

## MEMORANDUM

To: Mayor Vera Katz  
Commissioner Jim Francesconi  
Commissioner Charlie Hales  
Commissioner Dan Saltzman  
Commissioner Erik Sten  
Mark Kroeker, Chief of Police

From: Gary Blackmer, City Auditor

Date: January 14, 2002

Subject: Review of police shootings and deaths in custody

In developing the proposal for the Independent Police Review, Council requested that I also develop a proposal for reviewing shootings and deaths in custody. I asked for additional time to study the topic and to involve the director, who had not yet been hired. Since his arrival in October I have been working with Richard Rosenthal, the IPR Director, to develop a proposal for reviewing police shootings and deaths in custody. We have both watched the video of the Council hearings and discussion that addressed the topic in some detail. We also examined the relevant procedures of other jurisdictions.

Council members seemed to indicate that the purpose for these reviews should be to develop recommendations to reduce the future possibility of shootings and deaths in custody. Council recognized that complainants have other avenues for addressing criminal charges or obtaining monetary compensation.

Several members of Council supported a review of a closed investigation to ensure its fairness and thoroughness, and of the incident to determine whether there were any policy issues to bring before the Citizen Review Committee to develop recommendations. Council members all seemed to support reviews that focus on the policy issues, but not on the actions of the officers.

I am proposing that the IPR hire an outside expert to conduct an annual review of officer-involved shootings and deaths in police custody. A systematic review of closed cases from the previous year will offer a better context for identifying patterns. I believe that research from other jurisdictions can also show us better strategies for averting these tragedies.

This year we are proposing a special, larger review of the incidents from the past three or four years. With Council's approval, we will develop and issue a Request for Proposal in the next six to eight weeks and select the best consultant to begin work as soon as possible to review past incidents and Police Bureau practices related to officer-involved shootings and deaths in custody. The Police Bureau and Auditor's Office will use one-time funds to acquire this multiple-year review. In the course of our budget process, I will work with the Police Chief to develop an on-going funding proposal for the annual reviews in the future.

I believe that the following code language would allow us to accomplish this objective:

**3.21.070 Powers and Duties of IPR**

The Director's powers and duties are the following:

J. To hire a qualified person to review closed investigations pertaining to officer-involved shootings and deaths in custody on an ongoing basis. To issue reports on an annual basis identifying any policy-related issues or quality of investigation issues that could be improved. The Director and the Citizen Review Committee shall address any policy-related or quality of investigation issues that would warrant further review.

*(Underlined text is proposed new language in City Code.)*

There seemed to be agreement among Council members on "policy-related issues" and I would apply it according to this definition:

**3.21.020 Definitions**

S. "Policy-related issue" means a topic pertaining to the Police Bureau's hiring and training practices, the Manual of Policies and Procedures, equipment, and general supervision and management practices, but not pertaining specifically to the propriety or impropriety of a particular officer's conduct.

Council members spoke of other issues that I believe may be more difficult to accomplish in code language. There was consensus on "selective review" of incidents but I am not confident we could develop criteria in the code for deciding which cases should be excluded. This proposal allows for review of all incidents, with the intent of identifying policy issues, in a methodical manner.

Several Council members also discussed public forums on officer-involved shootings and deaths in custody, but I have serious concerns about the scope and timing of such events. Public forums for every case would consume large amounts of staff resources, and pending litigation could prevent constructive participation of some agencies. I have repeatedly stated that the IPR should be a problem-solving organization so I am very reluctant to commit to City Code a complex process full of obstacles and uncertain results. Every Citizen Review Committee meeting is public and the policy recommendations made by an expert can be addressed in the course of their regular work.

If I have misunderstood Council intent please let me know. I will schedule meetings to brief you on the details and schedule the attached ordinance before Council in February for a first reading.

# ORDINANCE No.

Amend City Code to include reviews of shootings and deaths in police custody by the Independent Police Review Division. (Ordinance; Amend Code Chapter 3.21.)

The City of Portland ordains:

Section 1. The Council finds:

1. The City is committed to hearing concerns and complaints from our citizens about police services and responding in such a way that services and trust in government are improved.
2. The City is committed to ensuring that policies relevant to officer-involved shootings and deaths in police custody are examined for possible improvement.
3. Council created the Independent Police Review Division and appointed the Citizen Review Committee to recommend appropriate changes toward the goals of holding police accountable and promoting higher standards of City police services.
4. Council directed the auditor to propose code for reviewing officer-involved shootings and deaths in police custody.

NOW, THEREFORE, the Council directs:

- a. PCC Chapter 3.21 is amended as provided by Exhibit 1.

Passed by the Council:

Auditor Gary Blackmer

**GARY BLACKMER**  
Auditor of the City of Portland

By

Deputy

## Exhibit 1

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