



CITY OF PORTLAND, OREGON



Bureau of Police

Sam Adams, Mayor

Michael Reese, Chief of Police

1111 S.W. 2nd Avenue • Portland, OR 97204 • Phone: 503-823-0000 • Fax: 503-823-0342

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May 30, 2012

LaVonne Griffin Valade
City Auditor's Office
1221 SW 4th Avenue Room 140
Portland, OR 97204

SUBJ: Responses to Report to the City of Portland on Officer-Involved Shootings

I appreciate the opportunity to review and respond to the above report and recommendations from the OIR Group regarding the Portland Police Bureau Officer-Involved Shootings. In the past several years, we have made many changes to our policies, procedures, and the training we provide to our officers and supervisors. We have made changes not only in the way we investigate use of deadly force and in-custody deaths, but have worked to improve the process in which we review these events.

I would like to thank the OIR Group for their thorough and professional review of our officer involved shooting investigations. They have acknowledged those changes we have previously implemented and provided us with thoughtful and constructive recommendations. We agree with the vast majority of these recommendations, some of which have already been implemented.

We appreciate the OIR Group in their review of our policies and practices has said "we find the PPB to be superior to most comparable law enforcement agencies in the way in which it reviews critical incidents." OIR also stated that "the Bureau's history of opening itself to outside review and acceptance of recommendations from independent sources likewise sets it apart from many agencies."

We are committed to being transparent and we agree with OIR that there always will be room for enhancements or improvements. I look forward to working with the OIR staff and the Auditor's office for all future reviews and assessments of the work we do for the City of Portland.

Sincerely,

MICHAEL REESE
Chief of Police
MWR/mp

Police Bureau Responses to OIR Group Report to the City of Portland Portland Police Bureau Officer-Involved Shootings

1. PPB should maintain its partnership with Project Respond and make the Mobile Crisis Unit a permanent team, ideally with expanded personnel, hours, and scope. The Bureau also should continue to employ the CIT program to set high standards for its officers, and should continually work to identify ways to integrate that training into patrol tactics and other standard training curricula. In addition, the Bureau should recognize this new training focus in its evaluation of shooting and force incidents and hold its officers accountable to these high standards.

Agree. We have already modified the working days and hours to better reflect the call load. We are working with our partners at Project Response to analyze the effectiveness of the MCU project before adding additional personnel. We continue to train all sworn members of the Operations Branch in CIT. The 2012 Operations In-Service training included a two hour block of instruction which focused on returning veterans in crisis with an emphasis on PTSD and Traumatic Brain Injury.

2. PPB should reexamine its current policy on Taser use in light of current research indicating the elevated dangers of prolonged Taser use.

Agree. The Bureau is currently reviewing all force policies and will continue to evaluate all of our Less Lethal equipment and its usage. The 2012 Operations In-Service training included a four hour block on instruction on Taser usage, which included the following:

- Review of recent court rulings surrounding Taser use
- Discussion of the risks associated with prolonged Taser use, to include, our recommendation to switch tactics when the Taser is not giving the desired result
- Scenario based training which enforced our training goals

3. PPB should ensure adherence to its newly-adopted written protocols requiring that all officers who are tactically involved in events leading up to the shooting be identified as potential subjects.

Agree. This is our current practice. All members who are integrally involved in the tactical response leading to the use of deadly force will be considered subject members for the purposes of determining whether their actions were within policy. Once sufficient information has been developed, Professional Standards Division leadership and IPR management will identify the areas of review the investigation will focus on, along with members whose actions should be assessed for policy compliance related to each area. Such areas may include, but are not limited to:

1 - Initial response to the incident;

2 - Tactical planning;

3 - Physical force used prior to or after the application of deadly force;

4 - The application of deadly force;

5 - Post-deadly force actions;

6 - Supervisory actions.

4. PPB should establish a policy that the Training Division will be expected to evaluate the tactics and decision-making of every unit in the Bureau, including SERT and HNT, so as

to avoid the ambiguities and delay following critical incidents. A written policy would enshrine what we are told is now current Bureau practice.

Agree. Training Division SOP 1-11 mandates a complete and thorough review, including SERT and CNT tactics, of the following types of incidents:

- Officer involved shootings
- Serious injury caused by an officer that requires the subject to be admitted to a hospital
- All in custody deaths
- Accidental discharges that occur outside of an authorized range
- Any cases referred by the Chief or Branch Chief of Police

As part of our revision of the Bureau's manual of policy and procedure, we will add language formalizing this SOP.

5. PPB should consider whether its protocols on the use of Cadets and their roles during ride-alongs need to be reassessed.

This is our current protocol. PPB Cadets are allowed to ride with regular patrol officers. The cadets are not assigned any duties with regard to the performance of sworn police work. Their status is the same as other ride-alongs, they are volunteers who are allowed to ride and observe. According to PPB Cadet protocol, cadets are to be dropped off in a safe location prior to the officer's response to high priority calls where the cadet could be put in harm's way. The cadets are taught this protocol/response in the cadet academy.

6. PPB should consider developing protocols for how Cadets are to be interviewed in future critical incidents.

Agree. This is our current protocol. The Portland Police Bureau Detective Division conducts interviews of all witnesses to a critical incident, such as an officer involved shooting. These interviews are initiated during the early stages of an investigation and oftentimes may continue in the days and weeks following the incident. As cadets are not sworn police officers, they are interviewed in the same manner as any other witness to a critical incident and do not have any special restrictions or limitations because of their status as a cadet.

7. Except where prevented by documented hardship, IA investigators should maintain the practice of conducting in-person interviews of all relevant witnesses.

Agree. This is our current practice. Interviews of both employees and members of the public should generally be conducted in person, absent extenuating circumstances. If an interview is not conducted in person, the reason shall be documented in the Internal Investigative Report.

8. The Bureau and the City should begin a dialogue with the PPA to remove the 48-rule restriction on interviewing involved officers in shootings and in-custody deaths.

Agree. This is on our list of bargaining issues for the new contract.

9. PPB should implement protocols so that a narrow public safety statement is obtained as a matter of course in officer-involved shootings.

Agree. The Detective Division has worked continuously with the PPA and the District Attorney's Office in gathering statements and information from officers involved in deadly force incidents. During the initial stages of the investigation, detectives ask involved members to provide a voluntary statement and an on-scene briefing. The District Attorney's Office has expressed concerns regarding compelled statements, even narrow public safety statements. We will continue work with the PPA and DA to resolve these concerns to obtain critical information from involved officers as quickly possible.

10. PPB should continue to brief and train its investigators on the importance of developing crime scene diagrams, and most importantly, to use them when interviewing witnesses, have the witnesses document their positions, and ensure inclusion of that documentation in the investigative file

Agree. It is the current practice of the Portland Police Bureau to use diagrams of the crime scenes when interviewing witnesses and/or witness officers. A briefing by witness officers is also conducted that includes a walk-thru of the scene with investigators for the purpose of identifying evidence, determining location(s) of other officers, witnesses, field of fire and field of view. Investigators attempt to obtain each witness's perspective with regard to what they saw and/or heard. Photographs are taken from each witness's vantage point to illustrate the scene as described by the witness. All witness statements, diagrams, and photographs are currently included in the investigative case file.

11. PPB should consider implementing the 2006 PARC recommendation with regard to the deployment and use of the East County Major Crimes Task Force for officer-involved shootings and in-custody death investigations.

Agree. We will review our current protocols regarding the East County Major Crimes Task Force for officer-involved shootings and in-custody death investigations.

12. Without sacrificing the quality of the review, the Bureau should commit to enforcing firm deadlines for Commanders to complete their finds and for cases to be heard by the Police Review Board.

Agree. The Chief is committed to conducting administrative investigations in a timely manner. We are putting together a work group including IPR to conduct a comprehensive administrative review of our investigative timelines including the findings process and Police Review Board scheduling. The group will also be tasked with determining accountability mechanisms to ensure adherence to timelines and will make a recommendation to the Chief for necessary policy changes to the current directives. Once these changes have been implemented, we will conduct periodic review of investigative timelines to ensure they are in compliance with the directives and address any issues accordingly.

13. PPB should consider ways in which it can integrate its Critical Incident Management training curriculum into training opportunities for patrol officers.

Agree. We currently provide Critical Incident Management to all Commanding Officers and supervisors. We are developing curricula for next year's In Service that will include core training on Critical Incident Management.