



The League of Women Voters of Portland

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September 29, 2020

To: Mayor Ted Wheeler
Commissioners Chloe Eudaly, Amanda Fritz, Jo Ann Hardesty, and
Dan Ryan

From: League of Women Voters of Portland
Debbie Kaye, president
Debbie Aiona, Action Committee chair

Re: OIR Group Report on Police Shootings and In-Custody Deaths

Mayor Wheeler and members of the Council:

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 Portland 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 expert review possible and the OIR Group for its report.

The Future of OIR Group Reports on Shootings and In-Custody Deaths

We were alarmed to learn that this is the OIR Group's last report under the current contract and no new RFP process is in place to continue their role or select a new consultant. City code (see below) requires ongoing expert reviews of closed investigations in officer-involved shooting cases and deaths in custody. The Police Assessment Resource Center conducted earlier reviews and the OIR Group has been performing this function since its 2010 review of the James Chasse case.

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

We recognize the November police oversight ballot measure has created a degree of uncertainty, but there are cases in the queue in need of analysis. Independent Police Review (IPR) should comply with city code and issue an RFP for this vital work or extend the OIR Group's contract. Having one group of consultants reviewing cases over the long term has been invaluable and it is the League's hope that the OIR Group will continue in this role.

Public Participation and Oral Testimony

The League places a high value on informed public participation. It is especially disappointing that oral testimony is generally not allowed on these reports. In our experience, council members are much more likely to discuss and respond to community concerns shared in oral testimony than to those submitted in writing. Furthermore, the auditor's office typically arranges a meeting between the OIR Group and interested community members, where the report is discussed in more depth. Scheduling those meetings before the city council presentation helps inform the public's comments. It is unfortunate that this year's community meeting will occur sometime after the city council presentation.

General Comments on the OIR Group Report

Implementation of Recommendations

At the end of each OIR Report, the police chief submits a response to the OIR Group's recommendations. In most cases the chief agrees or states that the recommendation is current practice. At the same time, there are some recommendations the OIR Group repeats over and over, because the issue continues to arise in subsequent shootings or the associated investigations, leaving the public to wonder if the bureau implemented the recommended improvements.

The League recommends that the city in cooperation with the Citizen Review Committee compile a list of the recommendations made to date with a status report on each one. These status reports should be done on a regular basis and released at the same time as the OIR Group reports.

Because this report was completed in April and the chief stated that two recommendations (#11 and #12) would be in place within 30 days and implied that recommendation #16 would be handled in short order, city council should determine if these in fact have been implemented.

48-Hour Rule

According to the report, rather than waiting until 48 hours have passed before interviewing involved officers as was done in the past, Internal Affairs (IA) now completes the interviews before a 48-hour deadline. The OIR Group points out again and again why those interviews should take place before the end of the officer's shift rather than up to two

days later and gives specific examples. The League urges city council to require the police bureau to conduct the interviews of involved officers as the OIR Group recommends.

Timeliness of Investigations

The U.S. DOJ raised significant concerns about the timeliness of misconduct investigations in its findings letter. Five out of the seven cases analyzed in this report did not meet the 180-day timeline required by the Settlement Agreement between the U.S. DOJ and City of Portland. In fact, all five went significantly beyond the required 180 days. It is the League's understanding that in cases exceeding the time limit, the bureau is required to draft a memo explaining the delay. City council should ensure those memos are being written, make them publicly available, identify why the delays are occurring, and address them.

IPR Subpoenas

In the Barry case, IA requested interviews with PSU police officers as well as Portland Fire Bureau staff and AMR paramedics. None agreed to cooperate and IA asked IPR to use its subpoena power to compel fire bureau and AMR staff to submit to interviews. They ignored the subpoenas and there was no attempt at enforcement.

The fact that staff members from a City of Portland bureau refused to cooperate in an investigation is extremely troubling and should not happen again. Further, AMR is under contract with the city and county. Their contract should include a provision that requires their staff to participate in IA interviews. It is imperative that everyone involved comply with IA and IPR requests.

Conclusion

The League truly appreciates the OIR Group's periodic reports. They not only serve to improve policing in our city, but also educate the public about incidents of great community concern. We strongly urge the IPR to follow city code and either extend the OIR Group's contract or issue a new RFP so this important work can continue.