

**DRAFT QUARTERLY REPORT**  
**of the**  
**COMPLIANCE OFFICER AND**  
**COMMUNITY LIAISON**

**Prepared By:**

**ROSENBAUM & WATSON, LLP**

**For the City of Portland, Oregon**

**Second Quarter: April through June 2015**



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## EXECUTIVE SUMMARY

This is the second quarterly report of the Compliance Officer and Community Liaison (COCL) as required by the Settlement Agreement (Agreement) between the City of Portland (City) and the United States Department of Justice (DOJ). COCL quarterly reports are required by Par. 162 of the Agreement and “shall specify: (a) the methodology and monitoring activities employed; (b) the COCL’s assessment of compliance for each paragraph; and (c) the COCL’s recommendations regarding necessary steps to achieve compliance, as warranted” (Par. 162). Each of these requirements is included in our assessments and is clearly labeled as such.

This report is written to be readable by the community and all stakeholders. Whenever possible, we have used the exact language from the Settlement Agreement. However, when the provisions of the Agreement are lengthy or complex, we have provided a summary of that language. In these situations, the reader will be referred to the Agreement for the details of the provision. As we provide our assessment of each substantive paragraph within the Agreement, we urge the reader to remember that the process of complying with the Agreement is ongoing and often a change in one area prompts the need for other changes.

For the majority of provisions, we do not find PPB and the City to be in substantial compliance. “Substantial compliance” is a high threshold to achieve, and our job, along with the Department of Justice, is to describe the progress, identify areas of noncompliance, and make recommendations to achieve compliance. In Portland, we continue to see significant progress toward implementation of the Agreement. From the COCL’s perspective, the City and PPB are acting in good faith and devoting substantial time and resources toward achieving compliance with most of the standards required by the Settlement Agreement.

Our first quarter as COCL (January through March 2015) was largely devoted to gaining a foundational understanding of the Portland Police Bureau and the Portland community. During the second quarter, we were able to observe the compliance efforts more carefully and begin to work closely with the PPB and the City to achieve these goals. During this quarter, we have begun to assist the PPB and the City as they address various impediments to compliance. These challenges include:

- PPB’s records management system. One of the emerging problems is the new data system, RegJIN, which does not currently allow PPB to report many of the statistics required by the Settlement Agreement. We have engaged the PPB in discussions around this issue and ways to resolve it. This problem is addressed in a separate report by the COCL on Outcome assessment.
- Audits of force reports. A second problem we identified was PPB’s approach to auditing force reports as required by the Settlement. Thus, we worked with PPB’s Inspector to develop a new system of auditing that allows for consistent codification of Use of Force Reports and 940 Reports.

- Mental health data collection. A third area of concern is the data collection around mental health responses. We are working with the PPB to expand data collection to measure both the current operation and impact of ECIT, as well as non-ECIT mental health responses.
- Assessment of PPB training. PPB's approach to evaluating the impact of training on officers' job performance has some limitations. Thus, we propose new approaches to assessing officers' behavior during interactions with the public and persons with mental illness. These plans are developed in greater detail in the COCL's Outcome report.

One of the unique components of the Portland Settlement Agreement is the structured opportunity for community engagement and oversight. The COAB – volunteer members of the Portland community – became more effective during the second quarter with the support of additional training and structure. With the addition of a new Chair of the COAB and Portland staff, with new subcommittees that met regularly, and with training by the City, DOJ, and COCL, the COAB was fully engaged in the work of overseeing compliance with the Settlement Agreement. Various presentations to the COAB contributed to their informed decisions regarding specific paragraphs of the Agreement.

Report Card. This report includes a “report card” on the implementation of the Agreement based on the sections identified in the Agreement. PPB and the City have only achieved “substantial compliance” in one section, though we urge the reader to refer to the specific paragraphs in the body of this report to understand the circumstances surrounding non-compliance. When reviewing the specific paragraphs, we utilize a four-tiered system of evaluation:

- **Substantial Compliance**: The City/PPB have satisfied the requirement of the provision in a comprehensive fashion and with a high level of integrity.
- **Partial Compliance**: The City/PPB have made significant progress towards the satisfaction of the provision's requirements, though additional work is needed.
- **Non-Compliance but Initial Steps Taken**: The City/PPB have begun the necessary steps toward compliance, though significant progress is lacking.
- **Non-Compliance**: The City/PPB have not made any meaningful progress towards the satisfaction of the provision's requirements.
- **Not Yet Assessed**: The COCL team has not had the opportunity to fully assess the requirements of the provision and elects to withhold assessment of compliance until a more thorough review has occurred.

<b>Settlement Agreement Section</b>	<b>COCL Assessment of Compliance</b>
III. USE OF FORCE	Mixed Compliance Results**
A. Use of Force Policy	Partial Compliance
B. Compliance Audits Related to Use of Force	Non-Compliance but Initial Steps Taken
IV. TRAINING	Mixed Compliance Results*
V. COMMUNITY-BASED MENTAL HEALTH SERVICES	Partial Compliance
VI. CRISIS INTERVENTION	Mixed Compliance Results*
A. Addictions and Behavioral Health Unit and Advisory Committee	Partial Compliance
B. Continuation of C-I Program	Partial Compliance
C. Establishing “Memphis Model” Crisis Intervention Team	Partial Compliance
D. Mobile Crisis Prevention Team	Partial Compliance
E. Service Coordination Team	Partial Compliance
F. BOEC	Non-Compliance but Initial Steps Taken
VII. EMPLOYEE INFORMATION SYSTEM	Partial Compliance
VIII. OFFICER ACCOUNTABILITY	Mixed Compliance Results*
A. Investigation Timeframe	Partial Compliance
B. On Scene Public Safety Statements and Interviews	Not Yet Assessed
C. Conduct of IA Investigations	Mixed Compliance Results*
D. CRC Appeals	Partial Compliance
E. Discipline	Partial Compliance
F. Communication with Complainant and Transparency	Partial Compliance
IX. COMMUNITY ENGAGEMENT AND CREATION OF COMMUNITY OVERSIGHT ADVISORY BOARD	Mixed Compliance Results*
X. AGREEMENT IMPLEMENTATION AND ENFORCEMENT	Partial Compliance
A. Compliance Officer/Community Liaison	Not Evaluated
B. PPB Compliance Coordinator	Substantial Compliance
C. Access to People and Documents	Partial Compliance
D. Review of Policies and Investigations	Partial Compliance
E. City Reports and Records	Partial Compliance
F. Enforcement	Not Evaluated

\* Mixed Compliance Results: This label indicates that not all paragraphs in this section received the same report card score (the results were mixed) and therefore, a single compliance label is not possible. In these instances, we urge the reader to refer to the specific paragraph assessment. For other sections, mixed results are still possible, but one label is appropriate for the majority of paragraphs reviewed.

### III. USE OF FORCE

#### A. Use of Force Policy

##### Settlement Agreement Paragraph

66. PPB shall maintain the following principles in its existing use of force policies: (a) PPB shall use only the force reasonably necessary under the totality of circumstances to lawfully perform its duties and to resolve confrontations effectively and safely; and (b) PPB expects officers to develop and display, over the course of their practice of law enforcement, the skills and abilities that allow them to regularly resolve confrontations without resorting to force or the least amount of appropriate force.

67. COCL Summary: Paragraph 67 establishes that the PPB shall add several core use of force principles to its force policy: the use of disengagement and de-escalation techniques, calling in specialized units when practical, taking into account all available information about actual or perceived mental illness of the subject, and the appropriate de-escalation of force when no longer necessary. Par. 67 also indicates that the force policy should include mention that unreasonable uses of force shall result in corrective action and/or discipline. (For details and exact language, see the Settlement Agreement)

<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	<p>Recommendations by COCL and COAB have been forwarded to DOJ. This occurred after the second quarter and therefore will be discussed in our third quarter report.</p> <ul style="list-style-type: none"> <li>• PPB should provide red-line strike through versions of the directives when revisions have been made.</li> </ul>
<b>Methodology</b>	Reviewed Directives 1010.00 and 1010.10; Reviewed Directive 315.30

##### Compliance Assessment

In the third quarter, the COCL reviewed Directive 1010.00 and 1010.10 and solicited COAB input on both. As of this report, we have received COAB recommendations on 1010.10 and anticipate COAB recommendations on 1010.00 by the end of October. We have submitted COAB recommendations for 1010.10 to DOJ along with our recommendations for 1010.10 and 1010.00. We will forward COAB recommendations on 1010.00 to DOJ once we have received them. DOJ is expected to incorporate COCL and COAB recommendations into their assessment of the policies.

We find PPB's Use of Force policy lacking in clarity of language, definitions, and procedures, but will defer to DOJ at this point to integrate and synthesize our comments with those from other reviewers. In the interest of transparency and community input, PPB should provide red-line strike through versions of the directives when revisions have been made.

1. Electronic Control Weapons

<b><u>Settlement Agreement Paragraph</u></b>	
<p>68. <u>COCL Summary</u>: The PPB shall revise PPB Directive 1051.00 regarding Taser, Less-Lethal Weapons System to include several core principles: ECWs will not be used for pain compliance against those suffering from mental illness or emotional crisis except in rare circumstances; officers shall issue verbal warnings or hand signals (if communication barriers exist); conventional standards for using ECW should be followed (e.g. one ECW at a time, re-evaluation; attempt hand-cuffing between cycles). Officers shall describe and justify their use of ECW in their Force Report, and receive annual training in ECW use. (For details and exact language, see the Settlement Agreement).</p>	
<b>Compliance Label</b>	Not Yet Assessed
<b>COCL Recommendations</b>	No Recommendations at this Time
<b>Methodology</b>	Review Directive 1051.00; Solicit COAB input
<b><u>Compliance Assessment</u></b>	
<p>COCL has not yet assessed Directive 1051.00 as it relates to the Agreement. PPB has indicated that this Directive will not be up for review until November of 2015. COCL will assess Directive 1051.00 and will solicit input from the COAB. Upon our review and our receipt of recommendations from the COAB, we will forward the recommendations to DOJ for inclusion in their assessment of the policy.</p>	

2. Use of Force Reporting Policy and Use of Force Report

<b><u>Settlement Agreement Paragraph</u></b>	
<p>69. PPB shall revise its policies related to use of force reporting, as necessary, to require that: (a) All PPB officers that use force, including supervisory officers, draft timely use of force reports that include sufficient information to facilitate a thorough review of the incident in question by supervisory officers; and (b) All officers involved or witnesses to a use of force provide a full and candid account to supervisors.</p>	
<b>Compliance Label</b>	Partial Compliance
<b>COCL Recommendations</b>	Recommendations by COCL and COAB have been forwarded to DOJ. This occurred after the second quarter and therefore will be discussed in our third quarter report.

<b>Methodology</b>	Review of Directive 1010.00
<b><u>Compliance Assessment</u></b>	
<p>We have solicited comment on Directive 1010.00 from the COAB and anticipate their recommendations by the end of October. Upon receipt of their recommendations, we will forward them to DOJ.</p> <p>In general, we find Directive 1010.00, as it relates to use of force reporting, to be lacking on various fronts and confusing in others. Rather than provide details here, we await COAB input and the DOJ analysis.</p>	

### 3. Use of Force Supervisory Investigations and Reports

<b><u>Settlement Agreement Paragraph</u></b>	
<p>70. <u>COCL Summary</u>: Paragraph 70 states, “PPB shall continue enforcement of Directive 940.00, which requires supervisors who receive notification of a force event to respond to the scene, conduct an administrative review and investigation of the use of force, document their findings in an After Action Report and forward their report through the chain of command.” Paragraph 70 continues on to describe what is required of supervisory officers when a use of force event occurs, including timeframes for After Action Reports, notification requirements of serious use of force, force against individuals with mental illness, suspected misconduct, procuring medical attention, and officer interviews (For details and exact language, see the Settlement Agreement).</p>	
<b>Compliance Label</b>	Partial compliance
<b>COCL Recommendations</b>	Although COCL has yet to provide a formal review of Directive 940.00, we have taken considerable time to work with the PPB Inspector to ensure compliance with 940 by developing a new auditing system. (See Par. 74).
<b>Methodology</b>	We have reviewed the Inspector’s audit and are engaging in a process to verify the enforcement of Directive 940.
<b><u>Compliance Assessment</u></b>	
<p>PPB’s efforts to ensure compliance with Directive 940 through administrative reviews merits partial compliance, although problems with the auditing system have been noted by the COCL and brought to the attention of PPB. The integrity of the full process, from notification to After Action reporting and chain of command review, has yet to be carefully examined. Corrective action is underway for the auditing process.</p>	



COCL has yet to formally assess Directive 940.00 as it relates to the Agreement. PPB has indicated that this Directive will not be up for review until November of 2015. COCL will assess Directive 940.00 and will solicit input from the COAB. Upon our review and our receipt of recommendations from the COAB, we will forward the recommendations to DOJ for inclusion in their assessment of the policy.

**Settlement Agreement Paragraph**

71. PPB shall maintain adequate patrol supervision staffing, which at a minimum, means that PPB and the City shall maintain its current sergeant staffing level, including the September 2012 addition of 15 sergeants.

<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>• Provide documentation regarding patrol staffing levels</li> </ul>
<b>Methodology</b>	Interviews with PPB personnel

**Compliance Assessment**

We have discussed this requirement with PPB personnel who have indicated that no changes to the sergeant staffing level have occurred which would affect this provision, implying that adequate patrol supervision is being maintained. However, to date, we do not have documentation related to this paragraph to indicate compliance. Without documentation, we are unable to ascribe full compliance with this paragraph.

**Settlement Agreement Paragraph**

72. PPB shall develop a supervisor investigation checklist to ensure that supervisors carry out these force investigation responsibilities. PPB shall review and revise the adequacy of this checklist regularly, at least annually.

<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>• Provide updates to “Draft” form of checklist</li> </ul>
<b>Methodology</b>	Reviewed Supervisor Checklist provided by PPB and interviews with PPB personnel

### **Compliance Assessment**

PPB has provided a Supervisor Checklist in its supporting documents for 2014 Q4. However, the document indicates that it is a draft form and it is unclear to COCL whether this is the finalized version. The document appears to meet the requirements of the Agreement in principle. We look forward to reviewing the final version of this document. We will review the checklist in the future to ensure it continues to conform to revised policies.

### **Settlement Agreement Paragraph**

73. COCL Summary: Paragraph 73 directs the PPB to revise its policies concerning chain of command reviews of After Action Reports (940s) to ensure that the reviews are accurate and thorough; that all comments are recorded in the EIS tracking system; that supervisors in the chain are held accountable for inadequate reports and analysis through corrective action (including training, demotion and/or removable from their supervisory position); and that when use of force is found to be outside of policy, that it be reported and appropriate correction action be taken with the officer and the investigation itself (For details and exact language, see the Settlement Agreement).

<b>Compliance Label</b>	Not Yet Assessed
<b>COCL Recommendations</b>	No Recommendations at this Time
<b>Methodology</b>	Engage in policy review; examine EIS tracking system; review force reports; observe and interview persons in the chain of command.

### **Compliance Assessment**

COCL has not yet assessed Directive 940.00 as it relates to the Agreement. PPB has indicated that this Directive will not be up for review until November of 2015. COCL will assess Directive 940.00 and will solicit input from the COAB. Upon our review and our receipt of recommendations from the COAB, we will forward the recommendations to DOJ for inclusion in their assessment of the policy. Many of the subsections will be measured in terms of their practice in supervisors' 940s. This will be assessed in the auditing process discussed in the next section. We will continue to assess supervisor adherence to the requirements of Par. 73 in the auditing process and through interviews and analysis of force reports and 940 reports.

## **B. Compliance Audits Related to Use of Force**

### **Settlement Agreement Paragraph**

74. COCL Summary: Paragraph 74 states that “In consultation with the COCL, the Inspector, as part of PPB’s quarterly review of force, will audit force reports and Directive 940.00 Investigation Reports” and will do this to ensure that the officer’s force report is complete and accurate and that the officer’s actions in the field are in line with PPB policy. The audit of force reports seeks to ensure that force is used in a way that is lawful and appropriate to the circumstances; that de-escalation is used appropriately; that ECW is used appropriately and within policy; and that specialty units and medical care are called in appropriately; In terms of force reporting, the audit seeks to ensure that reports are submitted in a timely manner; that they include detailed information about the event, the decision to use force, the type of force used, any subject resistance and any injuries to the parties; that the report includes the mental health status of the subject of force, documentation of witnesses and contact information, and other details as required by the Settlement. There should be sufficient information in the report to allow supervisors to evaluate the quality of the officer’s decision making regarding the use of force. (For details and exact language, see the Settlement Agreement)

75. COCL Summary: Paragraph 75 states that, “In consultation with the COCL, the Inspector shall audit force reports and Directive 940.00 investigations” to determine whether supervisors consistently engage in a variety of behaviors when reviewing use of force reports and supervising their employees. Specifically, the Settlement requires that supervisors complete an After Action Report within 72 hours of being notified of the incident; To perform well at this task, supervisors would need to review all use of force reports for completeness, determine whether the officer’s actions are consistent with PPB policy, the Settlement Agreement and best practices; and take all appropriate actions as a supervisor, including determining any training or counseling needs for the officer; taking corrective action on omissions or inaccuracies in the force report; notifying appropriate authorities when criminal conduct is suspected; and documenting all of the above-named actions. (For details and exact language, see the Settlement Agreement)

77. COCL Summary: “In consultation with the COCL, the Inspector shall audit the adequacy of chain of command reviews of After Action Reports.” This type of audit by the Inspector will ensure that supervisors at all levels in the chain of command are conscientiously reviewing all After Action (940) Reports using the appropriate legal and administrative performance standards, and taking appropriate action. The reviewers of After Action reports should be assessing the completeness of reports and evaluating the findings using a “preponderance of the evidence” standard. Where appropriate, reviewers should modify findings that do not seem justified, speak with the original investigator, order additional investigations, identify any deficiencies in training, policy or tactics, ensure that supervisors discuss poor tactics with the officer involved, and document the above in EIS. (For details and exact language, see the Settlement Agreement)

<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	<p>Given the importance of thorough and accurate audits of Force Reports and After Action Reports, as well as problems with prior audits, the COCL recommends:</p> <ul style="list-style-type: none"> <li>• Adopt an new approach to auditing;</li> <li>• Identify accountability steps in audits when deficient behavior is found;</li> <li>• Indicate resolutions to recommendations from the Inspector in future audits;</li> </ul>
<b>Methodology</b>	The COCL reviewed the Inspector’s Audit for (1) presence of elements identified in Pars. 74, 75, and 77, (2) measurement of elements identified in Pars. 74, 75, and 77, and (3) presentation of elements identified in Pars. 74, 75, and 77.

**Compliance Assessment**

The PPB made a genuine effort to comply with these provisions by conducting an audit and completed an audit report in May of 2015. Based on COCL’s recommendations concerning sampling, the Inspector analyzed two events from each force type. Initial discussions between the Inspector and COCL resulted in an agreement that the initial audit would not meet the objectives of the auditing process as described in the Settlement Agreement. The COCL maintained the process was not sufficiently quantitative, transparent or replicable. Consequently, the COCL will work with the Inspector in the 3<sup>rd</sup> quarter to develop a new system of auditing.

**Settlement Agreement Paragraph**

76. In consultation with the COCL, the Inspector shall conduct a quarterly analysis of force data and supervisors’ Directive 940.00 reports designed to:

- a. Determine if significant trends exist;
- b. Determine if there is variation in force practice away from PPB policy in any unit;
- c. Determine if any officer, PPB unit, or group of officers is using force differently or at a different rate than others, determine the reason for any difference and correct or duplicate elsewhere, as appropriate;
- d. Identify and correct deficiencies revealed by the analysis; and
- e. Document the Inspector’s findings in an annual public report.

<b>Compliance Label</b>	<b>Non-Compliance but Initial Steps Taken</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>• Solicit community input on desired information;</li> <li>• Perform rudimentary multivariate statistical evaluation;</li> <li>• Incorporate visual depiction of historical/present use of force</li> </ul>

	trends (3 year minimum).
<b>Methodology</b>	Reviewed past Use of Force Data Quarterly Reports for (1) presence of items listed in Par. 76, (2) measurement of items listed in Par. 76, and (3) presentation of items listed in Par. 76; Requested COAB input regarding these review points.

**Compliance Assessment**

The PPB is not yet in compliance with this provision of the Agreement as their presentation of data is incomplete and lacks the ability to provide comprehensively useful information to the PPB. Their presentation of data would be enhanced by multivariate statistical evaluation (i.e. race by type of force) as well as use of force trends over a number of years (we recommend a period of at least 3 years). We also believe the voice of the community would enhance PPB’s reporting on use of force. As these reports are largely for the benefit of the community, the types of information they desire should be solicited and incorporated into the force summaries so that they are getting the information they feel is most important. We will work with the Inspector to create an improved process for evaluating and reporting use of force events for this provision in the Agreement.

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## IV. TRAINING

### Settlement Agreement Paragraph

79. The Training Division shall review and update PPB’s training plan annually. To inform these revisions, the Training Division shall conduct a needs assessment and modify this assessment annually, taking into consideration: (a) trends in hazards officers are encountering in performing their duties; (b) analysis of officer safety issues; (c) misconduct complaints; (d) problematic uses of force; (e) input from members at all levels of PPB; (f) input from the community; (g) concerns reflected in court decisions; (h) research reflecting best practices; (i) the latest in law enforcement trends; (j) individual precinct needs; and (k) any changes to Oregon or federal law or PPB policy

<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>• Add training on interpersonal communication skills and respectful treatment of all people in routine encounters that can lead to an escalation of conflict and use of force if not handled properly. At present, the bulk of the training is focused on extreme, high-risk circumstances.</li> <li>• Involve the Portland community to a greater degree when identifying training needs, including the Training Advisory Council (TAC) and the COAB.</li> <li>• Consult with outside training experts and, where appropriate, contract with them to deliver evidence-based, cutting edge training.</li> </ul>
<b>Methodology</b>	The COCL has reviewed PPB’s needs assessment report and PPB’s 2015 in-service training plan. We have observed multiple TAC meetings. We have observed training and will continue observations in the future, along with members of the COAB.

### Compliance Assessment

The 2014 Needs Assessment appears to provide a thorough review of the reported concerns from officers, trainer, and some community members, as well as changes necessary as the result of legal cases. Furthermore, PPB’s annual in-service training plan (dated 5.14.15) cites specific paragraphs from the needs assessment report as justification for training inclusion.

The training plan is a reasonable attempt by the PPB to meet the requirements of the State of Oregon, while providing new training that is responsive to needs in Portland. However, the COCL recommends that more attention be given to interpersonal communication skills and decision making in routine encounters and situations that could easily lead to an escalation of conflict and use of force if not handled well. In addition to building social competencies with

strangers, the training should emphasize the importance of treating all people with dignity and respect. At present, the bulk of the training is focused on crisis or medical circumstances. The curriculum gives attention to the “five core law enforcement disciplines” – defensive tactics, electronic control equipment, firearms, patrol tactics and police vehicle operations. For this type of training, the community would like instructors and police leaders to communicate the value of human life, both for officers and community members.

We credit the PPB for attempting to link the 2015 training plan to the 2014 needs assessment. The community, including both the Training Advisory Council (TAC) and the COAB, should be given an opportunity to identify training needs from their perspective. With a decline in TAC membership, the PPB should use this opportunity to ensure that the group is representative of the communities most affected by interactions with the police and that TAC has an active role in assessing training.

**Settlement Agreement Paragraph**

80. Within 180 days of the Effective Date, PPB shall develop and implement a process that provides for the collection, analysis, and review of data regarding the effectiveness of training for the purpose of improving future instruction, course quality, and curriculum. These evaluations shall measure and document student satisfaction with the training received; student learning as a result of training; and the extent to which program graduates are applying the knowledge and skills acquired in training to their jobs. This audit shall be reported to the Training Division Manager and shall include student evaluations of the program and the instructor.

<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>• Collect a wide range of data to document the effectiveness of training, beyond the current surveys of students. These surveys can provide only a partial test of training effectiveness.</li> <li>• Measure immediate effects on students with a pretest-posttest design at a minimum, and if possible, with a control group that does not receive the training. Students should be given knowledge and skills tests prior to leaving the classroom.</li> <li>• Evaluate the extent to which “program graduates are applying the knowledge and skills acquired in training to their jobs” (par. 80) through other methods, including surveys of community members who have had recent police contacts, use of force statistics (overall and out of policy), citizen complaints, and other measures.</li> <li>• Identify how the evaluation results can be utilized to inform future training.</li> </ul>

<b>Methodology</b>	Conducted interview with key personnel in Training Division; Reviewed Kirkpatrick Model in relation to PPB evaluation and other literature on training evaluations; Reviewed (1) 2014 report on ECIT training; (2) surveys distributed to Advanced Academy attendees and; (3) PPB Training Division status updates related to this paragraph.
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**Compliance Assessment**

The Training Division Status Updates included in PPB’s quarterly report supporting documents show every indication of thoughtful strategic planning and execution around the Kirkpatrick Model of training evaluation. Although the Kirkpatrick model is primarily used to evaluate business environments, we do not have a problem with it being used to evaluate municipal police training. Having said that, the challenge is to produce the data necessary to be responsive to paragraph 80 in a way that has scientific merit and credibility.

COCL has received and reviewed documentation and data regarding an evaluation of the 2013 ECIT training and the 2014 CIT Advanced Academy training (for recruits), but these assessments do not cover all 4 levels of the Kirkpatrick model. The student surveys being utilized by PPB to evaluate training provide a good starting point. They capture a favorable reaction of the students to the training (Level 1) and provide some evidence of self-reported learning (Level 2). However, we offer several observations about this approach to evaluation. First, although the surveys are well designed and cover key aspects of training, most of the questions are worded in a positive way (favorable to the training). Second, researchers are justifiably skeptical of self-reports about personal changes in knowledge and attitudes (because intrapersonal changes are often unknown to the subject and the subject is biased in reporting about such changes). Third, level 3 (behavior) and level 4 (results) of the Kirkpatrick model have yet to be measured or measured adequately by PPB, though PPB indicates this will occur in the future. This will require a range of methods and measures beyond the current surveys, as noted in our recommendation above. Finally, and perhaps most importantly, the evaluation design is weak by methodological standards (In fact, the “post-test only” design is the weakest of all research designs), which means that PPB is unable to draw valid conclusions about whether observed changes in officers’ responses are due to the training or to other factors.

Importantly, self-reports from officers should be supplemented by surveys of individuals who have had recent contact with PPB officers. This is the only way to measure how the actions of the officers are impacting the community members being served. Thus, we recommend that PPB initiate surveys of all persons with recent police contact, including a special survey of persons whose contact may have involved a mental health crisis. We will continue to work with the PPB to develop these key methodologies.



**Settlement Agreement Paragraph**

81. PPB shall ensure that the Training Division is electronically tracking, maintaining, and reporting complete and accurate records of current curricula, lesson plans, training delivered, attendance records, and other training material in a central, commonly-accessible, and organized file system. Each officer’s immediate supervisor shall review the database for the officers under his/her command at least semi-annually.

<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>Finalize implementation of Learning Management System (LMS) which tracks the training delivered to officers;</li> <li>Indicate how supervisor review of LMS will be tracked on a semi-annual basis;</li> </ul>
<b>Methodology</b>	Reviewed Learning Management System requirements; Reviewed previous format of collecting records of curricula, lesson plans, training delivered, and attendance.

**Compliance Assessment**

We have received and reviewed the system requirements for the Learning Management System currently being pursued by the PPB. We believe the LMS requirements are adequate to meet this provision of the Settlement Agreement though are unable to attribute compliance to the PPB until the system is actually implemented with integrity.

With regards to the requirement for PPB supervisors to review the database, we have not received any documentation as to how this will be tracked to ensure that employee training is being comprehensively evaluated. We believe this will be tied into each employee’s semi-annual review (see also Par. 116(a)), though we urge PPB to go beyond the requirement to simply “review” the database and instead create conditions for what constitutes a *complete* review.

**Settlement Agreement Paragraph**

82. PPB shall report training delivered and received semi-annually to the Assistant Chief of Operations and, during the pendency of this Agreement, to DOJ.

<b>Compliance Label</b>	<b>Substantial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>Restructure the current report format to include items required in Par. 81 of the Agreement</li> </ul>
<b>Methodology</b>	Reviewed Bi-Annual Training Reports

**Compliance Assessment**

The Bi-Annual Training Reports completed by PPB include the course number and title, the number of students who took the class, and whether the students passed or failed. These materials have been provided to the Assistant Chief of Operations. The Assistant Chief of Operations is also responsible for reviewing and approving training before it occurs.

**Settlement Agreement Paragraph**

83. PPB shall institute guidelines to govern its selection of officers that serve as trainers and shall ensure that those officers do not have a history of using excessive force. The trainer selection guidelines shall prohibit the selection of officers who have been subject to disciplinary action based upon the use of force or mistreatment of people with mental illness within the three (3) preceding years, or twice in the preceding five (5) years, and will take into account if a civil judgement has been rendered against the City in the last five (5) years based on the officer’s use of force.

<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"><li>• Provide explanation of vague terms found within trainer selection guideline SOP;</li><li>• Provide framework for considerations of civil judgments;</li><li>• Provide framework of the process of making exceptions to SOP criteria.</li></ul>
<b>Methodology</b>	Reviewed Portland Police Bureau Training Division Standard Operation Procedures document.

**Compliance Assessment**

The Standard Operation Procedures (SOP) for the selection of trainers appears to be consistent with the spirit of the Agreement and contains the specific requirements of this provision. However, we find some of the criteria to be unclear, such as provisions within the SOP indicating that a training officer cannot have disciplinary action that would be deemed “detrimental to the Training Division” or have “poor job performance.” Phrases like this require clarification.

This SOP includes a statement that PPB may take into consideration civil judgments based on an officer’s use of force. The SOP is unclear as to what form these considerations might take. Furthermore, there is a notation that an RU manager can make exceptions to any criteria other than that listed in this provision. Apart from the Agreement mandated criteria regarding the treatment of people with mental illness, this ability to make exceptions essentially negates all other criteria.

Finally, we are not sure as to how SOP's are provided to the community for input (if at all) because they are not posted on the internet for universal review. The SOP indicates that it will be reviewed on January 1, 2016. Given the interest of the COAB in this topic, we maintain that the SOP should be available for public comment.

**Settlement Agreement Paragraph**

84. (COCL Summary) Paragraph 84 describes the content and delivery of training that is expected for patrol officers and supervisors. It begins by stating that “All training that PPB provides shall conform to PPB’s current policies at the time of training. PPB shall train all officers on the Agreement’s requirements during the next in-service training scheduled. “The subsections of Par. 84 relate to the types of training required for patrol officers, including increasing scenarios for use of force events, de-escalation techniques, procuring medical care, proactive problem solving, civil or criminal liability, and positive communication skills without derogatory language. Particular attention is given to police interactions with individuals who have, or are perceived to have, mental illness. The subsections also refer to supervisor training, including conducting use of force investigations, evaluation of officer performance, and positive career development/disciplinary actions.

<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>• Provide more curriculum content in social proficiencies, implicit bias, procedural justice, de-escalation techniques, and related topics essential for circumventing noncompliance by the public, use of force, and biased decision making.</li> <li>• Provide a training curriculum to support and strengthen the Ni-Loc foot patrol program including problem oriented policing and procedural justice.</li> </ul>
<b>Methodology</b>	Reviewed training documents related to in-service training; In-person observation of in-service training; Interviews with Training Division personnel. The COCL and COAB will observe additional in-service training before making too many recommendations about the content or delivery of the curricula. COAB members have yet to observe any training, other than participating in the civilian training academy.

**Compliance Assessment**

The training facility, opened in 2014 is an impressive building that allows PPB to run classes without interruption and with the settings needed. We have observed the training involving Tasers, critical incident response, and various scenarios. The training we observed was professional and well managed. There was considerable detail about procedures and

tactics (e.g. containment, custody, communication with team members, and leveraging resources). However, we noticed very little attention was given to details about how to de-escalate critical incidents, when to use force, or how to determine the nature of the incident (e.g. is it a crisis and/or criminal incident?). These topics were covered quickly and with no class discussion. The presentations seemed rushed with too much detail. However, we will observe other components of the training before generalizing to the entire training program.

The procedural justice training that was started in 2014 has been discontinued. We maintain that it should be replaced as a priority and delivered by competent experts in the field. Also, we contend that a special curriculum should be added to support the positive foot patrol program currently underway (called Neighborhood Involvement Locations or Ni-Loc patrols), which is consistent with the intent of the Settlement Agreement and could place Portland on the cutting edge of innovation in patrol strategies. We are unaware of any curriculum for this initiative other than memos from the administration. Finally, the COAB has made it clear that the use of profanity and other derogatory or demeaning language by police officers, especially language that devalues vulnerable populations, is unacceptable. This should be emphasized in training.

The COAB has also communicated to us, and we know from prior research in other cities, that supervisors play a critical role in the performance of officers, and in correcting problematic behavior patterns. Hence, we will review supervisory training in the future for content and delivery.

**Settlement Agreement Paragraph**

85. In consultation with the COCL, the Inspector shall audit the training program using the following performance standards to ensure that PPB does the following: (a) Conducts a comprehensive needs assessment annually; (b) Creates a Training Strategic Plan annually; (c) Within 180 days of the Effective Date, develops and implements a process for evaluation of the effectiveness of training; (d) Maintains accurate records of Training delivered, including substance and attendance; (e) Makes Training Records accessible to the Director of Services, Assistant Chief of Operations, and DOJ; (f) Trains Officers, Supervisors, and Commanders on areas specific to their responsibilities; and (g) Ensures that sworn PPB members are provided a copy of all PPB directives and policies issues pursuant to this Agreement, and sign a statement acknowledging that they have received, read, and had an opportunity to ask questions about the directives and/or policies, within 30 days of the release of the policy.

<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>• Engage in a qualitative audit of the training program to supplement check-the-box approach;</li> <li>• Evaluate current resources for Inspector’s responsibilities</li> </ul>
<b>Methodology</b>	Reviewed May 2015 Audit provided by Inspector; Reviewed supporting documents related to subsections of Par. 85

### **Compliance Assessment**

In May of 2015, the Inspector, as part of the requirements of Par. 85, provided an audit of the training program, addressing the subsections found within Par. 85. The approach that was taken appears to largely be a “check-the-box” approach. We agree that in a technical sense, the responsibilities of the Inspector have been fulfilled. In an informative sense, however, we are not convinced that this approach provides enough transparency and insight to those outside the PPB. Furthermore, we maintain that the Inspector should use additional criteria to judge whether the training needs assessment and evaluation plans are sufficient.

To be more specific, the COCL has articulated a set of minimal standards for conducting a scientifically valid evaluation of the effectiveness of training (Par. 80 above). As such, we maintain that these basic principles of program evaluation should be used as a set of guidelines by the Inspector when auditing all training. We recommend the training audit be quantifiable whenever possible.

The Agreement indicates that this audit will be done “in consultation with the COCL.” Further consultation will occur regarding how this audit should look in order to satisfy this provision of the Agreement.

### **Settlement Agreement Paragraph**

86. In consultation with the COCL, the Inspector shall gather and present data and analysis on a quarterly basis regarding patterns and trends in officers’ uses of force to the Chief, the PPB Training Division, and to the Training Advisory Council. The Training Division and Training Advisory Council shall make recommendations to the Chief regarding proposed changes in policy, training, and/or evaluations based on the data presented. The Inspector shall also, in coordination with the COCL and PSD, identify problematic use of force patterns and training deficiencies. The Chief’s Office shall assess all use of force patterns identified by the Training Division and/or Training Advisory Council and timely implement necessary remedial training to address deficiencies so identified.

<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"><li>The Inspector should provide documentation of quarterly presentations, Training Division and Training Advisory Council recommendations, problematic use of force patterns, training deficiencies and documentation of assessment and remedies required by the Chief’s Office.</li></ul>
<b>Methodology</b>	Reviewed 2013 TAC Annual Report; Reviewed 2014 Q4 TAC Presentation; Attended July meeting of TAC.

### **Compliance Assessment**

In the documents provided by PPB, we found only two documents related to this provision: the 2013 TAC Annual Report presentation and the 2014 Q4 TAC Presentation. The 2014 Q4 TAC Presentation contains information designed to inform TAC about the roles of various PPB personnel and provide TAC insight into the information they are required to review. The 2013 TAC Annual Report contains actual data and analysis, though contains some of the same deficiencies we have identified for Par. 76 of the Agreement. PPB is required to perform these data presentations quarterly but the Inspector has been unable to do this due to the necessary data not being available. This is due to implementation problems with the new records management system.

The Agreement indicates that the Inspector, in consultation with the COCL, will identify patterns and deficiencies based on the data presented. In the upcoming quarters, we will provide suggestions to the Inspector on these matters.

**Settlement Agreement Paragraph**

87. Training Advisory Council meetings will be open to the public unless the matter under discussion is confidential or raises public safety concerns, as determined by the Chief.

<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>• TAC should provide opportunities for public comment whether at meetings or through other venues; If necessary, bylaws should be updated to reflect this.</li> <li>• Provide notification of changes and cancellation of meetings to non-TAC members. An email list should be maintained of interested stakeholders.</li> </ul>
<b>Methodology</b>	Reviewed public announcement of TAC meetings; Reviewed TAC agendas and minutes from previous quarters; Attended TAC meeting.

**Compliance Assessment**

The Training Advisory Council meetings are scheduled quarterly up to November of 2016 and appear to be consistently held at the Training Division Complex. The schedule and location are found on the PPB website and therefore contain the elements necessary for public attendance.

We find two areas lacking for proper public participation. Nowhere in the TAC agendas does there appear to be an opportunity for public comment. Similarly, we have reviewed meeting minutes for TAC and find nowhere do they indicate that public comment occurred. If necessary, bylaws should be updated to allow for public input. The other area we find lacking is the language found on the PPB website indicating that only TAC members will be notified if a meeting is cancelled. The PPB should publicly announce if any TAC meeting is cancelled for the

benefit of the community. This may be done on the PPB website under the Training Advisory Council page, and by sending email notifications to members of the public who have signed up for such information (including those who have attended prior meetings).

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## V. COMMUNITY-BASED MENTAL HEALTH SERVICES

The Settlement Agreement states: The absence of a comprehensive community mental health infrastructure often shifts to law enforcement agencies throughout Oregon the burden of being first responders to individuals in mental health crisis. Under a separate agreement, the United States is working with State of Oregon officials in a constructive, collaborative manner to address the gaps in state mental health infrastructure. The state-wide implementation of an improved, effective community-based mental health infrastructure should benefit law enforcement agencies across the State, as well as people with mental illness. The United States acknowledges that this Agreement only legally binds the City to take action. Nonetheless, in addition to the City, the United States expects the City’s partners to help remedy the lack of community-based addiction and mental health services to Medicaid clients and uninsured area residents. The City’s partners in the provision of community-based addiction and mental health services include: the State of Oregon Health Authority, area Community Care Organizations (“CCOs”), Multnomah County, local hospitals, health insurance providers, commercial health providers, and existing Non-Governmental Organizations (“NGOs”) such as community-based mental health providers, and other stakeholders

<b><u>Settlement Agreement Paragraph</u></b>	
89. The United States expects that the local CCOs will establish, by mid-2013, one or more drop-off center(s) for first responders and public walk-in centers for individuals with addictions and/or behavioral health service needs. All such drop off/walk in centers should focus care plans on appropriate discharge and community-based treatment options, including assertive community treatment teams, rather than unnecessary hospitalization.	
<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>• Resolve “transfer of hold custody” issue;</li> <li>• Continue working with local, county and state level partners and stakeholders to implement the Unity Center.</li> </ul>
<b>Methodology</b>	Reviewed workgroup meeting minutes and agendas; Observed presentation to COAB; Various interviews with PPB/BHU personnel
<b><u>Compliance Assessment</u></b>	
<p>The COCL is aware that this paragraph of the Agreement is one that will take time to fully develop and implement, and is not the sole responsibility of the City. Rather, it requires the City to work with local, county and state level agencies, partners, and stakeholders. We have seen progress towards the establishment of the Unity Center, which is being created to address the needs which led to this provision of the Agreement. Additionally, the Unity Center</p>	



will consolidate inpatient beds in the City and create additional beds for youth. The City has pledged \$500,000 from the FY 2015-2016 budget towards the Unity Center. Many individual issues have come up during the planning of the Unity Center. As issues have arisen, the PPB, CCOs, a coalition of hospitals, and countless other stakeholders and participants have resolved them with thought and consideration for persons with addictions and behavioral health service needs. The issues currently requiring resolution are the “legal, logical, and systematic issues” regarding the transfer of holds from PPB to EMS. We recommend the quality of work that is currently being done continue so that the Unity Center might begin serving the people that have such needs.

**Settlement Agreement Paragraph**

90. The CCOs will immediately create addictions and mental health-focused subcommittee(s), which will include representatives from PPB’s Addictions and Behavioral Health Unit (“ABHU”), the ABHU Advisory Board, Portland Fire and Rescue, Bureau of Emergency Communications (“BOEC”) and other City staff. These committees will pursue immediate and long-term improvements to the behavioral health care system. Initial improvements include: (COCL Summary) increased sharing of information (subject to lawful disclosure); creation of rapid access clinics; enhanced access to primary care providers; expanded options for BOEC operators divert calls to civilian mental health services, addressing unmet needs identified by Safer PDX; expanding and strengthening networks of peer mediated services; and pursue tele-psychiatry.

<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>Proactively seek collaboration with and participation in CCO programs and subcommittees focused on improvements to the behavioral health care system.</li> </ul>
<b>Methodology</b>	Reviewed past and current PPB/BHU involvement with committees and groups designed to address behavioral health issues; Interviews with CCO personnel

**Compliance Assessment**

PPB in the past has worked with HealthShare in a Substance Abuse Disorders Task Force performing an environmental scan of substance use services provided in various counties throughout the State of Oregon. This task force provided its final report in November of 2014 and was subsequently disbanded. Since then, we have received no documentation of PPB or BHU participating in a CCO-created “addictions and mental health-focused subcommittee.” However, PPB, BHU, and the City cannot be held responsible if the CCOs have not created subcommittees in which they can participate. COCL has conducted interviews with CCO personnel and are of the understanding that they will not create subcommittees “simply so

that the City can satisfy the Agreement.” PPB currently participates in community outreach meetings which involve the CCOs, as well as various other partners. We appreciate PPB being proactive in attempting to satisfy this provision of the Agreement. We encourage PPB to continue participating in these community outreach meetings and recommend that they continue to proactively seek participation with CCO programs to satisfy specific subsections of the Agreement. For instance, as described in our assessments of paragraphs below, the PPB and City are working with BOEC to re-orient policies and protocols for calls involving a mental health component. PPB might consult with the CCOs to determine best ways to incorporate elements of subsection (d) (expanding options and capacity to divert calls to qualified mental health providers as first responders) into the work they are already doing with BOEC. In the upcoming quarters, we will be in contact with PPB as to how they might satisfy this provision without forcing the CCOs to create potentially unnecessary subcommittees.

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## VI. CRISIS INTERVENTION

### A. Addictions and Behavioral Health Unit and Advisory Committee

#### Settlement Agreement Paragraph

91. In order to facilitate PPB’s successful interactions with mental health consumers and improve public safety, within 60 days of the Effective Date, PPB shall develop an Addictions and Behavioral Health Unit (“ABHU”) within the PPB. PPB shall assign command-level personnel of at least the rank of Lieutenant to manage the ABHU. ABHU shall oversee and coordinate PPB’s Crisis Intervention Team (“C-I Team”), Mobile Crisis Prevention Team (“MCPT”), and Service Coordination Team (“SCT”), as set forth in this Agreement.

As a point of clarification, since the writing of the Agreement, the ABHU is known as Behavioral Health Unit (“BHU”), the C-I Team is known as Enhanced Crisis Intervention Team (“ECIT”), and the MCPT is known as Behavioral Health Response Team (“BHRT”). Discussion of these entities, and their reference in subsequent Agreement paragraphs, will use their current nomenclatures.

<b>Compliance Label</b>	<b>Substantial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>• Update COCL and DOJ on changes to management personnel when applicable</li> </ul>
<b>Methodology</b>	Reviewed BHU Unit Structure; Interviewed BHU command personnel

#### Compliance Assessment

We have reviewed the structure of the BHU and find that it conforms to the requirements of the Agreement. We have interviewed the Commander and managing Lieutenant of the BHU on several occasions and find they have the background experience and skills necessary for the position. For these reasons, we find PPB to be in compliance with this paragraph; though will discuss the operations of each team as they relate to other paragraphs within the Agreement.

We have examined the command structure of the BHU in relation to oversight of ECIT officers and find it consistent with the Memphis Model. ECIT officers report via their precinct level chain of command, rather than being directly supervised by BHU. In the organization chart, there is a dotted line between ECIT officers and the BHU command structure, which could indicate a lack of clarity about meaningful oversight. However, the COCL Team does not find this to be problematic. In Memphis, the CIT Coordinator is centrally located answering directly to the Deputy Director of Police Services. CIT officers work in districts and their day-to-day supervision falls within the district level supervisor chain-of-command. Officers are working under a structure of supervisors according to their regular assignments -- Although CIT officers are “specialists” when responding to CIT call events – the supervisory chain of responsibility does not change. The CIT Coordinator works to resolve issues that may arise with

Supervisors that are unclear about the role of CIT. The Coordinator’s role is to support and promote training and address system and infrastructure issues.

The COCL believes that BHU oversight of the ECIT program is necessary, and we encourage (and will work with) BHU to develop data systems that are conducive to program and individual officer oversight, the development of in-service training, and directives and SOPs to support efficient, effective and transparent oversight of the program and work with the precinct level chain of command.

**Settlement Agreement Paragraph**

92. BHU will manage the sharing and utilization of data that is subject to lawful disclosure between PPB and Multnomah County, or its successor. PPB will use such data to decrease law enforcement interactions or mitigate the potential uses of force in law enforcement interactions with consumers of mental health services.

93. BHU shall track outcome data generated through the ECIT, BHRT, and SCT, to: (a) develop new response strategies for repeat calls for service; (b) identify training needs; identify and propose solutions to systematic issues that impede PPB’s ability to provide an appropriate response to a behavioral crisis event; and (c) identify officers’ performance warranting commendation or correction.

<b>Compliance Label</b>	<b>Non-Compliance but Initial Steps Taken</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>• Create outcome measures for BHU units; Collect data in a manner that allows for trend analysis;</li> <li>• Create system for capturing successes and failures for unique PPB model of mental health response.</li> </ul>
<b>Methodology</b>	Reviewed current data collection capacity; Reviewed BHU reports on BHRT operations and ECIT calls, Interviewed key BHU personnel, Analyzed available data.

**Compliance Assessment**

Interviews with key BHU personnel indicated they currently “don’t have good data” sufficient to the requirements of Pars. 92 and 93, but they are working to improve their data systems. PPB is currently tracking data on BHRT and SCT referrals and participants. These data are fairly reliable and are primarily used for operational purposes. COCL will work with BHU personnel to ensure it is comprehensive. They have also implemented an ECIT report form for officers to complete about calls requiring crisis intervention skills. Completion of this form is becoming more consistent and they are planning to implement its use more broadly in 2016. The COCL team is working with BHU to make modifications to this form to ensure data needed to assess trends and inform items in paragraph 93 are included. Additionally, we are working

with BHU staff to determine how they can utilize BOEC data to look at patterns related to mental health related calls not currently coded as ECIT calls. PPB has implemented the use of study codes that allow officers to flag a record with a mental health indicator. However, it appears that study codes are not consistently utilized to produce reliable data, and are therefore not currently sufficiently useful for the purposes of para 93.

In order to meet the Settlement requirements, PPB and the BHU will need to continue to develop the quality and capacity of their data systems, and their standard data analysis protocols. In other words, PPB cannot simply collect good data, they need to analyze and use the data to improve operations. This will also require work with BOEC related to their protocols for identifying and coding mental health crisis and other mental health related calls. Initial analysis is needed to determine staffing needs for ECIT by precinct and to identify the extent to which calls are appropriately identified and dispatched to ECIT officers. Ongoing systems of data analysis are needed to fully comply with these paragraphs.

The COCL’s initial analysis of data from the current systems is described in our first Semi-Annual Outcomes Assessment Report that will be made public in October 2015. In addition to working with PPB to improve their data systems, we have developed – with feedback from the COAB’s Mental Health Crisis Response Subcommittee – a mental health contact survey for persons who have mental health-related encounters with PPB officers. We are working with PPB to implement this survey and encourage them to make it an ongoing feedback mechanism on their performance.

**Settlement Agreement Paragraph**

94. Within 90 days of the Effective Date, PPB shall also establish a BHU Advisory Committee. The BHU Advisory Committee shall include representation from: PPB command leadership, ECIT, BHRT, and SCT; BOEC; civilian leadership of the City government; and shall seek to include representation from: the Multnomah County Sheriff’s Office; Oregon State Department of Health and Human Services; advocacy groups for consumers of mental health services; mental health service providers; coordinated care organizations; and persons with lived experience with mental health services.

<b>Compliance Label</b>	<b>Substantial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>• Provide updates to BHUAC roster when appropriate;</li> <li>• Fill spots currently identified as “vacant” for persons with lived experience;</li> <li>• Consult COAB when future vacancies occur</li> </ul>
<b>Methodology</b>	Reviewed BHUAC roster of members; Attended multiple BHUAC meetings; Interviewed current and former members of BHUAC

**Compliance Assessment**

We are satisfied that this body has been created and contains the representatives listed in the Agreement. However, members of the COAB and others have expressed concerns about the relative representation of persons with lived experience, the representation of culturally diverse communities on the BHUAC, and the transparency of BHUAC operations, such as posting meeting times and minutes online. We encourage the BHU to engage in dialogue with the COAB on these issues, particularly when filling vacancies on the BHUAC. The operation of the BHUAC will be discussed below as it relates to the respective paragraphs.

**Settlement Agreement Paragraph**

95. The BHU Advisory Committee shall provide guidance to assist the City and PPB in the development and expansion of ECIT, BHRT, SCT, BOEC Crisis Triage, and utilization of community-based mental health services. The BHU Advisory Committee shall analyze and recommend appropriate changes to policies, procedures, and training methods regarding police contact with persons who may be mentally ill or experiencing a mental health crisis, with the goal of de-escalating the potential for violent encounters. The BHU Advisory Committee shall report its recommendations to the BHU Lieutenant, PPB Compliance Coordinator, COCL (as described herein), and the BOEC User Board.

<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>• Provide responses related to BHUAC feedback to non-training recommendations;</li> <li>• Finalize recommendations for BOEC protocols</li> </ul>
<b>Methodology</b>	Reviewed BHUAC Status Report; Reviewed BHUAC minutes from past meetings; Reviewed PPB response to BHUAC training recommendations

**Compliance Assessment**

The BHUAC has provided recommendations regarding a variety of topics involving the BHU, including training, directives, SOP's, and BHU entities (namely, SCT), among other recommendations. PPB has provided a response to BHUAC recommendations for training (wherein most of the recommendations were accepted and those which were not were provided a thoughtful reason for not incorporating it), though no response was found for the directives, SOP, or other recommendations. BHUAC requires a quorum for formal recommendations to BOEC and therefore was not able to provide them within this quarter. We appreciate the hard work BHUAC has done so far and look forward to hearing how BHU can develop and expand in the future. We urge PPB to provide timely feedback to BHUAC as to the recommendations they make so that they may be more involved with and understanding of the role they play in shaping the BHU.

**Settlement Agreement Paragraph**

96. Within 240 days of the Effective Date of this Agreement, the BHU Advisory Committee will provide status reports on the implementation of the BHU and BOEC Crisis Triage, and identify recommendations for improvement, if necessary. PPB will utilize the BHU Advisory Committee’s recommendations in determining appropriate changes to systems, policies, and staffing.

<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"><li>• Provide documentation regarding the utilization of BHUAC recommendations</li></ul>
<b>Methodology</b>	Reviewed BHUAC Status Report

**Compliance Assessment**

As indicated in the above assessment of Par. 95, we have received and reviewed the BHUAC Status Report required by this provision. While we have seen evidence of PPB utilizing BHUAC recommendations in ECIT training, we have no documentation regarding utilization of other BHUAC recommendations. We are also aware that BHUAC has by no means completed their work. Therefore, this will be an ongoing effort by BHUAC and PPB should provide documentation of their consideration and utilization of all their recommendations.

**B. Continuation of C-I Program**

**Settlement Agreement Paragraph**

97. PPB provides C-I Training to all its officers. C-I is a core competency skill for all sworn police officers in the City. PPB shall continue to train all officers on C-I.

<b>Compliance Label</b>	<b>Not Yet Assessed</b>
<b>COCL Recommendations</b>	No Recommendations at this Time
<b>Methodology</b>	Audit training records; evaluate training

**Compliance Assessment**

All PPB sworn personnel must complete 40 hours of Crisis Intervention (CI) training prior to their assuming independent policing roles. Twelve hours are provided by the State Academy, 28 are provided in the PPB Advanced Academy. The training was originally developed based on the Memphis CIT training 40 hour curriculum. Rather than providing this training in a 40 hour

block as Memphis does, the 40 hours are spread out over the course of the State (16 weeks) and PPB Advanced (12 weeks) training academies. While PPB indicates that they are compliant with this paragraph, we have not yet audited their training records for thoroughly reviewed the content and implementation of the training.

**Settlement Agreement Paragraph**

98. PPB agrees to continue to require a minimum of 40 hours of C-I training to all officers before officers are permitted to assume any independent patrol or call-response duties. Additionally, PPB shall include C-I refresher training for all officers as an integral part of PPB’s on-going annual officer training. PPB’s Training Division, in consultation with BHU Advisory Committee, shall determine the subjects and scope of initial and refresher C-I training for all officers.

<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>• Provide class rosters for 2015 Q1 CI Training in Advanced Academy;</li> <li>• Incorporate C-I principles more thoroughly into 2016 In-Service</li> </ul>
<b>Methodology</b>	Reviewed 2015 In-Service Training Plan; Observed sections of 2015 In-Service Training; Reviewed PPB Directive 0850.20

**Compliance Assessment**

PPB has indicated in their previous quarterly reports that, while waiting for an Advanced Academy class to begin (thus before the recruits would have an opportunity to receive the CI-Training from PPB), new officers were not allowed to “work the streets by themselves but must be with a coach.” We have not yet had an opportunity to review employee records related to independent response duties for individuals occupying this status to confirm that this actually occurred, though we have no reason to believe this would not be true.

The Agreement requires “C-I refresher training for all officers as an integral part of PPB’s on-going annual officer training.” We have reviewed the 2015 In-Service Training Plan, training material, and have observed sections of 2015 In-Service training. Based on our reviews and observations, it does not appear that CI-refresher training content plays and *integral* role in the In-Service training as we can only find a couple of instances where CI content has been incorporated.

BHUAC has indicated that they will be making recommendations for the CIT refresher for the 2016 In-Service Training. We would respectfully suggest that they increase the focus on CI training in the 2016. We refrain from providing more specific recommendations until we have more thoroughly reviewed training and sought additional input from the COAB and reviewed training evaluations.



**C. Establishing “Memphis Model” Crisis Intervention Team**

**Settlement Agreement Paragraph**

99. Within 120 days of the Effective Date, PPB shall establish a Memphis Model Crisis Intervention team (“C-I Team”).

<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>• Collect and analyze ECIT data;</li> <li>• Solicit BHUAC, COAB, DOJ input</li> </ul>
<b>Methodology</b>	Reviewed BHU/ECIT data; Interviews with BHU/PPB personnel

**Compliance Assessment**

PPB currently operates the Enhanced Crisis Intervention Team (ECIT) program as part of the BHU. The ECIT program is consistent with the Memphis Model in some respects and differs from the Memphis Model in others. The training of ECIT officers was developed in consultation with the BHUAC (which is comprised of representatives of various stakeholder groups and agencies per the Settlement Agreement), indicating a formation of ECIT responsive to community and stakeholder input. This is consistent with the Memphis Model as CIT programs must meet the needs of the community. ECIT officers also receive 40 hours of training above and beyond their training in the State run academy and the PPB Advanced Academy. As all PPB officers already receive an initial 40 hours of Crisis Intervention (CI) training based on the Memphis curriculum, the ECIT training varies from the traditional Memphis Model training requirements. Based on our interviews with PPB and BHU personnel, the decision was made to provide some review and some alternative training material in order to not simply repeat the training received as a recruit. The requirement for ECIT officers to be volunteers and the command structure for ECIT officers within PPB is also consistent with the Memphis Model.

PPB differs from the Memphis Model in other ways. The curriculum for ECIT training has been altered in order to accommodate a somewhat different role for PPB ECIT officers than the Memphis Model CIT officer. In the PPB system, ECIT officers have their focus on higher risk, higher level mental health crisis calls. This differs from the Memphis Model, wherein *all* calls involving a mental health component are referred to the (E)CIT officer. Furthermore, this causes protocols for dispatching an ECIT officer (both with BOEC and other PPB officers) to be different from the Memphis Model. Based on discussions with DOJ and the COCL, PPB is expanding ECIT dispatch protocol to include all suicide-related calls, moving it a little closer to the Memphis Model. COCL will work with PPB to implement data collection and analysis that will allow them examine the impact of this approach and the ECIT staffing needs if they were to expand the criteria further. Finally, in the Memphis Model, the (E)CIT officer immediately becomes the primary officer on a call involving a mental health component. In the PPB model, ECIT officers have the option of becoming the primary officer but initially respond to assess scene needs.

We do not provide this comparison of the Memphis Model and the PPB model to

promote or disparage the efforts made by PPB. To be sure, there are potential benefits to PPB’s model of ECIT. Furthermore, if PPB’s style of ECIT response has been influenced by the recommendations of the mental health community and stakeholders, it then *does* conform to that aspect of the Memphis Model. Simply stated, PPB and BHU do not have the data to display that their form of ECIT is qualitatively better (or at the least, equal) to that of the Memphis Model. We encourage the PPB to collect the data necessary to justify the differences between their system of mental health response and that of the Memphis Model. Until such justification can be proven, we will not be able to find the PPB in substantial compliance with this provision.

**Settlement Agreement Paragraph**

100. PPB’s C-I Team shall be comprised of officers who volunteer for assignment to the C-I Team. The number of C-I Team members will be driven by the demand for C-I Team services, with an initial goal of 60-80 volunteer, qualified officers.

<b>Compliance Label</b>	Partial Compliance
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>• Increase data collection (see below) to more adequately determine the demand for ECIT services</li> </ul>
<b>Methodology</b>	Reviewed PPB Directive 850.20

**Compliance Assessment**

PPB Directive 850.20 requires ECIT officers to be volunteers, satisfying the first section of this provision. The second section of this provision requires an initial goal of 60-80 volunteer, qualified officers. As we detail in our assessment of Par. 101 below, we have not to date received documentation of the ECIT qualification process and thus cannot confirm that the ECIT officers who comprise the initial goal of 60-80 officers are “qualified.” PPB has reached their initial goal of 60-80 officers, as their latest ECIT roster indicates a total of 64 ECIT officers based within the three precincts. There is an ECIT training set for November which will undoubtedly raise this total.

PPB currently does not have the capacity to determine the “demand for [ECIT] services.” We are working with PPB to improve their data collection efforts to adequately make this determination. For now, we believe their ECIT personnel levels, with the addition of the November class, to be sufficient until data collection is brought to a point to be informative. We hesitate to recommend training more officers to be ECIT officers than necessary as we feel this may become too much like a “train everybody” mentality-which is not consistent with the Memphis Model. Per the Memphis model, optimal ECIT staffing would result in enough ECIT officers being available on each watch in each precinct to respond to all mental health related calls. Currently, only a subset of mental health related calls are being dispatched as ECIT calls based on specified subject criteria (i.e. violent, has a weapon, threatening to jump from bridge/structure/impede traffic) or event criteria (mental health facility or requested by

officer/caller). The data available does not allow us to determine if staffing is adequate for this subset, or the number of additional ECIT officers that would be needed to ensure availability as the ECIT criteria is expanded to include all suicide related calls or, eventually, all calls with a mental health component. We recommend improving data collection efforts and allowing the data to inform the demand for ECIT services. It is premature to provide a recommendation on the specific number of ECIT officers needed or the number of ECIT trainings that should be held each year.

We acknowledge the recommendation of the COAB’s Mental Health Crisis Response Subcommittee to provide ECIT training to all officers. Clearly this reflects a concern of the committee and larger community about the level training all officers receive and what they need to effectively manage mental health calls. The COCL has not yet assessed the CI-training that all officers receive. Once we have done so, we may have recommendations related to content, delivery and or amount of instruction time for all PPB officers. However, we make a distinction between crisis training for all officers and ECIT training for the Settlement Required role of specialist officers based on the Memphis Model of CIT.

**Settlement Agreement Paragraph**

101. No officers may participate in C-I Team if they have been subject to disciplinary action based upon use of force or mistreatment of people with mental illness within the three years preceding the start of C-I Team service, or during C-I Team service. PPB, with the advice of the BHU Advisory Committee, shall define criteria for qualification, selection, and ongoing participation of officers in the C-I Team.

<b>Compliance Label</b>	<b>Non-Compliance but Initial Steps Taken</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>• Provide documents listed under “Evidence of Completion” in PPB Quarterly Update;</li> <li>• Provide documentation of BHU Advisory Committee advisement for ECIT Officers;</li> <li>• Determine process for identifying disciplinary action during C-I Team service.</li> </ul>
<b>Methodology</b>	Review of PPB documents; Interviews of PPB personnel

**Compliance Assessment**

PPB indicates several documents in their Quarterly Updates under the section “Evidence of Completion.” COCL has not been provided documents and cannot verify compliance related to the conditions of the Agreement. Documents provided to the COCL to date do not contain any information indicating that the BHU Advisory Committee has had an influence in shaping the “criteria for qualification, selection and ongoing participation of

officers in the CI-Team.” Finally, through conversations with PPB personnel, it is our understanding that, should an ECIT officer receive a “disciplinary action based upon use of force or mistreatment of people with mental illness...during C-I service,” there is no automatic notification for PPB to remove them from ECIT service. COCL will work with PPB, BHU, and BHUAC to determine the process for such automatic notification.

**Settlement Agreement Paragraph**

102. PPB shall specially train each C-I Team member before such member may be utilized for C-I Team operations. PPB, with the advice of the BHU Advisory Committee, shall develop such training for C-I Team members consistent with the Memphis Model.

<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>• Collect and analyze ECIT data;</li> <li>• Solicit BHUAC, COAB, DOJ input</li> </ul>
<b>Methodology</b>	Reviewed BHU/ECIT data; Interviews with BHU/PPB personnel

**Compliance Assessment**

PPB sought and received the advice of the BHUAC in the development of ECIT training. Documentation provided by PPB shows both BHUAC recommendations and the PPB response. For the most part, PPB agreed with the recommendations and have incorporated them into the ECIT training (if not already incorporated). We recommend PPB continue to seek BHUAC recommendations for each subsequent ECIT training.

A concern that has been raised involves whether there is adequate community/stakeholder involvement in the delivery of the ECIT training, as is emphasized by the Memphis Model. We have not yet had the opportunity to assess this, and thus withhold comment on this aspect of compliance.

PPB training at this point is not “consistent with the Memphis Model.” However, as we detailed in our assessment of Par. 99, this is partly due to the differing role of the ECIT officer (in the Portland model) compared to the Memphis Model. The difference in training is also related to the determination of training needs suggested by the mental health community and stakeholders, thus bringing training into accord with the Memphis Model. We will continue to work with PPB and the BHU to evaluate their training as it relates to the Memphis Model. As with our assessment of Par. 99, we encourage PPB to gather reliable data to justify their differences with the Memphis Model.

**Settlement Agreement Paragraph**

103. C-I Team members will retain their normal duties until dispatched for use as a C-I Team. BOEC or PPB may dispatch C-I Team members to the scene of a crisis event.

<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>• Revise BOEC and PPB dispatch criteria to be more consistent with Memphis Model</li> <li>• Continue to train non-ECIT officers on when to request ECIT</li> </ul>
<b>Methodology</b>	Review of ECIT dispatch protocol; Interviews with BHU personnel; Interviews with PPB personnel, ride along observations with ECIT officers

**Compliance Assessment**

ECIT officers perform the regular function of all PPB officers and only take on an ECIT function when a police encounter meets specific criteria: the subject is violent, has a weapon, threatening to jump from bridge/structure/impede traffic; the call is at a mental health facility; or ECIT support is requested by another officer or the caller. This narrow ECIT dispatch protocol is not consistent with the Memphis Model which advocates ECIT dispatch to *all* calls involving an identified mental health component. PPB and BOEC have agreed to expand their ECIT dispatch protocol to include all suicides; while this is a step in the right direction, it still does not meet the expectations of the Memphis Model.

We are also concerned that non-ECIT officers may not be familiar enough with the dispatch protocol to know when they should request an ECIT officer. We have had informal discussions with both ECIT and non-ECIT officers who have indicated that dispatch protocol is not comprehensively known by non-ECIT officers or, if it is known, is not consistently followed.

**Settlement Agreement Paragraph**

104. PPB will highlight the work of the C-I Team to increase awareness of the effectiveness of its work.

<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>• Consult with BHUAC to determine future outreach efforts;</li> </ul>
<b>Methodology</b>	Reviewed PPB documentation of outreach efforts, interviews with BHU personnel

**Compliance Assessment**

The BHU highlights its work several ways. They have produced a BHU pamphlet, created a BHU newsletter and developed a webpage on the PPB website. The quarterly BHU Newsletter highlights activities of BHU members, including stories about ECIT calls handled successfully, and a feature on a member of BHU. Additionally, we have learned from the BHU Command

staff that the ECIT Coordinator and other BHU personnel regularly speak to community groups and agencies to inform them of the work of the BHU and ECIT program. These are excellent steps. At this time, the extent to which these BHU outreach and awareness activities have reached the various affected communities in Portland is unknown. We encourage BHU to continue to highlight their work and increase efforts to reach communities that may not be aware of BHU’s work or that they can request and ECIT officer when they call for mental health related assistance. We also believe that ongoing consultation with BHUAC will provide insight into other avenues of highlighting the work of ECIT. BHUAC contains practitioner, consumer, and advocate members, all who would have a pulse on where ECIT awareness is lacking or limited.

**Settlement Agreement Paragraph**

105. For each crisis event to which a C-I Team is dispatched, the C-I Team member shall gather data that BHU shall utilize to track and report data on public safety system interactions with individuals with perceived or actual mental illness or who are in crisis. These data shall include: (COCL summary) The subsections of Par. 105 include the required tracking of details about the context and nature of incident, information about the subject, techniques uses, injuries, disposition, presence of mental health professional on scene, narrative of event.

<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>• Collect data for all ECIT interactions;</li> <li>• Expand data collection for any call involving a mental health component</li> </ul>
<b>Methodology</b>	Interviews with PPB/BHU personnel; Review of ECIT data template

**Compliance Assessment**

The current template used by ECIT officers to document an interaction involving a mental health component gathers the range of data required by Par. 105. ECIT officers are currently required to complete the form for interactions where they utilize their ECIT skills, whether it was dispatched as an ECIT call or not. BHU command staff indicate that completion of these forms is becoming more consistent as officers gain a better understanding of the requirement. At this time, it is unclear how much accountability there is in terms of completing these forms when indicated, and encourage BHU to work to put accountability mechanisms in place. We also recommend that all officers be required to collect data when responding to a call involving a mental health component. COCL has been informed that in 2016, the use of a mental health template will be introduced for use by all officers to document mental health related encounters requiring CI-skills. This will improve PPB’s ability to examine trends in mental health related calls and crisis response, as well as to determine ECIT staffing needs.

**D. Mobile Crisis Prevention Team**

**Settlement Agreement Paragraph**

106. PPB currently has a BHRT comprised of a two-person team, one sworn officer and one contractor who is a qualified mental health professional. Within 120 days of the Effective Date, City shall expand BHRT to provide one BHRT car per PPB precinct.

107. Each BHRT car shall be staffed by one sworn PPB officer and one qualified mental health professional. BHRT shall be the fulltime assignment of each such officer.

<b>Compliance Label</b>	<b>Substantial Compliance</b>
<b>COCL Recommendations</b>	No Recommendations at this Time
<b>Methodology</b>	Interviews with BHU personnel; Reviewed supporting documentation provided by PPB, ride along observations with BHRT teams.

**Compliance Assessment**

COCL has confirmed the presence of BHRT in each precinct and the PPB officer requirements of this provision. We find the requirements of BHRT found in Pars. 106 and 107 to be fully complied with. We are supportive of the BHRT mission and encourage them to continue the work they are currently engaged in.

**Settlement Agreement Paragraph**

108. No officers may participate in BHRT if they have been subject to disciplinary action based upon use of force or mistreatment of people with mental illness within the three years preceding the start of BHRT service, or during BHRT service. PPB, with the advice of BHU Advisory Committee, shall define criteria for qualification, selection, and ongoing participation of officers in the BHRT.

<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>• Provide documentation regarding BHUAC role in defining criteria for BHRT;</li> <li>• Maintain qualifications indicated in July 2014 BHRT job posting, at a minimum</li> </ul>
<b>Methodology</b>	Reviewed BHRT Job Posting; Reviewed BHUAC meeting minutes

**Compliance Assessment**

PPB provided no documentation regarding BHUAC participation in determining the “criteria for qualification, selection, and ongoing participation of officers in the BHRT.” PPB did provide the minutes from a BHUAC meeting wherein they “thoroughly reviewed and discussed BHU SOP #3-2 (Mobile Crisis Unit) and voted not to make any formal recommendations.” However, COCL does not have a copy of SOP #3-2 and we therefore cannot confirm if it contains the criteria listed in this provision.

PPB provided COCL with a job posting from July of 2014 for an officer to serve in the BHRT. The qualifications listed in the job posting include: Police Officer, non-probationary; Strong interest in helping to improve the quality of life for people experiencing behavioral crises; Effective skills for communicating with people in crisis; Excellent report-writing skills; Strong working knowledge of Police Bureau policies; No discipline in the last three years for use of force or mistreatment of people with mental illness; Commitment to serve one year in position. We feel these qualifications are sound and would recommend PPB, at a minimum, maintain them in the event of future job postings.

We reiterate our concern from our assessment of Par. 101 wherein an automatic notification process should be created should an officer receive discipline for use of force or mistreatment of people with mental illness.

**Settlement Agreement Paragraph**

109. PPB shall specially train each BHRT member before such member may be utilized for BHRT operations. PPB, with the advice of the BHU Advisory Committee, shall develop such training for BHRT members.

<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"><li>• Provide documentation regarding BHUAC role in developing training for BHRT members</li></ul>
<b>Methodology</b>	Reviewed PPB quarterly report and supporting documentation; Reviewed BHUAC meeting minutes

**Compliance Assessment**

COCL does not have documentation that BHUAC provided recommendations for BHRT training. We have been advised that this has occurred and we look forward to documentation confirming.



**Settlement Agreement Paragraph**

110. BHRT shall utilize ECIT data to proactively address mental health service, in part, by connecting service recipients with service providers.

<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"><li>• Improve data collection efforts as identified in Par. 105 of this report</li></ul>
<b>Methodology</b>	Interviews with PPB/BHU personnel; Review of ECIT data template

**Compliance Assessment**

PPB’s ability to substantially comply with this provision of the Agreement is intrinsically tied to its ability to satisfy the conditions of Par. 105 of this Agreement. While BHRT has had the opportunity to utilize ECIT data to a certain extent, BHRT cannot adequately “proactively address mental health service” until ECIT data collection has been improved. Until such a point, we cannot ascribe substantial compliance to this provision.

**Settlement Agreement Paragraph**

111. Within 180 days of the Effective Date, PPB, with the advice of BHU Advisory Committee, shall develop policies and procedures for the transfer of custody or voluntary referral of individuals between PPB, receiving facilities, and local mental health and social service agencies. These policies and procedures shall clearly describe the roles and responsibilities of these entities and of BHRT officers in the process.

<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"><li>• Finalize and post the policies and procedures identified in this provision;</li><li>• DOJ should engage in communication with PPB regarding clarification requested</li></ul>
<b>Methodology</b>	Reviewed Directives 850.20 and 850.21

**Compliance Assessment**

PPB has created Directives 850.20 and 850.21 regarding Civil Holds and Director’s Holds, respectfully. These policies were posted for Universal review and subsequently were discussed in a meeting of PPB & City personnel, DOJ and their Mental Health Expert, and the COCL. Significant revisions were recommended. Per conversation with PPB, these policies have been revised accordingly and sent to DOJ compliance team for review. We encourage DOJ to engage

in communication with PPB to provide the clarification PPB has asked for, resolve any confusion that might be present, so that PPB finalize/post the two directives so that officers might begin adhering to them.

**E. Service Coordination Team**

<b><u>Settlement Agreement Paragraph</u></b>	
112. The Service Coordination Team (“SCT”), or its successor, shall serve to facilitate the provision of services to individuals who interact with PPB that also have a criminal record, addiction, and highly acute mental or physical health service needs.	
<b>Compliance Label</b>	Partial Compliance
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>Determine outcome measures for SCT</li> </ul>
<b>Methodology</b>	Reviewed SCT Expansion Proposal; Interviewed SCT/BHU Personnel
<b><u>Compliance Assessment</u></b>	
<p>SCT has expanded its operation for FY 2015-2016, including an expansion of addictions treatment and the implementation of a Behavioral Stabilization Program. We have personally accompanied SCT personnel to each SCT housing facility, spoken with past and current clients, and are overall impressed with the current SCT system. While SCT appears to be positive through an anecdotal measure, there is not currently a comprehensive system of empirical outcome measures for SCT. We are aware that SCT and BHU personnel are currently attempting to create a better system of outcome measures and we look forward to working with them in creating and assessing such measures.</p>	

**F. BOEC**

<b><u>Settlement Agreement Paragraph</u></b>	
113. Within 120 days of the Effective Date, BOEC and PPB, with the advice of the BHU Advisory Committee, shall complete policies and procedures to triage calls related to mental health issues, including changes to protocols for assigning calls to Multnomah County Crisis Call Center, and adding new or revised policies and protocols to assign calls to the PPB BHU or directly to NGOs or community-based mental health professionals.	
<b>Compliance Label</b>	Non-Compliance but Initial Steps Taken

<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>Expand criteria for ECIT dispatch;</li> <li>Provide documentation of BHUAC recommendations regarding BOEC policies and procedures</li> </ul>
<b>Methodology</b>	Reviewed BOEC transfers to MCCL; Interviews with PPB/BHU/BOEC personnel
<p><b><u>Compliance Assessment</u></b></p> <p>As we have indicated in previous paragraphs, the current protocols for dispatching ECIT officers are limited to specific criteria and do not include ECIT dispatch to all calls involving a mental health component. This is not consistent with the Memphis Model and we urge PPB and BOEC to expand the criteria for ECIT dispatch. PPB and BOEC have agreed to expand the protocol to include all suicide calls. While this is a positive step, it still does not meet the requirement of a Memphis Model program.</p> <p>Furthermore, we have not been provided documentation indicating that the BHUAC has been consulted regarding BOEC policies and procedures. We do not mean to indicate that no such solicitation of recommendation has occurred. Simply, without the proper documentation, we cannot ascribe any level of successful compliance at this point. COCL plans to work with PPB and BOEC to improve their procedures to identify, triage and dispatch mental health related calls and provide officers with available information to assist them in responding effectively.</p>	

<p><b><u>Settlement Agreement Paragraph</u></b></p> <p>114. Within 180 days of the Effective Date, the City will complete training of all BOEC Dispatchers in Crisis Triage. The City, with the advice of the BHU Advisory Committee, shall develop ongoing training for BOEC Dispatchers.</p>	
<b>Compliance Label</b>	Non-Compliance but Initial Steps Taken
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>Complete the policies and procedures identified in Par. 113</li> <li>Include material previously presented to BOEC</li> </ul>
<b>Methodology</b>	Reviewed BOEC transfers to MCCL; Interviews with PPB/BHU/BOEC personnel
<p><b><u>Compliance Assessment</u></b></p> <p>Inherent in the City’s ability to train BOEC Dispatchers in Crisis Triage is the requirement that proper policies and procedures have been completed to train on. This paragraph of the Agreement stems from Par. 113: Develop policies and procedures and then train on them. Since Par. 113 has not been satisfactorily met, the City is unable to satisfactorily meet the requirement of Par. 114. We have been provided a previous training presentation to BOEC which we feel contains much useful information. We would recommend that much of this</p>	

material be included in an updated training which also includes the updated policies and procedures. We remind the City that BHUAC input must be solicited for substantial compliance with this paragraph as well.

**Settlement Agreement Paragraph**

115. Within 180 days of the Effective Date, the City shall ensure Crisis Triage is fully operational to include the implementation of the policies and procedures developed pursuant to the above paragraph and operation by trained staff.

<b>Compliance Label</b>	Non-Compliance but Initial Steps Taken
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>• Complete the policies and procedures identified in Par. 113</li> </ul>
<b>Methodology</b>	Reviewed BOEC transfers to MCCL; Interviews with PPB/BHU/BOEC personnel

**Compliance Assessment**

Our assessment of this paragraph essentially mirrors those of the above two assessments. It is not possible to have a fully operational Crisis Triage when the policies and procedures have not been satisfactorily created, and thus training cannot have been completed. We urge the City to complete the policies and protocols referenced in Par. 113 so that progress may be made on Pars. 114 and 115.

## VII. EMPLOYEE INFORMATION SYSTEM

### Settlement Agreement Paragraph

116. PPB has an existing Employee Information System (“EIS”) to identify employees and design assistance strategies to address specific issues affecting the employee. See PPB Manual 345.00. PPB agrees to enhance its EIS to more effectively identify at-risk employees, supervisors and teams to address potentially problematic trends in a timely fashion. Accordingly, within 90 days of the Effective Date, PPB shall: (a) Require that commanders and supervisors conduct prompt reviews of EIS records of employees under their supervision and document the review has occurred in the EIS performance tracker; (b) Require that commanders and supervisors promptly conduct reviews of EIS for officers new to their command and document the review has occurred in the EIS performance tracker; and (c) Require that EIS staff regularly conduct data analysis of units and supervisors to identify and compare patterns of activity.

117. PPB agrees to collect data necessary to conduct these analyses at supervisor- and team-levels.

<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>• Provide more direction to supervisors on how to use EIS to review employee performance. This means clarifying the review requirements in Directive 345.00.</li> <li>• Train supervisors in the types of interventions that are effective with employees at risk, to achieve the goals of EIS (or provide documentation that such training exist).</li> <li>• EIS administrators should provide additional justification for the low rate of forwarding alerts to supervisors.</li> <li>• PPB leadership must take an active role in communicating the benefits of this system for line officers, and the commitment that it will not be used for discipline, because of the potential for EIS to adversely affect morale and productivity.</li> <li>• Seriously consider using EIS as a tool for prediction of risk, which would require the inclusion of additional performance indicators and a longitudinal look at performance over time.</li> </ul>
<b>Methodology</b>	Interviews with EIS Administrators; Review of “Late Review Report”; Reviews of documents related to Par. 116, including Directive 345.00.

### Compliance Assessment

EIS and Discussion Tracker are critically important tools for flagging problematic cases involving force and documenting the administrative accountability for such cases. But EIS was also intended as a proactive tool to help officers at risk of future problems. For general

education purposes, EIS systems typically involve four components or processes: (1) the creation of one or more performance indicators which suggest that officers may be at-risk of additional problems (e.g. number of citizen complaints, use of force reports, civil actions, violations of policy, vehicle pursuits, etc.); (2) the application of thresholds to identify officers who are extreme on these performance indicators; (3) interventions with these officers to prevent or correct the problem (e.g. coaching, counseling, retraining); and (4) post-intervention monitoring to ensure that the risk or problem behaviors have declined.

Some elements of each component are present in Directive 345.00 and in PPB's implementation of EIS, although some are stronger than others. PPB has created a set of performance indicators, although the full list is not described in Directive 345.00. To our knowledge, PPB is looking at complaints, criminal complaints, force incidents, and commendations. There is plenty of room for debate about what indicators should be included. The full range of performance indicators should be publicly documented and justified. PPB should be credited for including positive performance indicators (e.g. commendations) and creating a policy that clearly indicates that EIS will not be used for discipline.

Regarding the second component of EIS, the thresholds that must be reached to activate PPB's Alert Management System (AMS) are very high by policy and Settlement standards (e.g. 3 times as many force reports as the average officer on his/her shift), but apparently, some officers have exceeded the threshold. So the next big question is -- what's being done about these alerts?

In terms of the intervention component, a very small number of the alerts are being forwarded to supervisors by the EIS administrator. The COCL will look into this decision-making process more carefully to examine the criteria used to forward or not forward identified officers. Also, the COCL will seek additional information regarding the types of interventions and follow-ups that are occurring in cases where alerts have been acted upon. Picking from a pre-determined set of intervention options may be too restrictive for supervisors and commanders.

The system does not require that supervisors wait to hear from the EIS administrator before taking action with employees at risk. In fact, consistent with the requirements of Paragraph 116, PPB's Directive 345.00 (1.2) states that "supervisors will use EIS to review a member's performance twice annually in conjunction with a member's performance evaluation" and "at a minimum, review the various external data sources and the PDT." However, COCL maintains that this requirement does not provide sufficient direction for supervisors as to what they should look for during these reviews nor does it allow PPB to identify and measure data points which may "more effectively identify at-risk employees, supervisors and teams." Providing more direction would allow PPB to achieve more organizationally consistent reviews and greater accountability. The requirements of these supervisory reviews should be clarified.

In the beginning, as with any new system, supervisors were not completing their reviews within the required 30-day timeframe, but PPB has implemented an effective system of compliance. In addition to memos from the EIS administrator to supervisors, PPB has created an email reminder system in the event that a supervisor is near the 30-day time limit without completing his/her review of the employee. These reminders have significantly increased compliance rates. We will continue to monitor the success of this process.

We acknowledge that EIS systems have produced mixed results when evaluated in other cities and that more research is needed to refine them. In defense of these systems, however, research has consistently shown that a small number of officers are responsible for a disproportionate number of citizen complaints, use of force incidents and other problems, and that the risk of citizen complaints is greatest during the early years of an officer's career. Thus, corrective intervention is needed for some officers, and preferably during the first few years on the job.

Research on the effectiveness of EIS is positive overall, but points to several issues that need further attention. First, the PPB administration must be clear with employees that EIS is designed to help officers avoid problems down the road (i.e., save careers) and is meant to serve as a training and coaching tool. If officers feel stigmatized by being labeled "at-risk" or a "problem officer," morale will likely decline, creating a bad work environment. Second, we know that some indicators used in EIS systems (e.g. citizen complaints) are correlated positively with officer activity, i.e. officers who produce more citations and arrests are also more likely to receive more complaints; and that officers assigned to certain neighborhoods or units are at greater risk of citizen complaints and force encounters. Thus, there is a danger of labeling productive officers as problem officers if EIS is not implemented thoughtfully. Even if implemented carefully, there is the risk of reduced enforcement activity ("de-policing") among officers identified for intervention and even among officers fearful of ending up in the EIS system. Again, how the PPB administration explains and justifies the EIS system is absolutely critical.

Finally, because research does not give enough guidance about the specific factors that cause some officers to generate more force complaints or other problematic behavior patterns, we cannot stress enough that there is no substitute for good supervision, i.e., supervisors who get to know their employees and work with them to resolve issues and concerns at work. EIS could help flag these employees, but in the end, the interventions by supervisors are what deserve the most attention and training. Each employee's problems are unique and deserve a tailored response. Although policy violations or EIS flags must be entered in the PDT system, face-to-face interventions beyond written comments are essential for good supervision.

Stated differently, while supervisors are required to use the system, they should not become reliant on it as a substitute for communicating in person. Entries into Discussion Tracker are not sufficient. Also, knowing that someone might be at risk does not necessarily tell you anything about how to address the problem. That requires personal knowledge of the individual and factors that contribute to stress and poor judgment (e.g. drug or alcohol problem, impulsiveness, aggressiveness, mental health issues, job stress, family issues, etc.).

COCL will take a closer look at this process of identifying and intervening with employees to ensure that the process is fair to employees; that comments and interventions recorded in Discussion Tracker are based on real issues; that the interventions are sensible management decisions based on sound organizational practices; that employee progress is being monitored adequately; that the system is being used appropriately and to maximize benefit; and that sufficient data are being collected to monitor EIS progress.

Paragraph 116, section c, requires that "EIS staff regularly conduct data analysis of units and supervisors to identify and compare patterns of activity." Currently, PPB is interpreting this

to mean the patterns of activity of supervisory review. Thus, their analysis has included how often the supervisor uses EIS, how many people the supervisor has looked up, what has been entered into those officers' PDT, and whether the supervisor input is determined to be positive, negative, or neutral. This type of analysis is important and PPB is planning to summarize the results in report form.

While we agree with PPB that the data currently collected and analyzed is important, we encourage PPB to expand their analysis in a manner consistent with the intent of EIS systems. The identification of a set of factors that predicts future problems with officer performance would benefit the PPB overall. Research shows that single variables are not very good for predicting individual performance, so we encourage the PPB to explore a wider range of performance indicators over an extended time period. Looking at entire job histories can improve prediction and help provide assistance to those needing preventative care. Of course, this begs the question, "What is a good cop?" More dialogue on this issue would be healthy but within the PPB and with the community.

### **Settlement Agreement Paragraph**

118. PPB shall continue to use existing thresholds, and specifically continue to include the following thresholds to trigger case management reviews: (a) Any officer who has used force in 20% of his or her arrests in the past six months; and (b) Any officer who has used force three times more than the average number of uses of force compared with other officers on the same shift.

119. Within 90 days of the Effective Date, PPB shall add one additional threshold to trigger case management review of any officer who has three uses of force in a one-month period.

<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>• Create systematic process for forwarding cases to RU Manager;</li> <li>• Create database for EIS flags</li> </ul>
<b>Methodology</b>	Interviews with EIS Administrators; Review of PPB supporting documents

### **Compliance Assessment**

PPB has implemented the threshold required in Par. 119. As noted earlier, high thresholds have been set. This can be problematic if the system is not triggered when there are real problems ("false negatives"), but it does guard against flagging employees who are not at risk by having the net too wide ("false positives"). Apparently, the system is producing alerts, so that is not a big concern at this time.

While this is good news, we are not convinced that the process for reviewing the flags is adequate to meet the intent of the Agreement. PPB indicates that a very small number of EIS



flags related to force in the first quarter of 2015 were sent to an RU Manager for review. A document provided by PPB (“EIS Alert Processing Basics,” also referred to as the EIS Administrator SOP) indicates that when deciding to send an alert to the RU Manager, the decision “should be based on the administrator’s best judgement.” The use of “best judgment” is vague and would vary by EIS administrator. We recommend that PPB offer specific criteria to guide decision making and help ensure that the “right” officers are being referred and all officers are treated fairly and consistently based on a set of standards.

There is also no database to track EIS flags and changes in review behaviors. The decision to send to an RU manager, reasons for this decision, RU Manager’s decision, outcomes, and remedies are documented within EIS in a narrative form, though are not codified and cannot be analyzed for trends. The COCL will work with PPB to strength the database in the upcoming quarters.

**Settlement Agreement Paragraph**

120. Within 90 days of the Effective Date, PPB shall identify and train a second EIS administrator. This individual may be assigned to other tasks within the Professional Standards Division or as otherwise needed.

<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>• Provide documentation of training for EIS administrators</li> </ul>
<b>Methodology</b>	Interviews with EIS Administrators; Review of PPB documents

**Compliance Assessment**

PPB indicates two individuals have served as the second EIS Administrator and have been trained in their capacity. However, no documentation has been provided to COCL other than an EIS Administrator SOP for handling EIS alerts. Directive 345.00 establishes numerous responsibilities in addition to handling EIS alerts, so we would be surprised if such training has not occurred. . However, with no documentation of such training, we are unable to ascribe a substantial level of compliance at this time.

## VIII. OFFICER ACCOUNTABILITY

The Settlement Agreement states: PPB and the City shall ensure that all complaints regarding officer conduct are fairly addressed; that all investigative findings are supported by a preponderance of the evidence and documented in writing; that officers and complainants receive a fair and expeditious resolution of complaints; and that all officers who commit misconduct are held accountable pursuant to a disciplinary system that is fair and consistent. The City and PPB seek to retain and strengthen the citizen and civilian employee input mechanisms that already exist in the PPB’s misconduct investigations by retaining and enhancing IPR and CRC as provided in this Agreement.

### A. Investigation Timeframe

<b><u>Settlement Agreement Paragraph</u></b>	
121. PPB and the City shall complete all administrative investigations of officer misconduct within one-hundred eighty (180) days of a complaint of misconduct, or discovery of misconduct by other means. For the purposes of this provision, completion of administrative investigations include all steps from intake of allegations through approval of recommended findings by the Chief, including appeals, if any, to CRC. Appeals to CRC shall be resolved within 21 days.	
<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>• The City should provide documentation for cases which did not meet the timeline, explaining why responsible unit managers are unable to provide timely reviews and why involved officers are unable to provide timely interviews.</li> <li>• The City should also provide documentation of EIS entry for cases which did not meet timeline.</li> </ul>
<b>Methodology</b>	Various interviews with IA/PSD/IPR personnel; Reviewed previous quarter memorandums for missed allotted timelines; Reviewed 2014 Year End Report for Action Item #123 (indicating reasons for missed allotted timelines)
<b><u>Compliance Assessment</u></b>	
PPB and IPR have made significant progress since 2013 in shortening the time required to complete administrative investigations of officer misconduct complaints. Nevertheless, the compliance rate for completion within the 180 timeline is still approximately 50%. While PPB implemented a file transfer protocol which appears to have reduced the overall time for administrative investigations, missed timelines appear to occur at each step of the process. PPB did not provide documentation for most of the cases where timelines were missed. By our calculations, a total of 17 memos should have been created between IA, RU Managers, and the	

Chief’s Office, but only three memos were included in a separate folder. All three memos indicated deficient investigations wherein the case was returned to an individual for corrective action. In one memo, the author stated that the “document was sent through...in an attempt to meet the deadline despite the documents deficiencies.” Also, in only one of the memos was there any indication that an EIS entry should be made. EIS entries must be made for each missed timeline and documented in these memos.

IPR also has a responsibility to complete administrative investigations within their allotted timeline and to work with PPB to facilitate the flow of cases. They have achieved greater success by hiring additional investigators, but still struggle with deadlines. IPR has posted a report on its website which indicates that 13 cases are currently over 250 days old, although only 2 of those are indicated as “Assigned to IPR.”

Both IPR and PPB should be credited with helping to identify the bottlenecks in the process and the sources of delay. After receiving feedback from DOJ and COCL, the City is holding meetings of all relevant City employees to rethink the process and reduce the redundancy between IPR and PPB functions. We have no indication that any appeals to the CRC have occurred since the 21 day timeline has been enacted. While timeliness is important and all parties should be entitled to a timely decision, we encourage the City to avoid any decisions that would undermine due process and prevent all relevant voices from being heard.

**Settlement Agreement Paragraph**

122. PPB shall conduct administrative investigations concurrently with criminal investigations, if any, concerning the same incident. All administrative investigations shall be subject to appropriate tolling periods as necessary to conduct a concurrent criminal investigation, or as otherwise provided by law, or as necessary to meet the CRC or PRB recommendation to further investigate.

<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>• PPB should discuss this provision with DOJ to determine whether exceptions to this requirement are possible under certain conditions;</li> <li>• Based upon the above recommended discussion, Directive 0330.00 should be revised to reflect the requirement of Par. 122;</li> <li>• Provide documentation of concurrent administrative and criminal investigations.</li> </ul>
<b>Methodology</b>	Review Directive 0330.00

**Compliance Assessment**

We have reviewed Directive 0330.00 which provides the framework for administrative investigations. Section 11.1 of the Directive states “Allegations of member misconduct...*may* be

investigated concurrently as a criminal and administrative investigation” (emphasis added). However, the wording of the Agreement indicates that PPB *shall* conduct the investigations concurrently. This may be viewed as non-compliance with the Settlement Agreement, though PPB has indicated that there may be circumstances where the criminal investigation may be compromised if conducted concurrently with the administrative investigation. We have learned that, whenever possible, PPB conducts criminal and administrative investigations concurrently.

**Settlement Agreement Paragraph**

123. If PPB is unable to meet these timeframe targets, it shall undertake and provide to DOJ a written review of the IA process, to identify the source of the delays and implement an action plan for reducing them.

<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>The City should continue to engage in collaborative discussions with IPR and PPB to produce a new framework for reducing delays in IA investigations, while ensuring the integrity of the process.</li> <li>The City should explore the idea of having an entirely independent review process outside the PPB run by civilians.</li> </ul>
<b>Methodology</b>	Various interviews with IA/PSD/IPR personnel; Reviewed previous quarter memorandums for missed allotted timelines; Reviewed 2014 Year End Report for Action Item #123 (indicating reasons for missed allotted timelines)

**Compliance Assessment**

PPB has provided multiple documents and done considerable work to identify “the source of the delays” in administrative investigations. Oftentimes, these sources are the same across different cases (e.g. RU reviews). While PPB has undertaken individual stop-gap approaches to reducing the timeframe for administrative investigations, there has not been a systematic or structural change to the process. While the Agreement does not require a comprehensive systematic change, the City should evaluate whether the individual changes being made are sufficient for meeting the timelines on a consistent basis. The City should continue to facilitate strategic meetings between IPR and PPB to rethink the IA process.

In doing so, we point out that the community has expressed frustration by the apparent lack of police accountability in this process, as well as the long delays. The sentiment is strong for Portland to create a truly independent review process run by civilians outside the PPB. The City should explore the advantages and disadvantages of this model..

**B. On Scene Public Safety Statements and Interviews**

**Settlement Agreement Paragraph**

124. Within 90 days of the Effective Date, the City and PPB shall review its protocols for compelled statements to PSD and revise as appropriate so that it complies with applicable law and current professional standards, pursuant to *Garrity v. New Jersey*, 385 U.S. 493 (1967). The City will submit the revised protocol to DOJ for review and approval. Within 45 days of obtaining DOJ’s approval, PPB shall ensure that all officers are advised on the revised protocol.

<b>Compliance Label</b>	<b>Non-Compliance but Initial Steps Taken</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>• The Parties to this Agreement should resolve their differences in interpretation of Garrity as it relates to lethal force events</li> <li>• Abandon the “48-hour rule” and allow officers to be immediately interviewed after a force incident. Complete and submit the revised protocol regarding compelled statements.</li> </ul>
<b>Methodology</b>	Review of 1010.10; Review of current professional standards; Interviews with PPB personnel

**Compliance Assessment**

PPB has indicated in their quarterly reports that they have found “no inconsistencies with its protocol and the Garrity standard.” However, we do not have documentation to justify this conclusion and therefore cannot validate PPB’s findings. PPB has also indicated they are currently working on an SOP for compelled statement protocols. We have not received an update on the progress of this SOP.

The Parties currently disagree about the interpretation of Garrity as it relates to lethal force events. We recommend the Parties resolve this issue so that PPB may ensure they are in substantial compliance with this paragraph.

The issue of protocols for compelled statements has been taken very seriously by members of the COCL and COAB. As it relates to this provision, both in the interest of ascertaining the truth and establishing procedural justice and legitimacy in the eyes of the public, we maintain that “best practice” would require an immediate interview (absent exigent circumstances). While the accuracy of event recall can be negatively impacted by stress and trauma, the bulk of research does not support this claim, nor does it support the argument that “two sleep cycles” (48 hours) are needed to refresh memory. In contrast, research suggests that the passage of time and talking with other people can seriously distort one’s recall of events. For these reasons, during the review of protocols for compelled statements, we recommend abandoning the “48 hour rule” (as it has come to be known) and engage in an immediate interview to obtain information about the event, with the potential for a more detailed interview a day later.

**Settlement Agreement Paragraph**

125. Separation of all witness and involved officers to lethal force events is necessary in order to safeguard the integrity of the investigation of that event. Immediately following any lethal force event, PPB shall continue to issue a communication restriction order (“CRO”) to all witness and involved officers, prohibiting direct or indirect communications between those officers regarding the facts of the event. The CRO will continue, unless extended further, until conclusion of the Grand Jury or, if no Grand Jury is convened, until a disposition is determined by the District Attorney.

<b>Compliance Label</b>	Not Yet Assessed
<b>COCL Recommendations</b>	<ul style="list-style-type: none"><li>Revise the CRO to conform to provision of the Settlement Agreement.</li></ul>
<b>Methodology</b>	Reviewed completed CRO forms; Interview with PSD personnel

**Compliance Assessment**

We have not yet had an opportunity to review lethal force events to determine PPB’s compliance with this item and other provisions related to such events.

We did review completed CRO forms regarding lethal force events. While not being able to comment on their immediacy as required by this provision, we find that the CRO indicates that (absent a Grand Jury) it will be rescinded “as soon as the Detectives investigation is completed.” This provision in the Agreement states clearly that the CRO “will continue...until a disposition is determined by the District Attorney.” This discrepancy between the CRO forms and the Settlement Agreement should be eliminated.

**Settlement Agreement Paragraph**

126. PPB shall continue to require witness officer to lethal force events to give an on-scene briefing to any supervisor and/or member of the of the Detective Division to ensure that victims, suspects, and witnesses are identified, evidence is located, and provide any information that may be required for the safe resolution of the incident, or any other information as may be required.

<b>Compliance Label</b>	Not Yet Assessed
<b>COCL Recommendations</b>	No Recommendations at this Time
<b>Methodology</b>	Review Lethal Force events

**Compliance Assessment**

We have not yet had an opportunity to review lethal force events to determine PPB’s compliance with this item and other provisions related to such events.

**Settlement Agreement Paragraph**

127. In agreement and collaboration with the Multnomah County District Attorney, PPB shall request that involved officers in lethal force and in-custody death events provide a voluntary, on-scene walk-through and interview, unless the officer is incapacitated.

<b>Compliance Label</b>	Not Yet Assessed
<b>COCL Recommendations</b>	<ul style="list-style-type: none"><li>Comply with paragraph 127 and encourage officers to provide voluntary statements.</li></ul>
<b>Methodology</b>	Review Lethal Force Events

**Compliance Assessment**

We have not yet had an opportunity to review lethal force events to determine PPB’s compliance with this item and other provisions related to such events. However, we have learned from the PPB that officers have declined voluntary on-scene interviews in 2015. As stated in paragraph 124 above, the COCL maintains that not providing a voluntary interview and walk-through is inconsistent with best practices in the policing profession and is not supported by research. Moreover, the legitimacy of the PPB is at stake when community members view noncompliance as an obstruction of justice and an attempt to protect officers from a thorough investigation.

**C. Conduct of IA Investigations**

**Settlement Agreement Paragraph**

128. Currently, both IPR and PPB’s PSD have authority to conduct administrative investigations, provided that IPR interview of PPB Officers must only be conducted jointly with IA. Within 120 days of the Effective Date, the City will develop and implement a plan to reduce time and effort consumed in the redundant interview of witnesses by both IPR and IA, and enable meaningful independent investigation by IPR, when IPR determines such independent investigation is necessary.

<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>The City should develop and implement an innovative plan to eliminate redundant interviews and increase the independence of IPR.</li> <li>The City should look at other models of civilian oversight around the country to consider structures that achieve both procedural fairness and satisfactory independence.</li> </ul>
<b>Methodology</b>	Interviews with IPR/PSD personnel
<p><b><u>Compliance Assessment</u></b></p> <p>While our interviews and collective meetings with both IPR and PSD personnel have indicated an agreement for an expanded role for IPR, independent of IA, we have not received any developed plan to review. Our interviews and meeting with all parties, including DOJ, have convinced us that this provision was taken seriously and that discussions between the entities were ongoing. However, as no documentation has been provided, we can only ascribe partial compliance at this point. Again, we encourage the City to explore serious proposals to strengthen the independence of IPR, including full responsibility for investigations. Reviewing structures in other cities would be helpful.</p>	

<p><b><u>Settlement Agreement Paragraph</u></b></p> <p>129. The City and PPB shall ensure that all allegations of use of excessive force are subject to full and completed IA investigations resulting in findings, unless there is clear and convincing evidence to IPR that the allegation has no basis in fact.</p>	
<b>Compliance Label</b>	<b>Non-Compliance but Initial Steps Taken</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>Provide documentation of the dispositions of all excessive force complaints and investigations</li> </ul>
<b>Methodology</b>	Interviews with IPR personnel
<p><b><u>Compliance Assessment</u></b></p> <p>PPB has not provided any documentation within the past three quarters related to this provision. We therefore do not have any basis for evaluating compliance with this provision.</p> <p>We have been informed by IPR personnel that the standard of “clear and convincing evidence” for IPR dismissal of allegations of use of excessive force is viewed very seriously. As one IPR employee informed us, “It would require a situation where the officer was not even in town during the time of the occurrence.” We will continue to monitor this provision to determine if PPB’s Professional Standards Division has declined to investigate any excessive force complaints and if so, why.</p>	



**Settlement Agreement Paragraph**

130. The City and PPB shall continue to expressly prohibit all forms of retaliation, including discouragement, intimidation, coercion, or adverse action, against any person who reports misconduct, makes a misconduct complaint, or cooperates with an investigation of misconduct.

<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"><li>• Create a new directive to indicate prohibition of retaliation for the reporting, complaint, or cooperation in a police misconduct investigation</li></ul>
<b>Methodology</b>	Review Directives 310.00 and 310.20

**Compliance Assessment**

PPB currently has Directive 310.20, which prohibits retaliation in a general sense, including unlawful retaliation and retaliation which “may not violate law, but which violate City rules because the conduct is not conducive to creating a respectful and professional work environment.” Certainly, retaliation (or discouragement, intimidation, coercion, or adverse action) in the case of reporting, complaints, or cooperation in a misconduct investigation falls under this prohibition. However, Par. 130 states that PPB shall “expressly prohibit” retaliation in a specific instance (misconduct). Directive 310.20 does not meet this “express prohibition” standard and therefore we can only provide partial compliance regarding this provision.

**Settlement Agreement Paragraph**

131. COCL Summary. Paragraph 131 states that “The City and PPB shall retain Police Review Board procedures currently utilized for purposes of investigation and making recommended findings on administrative complaints, except as outlined below”

The subsections of Par. 131 refer to PRB membership, rotation of CRC members serving on the PRB, requirements and qualifications for PRB members, provisions for removing community members or CRC members serving on the PRB, term limits for CRC members serving on the PRB, and the requirement for CRC members to recuse themselves from the CRC if part of the PRB hearing the case.

<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"><li>• The City should revise Directive 336.00 and City Code 3.20.140 to include absent subsections of the Agreement and remove</li></ul>

	contradictions to the Agreement; <ul style="list-style-type: none"> <li>• Provide documentation of the membership rotation protocol required in subsection (b);</li> <li>• Provide documentation for ongoing qualifications required in subsection (d).</li> </ul>
<b>Methodology</b>	Review of Directive 336.00; Review of corresponding City Codes
<b><u>Compliance Assessment</u></b>	
<p>While some parts of this provision have been incorporated into PPB’s Directive 336.00 and City Code 3.20.140, other aspects are still missing or even contrary to the terms of the Agreement. We focus here on the aspects which have not been incorporated, which are contradictory to the Agreement, or which require additional information.</p> <p>We have not received documentation from the Auditor as to a membership rotation protocol identified in subsection (b) nor have we found documentation of this on the City website. The PPB Directive and City Code do not include verbiage regarding the PRB being “able to make thoughtful, unbiased, objective recommendations...” found in subsection (c). While community members of the PRB are required to meet the qualifications found in subsection (d), there does not appear to be any protocol to ensure continued qualification. For example, item (iv) of subsection (d) requires participation in ride-alongs to “<i>maintain</i> sufficient knowledge of police patrol procedures” (emphasis added). Subsection (g) requires that CRC members may not serve on the PRB for more than three years. City Code 3.20.140 states that community members are appointed for a three year term, but may serve two terms. PPB Directive 0336.00 does not address the issue of PRB terms for community members. For other subsections, the requirement is either found in one or the other, but not both.</p> <p>These absent and inconsistent requirements must be addressed in PPB policy and in City Code and both should be consistent with each other.</p>	

<b><u>Settlement Agreement Paragraph</u></b>	
<p>132. By majority vote, the PRB may request that investigations of misconduct be returned to its investigating entity, i.e. PSD or IPR, to complete the investigation as to factual matters necessary to reach a finding regarding the alleged misconduct. The investigating entity must make reasonable attempts to conduct the additional investigation or obtain the additional information within 10 business days or provide a written statement to the PRB explaining why additional time is needed.</p>	
<b>Compliance Label</b>	Partial Compliance
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>• Investigating agency should provide documentation of incidents wherein additional information was requested and provide written statements (if available) for occurrences wherein</li> </ul>

	additional investigation was not completed within 10 days.
<b>Methodology</b>	Review of PPB Directive 336.00
<b><u>Compliance Assessment</u></b>	
<p>PPB has complied with this provision in that Directive 336.00 includes this language. We have not had the opportunity to observe whether the language of the directive is actually being put into practice. We will continue to monitor compliance with this provision in practice.</p>	

<b><u>Settlement Agreement Paragraph</u></b>	
<p>133. COCL Summary: Paragraph 133 states that, “If an officer’s use of force gives rise to a finding of liability in a civil trial,” PPB shall be required to take various actions. The subsections of Par. 133 include requirements for findings of liability including EIS documentation, re-evaluation for specialized units, automatic IA investigations, review of previous IA investigation if one was already completed, and a published summary if IA investigation did not reach the same finding.</p>	
<b>Compliance Label</b>	Partial Compliance
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>• Provide documentation for findings of liability occurrences;</li> <li>• Revise SOP to clarify standard for evaluation</li> </ul>
<b>Methodology</b>	Review SOP #42
<b><u>Compliance Assessment</u></b>	
<p>PPB has provided SOP #42, which provides the framework for evaluating “the officer’s fitness to participate in all current and prospective specialized units.” While the SOP generally covers the PPB’s requirements, it does not identify a standard for evaluation (e.g. preponderance of evidence vs. specified criteria). We do not have documentation for instances of civil liability and would recommend PPB provide us this.</p>	

**D. CRC Appeals**

<b><u>Settlement Agreement Paragraph</u></b>	
<p>134. The City shall expand the membership of the CRC to 11 members, representative of the many and diverse communities in Portland, who are neutral, unbiased, and capable of making objective decisions. The quorum of CRC members necessary to act may remain at its existing</p>	

level.	
<b>Compliance Label</b>	<b>Substantial Compliance</b>
<b>COCL Recommendations</b>	No Recommendations at this Time
<b>Methodology</b>	Review of City Code 3.21.080
<b><u>Compliance Assessment</u></b>	
<p>We have reviewed City Code 3.21.080 and find that the wording of Par. 134 has been satisfactorily incorporated into the code. We have no reason to believe the CRC members are not “neutral, unbiased, and capable of making objective decisions.” We will continue to monitor the compliance with this paragraph and the functioning of the CRC as a body.</p>	

<b><u>Settlement Agreement Paragraph</u></b>	
<p>135. The City and PPB agree that the CRC may find the outcome of an administrative investigation is unreasonable if the CRC finds the findings are not supported by the evidence.</p> <p>136. In its review process for purposes of the appeal, the CRC may make one request for additional investigation or information to the investigating entity, i.e. PSD or IPR at any point during its review. The investigating entity must make reasonable attempts to conduct the additional investigation or obtain the additional information within 10 business days or provide a written statement to the CRC explaining why additional time is needed. The request for additional investigation or information may contain multiple points of inquiry, but no follow-up requests will be permitted. The additional request may be voted on by a quorum, the members voting must have read the Case File in order to vote, and any request with multiple points of inquiry must be prioritized.</p>	
<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>City should revise ARB-PSF-5.03 to comply with Pars. 135 and 136</li> </ul>
<b>Methodology</b>	Reviewed ARB-PSF-5.03
<b><u>Compliance Assessment</u></b>	
<p>The CRC has developed guidelines relevant to these two paragraphs, but they do not include the necessary wording to satisfy provisions of the Settlement Agreement. Par. 135 indicates a standard for refuting an Administrative Investigation finding (“not supported by the evidence”). ARB-PSF-5.03 only indicates what must happen “[i]n a case where a majority of the voting members of CRC challenges any of the Police Bureau’s findings and recommends a</p>	

different finding,” but does not indicate what threshold should be used to come to such a conclusion. There is also no mention of requirements of Par. 136. Item 4 of ARB-PSF-5.03 states “If CRC agrees no further investigation and consideration of the evidence appears warranted...CRC shall schedule a hearing on the appeal as soon as practicable.” However, this does not lay out the framework for when further investigation and consideration *is* warranted. The City must memorialize Pars. 135 and 136 in the CRC guidelines in order to satisfy them.

**E. Discipline**

<b><u>Settlement Agreement Paragraph</u></b>	
137. Within 60 days of the Effective Date, PPB and the City shall develop and implement a discipline guide to ensure that discipline for sustained allegations of misconduct is based on the nature of the allegation and defined, consistent, mitigating and aggravating factors and to provide discipline that is reasonably predictable and consistent.	
<b>Compliance Label</b>	Partial Compliance
<b>COCL Recommendations</b>	No Recommendations at this Time
<b>Methodology</b>	Review Directive 338.00 and Corresponding Discipline Guide
<b><u>Compliance Assessment</u></b>	
<p>Directive 338.00 is currently in an Executive Reconciliation phase and thus we have no recommendations at this time. Per COCL’s earlier recommendations, the Discipline Guide itself has been posted on the PPB website for public review. This is a step towards transparency, which we feel is important for gaining public trust and improving police-public relations.</p> <p>Ultimately, the question is how the discipline guide is used in practice and whether it is applied consistently and fairly. In the coming months we will review the discipline matrix as it applies to real cases, and whether it is the best approach under the circumstances. This will be examined in our review of accountability.</p>	

**F. Communication with Complainant and Transparency**

<b><u>Settlement Agreement Paragraph</u></b>	
138. Within 180 days of the Effective Date, the City shall enhance its existing website to ensure that complainant can file and track his or her own complaint of officer misconduct.	

139. Within 120 days of the Effective Date, the City shall review its protocols to ensure that the City shares with complainants requested documentation about his or her own complaint to the extent permitted by law.

140. The City shall ensure that IPR provides each complainant a tracking number upon receipt of the complaint, informs each complainant of the complaint classification, assignment (precinct or IA) and outcome of the complaint (sustained, unproven, etc.) in writing (whether mail, email/text, or fax), including information regarding whether the City took any corrective action. The City Attorney’s Office shall determine whether disclosures regarding corrective action are required on a case-by-case basis consistent with Oregon’s Public Records Law.

<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>Provide documentation regarding review of protocols for sharing of information required in Par. 139.</li> </ul>
<b>Methodology</b>	Reviewed Data Codebook for Relevant Variables; Reviewed IPR website; Reviewed IPR Protocols

**Compliance Assessment**

We have reviewed the IPR website to evaluate the possibility and ease of filing and tracking a complaint for community members. On the IPR website, the first link is to “IPR Commendations and Complaint Forms.” As this is a prime function of IPR, it is logical that this is the first link and clearly labeled. When clicking the link, a community member is able to file a complaint in a multitude of languages, adding to the ease of the complaint filing process. Also, under the IPR forms, there is a link to request the status of complaints.

We have received and reviewed the IPR data codebook in order to determine whether the information required by Par. 140 is collected and housed for dissemination to a requesting community member. We are satisfied that IPR does indeed collect and house the necessary data.

We have reviewed IPR protocols to determine compliance with Par. 139. We have not seen any documentation that such a review occurred and thus cannot determine whether the protocols have been changed or whether a determination was made that IPR protocols already allowed for such information sharing as required by Par. 139. While the IPR website appears to indicate that such information is in practice, we would need to see evidence of the protocol review.

While we have seen evidence of compliance with Pars. 138 through 140, we have not had the opportunity to observe specific incidents to ensure compliance.

## **IX. COMMUNITY ENGAGEMENT AND CREATION OF COMMUNITY OVERSIGHT ADVISORY BOARD**

The Settlement Agreement states: There is significant community and City interest in improving PPB's community relationships. The community is a critical resource. Redefining and restructuring existing community input mechanisms to provide for independent oversight of the Agreement, while also enhancing PPB's current community outreach efforts will promote community confidence in PPB and facilitate police/community relationships necessary to promote public safety. To achieve this outcome, at a minimum, PPB shall implement the requirements below.

### **Settlement Agreement Paragraph**

141. To leverage the ideas, talent, experience, and expertise of the community, the City, in consultation with DOJ, shall establish a Community Oversight Advisory Board ("COAB"), within 90 days of the Effective Date of this Agreement. The COAB shall be authorized to: (a) independently assess the implementation of this Agreement; (b) make recommendations to the Parties and the COCL on additional actions; (c) advise the Chief and the Police Commissioner on strategies to improve community relations; (d) provide the community with information on the Agreement and its implementation; (e) contribute to the development and implementation of a PPB Community Engagement and Outreach Plan ("CEO Plan"); and (f) receive public comments and concerns.

142. Membership of the COAB shall be comprised of fifteen (15) voting members, five (5) advisory members, and the COCL. (See Settlement Agreement for specific selection criteria).

143. The 15 voting members of COAB are independent of the City and PPB and shall not be currently employed by the City. Members must agree to serve for a minimum of a two-year term, and may be reappointed for one additional year. The COAB may create an executive committee or other subcommittees, as appropriate, to accomplish the tasks designated to it under this Agreement. The City shall provide administrative support so that the COAB can perform the duties and responsibilities identified in this Agreement.

144. The COAB shall report to the COCL. The COCL will chair the COAB, preside over COAB meetings, take and count votes, and perform such other activities as are necessary for the efficient operation of the COAB. If the COCL determines that a COAB member is no longer fit to serve on account of misconduct, the COCL shall consult with DOJ prior to removing such member. Following the removal of a COAB member, an alternative shall be selected from the same pool of applicants as the removed COAB member.

145 (See Settlement Agreement for description of selection process for five community members)	
<b>Compliance Label</b>	<b>Partial compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>• The City should continue to work with COCL and COAB to provide administrative and material support necessary to the ongoing work.</li> <li>• Members of City government should refrain from attempts to exert influence on COAB members, COAB processes and the COCL.</li> <li>• The City should work with DOJ and COCL to clarify the process for the selection of COAB alternates for five community at-large positions to replace those that have been moved to member status.</li> <li>• The City should confer with DOJ, COCL, and additional parties to begin planning for replacing and/or reappointing members when their two-year terms end (current member terms end February 1, 2017, based on the COAB's original convening on February 2, 2015).</li> </ul>
<b>Methodology</b>	Document review, interviews, observations and participation in COAB process
<p style="text-align: center;"><b><u>Compliance Assessment</u></b></p> <p>Given that this is an assessment of PPB's and the City's compliance with the Settlement Agreement, we will only comment here on specific issues which are the responsibility of the City.</p> <p>In early 2015, the City selected and seated the COAB per composition/selection criteria detailed in the Settlement Agreement and the Collaborative Agreement with the AMAC. The COAB first met in as a group in February 2015, first for an initial orientation session, then a COAB general meeting. The COAB now meets the second Thursday of every month. The City has provided support for meeting space, refreshments, accommodations and audio-visual needs, as well as IT support for the creation of the COCL-COAB website (cocl-coab.org).</p> <p>The City has also provided a fulltime position COAB Support Specialist to support the COAB and COCL and a Mental Health Specialist who assists with accommodation requests and COAB member support. Office space for the local COCL presence has been provided in several temporary locations. The COCL is currently working with the City to locate and move into a more appropriate permanent space.</p> <p>Since the seating of the COAB, several voting members and alternates have resigned. We encourage the City to work with the COCL and DOJ to clarify the process for replacing alternates, perhaps by reconvening the community Selection Committee. Additionally, work will need to begin to devise the selection process and pool for replacing COAB members whose</p>	



terms will be ending February 1, 2017 and who do not opt for an additional year term.

**Settlement Agreement Paragraph**

146. **COCL Summary:** Paragraph 146 states that, “To ensure constitutional policing, to closely interact with the community to resolve neighborhood problems, and to increase community confidence, PPB shall work with City resources knowledgeable about public outreach processes to develop and finalize a CEO Plan.” The subsections of Par. 146 include items related to the Community Survey, the survey of PPB members, two public hearings to gather community feedback on PPB community engagement plan, COAB review of PPB CEO plan, COAB solicitation of input from Human Rights Commission Community Police Relations Committee, including work to implement 2009 PPB “Plan to Address Racial Profiling, and COAB recommendations on CEO plan

<b>Compliance Label</b>	<b>Partial Compliance (City/PPB Responsibilities)</b>
<b>COCL Recommendations</b>	The PPB and the COAB should continue to work together to develop the Community Engagement Plan, while seeking input from various community sources.
<b>Methodology</b>	Implementation of Community Survey; Implementation of PPB Officer Survey; Completion of one public hearing

**Compliance Assessment**

The Community Survey required by subsection (a) of this Paragraph has been started and will continue during the 3<sup>rd</sup> quarter; Results will be reported out to the COAB’s Community Engagement & Outreach Plan Subcommittee (CEOPS) on October 15, and to the full COAB as soon as November. A survey of PPB’s community partners will be undertaken to gain their perspective on community engagement. We have also collected data from PPB officers and relevant findings will be reported in the COCL’s Semi-Annual Outcomes Assessment required by Par. 173 of the Agreement. As required by subsection (b) of this Paragraph, COAB and PPB held one public hearing in order to gather public input on PPB outreach efforts. A second public hearing is tentatively scheduled in early 2016, as part of the CEO Plan development.

PPB and the COAB have initiated work on creating a CEO Plan, and should continue to seek community input and work collaboratively on this initiative. As we are waiting for the results of the community survey and the second public hearing relevant to this Paragraph, we refrain from commenting too much on this provision. The work on this provision continues with the input of COAB and the community, though it is too early to evaluate results.

Collaboration between PPB and COAB on the CEO Plan has improved over time, with members of CEOPS meeting regularly with a PPB commander to discuss the work of PPB’s internal Community Engagement work group and CEOPS’ work to gather community input. The commander has also presented at a broader CEOPS meeting and will give a presentation on

PPB's current community engagement strategies to the full COAB in the near future.

We encourage the PPB to consider the Ni-Loc foot patrol program (mentioned in paragraph 84) as a new form of community engagement and one that is responsiveness to local neighborhood problems and concerns.

**Settlement Agreement Paragraph**

147. PPB shall continue to collect appropriate demographic data for each precinct so that the Precinct Commander, together with the COAB, may develop outreach and policing programs specifically tailored to the residents of the precincts.

148. PPB shall continue to require that officers document appropriate demographic data regarding the subjects of police encounters, including the race, age, sex, and perceived mental health status of the subject, and provide such information to the CPRC to contribute to their analysis of community concerns regarding discriminatory policing. In consultation with the COAB and CPRC, PPB shall consider enhancements to its data collection efforts, and report on its efforts to enhance data collection to the DOJ by no later than December 31, 2013, and quarterly thereafter.

<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>• Collaborate with COAB and community to develop outreach and policing programs;</li> <li>• Solicit COAB and CPRC input on efforts to enhance data collection</li> </ul>
<b>Methodology</b>	Reviewed PPB Stops Report; Reviewed PPB Data Enhancement Reports; Evaluated PPB data collection mechanisms; Reviewed research on police contact surveys.

**Compliance Assessment**

While PPB data has yet to be updated due to issues with switching to the new RegJIN system, we will comment on their efforts to collect such data here. While PPB does collect the required demographic data at the Precinct level, we have received no documentation from PPB, nor indication from the COAB, that outreach and policing programs have been created which are specifically tailored to precinct residents (although the Ni-Loc program noted earlier may help to achieve this objective). PPB has also provided a Data Enhancement Report, though there is nothing in the documentation to indicate that this was done in consultation with the COAB or CPRC, which is required to fully comply with these provisions.

**Settlement Agreement Paragraph**

149. The COAB, COCL, PPB, and DOJ will jointly develop metrics to evaluate community engagement and outreach.

<b>Compliance Label</b>	<b>Not Yet Assessed</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"><li>• Continue to work with the COAB and COCL to develop new metrics to assess community engagement</li><li>• Develop and implement contact surveys as part of PPB’s ongoing effort to monitor the quality of service to the public, including persons with mental illness, persons of color and other groups.</li></ul>
<b>Methodology</b>	Examine existing metrics; Propose new metrics based on best practices

**Compliance Assessment**

We are awaiting the results of the community survey and additional community inputs (including COAB-initiative focus groups) before further engaging in this process. COAB and CEOPS plans to continue gathering community input on and analyzing PPB’s current community engagement efforts through the end of 2015. In early 2016, COAB and PPB will begin to jointly craft CEO Plan recommendations, and accompanying evaluation metrics.

Also, we encourage the PPB to work with the COCL to implement contact surveys to measure the quality of service to the public (and to persons with mental illness, persons of color and other community members). These surveys can serve as a mechanism to give the community a voice in police services, to assist the PPB in monitoring officers’ field performance, and to evaluate the effectiveness of training (as noted in paragraph 80). PPB has participated in contact surveys in the past with good success. This approach is discussed in the COCL’s Outcome assessment.

**Settlement Agreement Paragraph**

150. Annually, PPB shall issue a publicly available PPB Annual Report, which shall include a summary of its problem-solving and community policing activities. A draft of the Annual Report shall be reviewed by the COAB before the report is finalized and released to the public. Once released, PPB shall hold at least one meeting in each precinct area and at a City Council meeting, annually, to present its Annual Report and educate the community about its efforts in community policing in regard to the use of force, and about PPB’s policies and laws governing

pedestrian stops, stops and detentions, and biased-free policing, including a civilian’s responsibilities and freedoms in such encounters.

<b>Compliance Label</b>	<b>Not Yet Assessed</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>• Issue report in January of 2016;</li> <li>• Consult with COAB regarding precinct area and City Council meeting information (e.g. What the community would like to know)</li> </ul>
<b>Methodology</b>	Review of PPB Quarterly Reports and Documents

**Compliance Assessment**

PPB does not anticipate the release of a PPB Annual Report until January of 2016. The most recent Annual Report was completed for 2013 and does not include a section on “problem-solving and community policing activities.” With input from the community, PPB has decided to make these truly “annual reports” and is thus waiting until January of 2016 to release their report on 2015. We understand PPB’s decision, though until a PPB Annual Report is completed, we cannot ascribe any level of successful compliance related to this paragraph. We also urge the PPB to consult with members of the COAB regarding the education of the community on “PPB’s policies and laws...including a civilian’s responsibilities and freedoms in such encounters.” The COAB is uniquely qualified to speak to the issue of possible gaps in the education of community members regarding their rights and responsibilities in relationship to the police.

**Settlement Agreement Paragraph**

151. The COAB may make recommendations approved by a majority of its membership regarding implementation of the terms of this Agreement.

<b>Compliance Label</b>	<b>N/A</b>
<b>COCL Recommendations</b>	No Recommendations at this Time
<b>Methodology</b>	N/A

**Compliance Assessment**

As the Chair of the COAB, we refrain from making compliance determinations regarding COAB responsibilities. However, we will comment on the progress of the COAB. The COAB has made multiple recommendations regarding the implementation of the terms of this Agreement. We continue to work with the COAB to refine the process for recommendations so

that the COAB has the time it needs to comprehensively and thoughtfully evaluate PPB's and the City's efforts. We have taken the recommendations made by the COAB to date and have incorporated them into our informal recommendations to PPB and the City as well as our formal recommendations found within this quarterly report. We thank the COAB for their time and encourage them to continue with the quality of work we have seen from them thus far.

**Settlement Agreement Paragraph**

152. The COAB shall meet at least twice per year with the Chief, the Police Commissioner, PPB Precinct Commanders, PPB Neighborhood Response Team, and a representative of the Office of Neighborhood Involvement Crime Prevention to assess and solicit comment on PPB's activities in regards to community outreach, engagement, and problem-solving policing. The COAB shall also provide the opportunity for public comment at each of its meetings to keep open lines of communication with the public-at large.

<b>Compliance Label</b>	Partial Compliance
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>• COAB and City officials should agree on dates for these meetings and move forward with planning.</li> </ul>
<b>Methodology</b>	Emails, calls and meetings with city officials

**Compliance Assessment**

The types of meetings detailed in this Paragraph have not yet occurred. The Mayor's liaison, the City's legal team, and the PPB's Compliance Coordinator have always attended COAB meetings and made themselves available as needed for consultation. The police chief and mayor have also attended COAB meetings and met with members of the COCL team. The formal meetings required in Par. 152 should be scheduled when there has been sufficient progress on the CEO Plan.

**Settlement Agreement Paragraph**

153. A representative of the Oregon U.S. Attorney's Office shall be invited to attend all COAB meetings.

<b>Compliance Label</b>	N/A
<b>COCL Recommendations</b>	No Recommendations at this Time
<b>Methodology</b>	N/A

**Compliance Assessment**

As the Chair of the COAB, we refrain from making a compliance determination for COAB responsibilities. We will say that each COAB meeting has been attended by a representative of the Oregon U.S. Attorney’s Office. The COAB meetings have often been enriched by information and insight provided by such representatives. We expect the COAB will continue to extend such invitations.

**Settlement Agreement Paragraph**

154. COAB shall meet as needed to accomplish their objectives as set forth in this Agreement. All COAB meetings shall be open to the public. In addition, COAB shall attend quarterly meetings with the COCL as provided in Par. 163. To the extent that COAB meetings are subject to the Oregon Public Meetings Law, or similar regulatory or statutory requirements, the City shall be responsible to give advice necessary to the COCL to ensure compliance with those laws and agrees to represent COCL in any challenges regarding compliance with those laws.

155. The City shall provide COAB members with appropriate training necessary to comply with requirements of City and State law.

<b>Compliance Label</b>	<b>Substantial Compliance (City Responsibilities)</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"><li>• Continue to solicit COAB input and provide direction/training on legal and governance issues as needed (for example, on newly emerging issues, as new members join the COAB)</li></ul>
<b>Methodology</b>	Consultation with DOJ and City personnel; COAB Meeting Attendance

**Compliance Assessment**

The City’s responsibilities in Pars. 154 and 155 have, to this point, been fulfilled to the extent that the COAB and COCL have requested their assistance. The City Attorney’s Office has provided training on Public Meetings Law as well as COAB’s responsibilities as volunteer public officials and advisors to governmental entities. As we have attempted to incorporate a number of COAB trainings into recent meetings, we have not yet paused to ask COAB members if there are issues they are still unclear on. Upon any indication of legal issues dealing with the operation of the COAB, identified by the COCL, COAB, or the City, we will request legal advice from the City Attorney’s Office. We have asked on numerous occasions for the City to opine as to legal matters and have been assisted in every instance. We expect that the City will continue to provide sound legal advice, and feel they have substantially complied to this point with the requirements of these Paragraphs.

## X. AGREEMENT IMPLEMENTATION AND ENFORCEMENT

### Settlement Agreement Terms and Conditions

156. PPB shall implement immediately all provisions of this Agreement which involve the continuation of current policies, procedures, and practices specific to force, training, community-based mental health services, crisis intervention, employee information system, officer accountability, and community engagement. Except where otherwise specifically indicated, PPB shall implement all other provisions of this Agreement no later than within 180 days of the Effective Date.

<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>• Prioritize efforts to implement provisions which are time sensitive</li> </ul>
<b>Methodology</b>	Review of various documents; Interviews with PPB and City personnel

### Compliance Assessment

To gain substantial compliance with the conditions of the Agreement will take time and a continuous commitment by the City of Portland. From the perspective of the COCL, the PPB and the City have made significant progress in each of the core areas of the Settlement Agreement. While they have not met the 180 day timeline identified in Par. 156 for some provisions, this is understandable given the delays in hiring the COCL, selecting the COAB, and the complexity of addressing more than 100 provisions. The COCL, DOJ, PPB, and the City have worked to establish reasonable timeframes. We continue to work with PPB and the City to ensure that implementation of the Agreement’s provisions are implemented as quickly as possible, but keeping an eye on the quality of the work and the extent to which it reflects evidence-based practice.

### Settlement Agreement Terms and Conditions

158. All PPB audits and reports related to the implementation of this Agreement shall be made publicly available via website and at PPB, IPR, City Hall, and other public locations. Audits and reports shall be posted on PPB’s website.

159. PPB shall collect and maintain all data and records necessary to facilitate and ensure transparency and wide public access to information related to PPB decision making and

activities, and compliance with this Agreement, in accordance with the Oregon Public Records Law.	
<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>• Update posted reports to include all reports and audits</li> <li>• Give the highest priority to resolving problems with the new data system RegJIN.</li> </ul>
<b>Methodology</b>	Reviewed PPB website
<p><b><u>Compliance Assessment</u></b></p> <p>In general, PPB has been diligent in posting reports and audits to their website, although we have observed some inconsistencies. For instance, the 2015 Q1 Quarterly Report does not appear to be on the website and is not found under the “Quarterly and Annual Reports” heading.</p> <p>There are also issues related to reports being posted on the PPB website that contain PPB data. PPB’s switch to the RegJIN system has dramatically restricted PPB’s ability to meet the reporting requirements of the Settlement Agreement. Resolving these issues with the RegJIN system should be among the highest priorities of the PPB. When accurate data are available, reports should be posted retroactively.</p>	

<p><b><u>Settlement Agreement Terms and Conditions</u></b></p> <p>165. PPB will hire an employee familiar with the operations of PPB for the duration of this Agreement, to serve as a PPB Compliance Coordinator. The Compliance Coordinator will serve as a liaison between PPB and both the COCL and DOJ and will assist with PPB’s compliance with this Agreement. At a minimum, the Compliance Coordinator will: (COCL summary) The subsections of Par. 165 identify the requirements of the PPB Compliance Coordinator, including coordination of compliance activities, maintaining and providing documentation to COCL and DOJ, assigning compliance tasks to PPB personnel, and being primarily responsible for collection the information the required by the COCL.</p>	
<b>Compliance Label</b>	<b>Substantial Compliance</b>
<b>COCL Recommendations</b>	No Recommendations at this Time
<b>Methodology</b>	Various Interviews with Compliance Coordinator and other PPB and City personnel
<p><b><u>Compliance Assessment</u></b></p> <p>PPB has retained a Compliance Coordinator since the beginning of our tenure as COCL.</p>	



We have had weekly interactions with the Compliance Coordinator since the beginning of 2015. Our overall assessment is that he has performed each of the responsibilities outlined in subsections (a) through (e). He and his staff have been very conscientious, thorough, forthright, and cooperative during our interactions with them. We look forward to maintaining this working relationship during the course of this Settlement Agreement.

**Settlement Agreement Terms and Conditions**

166. The COCL shall have full and direct access to all PPB and City staff, employees, facilities, and documents that the COCL reasonably deems necessary to carry out his/her duties. If a document requested by the COCL is privileged attorney-client communication, the COCL shall not disclose the document in a manner that destroys that privilege without the approval of the City Attorney. The COCL shall cooperate with PPB and the City to access people, facilities, and documents in a reasonable manner that minimizes, to the extent possible, interference with daily operation. In order to report on PPB’s implementation of this Agreement, the COCL shall regularly conduct reviews to ensure that PPB implements and continues to implement all measures required by this Agreement. The COCL may conduct on-site reviews without prior notice to PPB or the City.

<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>• Include all documents related to compliance on a consistent basis;</li> <li>• Ensure that documents related to certain paragraphs are in their corresponding folders</li> </ul>
<b>Methodology</b>	Reviewed PPB quarterly reports and corresponding documents

**Compliance Assessment**

In general, PPB and the City have been welcoming and accommodating to the COCL’s requests. We have received requested documents and information in a timely fashion and the DOJ compliance team has been extremely helpful in setting up meetings and interviews. However, there have been a few instances where information has been difficult to locate. During our reviews of PPB quarterly reports, we have found incidents where some documents related to a certain provision were not provided to COCL, or instances where proper documentation for specific paragraphs was found in other folders. We encourage PPB to ensure that all relevant documents are made available to the COCL and are found within their corresponding folders.

**Settlement Agreement Terms and Conditions**

169. Within 180 days of the Effective Date, PPB shall revise and/or develop its policies procedures, protocols, training curricula, and practices to ensure that they are consistent with, incorporate, address, and implement all provisions of this Agreement specific to force, training, community-based mental health services, crisis intervention, employee information system, officer accountability, and community engagement. PPB shall revise and/or develop as necessary other written documents such as handbooks, manuals, and forms, to effectuate the provisions of this Agreement. PPB shall send new or revised policies, procedures, protocols, and training curricula regarding use of force, interactions with persons in mental health crisis and systems of accountability to DOJ as they are promulgated, with a copy to the COCL. DOJ and the COCL will provide comments within 45 days and will not unreasonably withhold recommendations about policies, procedures, protocols, and training curricula. The COCL shall seek the timely input of the relevant members of the Training Division and patrol officers, as well members of the community. If the City disagrees with DOJ’s comments, the City shall, within 14 days of being informed of the DOJ’s comments, inform the Parties in writing of the disagreement. Within 14 days thereafter, the Parties shall meet and confer on the disagreement at a mutually agreeable time. Upon approval by the Parties, policies, procedures, training curricula, and manuals shall be implemented within 30 days of agreement or the Court’s decision. PPB shall provide initial and in-service training to all officers and supervisors with respect to newly implemented or revised policies and procedures. PPB shall document employee review of and training in new or revised policies and procedures.

170. The Chief shall post on PPB’s website final drafts of all new or revised policies that are proposed specific to force, training, community based mental health services, crisis intervention, employee information system, officer accountability, and community engagement, to allow the public an opportunity for notice and comment, prior to finalizing such policies.

171. The Chief’s Office shall coordinate a review of each policy or procedure required by this Agreement 180 days after such policy or procedure is implemented, and annually thereafter (on a regularly published schedule), to ensure that such policy or procedure provides effective direction to PPB personnel and remains consistent with the purpose and requirements of this Agreement.

<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>• Compile Directives into Updated Manual</li> <li>• Provide Documentation of Employee Review and Training in New or Revised Policies and Procedures</li> </ul>
<b>Methodology</b>	Reviewed various PPB directives; Review PPB website

**Compliance Assessment**

The various policies identified in this provision are covered within other sections of this quarterly report. PPB continues to post directives up for review and completed directives. We believe it best for PPB to compile all new directives in an updated manual, though this is most likely not possible until COCL, COAB, and DOJ have had an opportunity to review and make recommendations on all directives related to the Agreement. We have not received documentation of “employee review of and training in new or revised policies and procedures.” Our interviews with PPB personnel have indicated that this is occurring, though we must see and review the documentation in order to ascribe compliance to this part of Par. 169. PPB has provided the COCL and COAB with a schedule of policies and when they will be reviewed. COAB and COCL are utilizing this schedule to perform their work.

Finally, whether the new training adequately reflects the new policies and procedures required by this Settlement Agreement is a question that will be answered over time as we review the new training programs in greater depth.

**Settlement Agreement Terms and Conditions**

172. PPB shall apply policies uniformly and hold officers accountable for complying with PPB policy and procedure.

<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	See Recommendations in Previous Sections
<b>Methodology</b>	Reviewed directives and accountability mechanisms

**Compliance Assessment**

Our evaluation of Par. 172 is found within various provisions assessed in previous sections. We will continue to evaluate whether policies are uniformly applied and officers are held accountable when they violate policies. This requires new forms of documentation and measurement systems as described in this report and in a separate Outcomes report prepared by the COCL.

**Settlement Agreement Terms and Conditions**

176. Beginning with the COCL’s first quarterly report, as set forth in paragraph 166 of this Agreement, PPB shall prepare a status report no later than 45 days before the COCL’s quarterly

report is due. The PPB Compliance Coordinator shall lead the effort in preparing this status report and shall provide copies to the COCL, DOJ, and the public. PPB’s report shall delineate the steps taken by PPB during the reporting period to comply with each provision of this Agreement.

177. PPB shall maintain all records, as applicable, necessary to document their compliance with the terms of this Agreement and all documents expressly required by this Agreement.

<b>Compliance Label</b>	<b>Partial Compliance</b>
<b>COCL Recommendations</b>	<ul style="list-style-type: none"> <li>• Include all documents related to compliance on a consistent basis;</li> <li>• Ensure that documents related to certain paragraphs are in their corresponding folders</li> </ul>
<b>Methodology</b>	Reviewed PPB quarterly reports and corresponding documents

**Compliance Assessment**

PPB has consistently provided the status reports required in Par. 176 of the Agreement. These status reports contain the delineation of “steps taken by PPB during the reporting period to comply with each provision of this Agreement.” We credit the PPB for their efforts in providing these reports and look forward to receiving them each quarter.

Our assessment of Par. 177 has been addressed in our assessment of Par. 166 – namely, the documentation provided by PPB in the quarterly reports is at times incomplete or misplaced in other folders. We ask that PPB be mindful of these issues in their future provision of documentation.