

Status of Police Assessment Resource Center (PARC) Recommendations

As of May 11, 2004

Definitions:

Done: completed or fully implemented.

In review: Bureau is conducting research or study. This recommendation could be accepted, rejected or changed.

In progress: has not been completed or fully implemented.

Rejected: Bureau disagrees with recommendation.

Number	Recommendation	Status	Date	Assigned	Details
3.1	Add a preamble or mission statement to the written deadly force policy, underscoring the Bureau's reverence for the value of human life and its view that deadly force is to be used only where no other alternatives are reasonably available.	In progress		Services	<u>Preamble language adopted by Community Police Organizational Review Team (CPORT) 09-10-03 has not been approved by the City Attorney. The draft Directive will include a reference to the sanctity of life.</u>
3.2	Expand written deadly force policy to provide that certain uses of force, such as strikes to the head or other vital areas with impact weapons, may not be used unless the officer is justified in using deadly force.	Done	2003	Services	2003 Manual of Policy and Procedure states use of force restrictions under Directives 1010.10, 1010.20 and 1030.00.
3.3	Revise deadly force policy to prohibit officers from using deadly force to stop a fleeing felony suspect unless they have probable cause to believe that the suspect (1) has committed an offense involving the actual or threatened infliction or threat of serious physical injury or death, and (2) is likely to endanger human life or cause serious injury to another unless apprehended without delay. In addition, the policy should make clear that even in those circumstances, deadly force should not be used where (1) other means of apprehension are reasonably available to the officers, or (2) it would endanger the lives of innocent bystanders.	In progress		Services	Directive 1010.10 revised to define the parameters for the use of deadly force regarding suspects, such as violent fleeing felons, who pose significant threat of death to the member or others. Detective Division reviewing best practices of other law enforcement agencies. The Bureau is studying recent House Bill 3426 on the use of force policy.
3.4	Consider whether it would be appropriate to revise written deadly force policy to expressly require officers to refrain from taking actions that unnecessarily lead to the use of deadly force.	In progress		Services	Required patrol tactics training since 1997. <u>Training Division is drafting new language dealing with negligently placing oneself in harms way. New language will be included in Directive 1010.10 for the 2004 manual.</u>
3.5	Revise deadly force policy to clearly articulate when officers may draw or point their firearms and when they should re-holster them. In addition, require officers to report in writing each instance in which they draw and point a firearm at another person.	In progress		Services	<u>The Chief endorsed the adoption of a Use of Force Report Form to capture use of force information, including when an officer points a weapon at a person. An IT-Records committee is creating the form and database. Draft deadly force policy is being reviewed.</u>

Footnotes:

* 9/2/03 refers to a memorandum to all Detective Division members from Commander Ferraris.

** 9/11/03 organizational change went into effect.

Number	Recommendation	Status	Date	Assigned	Details
3.6	Require officers to record their use of force on a separate Use of Force Report. Use the information from these reports to analyze and manage officers' use of force. Log and track information from such reports in its early warning system.	In progress		Operations/ Services	<u>The Chief endorsed the adoption of a Use of Force Report Form to capture use of force information, including when an officer points a weapon at a person. An IT-Records committee is creating the form and database; the form will be required as of July 1, 2004.</u>
4.1	Replace Homicide-only investigative model with one that takes a multidisciplinary approach to deadly force and in-custody death cases. The IA Overlay model as enhanced by the LASD, or the enhanced Specialist Team model used in Washington, D.C., may work well in Portland.	Done		Investigations/ Services	<u>The officer-involved shooting investigation now includes representatives from the Training Division and Internal Affairs. The Use of Force Review Board will consider the following issues identified in the investigation: policy; training; supervision; tactics; and equipment.</u>
4.2	Revise investigative policies regarding firearms discharges at animals and non-injury accidental discharges to require supervisors arriving at the scene to immediately notify the deadly force investigation unit of the incident. The deadly force unit should either respond to the scene and take over the investigation, or be required subsequently to review the chain of command's completed investigation for completeness and objectivity.	Done	2003	Services/ Operations	Revisions regarding animal destruction are included in Directive 631.70. All firearm discharges are investigated. Directive 1010.10 includes the responsibilities by supervisors, RU managers, Review Level. <u>Draft Directive 1010.10 includes new language that addresses investigative responsibilities.</u>
4.3	Revise policies to make clear that investigators should <i>always</i> strive to obtain a contemporaneous, tape-recorded interview of involved officers. Such a policy would not only ease doubts about officer collusion, but place officers and civilians on the same footing. In addition, in those cases where an officer declines to provide a contemporaneous interview, investigators should be required to thoroughly document their efforts to obtain the interview, including (1) when the request was made, (2) to whom it was directed, and (3) the reason(s) for the declination.	Done	9/2/2003*	Investigations	Revised Detective procedures state that all interviews of involved members where material facts of the case are discussed will be tape recorded. Exceptions must be approved in advance by Detective Division commander. Detectives will ask officers to submit to a voluntary interview. <u>Draft Directive 1010.10 includes new language ensuring member interviews are tape-recorded. Exceptions must be approved in advance by the Detective Division commander.</u>
4.4	Meet with the leadership of the police unions to work out procedures for taking voluntary statements from involved officers in the hours immediately following a shooting or in-custody death incident. Interviews would not be conducted until after the officers have been given an opportunity to consult with a lawyer and/or union representative. The unions should encourage involved officers to provide investigators with contemporaneous statements, and likewise should encourage the lawyers they furnish to their members to facilitate such prompt statements.	Done		Investigations	<u>In the last two officer-involved shootings, officer statements were taken within one day.</u>

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4.5	Study the Phoenix system of obtaining contemporaneous statements, in which all involved or witness officers are ordered to speak to Internal Affairs investigators no later than a few hours after the deadly force or in-custody death incident, regardless of whether they agreed to provide a separate, voluntary statement to Homicide investigators. The IA interview, which is walled off from Homicide and the District Attorney, is used solely in connection with the agency's administrative and tactical review of the incident.	Done		Investigations/ Services	<u>The Portland system for officer-involved shooting investigations now includes representatives from the Training Division and Internal Affairs. The Use of Force Review Board will consider the following issues identified in the investigation: policy; training; supervision; tactics; and equipment. In the last two officer-involved shootings, officer statements were taken within one day.</u>
4.6	Issue a policy expressly forbidding all officers who participated in or witnessed an officer-involved shooting or in-custody death from discussing the incident with any person (including other involved or witness officers) other than their immediate supervisor, unit commanding officer, union representative, attorney, a medical or psychological professional, and investigators until they have completed comprehensive, taped interviews in the criminal and, if needed, administrative investigations. In discussing the incident with their immediate supervisor or unit commanding officer during this period, officers should provide only that information necessary to secure the scene and identify the location of physical evidence and witnesses.	Done	9/2/2003*		Revised Detective protocols state that a member of the Detective Division command will issue a written communications restriction to those members who either used deadly physical force, were involved in an in-custody death, witnessed the incident or when such a restriction is necessary to preserve the integrity of the investigation. <u>Communication restrictions have been issued since Sept. 2003. Draft Directive 1010.10 includes new language that restricts involved members from discussing the facts of the case when involved in a deadly physical force or in-custody case.</u>
4.7	Issue a policy forbidding all officers from volunteering or communicating any information to involved or witness officers before the deadly force investigation has been completed. In addition, just as a judge may order jurors to avoid media and other discussions of a pending case, so too should PPB issue a policy directing involved or witness officers to avoid exposure to other accounts of the incident (even if unsolicited) until they have provided investigators with a comprehensive, tape-recorded statement. In addition, PPB should require its investigators to thoroughly cover in each officer interview what information the officer had received from other officers or outside sources.	In review		Investigations	Detectives are reviewing policies from other law enforcement agencies to address communications from other officers. <u>The Detective Division is assigned this recommendation.</u>

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4.8	Require that supervisors arriving at the scene of an officer-involved shooting or in-custody death incident ask each officer at the scene what, if any, discussions regarding the incident have occurred prior to the supervisor's arrival. The supervisor should then brief investigators immediately after they arrive at the scene concerning the answers to those inquiries.	Done	9/2/2003*	Investigations	The responsibility will be with the Investigating Detectives. Investigating Detectives will inquire of involved members what, if any, discussions have occurred prior to the Detective's arrival. Such information will be noted in the Detectives investigative report.
4.9	Require that involved and witness officers be physically separated immediately after the scene has been secured, and that officers remain sequestered (<i>i.e.</i> unable to communicate with each other) until they have submitted to a comprehensive, taped interview by investigators.	Done	9/2/2003*	Investigations	Directive 1010.10 prohibits officers from leaving scene. Revised Detective protocols state that the Homicide Sergeant-in-charge will ensure the involved officers remain at the scene and are kept separate. Departure of involved officers from the scene must be first cleared through the Homicide Sergeant-in-charge. <u>Draft Directive 1010.10 states that members will remain at the scene until released by an on-scene supervisor and approved by the Homicide Sergeant-in-charge. The on-scene supervisor will ensure separation of all witness and involved members.</u>
4.10	Memorialize in policies the requirement that members of the Traumatic Incident Committee (TIC) Team - and any other officer not charged with securing or investigating the scene of an officer-involved shooting or in-custody death incident - remain outside of the crime scene absent express authorization from on-scene investigators.	Done	9/2/2003*	Investigations/ Services	Revised Detective protocols provide specific direction to the Homicide Sergeant-in-charge for scene management. Personnel Division will meet with TIC team to confirm their roles and responsibilities. <u>Draft Directive 1010.10 includes restrictions on managing personnel at the scene.</u>
4.11	Memorialize in policies a rule expressly prohibiting members of the Traumatic Incident Committee (TIC) Team - and any other officer not charged with securing or investigating the scene of an officer-involved shooting or in-custody death incident - from discussing the incident with involved or witness officers until the officers in question have submitted to a comprehensive, taped interview with investigators.	Done		Services	<u>Communication restrictions have been revised, and clarify the role of TIC team members. TIC team members are still encouraged to provide peer support after traumatic incidents, while following the guidelines in the communication restrictions.</u>
4.12	Revise policies to ensure that all officer witnesses submit to a taped interview and that all civilian witnesses are interviewed whenever possible. Transcripts of all interviews should be included in the case file.	Done	9/2/2003*	Investigations	Revised Detective protocols state that all interviews of involved members where facts of the case are discussed will be tape recorded. <u>Draft Directive 1010.10 includes new language ensuring member interviews are tape-recorded. Exceptions must be approved in advance by the Detective Division Commander. Every attempt will be made to tape-record civilian interviews.</u>

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4.13	If a civilian witness refuses to submit to a taped interview, investigators should (1) not begin the interview until the witness has signed a form acknowledging that he or she has refused to be interviewed on tape; and (2) present the civilian with a written copy of the investigator's summary if the interview and allow the citizen to review and sign the investigator's summary for accuracy. The civilian should be permitted to make any corrections or amendments to the statement he or she feels is necessary. A copy of both the original and corrected/amended witness summary should be included in the investigative file.	In review		Investigations	<u>Homicide investigators tape record interviews with civilian witnesses unless they refuse. Detectives document incidents where witnesses refuse.</u>
4.14	Investigators should seek to video- or audiotape all officer walk-throughs. If the interview is audio- rather than video-taped, all gestures and relevant physical actions by the officer doing the walk-through should be described on the tape. By taping all walk-throughs, subsequent reviewers (from the grand jury to PPB executives) will be able to assess the quality of the walk-through, including the quality of investigators' questions. In addition, taping the walk-through will enable reviewers to identify any inconsistencies between an officer's statement at the scene and his later, more detailed interview with Homicide. Transcripts of the officers' statements during the walk-through should be included in the case file.	In review		Investigations	Detective Division will research other law enforcement agencies for similar practices. <u>The Detective Division is assigned this recommendation and will work with the City Attorney.</u>
4.15	Video- or audio-tape the entirety of all interviews with officers and civilians. Eliminate policy and practice of conducting untaped "pre-interviews" of officers or civilians.	Done	9/2/2003*	Investigations	Investigators will not conduct pre-interviews. Detective protocols state that all interviews of involved members where the material facts are discussed will be tape recorded.
4.16	Improve the already useful existing Deadly Force Interview Checklist by adding policy and tactical questions, including: (1) whether the officers can think of (a) alternative approaches that might have minimized risk to themselves and others, and (b) potential improvements in training; (2) a description of when and why the officers decided to (a) draw their guns; (b) point their guns; or (c) lower or re-holster their guns; (3) describing the grip and shooting stance used by the officers, including gun/flashlight technique; (4) indicating whether the shots were sighted; (5) describing the availability and use of cover and concealment; and (6) identifying distances from suspects with weapons other than guns, and opportunities for tactical retreat.	Done		Investigations	The checklist has been modified and adopted in Detective Division investigative protocols on officer involved shootings.

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4.17	Require investigators to cover all areas on the modified interview checklist in all interviews.	Done		Investigations	The checklist has been modified and adopted in Detective Division investigative protocols on officer involved shootings.
4.18	Prepare an Interview Checklist, similar to the Deadly Force Interview Checklist, to be used during in-custody death and serious force investigations.	Done		Investigations	Detective Division modified the Interview Checklist.
4.19	Establish policies that ensure that each officer who was involved in or witnessed an officer-involved shooting or in-custody death incident does not participate in a Critical Incident Stress Debriefing (CISD) meeting prior to submitting to a comprehensive, tape-recorded interview in the investigation of the incident.	Done	9/2/2003*	Services/ Investigations	The Bureau believes the current practice meets the intent of the recommendation. Detective protocols require tape recorded interviews and written communications restrictions. Current practice is that CISD does not take place until involved members are interviewed by detectives and communication restrictions are lifted.
5.1	Adopt strict rules forbidding non-essential personnel from entering or remaining within the inner or outer perimeter of an officer-involved shooting or in-custody death.	Done	9/2/2003*	Investigations	Directive 640.10 Crime Scene Procedures and Directive 1010.10 Deadly Physical Force, Use Of, Including Reporting Requirements requires the exclusion of unauthorized persons. Detective protocols require the Homicide Sergeant-in-charge to manage the scene and ensure a log is kept. <u>Draft Directive 1010.10 states that the on-scene supervisor will establish a single entry point into and out of the scene and that a crime scene log is maintained at the entry point.</u>
5.2	Ensure officials investigating officer-involved shooting and in-custody death cases promptly collect all relevant physical evidence at the scene. Such mechanisms should include, without limitation, (a) written guidelines, such as investigators' manual, that specify investigators' evidence collection duties; (b) annual refresher training for investigators (and their supervisors) in forensic techniques and crime scene investigation; (c) on-scene investigation checklists and Incident Summary Forms to be included within each case file; and (d) methods for holding investigators accountable for their errors or omissions.	Done	9/2/2003*	Investigations	Directive 640.10 Crime Scene Procedures, Directive 660.10 Property and Evidence Procedures, Directive 1010.10 Deadly Physical Force, Use Of, Including Reporting Requirements specifies procedures to collect evidence. Detective protocols require Homicide Sergeant to manage the scene.
5.3	Require criminalists to bring to the scene of officer-involved shooting and in-custody death cases all tools necessary to identify and collect physical evidence at the scene. Such equipment should include, among other items, (a) metal detectors to help locate weapons and ammunition, and (b) bullet trajectory analysis equipment sufficient to track and document the trajectory of ammunition regardless of caliber or make.	Done	2001	Investigations	Criminalists currently have required equipment stored in their vehicles. The Bureau is continuously searching for new technology to upgrade our current capabilities. The Bureau believes this will have significant fiscal impact.

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5.4	Collect muzzle Gun Shot Residue (GSR) evidence in officer-involved shooting and in-custody death cases in which the location and angle of gunfire is relevant. Such evidence should be collected not only from skin, hair, and clothing, but from hard surfaces believed to be in close proximity to the weapon at the time of discharge. In addition, PPB should collect primer GSR evidence in all officer-involved shooting or in-custody death cases where there is (1) some dispute about the identity of the person(s) who fired a gun or (2) a claim by a civilian that an officer planted a gun at the scene. If Oregon State Crime Laboratory remains unable to perform primer GSR analysis, then the PPB, like numerous agencies across the country, should seek to have the analysis performed at commercial or university laboratories.	In review		Investigations	The current practice is to obtain Gun Shot Residue (GSR) evidence under applicable circumstances. Examples to consider are clothing, bullet entry holes. Per Oregon State Police Crime Lab, Gun Shot Residue examination of hands is extremely unreliable due to false positives, time values of collection and environmental factors. Oregon State Police Crime Lab has not done GSR (Dermal Nitrate) since 1999. PPB will research available outside agencies that can perform analysis by use of a Scanning Electron Microscope. <u>The Detective Division is assigned this recommendation.</u>
5.5	Enforce the requirement of Section 1010.10 that investigators conduct a bullet trajectory analysis for each shot in an officer-involved shooting where the bullet strikes one or more areas of the crime scene. The PPB should do so even where there is no dispute among witnesses regarding the underlying incident.	Done	9/2/2003*	Investigations	Directive 1010.10 Deadly Physical Force, Use of, Including Reporting Requirements includes a procedure on bullet trajectory analysis. Detective protocols requires that trajectory analysis will be conducted and reported in accordance to directive and Homicide Sergeant-in-charge will ensure compliance.
5.6	Develop detailed checklists or Incident Summary Forms - one for officer-involved shootings and one for in-custody deaths - along the lines used by the Miami-Dade Police Department and the Los Angeles County Sheriff's Department, which require investigators to report key information regarding every officer-involved shooting or in-custody death case.	Done		Investigations	Checklists and summary reports have been developed and adopted into Detective Division protocols on officer-involved shootings.
5.7	Prepare detailed crime scene sketches of the entire crime scene (or scenes). Such sketches should identify physical evidence at the scene and provide all relevant measurements. In all cases, investigators should include the sketches in the investigative file.	Done	9/2/2003*	Investigations	Directive 1010.10 Deadly Physical Force, Use of Including Reporting Requirements includes requirements of crime scene sketches. Detective protocols require crime scene sketches and maintenance in the Bureau incident file.

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5.8	Require investigators to ask all involved parties and all witnesses to draw their own sketches of the scene (or annotate sketches already prepared by the investigative team) during their taped interviews. In addition, investigators should ensure the witnesses note the movement of the involved parties (e.g., note the positions taken by Officer A as A-1, A-2, etc.). Finally, investigators should verbally describe on tape when the witness makes or refers to a particular notation (e.g., "the witness is now noting his location as B-1 on the sketch.").	Done	9/2/2003*	Investigations	Detective Division's investigative protocols include this practice when necessary and they are required to be maintained in the official file.
5.9	Investigations should focus not only on whether the officers' use of deadly or high-risk force was appropriate, but also on the officers' policy and tactical decisions that led to the incident. A principal goal of investigations should be to collect evidence sufficient for managers and executives to assess whether the officers could have met legitimate law enforcement objectives in a manner less likely to have lead to the use of deadly or other high risk force	Done		Investigations/ Services	<u>The officer-involved shooting investigation now includes representatives from the Training Division and Internal Affairs. Detectives now ask a broad range of questions per the recommendation. The Use of Force Review Board will consider the following issues identified in the investigation: policy; training; supervision; tactics; and equipment.</u>
5.10	Identify and conduct thorough, unbiased, and tape-recorded interviews of all witnesses - including emergency and medical professionals who performed examinations or rendered treatment in deadly force or in-custody death incidents. In addition, PPB should also carefully monitor the quality and fairness of interviews conducted by members of the East County Major Crimes Team assisting them in such investigations.	Done	9/2/2003*	Investigations	Detective protocols require that all interviews of involved members be tape recorded. Investigations relies on the written reports submitted by emergency and medical professionals. The Homicide Sergeant-in-charge will supervise all investigative functions including those agencies who assist.

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5.11	Include in the file for an officer-involved shooting or in-custody death all relevant evidence and information, including, without limitation, (a) color copies of pertinent crime scene photographs;(b) all videotapes taken of the scene; (c) all autopsy, toxicology, and medical reports obtained by investigators (or memorandum explaining why it was impossible to obtain such reports); (d) transcripts and audiotapes of all 911 calls and radio broadcasts (as well as relevant MDT transcripts); and (e) a memorandum presenting in summary fashion certain background information on the involved officers including (i) date of hire and prior law enforcement experience; (ii) training history; (iii) assignment and promotion history; (iv) prior shootings or in-custody death cases, if any; and (v) a record of any discipline, pending investigations, and awards or commendations.	Done	2002	Investigations/ Services	Evidence or case file protocols have been implemented by the Detective Division. Personnel, Training and IAD provide background information to the Review Level and will do so for the Use of Force Review Board. <u>Draft Directive for the Use of Force Review Board specifies that materials will be maintained by the Use of Force Review Board Coordinator for presentation to the board.</u>
5.12	Each investigative file should contain a detailed, comprehensive summary of the investigation. Although the summary should be impartial and take a neutral tone, it should also identify inconsistencies between statements and inconsistencies between <u>statements and physical evidence.</u>	Done		Investigations	<u>This summary has been adopted and included on recent cases.</u>
5.13	Completed investigative files should (a) number each page sequentially; (b) contain a detailed index; and (c) include an Investigator Log identifying each investigator's day-to-day work on the case.	In progress		Investigations	<u>The pages of completed investigative files are numbered sequentially and the files contain a detailed index. The Investigator Log is in review.</u>
5.14	Keep all records, documents, and materials obtained or created in connection with an investigation of an officer-involved shooting or an in-custody death as part of the official file.	Done	9/2/2003*	Investigations	Detective protocols state that all records, documents and materials obtained, prepared or created in connection with an investigation of an officer-involved shooting or in-custody death will be made and remain part of the official Bureau file on the incident. City archiving guidelines will be followed. <u>Draft Directive for the Use of Force Review Board specifies that materials will be maintained by the Use of Force Review Board Coordinator for presentation to the Board</u>

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5.15	Create an independent, professionally staffed, and adequately funded mechanism for civilian oversight of investigations of administrative issues and analyses of tactical decisions arising out of officer-involved shootings or in-custody deaths. At a minimum the oversight mechanism would monitor (a) Crime scene processes and procedures (this would involve rolling out to the scenes of officer-involved shootings and in-custody deaths); (b) Evidence collection and preservation; (c) Witness identification and interviewing; (d) Investigative file integrity and preservation; and (e) Presentation of evidence to the Review Level Committee.	In progress		Services	<u>The officer-involved shooting investigation now includes representatives from the Training Division and Internal Affairs. The Use of Force Review Board will consider the following issues identified in the investigation: policy; training; supervision; tactics; and equipment.</u>
6.1	Extend policies relating to reviews of deadly physical force - both after action reports and Review Level Committee - to include in-custody death incidents.	In progress		Services	<u>The Use of Force Review Board will review in-custody deaths. Draft Directive 1010.10 includes in-custody death.</u>
6.2	Ensure after action reports are completed in all officer-involved shooting and in-custody death cases, and that unit commanders are held accountable if the reports are not completed in a timely fashion.	Done		Operations/ Services	<u>The Assistant Chief of Operations has communicated this requirement to commanders. Revisions to directives to reflect this are in progress.</u>
6.3	Enforce policy that requires unit commanders, rather than their subordinates, to prepare and sign after action reports in deadly force cases.	Done		Operations/ Services	<u>The Assistant Chief of Operations has communicated this requirement to commanders. Revisions to directives to reflect this are in progress.</u>
6.4	Create a model after action report - from an actual or a hypothetical case - to demonstrate to unit commanders both the form and type of analysis that such reports should employ.	In progress		Operations/ Services	<u>The After Action Reporting Committee submitted a proposal to standardize the format and identify required components. Revisions to directives to reflect this are in progress.</u>
6.5	Ensure after action reports rely on the facts developed by the investigation of the incident (unless the unit shows that those facts are erroneous or incomplete), and that copies are distributed to the detectives who investigated the incidents and their commanding officer.	In review		Operations/ Services	<u>The After Action Reporting Committee has submitted proposed changes to a number of directives regarding reporting requirements and distribution of reports.</u>
6.6	Devise an accountability process to ensure after action reports comply with the content requirements of Section 1010.10 and engage in meaningful analysis.	Done		Operations/ Services/ City Attorney	<u>The Assistant Chief of Operations has communicated this requirement to commanders. Revisions to directives to reflect this are in progress.</u>
6.7	Revise Section 1010.10 to make the unit commander a non-voting member of the Review Level Committee when it reviews officer-involved shootings, other deadly force cases, and in-custody death incidents.	In review		Chief's Office	<u>The draft directive for the Use of Force Review Board is currently being reviewed.</u>

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6.8	Make a civilian from outside the Bureau a voting member of the Review Level Committee. The outside committee member should be chosen in a manner decided by the City's elected officials.	In progress		Services	<u>The Use of Force Review Board will include citizen members.</u>
6.9	Amend policy and practice to make the commanding officer of the unit conducting administrative investigations of officer-involved shootings and in-custody deaths, and the commanding officer of the Training Division, non-voting members of the Review Level Committee.	Done	9/11/2003**	Services	<u>Draft Directive for the Use of Force Review Board specifies that membership on the board will include command personnel from the Training Division and the Investigative Unit (such as Internal Affairs).</u>
6.10	Present all officer-involved shooting and in-custody death incidents to the Review Level Committee. Develop a tracking system to ensure that all such incidents are presented.	In progress		Services/ Investigations	<u>The Use of Force Review Board Coordinator will track all presentations. Member involved shootings and in-custody death incidents will be reviewed by the Use of Force Review Board.</u>
6.11	Amend policy to require full written findings be provided to the Chief to explain and document each Review Level Committee determination of officer-involved shooting or in-custody death cases.	In progress		Services	<u>Directive 1010.10 Deadly Force, Use of, Including Reporting Requirements requires a summary report for the Chief. The Use of Force Review Board report will be reviewed by the Chief. The draft policy is being reviewed.</u>
6.12	Develop procedures for the Review Level Committee that require members to vote based on their best judgment of the relevant facts and circumstances and that encourage dissent when appropriate.	In progress		Services	<u>Draft Directive for the Use of Force Review Board states that Board members' votes are based on their best judgment of the relevant facts and circumstances and dissenting points of view will be noted.</u>
6.13	Investigators who conduct the administrative investigations should take the lead in presenting officer-involved and in-custody death cases to the Review Level Committee.	In progress		Chief's Office	<u>Investigators are taking the lead in presenting cases to Review Level and will be the lead in presenting to the Use of Force Review Board.</u>
6.14	Administrative investigators present a complete file - regardless of the form of the evidence, and specifically including video and audiotapes and photographs - to committee members in advance of the committee meeting, and should likewise present all evidence deemed pertinent to the Review Level meeting, regardless of the form that evidence takes.	In progress		Services/ Investigations	<u>Draft Directive for the Use of Force Review Board states that Board members will be provided a copy of the complete investigative file and applicable Directives prior to the Use of Force Review Board meeting.</u>
6.15	Before a meeting of the Review Level Committee on an officer-involved shooting case or an in-custody death incident, the Training Division should prepare a written analysis of the tactical and training issues involved and circulate that analysis to committee members in advance of the meeting.	In progress		Services	<u>Draft Directive for the Use of Force Review Board states that Training should prepare a written analysis of the tactical and training issues involved for each Board member to review in advance.</u>

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6.16	Amend policy to increase the options the Review Level Committee has for outcome determinations so that those options cover different levels of review: legal, policy and tactical.	In progress		Services	<u>The officer-involved shooting investigation now includes representatives from the Training Division and Internal Affairs. Detectives now ask a broad range of questions per the recommendation. The Use of Force Review Board will consider the following issues identified in the investigation: policy; training; supervision; tactics; and equipment.</u>
6.17	Review Level Committee should seek to obtain additional information whenever the committee determines that such information would assist it in fulfilling its responsibilities.	Done	2003	Services	The current practice is that the Review Level Committee determines what additional information is necessary on a case-by-case basis. <u>The Use of Force Review Board Coordinator will facilitate information gathering for the Board members.</u>
6.18	Create systems that ensure all lessons learned - both successes and failures - are systematically identified and followed-up on.	In progress		Services/ Operations	<u>Reports and follow-up activities will be recorded and maintained by the Use of Force Review Board Coordinator.</u>
6.19	Revise awards policy and procedures in officer-involved shootings and in-custody death cases to ensure that the Award Review Committee and the Chief are aware of all facts and circumstances relevant to the appropriateness of an award that were revealed in the investigation of the incident, in the after action report, and in the Review Level Committee proceedings.	In progress		Services	<u>Personnel has changed their internal procedures to have the Use of Force Review Board review Awards Committee recommendations. They are submitting these changes to Directive 210.90 Recognition and Awards and Directive 341.00 Discipline Process.</u>
6.20	Revise awards and Review Level policy and procedures in officer-involved shooting and in-custody death cases to require the Awards Review Committee facilitator to advise the Review Level Committee in writing of any information revealed in the awards review process that was not in the investigative file, the after action report, or the Review Level Committee's records. Upon receipt of notice of such new information, the Review Level Committee should consider whether to reopen its review of the incident, with or without further administrative investigation.	In progress		Services	<u>Personnel has changed their internal procedures to facilitate this information sharing. They are submitting these changes to Directive 210.90 Recognition and Awards and Directive 341.00 Discipline Process.</u>
7.1	Ensure that operational personnel devise a sound plan before action is taken in response to critical incidents whenever it is feasible to do so.	Done	1997	Operations/ Services	Contained in the Defensive Tactics/Patrol Tactics lesson plan manual in section 3 "post shooting procedures" under approach and control. This was updated in 2003. Plans will also be documented in an after action report.
7.2	Reduce the risk generated by deficiencies in communication; PPB must take steps to ensure that their occurrence is minimized.	Done	2000	Services	Contained in the Defensive Tactics/Patrol Tactics lesson plan manual in section 3 and defines areas of control, assignment of tasks such as cover, custody, less lethal.

Footnotes:

* 9/2/03 refers to a memorandum to all Detective Division members from Commander Ferraris.

** 9/11/03 organizational change went into effect.

Number	Recommendation	Status	Date	Assigned	Details
7.3	Supervisors should become involved in critical incidents at the earliest possible stage. Dispatchers should inform a sergeant as soon as any potential critical incident reports are received, and officers should be directed to inform a supervisor without delay whenever they encounter such an incident. Supervisors should also be directed to identify every potentially high-risk building search or warrant service as a critical incident requiring an effectively managed response.	Done	2000	Services	Contained in Defensive Tactics/Patrol Tactics lesson plan manual in sections 7 and 8 on crime scene considerations and in subsection A in section 7.
7.4	Ensure that, whenever feasible, supervisors are responsible for the determination and coordination of strategic and tactical responses to critical incidents, and should direct the actions of involved offices.	Done	2000	Services	Contained in Defensive Tactics/Patrol Tactics lesson plan manual in sections 6, 7, and 8.
7.5	Hold supervisors accountable for the performance of officers under their command during critical incidents.	Done	2000	Chief's Office	Command staff review performance in critical incidents at Review Level; and take appropriate action.
7.6	Identify all high-risk building searches, high-risk warrant services, and calls regarding armed civilians as critical incidents.	In review		Services	Training and procedures under review by Training Division and Tactical Operations Division.
7.7	Future supervisory training should emphasize the relevance of critical incident training to these types of incidents, and the Bureau should ensure that supervisors consistently manage operations according to the sound principles such training promotes.	Done	2003	Services/ Operations	Command staff review performance in critical incidents at Review Level; requires on-going communication and emphasis. Will also look at additional training to be provided to supervisors and command staff.
7.8	Ensure field performance consistently reflects tactical training in all areas, and particularly in relation to identified problems relating to high-risk vehicle stops, the use of cover, crossfires and bystander endangerment.	Done	1999	Services/ Operations	Contained in current scenario-based training. Directive 210.05 Recruit Officer Field Training and Evaluation Program tracks adherence to training at several levels.
7.9	Ensure that supervisors consistently manage vehicle pursuits to a high standard and that officers communicate effectively during pursuits.	Done	1997	Operations	Contained in current policy in Directive 630.05 Vehicle Pursuits. Requires on-going training commitment. After action reports are required regarding any vehicle pursuit.
7.10	Ensure officers maintain sufficient distance when pursuing armed suspects in a vehicle.	Done	1997	Services/ Operations	Contained in Directive 630.05 Vehicle Pursuits, and in scenario-based training. Requires on-going training commitment.
7.11	Adopt and vigorously enforce a foot pursuit policy mandating the use of sound tactics by officers who encounter fleeing suspects.	Done	2003	Services/ Operations	Contained in current training practices; will examine model policies.
7.12	Ensure officers make appropriate use of cover when confronting threats.	Done	2003	Services	Contained in current training practices; requires on-going training commitment.
7.13	Ensure the incidence of crossfires is minimized.	Done	2003	Services	Contained in current training practices; requires on-going training commitment.

Footnotes:

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Number	Recommendation	Status	Date	Assigned	Details
7.14	Ensure the incidence of endangerments to bystanders is minimized.	Done	2003	Services	Contained in current training practices; requires on-going training commitment.
7.15	Revise policy on the use of firearms against moving vehicles. Include preface explaining that shooting at moving vehicles is dangerous and generally ineffective, and should embody the following guidelines: Officers shall not fire at moving vehicles except to counter an imminent danger of death or serious bodily harm to the officer or another person; Officers shall only fire at a moving vehicle when no other means of avoiding or eliminating danger are available at that time; Officers shall not place themselves, or remain, in the path of moving vehicle; Officers shall take account risks to vehicular and pedestrian traffic, and to any other bystanders, before deciding whether to fire at a moving vehicle; Officers shall take into account the risks to vehicle occupants, who may not be involved (or may be involved to a lesser extent) in the actions necessitating the use of deadly force before deciding whether to fire at a moving vehicle.	In progress		Services	Policy in current Directive 1010.10 Deadly Physical Force, Use of, Including Reporting Requirements, 630.05 Vehicle Pursuits does not include all recommended components. Recommended components are included in current firearms and vehicle pursuit training and lesson plans. <u>Training is proposing new language that makes Bureau expectations clear and restricts the use of deadly force when shooting at vehicles. Training will design and develop curriculum to support the directive, which includes scenario based training and table-top lectures at in-service and Advanced Academy.</u>
7.16	Take steps to minimize the risk of accidental discharges. Pay closer attention to the issue in training, field operations and shooting-review process.	Done	1996	Services	Directive 1010.10 requires officers to submit report on all accidental discharges; techniques for avoiding them are incorporated into firearms training. Requires on-going training commitment.
7.17	Reconsider current training in maneuvers that involve weak-handed shooting in light of experience that shows the poor level of accuracy associated with its use and find ways to reduce single-hand shooting.	In progress		Services	Current training provides for officer survival and tactical advantages with weak hand shooting skills. <u>Training recommends retaining the weak-hand shooting technique, but also recommends increasing the hours of annual firearms training and surveying other agencies for best training practices. Additionally, Training will study handgun-mounted flashlights for patrol officers.</u>
7.18	Abandon use of term "lethal cover" in relation to less-lethal training and directives and make explicit that officers should use whatever force option is appropriate to cover officers deploying less-lethal weaponry.	In review		Services	<u>The Training Committee is currently evaluating this recommendation.</u>

Footnotes:

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Number	Recommendation	Status	Date	Assigned	Details
7.19	Monitor and evaluate the effectiveness of all less-lethal hardware, tailor the availability and deployment of such weaponry to ensure operational personnel have ready access to the most effective and appropriate options when called upon to use force.	Done	2002	Services	Training Division captures and records deployment of taser use and information was presented to community groups in the pilot stage. <u>The Training Division produced a report outlining the analysis of Taser use by Portland police officers and suggested policy changes to the directive. The draft Taser directive includes a requirement for an annual review and analysis of Taser deployments.</u>
7.20	Provide all operational personnel with a radio earpiece.	In progress		Chief's Office	Radio earpieces provided to some units; Fiscal will develop a budget package. The Bureau believes this will have significant fiscal impact.
7.21	Establish helicopter unit as an important element of a risk management program.	In review		Investigations	<u>The Tactical Operations Division has applied for a grant for a second airplane. Community members have voiced concerns about creating a police helicopter unit.</u>
7.22	Ensure Crisis Intervention Team (CIT) officers consistently exercise their specialist skills when dealing with CIT-related incidents.	Done	2000	Investigations	On-going training implemented for Crisis Intervention Team (CIT) officers in 2000; officers receive training videos and regular newsletters. Database tracks incidents and outcomes.
7.23	Examine current practices in order to identify means of improving deployment rates of, and better capitalizing on the skills possessed by, its pool of Crisis Intervention Team (CIT) officers.	Done	1995	Investigations	Bureau of Emergency Communications dispatches Crisis Intervention Team (CIT) officers to all known CIT-related incidents. Program continues to expand.
7.24	Ensure officers consistently perform according to both policy and training in order to minimize the future occurrence of in-custody deaths.	Done	2003	Services	Policy contained in Directives 630.40 Medical Service Policy Emergency and Non-emergency, 630.50 Emergency Medical Aid, 870.20 Handcuffing, Searching and Transportation of Persons Under Arrest or Detained, revised in 2003. Identified to Training Division as a training issue.
8.1	Proactively study data on officer-involved shooting and in-custody death incidents to assist its efforts to prevent avoidable shootings and deaths.	In progress		Services	Services Branch will examine the Management Information Systems (MIS) to look at trends. <u>Training recommends a review of each case for training and policy issues, which may result in an action plan that increases safety for citizens and officers.</u>
8.2	Develop procedures and systems to accurately and completely capture and aggregate data on officer-involved shooting and in-custody death incidents in a manner that facilitates analysis of those data.	In review		Services	Services Branch will examine the Management Information Systems (MIS) to look at trends. <u>The Use of Force Review Board Coordinator and Training will complete an implementation plan, which allows Training to examine each incident with a computer database that collects and analyzes data to identify trends, training and policy deficiencies.</u>

Footnotes:

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Number	Recommendation	Status	Date	Assigned	Details
8.3	Retain all records related to officer-involved shooting and in-custody death incidents for at least 25 years. Any otherwise applicable provision that requires longer retention than the period set for officer-involved shooting and in-custody death records should continue to be controlling.	Done	9/2/2003*	Services/ Investigations	Detective protocols state that records, documents and materials obtained, prepared or created in connection with an investigation of an officer involved shooting or in custody death will be made and remain part of the official Bureau file on the incident. City archiving guidelines will be followed.
8.4	Create procedures and systems that allow location of whatever records it possesses.	In review		Services	Records Manager and City Auditor will provide guidance on implementation. <u>The Use of Force Review Board Coordinator and the Training Division will complete an implementation plan.</u>
8.5	Independent Police Review (IPR), in consultation with the Bureau, should create procedures to obtain the records needed for future reviews of officer-involved shootings and in-custody deaths on a reasonably contemporaneous basis. IPR should store those records until needed for the review.	In review		Services	Review of archiving, access and distribution will be reviewed with City Auditor. <u>The Use of Force Review Board Coordinator will facilitate records requests for these investigation reports.</u>

Summary Status of Recommendations as of: May 11, 2004

Done:	53
In review:	12
In progress:	24
Rejected:	0
Total:	89

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