing the IPR Director’s role informing the Bureau of the CRC’s proposed changed findings without allowing CRC to ensure accuracy
—Slightly modifying vague language about a CRC member being chosen to “present its recommended findings” to Council. The Stakeholder recommendation (2E) to clearly insert CRC’s role in the paragraph about Council hearings (3.21.160 C) was intended to clarify that IPR and IAD should not detract from the CRC presentation, as those entities had their chance during the investigation to make their cases. The Auditor says she supports this recommendation (CRC priority #4) yet has not gone far enough in fixing the problem.

And PCW very strongly opposes:

—Adding the process of a “conference committee” when the Bureau refuses to accept the CRC’s proposed finding. So far as we know, nobody from the community asked to add this process to the ordinance; in fact, PCW has for years denounced the process because it undercuts the ordinance’s original intent to have all of City Council take responsibility for the case at that point.
—Fixing a typographical error referencing Council’s ability to compel testimony— without fixing the problem pointed out above regarding the Catch-22 of compelled testimony vs. hearing new evidence.

POLICE REVIEW BOARD

Conflict of Interest

There was a large disagreement and huge disappointment in June, 2010 when Council modified the Police Review Board structure while the Stakeholder group was still meeting. The change re-instituted the Commander of the officer under investigation as a voting member of the Police Review Board, even though the City had been admonished for that practice by the Police Assessment Resource Center (PARC). The Stakeholder report asks that the Commander be made a non-voting member of the PRB (4A). The Mayor and Chief’s response is that having the Commander vote promotes accountability, in that it “requires commanders to go on record [and] forces them to justify their recommendations in light of the facts of the case.” Since the Commander has already made a recommended finding before the Review Board hearing, he or she has already gone on record. If, then, the majority of the PRB votes in opposition to the Commander, we do not see how the Commander is held accountable in any way. This policy should be changed.

More Civilian Oversight

When the PRB meets to determine whether Use of Force cases are in or out of policy, seven people meet. Four members of the Bureau (the aforementioned Commander, who we recommend be replaced by an uninvolved party of the same rank; an Assistant Chief; and two peer officers), the IPR director, and two citizen board members. The Stakeholder committee proposed that one more civilian member be added (4B), since the IPR director is a city employee and therefore not representative of the community. The Mayor and Chief disagree and say the current structure is “working” and, with the IPR director, “creates an appropriate balance.”

POLICE BUREAU POLICIES

Medical Treatment

One important CRC’s recommendation regarding officer conduct asked that PPB ensure medical aid is rendered “as soon as possible unless the circumstances clearly demonstrate that to do so would unreasonably endanger the officers or the medical personnel.” The City claims this is current practice, even though the actual directive still instructs officers to render aid when “tactically feasible or appropriate.”

That is just one of many examples where the City seems to not understand the purpose of the recommendations.

Conducting Interviews in a Timely Manner

One other item that the Mayor and Chief responded to inadequately concerns the AMA Coalition’s demand that officer interviews after shootings and deaths occur within 24 hours of the incident. The City contends that the PPA contract prohibits interviews within the first 48 hours. Yet, section 61.2.1.3 reads: “Whenever delay in conducting the interview will not jeopardize the successful accomplishment of the investigation or when criminal culpability is not at issue, advance notice shall be given the officer not less than 48 hours before the initial interview commences or written reports are required from the officer.” In other words, there is a specific exclusion for possible criminal activity such as in shootings cases.

This particular item is included because we believe the information contradicting the official line has been presented to the Mayor and Chief several times, yet they keep responding the same way.

CONCLUSION

We hope that all the involved parties will consider these issues and make further changes to the Bureau responses and the IPR/CRC and PRB ordinances. We are concerned about the very short timeline being used to institute these policies after 11 months of waiting for a response to the Stakeholder report. We strongly encourage Council to postpone the hearing, and to allow for extended testimony on this matter, since it is difficult to even summarize the information contained in these 89 pages and 150+ recommendations in three minutes.

Thank you for your time

dan handelman
Portland Copwatch