

POLICE OVERSIGHT STAKEHOLDER COMMITTEE

FACILITATION DRAFT

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Overall Outcomes Desired

The following outcomes were discussed at the meeting on June 3rd, with adjustments to reflect that discussion shown.

1. Increase community faith that the oversight system is independent, fair, appropriate, worthwhile.
2. Reduce ~~number and severity of use-of-force incidents generally and use of deadly force incidents, specifically.~~ Prevent all shootings of unarmed subjects and achieve fewer injuries to unarmed subjects who are mentally ill or in crisis.
3. Improve City's response to people who are mentally ill.
4. Demonstrate clearer Bureau commitment to improving trust & partnership relationships with low-trust communities.
5. Increase percentage ~~number of low-trust~~ community members experiencing officers as welcome, safe to call and interact with.

Key Method Results

The following method results are recommended as a working definition of the type of specific structural or procedural changes stakeholders have expressed a desire for.

1. More true independence, fewer real or perceived conflicts of interests
2. Reporting that is more coherent, transparent, and prompt
3. More evidence/reality of IPR commitment to purpose
4. More evidence/reality of responsive change at Police Bureau

Discussion Categories

The following pages are intended to provide a method to categorize the broad range of subject areas that stakeholders have raised in advance surveys, during the meetings, and in follow-up discussions.

Please note that this is only an attempt to summarize, in very compact form, the nature of the comments offered. *It is possible that some comments offered are based on inaccurate or outdated information about process or policies, which issues we assume will be clarified during the meetings to come.*

At the meeting on the 10th of June we expect to begin discussion of the individual points, beginning with assessing the value of the overall concepts and collecting suggestions for specific implementation.

We have shown a different discussion category on each page.

I. IPR authority & structure

▶ **Expand the number or type of investigations done directly by IPR.**

- ✓ Have IPR conduct all investigations, including shootings and deaths in custody.
- ✓ Clarify more specifically the definition for when an IPR investigation will be initiated, or declined to be initiated, when a complaint has been made.
- ✓ Require specific types of cases to be investigated routinely by IPR.
 - High-profile shootings, deaths, use of force with serious bodily harm, racial profiling, illegal searches, “high emotion in the community,” or conflicts of interest.
 - All cases involving contact with community members.
 - Give the complainant the choice of whether the case is investigated by IPR or IAD.
- ✓ Empower IPR to review in-custody deaths as they occur with no waiting period.

▶ **Strengthen IPR’s investigative authority.**

- ✓ Authority to compel officer testimony and to directly interview police officers.
- ✓ Ensure sufficient investigation resources by mandating a per-officer ratio (e.g. one investigator for every 100 officers)

▶ **Further reduce the reality or perception of IPR conflicts of interest.**

- ✓ The Auditor’s power to hire outside legal counsel when necessary should not be contingent on the requirement to seek the City Attorney’s agreement because of the inherent conflict of interest in that office advising both police and IPR.
- ✓ Consider restrictions on how many, if any, intake specialists and investigators may be current or retired Portland officers and/or expand the pool of qualifications (see Luna-Firebaugh recommendation 6a4).
- ✓ Consider methods to prevent or address the possibility that a future appointed IPR director could be unsympathetic to purpose of Independent Police Review.

▶ **Adjust procedures associated with quality-of-service or other minor rule violations.**

- ✓ Establish an avenue for appeal or reconsideration for cases involving quality of service or minor rule violations. For example, allow citizens to appeal dismissed complaints or low-level, so-called “service” complaints against officers to the Citizens Review Committee.
- ✓ Provide more clarity, definition or limits to the IPR Director’s discretion to dismiss complaints when “it is more likely than not that no misconduct was committed.”

II. CRC and Council oversight authority/structure

- ▶ **Expand/change the powers of the CRC or make it more independent of IPR.**
 - ✓ Give CRC more control over hearings, make explicit CRC's authority to send back allegations for reformulation
 - ✓ Give (or strengthen) CRC authority to:
 - Compel officer testimony and the testimony of other witnesses
 - Present appeals cases directly to City Council without IPR staff involvement
 - Send complaints back for further investigation or to re-categorize allegations
 - Review dismissed and declined complaints
 - ✓ Change the standard for determining whether a finding is "supported by the evidence" from "reasonable person" standard to a "preponderance of the evidence"

- ▶ **Make changes to the CRC structure.**
 - ✓ Increase the size of the CRC from 9 to 11 members to encourage more diversity and spread out the workload.
 - ✓ Increase the length of term from two years to three years.
 - ✓ Modify the member selection process to improve transparency, inclusiveness.
 - ✓ Provide CRC with its own staff person.

- ▶ **Have CRC more directly involved in policy review and recommendations.**
 - ✓ Give CRC the authority to make policy recommendations directly to PPB.
 - ✓ Consider creation of a separate civilian committee within IPR, perhaps made up of former CRC members, to focus on policy review as its sole duty. There should be overlap with the CRC because in many cases of civilian complaints about officer conduct there is no violation of policy, but those complaints help identify policies that need to be revised or improved.

- ▶ **Strengthen, adjust, or clarify the City Council's role.**
 - ✓ Reconcile situation where Council can subpoena witnesses but not hear new evidence, while the CRC can hear new evidence but not compel witness testimony.
 - ✓ Change the fact that while Council is given the "final" vote on whether an officer is in or out of policy, the officer still has the ability to overturn the finding in "mitigation."
 - ✓ Have City Council require another stakeholder review one year after the effective date of the implementation of the ordinance.

III. Openness, usefulness, and speed of reporting

- ▶ **Get a faster timeline for public release of investigative results.**
 - ✓ More stringent timeframes in which investigations of controversial deaths or shootings from police officers should be completed.
 - ✓ Reexamine the need to pause the clock when cases are in civil litigation. This can lead to a years-long delay. Holding an officer accountable for his/her actions and identifying policy and training issues as soon as possible will improve police services in Portland.

- ▶ **Allow more information to be released.**
 - ✓ The chain of ownership on documents should be changed so that IPR can make reasonable decisions to release public information such as police reports, even if the code requires them to block out names and other personally identifiable information.
 - ✓ Documents utilized by the CRC in reviewing complaints should be accessible to the public. Decisions made that rely on “secret” documents will not help establish public trust in the oversight process. It may that some documents will require redaction to protect the security of complainants and witnesses, but most information should be available for public review.

- ▶ **Identify currently closed meetings that would benefit from being open to the public.**
 - ✓ Open police bureau/IPR task force meetings such as the Use of Force Task Force to public observation.

- ▶ **Revise the definition/categories of findings**
 - ✓ Return possible findings to: *exonerated, unfounded, sustained, and insufficient evidence.*
 - ✓ Add *supervisory failure, training failure, and policy failure* as possible findings. The added findings would give options to those making the decisions who may find officers were within policy, but the policy itself needs to change, the training is inappropriate, or the supervisor should have intervened differently.
 - ✓ Use a better term for minor complaints (currently called “Service Improvement Opportunities”).

- ▶ **Provide more public disclosure of discipline information.**
 - ✓ Require the Chief or Commissioner to explain in writing, publicly, how and why they made their decision when it differs from the PRB’s recommendation and to do so in 30 days.
 - ✓ Provide more disclosure of the discipline, perhaps in aggregate, that takes place in the Police Bureau.

- ▶ **Give complainants the same rights as officers to waive the time limits and to receive written notification of time extensions.**

IV. Police Review Board structure/process

- ▶ Increase the number of citizens on Police Review Board by at least three additional community members.
- ▶ Clarify process to ensure that voting PRB members have access to all information pertaining to the incident. For example, clarify the process for determining which documents are “necessary and relevant” and thus available for voting PRB members to review.

V. Complaint-driven PPB policy improvement process

- ▶ **Provide better reporting of policy recommendations received, and policy changes made, by PPB**
 - ✓ Public reports summarizing statements of findings and concerns about training and investigations should include summaries of policy recommendations the Police Review Board submitted to the Chief.

- ▶ **Establish a more public process for involvement in new Bureau policies.**
 - ✓ Incorporate more transparency and public participation in development of police policy. When the Bureau establishes task forces or committees to work on policy issues, such as the Use of Force Task Force, the meetings should be open to public attendance.
 - ✓ CRC and the public should be involved in advising PPB on bureau policies. When new/revised PPB directives are in draft form, they should be presented to CRC for their review and for public comment.
 - ✓ Bureau policies related to the use of force should be reviewed with input from an independent oversight body (e.g., IPR or CRC) so policies will give officers clearer and more specific rules to follow and less discretion than current policies.

- ▶ **Other complaint-specific policy change.**
 - ✓ Preserve investigation information throughout the entire career of each officer investigated.
 - ✓ Limited use of mediation with certain complaints, such as use of force, when a person is hospitalized or a racial, ethnic, gender or sexual-orientation-related epithet is used.

VI. Non-complaint driven PPB improvement process

- ▶ **Have IPR and/or CRC monitor the “Employee Information System” and other data**
 - ✓ Improve use of a tracking system, with nothing off record, in order to identify trends and problem officers.
 - ✓ Consider having IPR’s authority expanded to include analysis and reporting on police stop data regarding issues such as race, ethnicity, and language spoken.

- ▶ **Enhance Bureau’s QA/ “curiosity” methods to improve Bureau’s ability to make changes before issues become complaints.**
 - ✓ Implement a Quality Assurance program to better identify, correct, and improve institutional practices through a system that is not based on determining blame, but based on finding and correcting errors. (Would not replace complaint-based oversight tools, but provide a alternate method to ensure responsive change regardless of whether specific proof of wrong-doing has been established.)

- ▶ **Develop and expand more effective two-way trust and understanding steps between police and communities served.**
 - ✓ More recruitment of minority officers and those with particularly high cultural competency.
 - ✓ Consider other proactive options, such as ride-along expansions.
 - ✓ Adopt technology that would video (or at least audio) record every interaction with citizens.

- ▶ **Ensure Bureau’s commitment to various specific recommendations and programs already in place or recommended.**
 - ✓ More training of police about mental health and other problems that need to be addressed some other way than lethal force.
 - ✓ Expanded training on de-escalation techniques.
 - ✓ Keep the Crisis Intervention Training program intact.