



The League of Women Voters of Portland

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DATE: February 5, 2019

TO: Mayor Ted Wheeler,
Commissioners Eudaly, Fish, Fritz, and Hardesty
Chief Danielle Outlaw

FROM: Doreen Binder, president
Debbie Aiona, Action Committee chair

RE: **OIR Group Sixth Report
Portland Police Bureau Officer-Involved Shootings**

The League of Women Voters of Portland has been involved in issues related to police oversight since the 1980s. The OIR Group’s periodic reports and recommendations on police shootings and in-custody deaths are valuable not only to the Police Bureau, but also to the public because of the information and education these national experts provide. We would like to thank Auditor Hull Caballero for making this possible and the OIR Group for its report. We ask the Council and Auditor to please consider our responses and recommendations below.

Public Participation

The League places a high value on informed public participation and encourages the Auditor’s office and City Council to release future reports with more lead time. The 100+ page document was available online or for pick up on Friday, only five days before the scheduled City Council session. According to the OIR Group, the report was completed over a month ago. Such a short amount of time for review makes it difficult for community members to digest the information and provide meaningful feedback. Furthermore, it is especially disappointing that oral testimony is not allowed on these reports. In our experience, Council members are much more likely to discuss and respond to community concerns shared in an open session rather than to those submitted in writing.

General Comments on the OIR Group Report

The purpose of the periodic police shootings reports is to evaluate how the Portland Police Bureau learns from deadly force cases in order to reduce their future occurrence. We were encouraged to read about instances where the Bureau had changed training and/or policy in ways that led to improved outcomes (pgs. 33 and 39). It was, however, troubling to see the number of times the consultants

found it necessary to repeat recommendations from past reports because similar problems continue to arise. Moreover, it is clear that the Police Review Board's (PRB) lack of effectiveness needs to be addressed.

Chief Outlaw's responses were helpful and we appreciate that she described how and when many of the recommendations would be implemented. Portland Police Bureau chiefs' responses have been a regular feature of the OIR Group reports over the years. The League proposes that the city prepare a progress report responding to all of the recommendations made during the last five years. It would benefit the Bureau and the community to know how much has been accomplished and what more needs to be done.

Specific Areas of Concern

Police Review Board: In addition to its individual officer accountability function, the Police Review Board is responsible for submitting policy, training, and other systemic recommendations to the Chief's office for her consideration. As the OIR Group points out, the PRB rarely discusses or evaluates Training Division recommendations or forwards them to the Chief's office for possible implementation. This significant shortcoming leads to missed opportunities for potentially lifesaving improvements to Bureau practices. It is encouraging that the Professional Standards Division is working on a "checklist" that will formalize the PRB's responsibility to address every recommendation it receives and formally submit those it supports to the Chief. We urge the Chief and the Council to make sure the PRB follows the "checklist." (Recommendations 34 and 35)

The PRB did not find officers out of policy in any of the cases described in this report nor did it make separate findings on pre-shooting tactical decisions. Although it is rare that police shootings are found to be out of policy, questionable decisions sometimes are made leading to the shooting. Those should be evaluated separately from the shooting itself and separate findings made. (Recommendation 32)

Police science and law has increasingly recognized that tactical decision making by officers has significant impact on deadly force incidents. Tactical decisions that keep officers safe reduce the likelihood that those officers will find themselves in a position where they feel constrained to use deadly force. (OIR Group Fifth Report, Portland Police Bureau Officer-Involved Shootings, February 2018, p. 65)

We support updating the training curriculum, particularly for civilian members, and employing civilian trainers to present the new information. In light of the amount of time already devoted to training, it might be useful to see if some of the current training modules could be trimmed in order to reduce the burden on the volunteer members.

Citizen Review Committee Appeals of Shootings and In-Custody Deaths: In light of OIR's concerns about the PRB, the League urges the City Council to give serious consideration to allowing survivors of police shootings or the families of victims to request a Citizen Review Committee (CRC) review of their cases. A second look from a well-informed citizen panel could help build trust in the system and shine a light on its shortcomings.

48-Hour Rule: This and previous reports repeatedly cite the importance of interviewing officers for the administrative investigation prior to the end of their shift. We urge the city to take this advice seriously and to consistently implement it.

Transit Police: City Council and the Bureau should address the issues with Transit Police outlined by the OIR Group (p. 89). In addition to the complications presented by working with a team of officers operating under different training and policy expectations, the CRC some years ago identified the challenges of holding these officers accountable for misconduct because they work for a variety of jurisdictions.

Medical Assistance: Rendering prompt medical assistance to shooting victims continues to be an area of concern. The Bureau should continue to prioritize making improvements in this vital function.

Thank you for the opportunity to comment on this report. In conclusion, we encourage you to keep in mind this passage from the OIR Group's report:

While the reality may be that an officer had a reasonable fear for his life or safety as the result of a subject's actions at the moment the officer fired his weapon, it is rarely true that officers and their supervisors had no alternative courses of action in the time leading up to the shooting that are worth consideration. In its internal review of these incidents, it is critical that the Bureau consider these alternative scenarios. A thorough and constructive review demands that those examining the incident - in the Training Division, Bureau management, and at the Police Review Board - critically assess ways that personnel might have altered their response as a way to promote continuous growth and learning. (p. 2)