



CITY OF PORTLAND, OREGON



Bureau of Police

Ted Wheeler, Mayor

Danielle M. Outlaw, Chief of Police

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Directive 416.00, Critical Incident – Temporary Altered Duty Executive Summary

Introduction

The Department of Justice (DOJ) identified Directive 416.00 as one of the directives requiring oversight as it pertained to the 2012 Settlement Agreement with the Portland Police Bureau (PPB). The directive was originally revised and approved by the DOJ in 2016 and again in early 2018. PPB's Policy Development Team initiated the next review of this directive in mid-November, with public comment periods in November 2018 and February 2019, respectively.

Public Comments

The Bureau received limited feedback between both comment periods, with input ranging from clarifying the definition of "critical incident," addressing the Critical Incident Stress Debriefing timeline, and acknowledging the impact on the community, family and friends, and co-workers in a member's counseling.

Definition of "Critical Incident"

The Bureau received repeated requests from the same commenter to clarify "critical incident" in terms of who experiences such an event as defined by PPB. The definition is designed to be broad because the Bureau recognizes that critical incidents can be experienced by anyone involved in or a witness to the event, however, the intended audience is Bureau members.

Critical Incident Stress Debriefing Timeline After an Officer Involved Shooting.

A Bureau member commented that the timeline for conducting a Critical Incident Stress Debriefing after an Officer Involved Shooting is problematic because Grand Jury proceedings are being scheduled weeks after an incident, not days afterward as they used to be historically. The comment is not without merit, but the DOJ has previously advised PPB that conducting a Critical Incident Stress Debriefing before a Grand Jury could taint the criminal investigation. As such, in order to preserve the process of conducting fair and objective investigations, a Critical Incident Stress Debriefing cannot occur before a Grand Jury for an Officer Involved Shooting despite the increased scheduling delay.

Impact of Affected Individuals in a Member's Counseling

The Bureau received several requests from one commenter to address having an involved officer's counseling address the impact on the community, family and friends, and co-workers following a critical incident. An avenue the Bureau employs is the Critical Incident Stress Debriefings, which are conducted in group settings and generally include involved members or other directly impacted members, dispatchers, supervisors, and ambulance emergency medical technicians to help these individuals process their thoughts and feelings. Other types of individual counseling sessions may occur at the discretion of trained licensed mental health professionals and are not necessarily affiliated with or controlled by the Bureau.

We thank every individual who took the time to provide feedback on this directive. All comments received during both review periods are attached at the end of this document. We have removed all personal information to protect the privacy of commenters.

The Bureau's Revised Policy

The Policy Development Team kept the directive largely intact, but made a few changes. Because this directive was originally written for procedures that followed a use of deadly force incident, section 4 and 5.3.2. were added to include procedures following other types of traumatic events not involving force (e.g., responding to cases of domestic violence or child neglect). One significant change is the addition of Section 5, which identifies the functions of the EAP Coordinator during and after a critical incident. The EAP Coordinator's role was scattered throughout the directive but the new section consolidates the responsibilities into one location. Lastly, the Policy Development Team eliminated redundancy by removing policy 3 because it was reflected in procedure 3.1. and made minor formatting changes throughout the document to maintain consistency with other revised PPB directives.

The Bureau believes that the revised directive provides clearer guidance to its members; however, any suggestions to further improve this policy are welcome during its next review.

Directive 416.00, Critical Incident – Temporary Altered Duty, will go into effect on April 15, 2019.

Published on 4/15/19

416.00, Critical Incident - Temporary Altered Duty

Refer:

- DIR 210.21, Leaves from Service
- DIR 240.00, Employee Assistance Program
- DIR 410.00, Injuries/Occupational Illness/Disability/LOS
- DIR 1010.00, Use of Force
- DIR 1010.10, Deadly Force and In-Custody Death Reporting and Investigation Procedures

Definitions:

- **Critical Incident:** An atypically traumatic event that may cause physical, emotional, and/or psychological injury or harm.
- **Critical Incident Stress Debriefing:** A process that is designed to prevent or limit the development of post-traumatic stress in people exposed to critical incidents. It is a professionally conducted debriefing that helps members cope with and recover from an incident's aftereffects. It enables participants to process their thoughts and feelings surrounding a critical incident in a controlled, safe environment.
- **Involved Member:** An involved member is a Bureau member who applies deadly force or directs another to use deadly physical force, or a member who has used physical force against, or a member who assumes control, care or custody of, a subject who dies in police custody.
- **Witness Member:** A witness member is a Bureau member who observes or has firsthand knowledge of the events surrounding an in-custody death or the use of deadly physical force by another member, and other than observing the incident, did not use deadly physical force. Additionally, a member who observes or has firsthand knowledge of the events surrounding a member's direction to another to use deadly force.

Policy:

1. The Bureau recognizes that critical incidents are extremely complex and can have significant impact on the involved and witness members, the organization, and the community.
2. The Bureau is committed to supporting members who are involved in or witness a deadly force incident. Members directly involved in the use of deadly force (or force resulting in serious injury as determined by the Chief of Police) will be placed on administrative leave and/or provided a structured, temporary altered assignment to facilitate the member returning to their regular duty.

Procedure:

1. Altered Duty for Involved Members:
 - 1.1. Involved members in a use of deadly force or in-custody death event will be placed on administrative leave immediately following an event. This work status will stay in place until the involved member attends a session with a licensed mental health

professional. If this session occurs prior to one week after the end of the Grand Jury deliberations, the involved member will not return to work until one week after Grand Jury deliberations. This procedure recognizes the difficulty in processing such an event by a member until after the completion of the Grand Jury deliberations.

- 1.2. Members who need more time off work may use vacation or sick leave, if applicable.
 - 1.3. If a member feels unable to return to work, they may file a claim under the Fire and Police Disability and Retirement System.
 - 1.4. The involved member's Lieutenant will be responsible for keeping the member informed of the details of their temporary assignment. This procedure recognizes the value in the member receiving official communication in a timely, accurate, and regular manner.
 - 1.5. Involved members will return to work at the conclusion of the administrative leave and after the Critical Incident Stress Debriefing.
 - 1.6. The involved member's return to work will be structured in a manner designed to continue to facilitate the member smoothly returning to their full duty assignment.
2. Return to Work for Involved Members:
- 2.1. The first week of the structured return to duty assignment will include being paired with another member for a minimum of the first week. This procedure recognizes the benefit of being back with the involved member's usual peers as well as being able to step back into the demands of the job in a progressive manner.
 - 2.2. The first day will be administrative in nature and will include such things as obtaining back the involved member's weapon and equipment, visiting the range if desired, and visiting the scene of occurrence if desired.
 - 2.3. If the involved member is in an operational assignment, the rest of the week will involve working in a two person "beat" car and taking non-priority calls. The intent is for the involved member to not have district responsibilities for the first week and to take calls in a self-initiated and controlled manner.
 - 2.4. If the involved member is in a non-operational assignment, a similar stair step approach assignment will be structured.
 - 2.5. At the end of the first week, the involved member, the Employee Assistance Program (EAP) Coordinator, and the member's supervisor will make a determination if the member is ready for a complete return to unrestricted duty or decide if there would be additional benefit by continuing to be paired with a partner.

3. Witness Member:

- 3.1. Members that witness (as defined within this Directive) the use of deadly force may be placed on administrative leave and/or placed in a temporary altered duty assignment following such an incident. This may also be referred to the EAP Coordinator and assigned a Traumatic Incident Committee or Peer Support Team member.
- 3.2. These decisions, as well as the return to work process, will be determined on a case by case basis by the Assistant Chief of the witness member in consultation with the EAP Coordinator, the witness member, and their assigned Traumatic Incident Committee or Peer Support Team member.
- 3.3. This procedure recognizes that witnessing such an event, though not being directly involved in the use of deadly force, can still have a significant impact on members.
4. Members involved in all other types of critical incidents may be placed on administrative leave with the approval of the Chief or their designee.
5. EAP Coordinator:
 - 5.1. The EAP Coordinator provides support and assistance to members involved in a critical incident by partnering them with peer-support groups; referring them to licensed mental health providers; conducting follow-ups; advocating on their behalf to command staff for additional time off, if necessary; and coordinating their return to work.
 - 5.2. Following the use of deadly force or in-custody death, the EAP Coordinator will:
 - 5.2.1. Ensure that all involved members are assigned a Traumatic Incident Committee team member as soon as practical.
 - 5.2.2. Refer members to licensed mental health providers and ensure the involved member(s) is both scheduled for and attends a session prior to returning to work. The EAP Coordinator will also schedule members' sessions at three, six, and twelve months following the incident.
 - 5.3. The EAP Coordinator is responsible for scheduling the Critical Incident Stress Debriefing following any critical incident.
 - 5.3.1. Critical Incident Stress Debriefings for use of deadly force or in-custody death events will occur as soon as practical following the conclusion of any criminal proceedings (e.g., Grand Jury). This procedure recognizes the value in conducting this debriefing as soon as is procedurally possible.
 - 5.3.2. Critical Incident Stress Debriefings for all other critical incidents shall occur within a week of the event or as soon as practical.
6. Exceptional Circumstances:
 - 6.1. In exceptional circumstances, the Chief of Police or their designee, reserves the ability to have a member remain on administrative leave beyond the time periods outlined in this directive.

- 6.2. The Chief of Police, also reserves the ability to assign a member to a non-call taking assignment.
- 6.3. Factors that will be considered in making such determinations include, but are not limited to:
 - 6.3.1. Member concerns,
 - 6.3.2. Threats to members and family members,
 - 6.3.3. Media coverage,
 - 6.3.4. Community concerns,
 - 6.3.5. Grand Jury returning a true bill for a criminal indictment, and/or
 - 6.3.6. There is an objective basis for the Chief of Police to believe that the member may be terminated from employment.

History:

- Originating Directive Date: 04/29/13
- Last Revision Signed: 04/15/19
 - Effective Date: 05/15/19
- Next Review Date: 05/15/20

416.00, Critical Incident - Temporary Altered Duty

Refer:

- DIR 210.21, Leaves from Service
- DIR 240.00, Employee Assistance Program
- DIR 410.00, Injuries/Occupational Illness/Disability/LOS
- DIR 1010.00, Use of Force
- DIR 1010.10, Deadly Force and In-Custody Death Reporting and Investigation Procedures

Definitions:

- Critical Incident: An atypically traumatic event that may cause physical, emotional, and/or psychological injury or harm.
- Critical Incident Stress Debriefing: A process that is designed to prevent or limit the development of post-traumatic stress in people exposed to critical incidents. It is a professionally conducted debriefing that helps members cope with and recover from an incident's aftereffects. It enables participants to process their thoughts and feelings surrounding a critical incident in a controlled, safe environment.
- Involved Member: An involved member is a Bureau member who applies deadly force or directs another to use deadly physical force, or a member who has used physical force against, or a member who assumes control, care or custody of, a subject who dies in police custody.
- Witness Member: A witness member is a Bureau member who observes or has firsthand knowledge of the events surrounding an in-custody death or the use of deadly physical force by another member, and other than observing the incident, did not use deadly physical force. Additionally, a member who observes or has firsthand knowledge of the events surrounding a member's direction to another to use deadly force.

Policy:

1. The Bureau recognizes that critical incidents, ~~such as those involving the use of deadly force (or force resulting in serious injury)~~, are extremely complex and can have significant impact on the involved and witness members, the organization, and the community.
2. The Bureau is committed to supporting members who are involved in or witness a deadly force incident. Members directly involved in the use of deadly force (or force resulting in serious injury as determined by the Chief of Police) will be placed on administrative leave and/or provided a structured, temporary altered assignment to facilitate the member returning to their regular duty.
3. ~~Members who witness or are directly involved in other critical incidents (e.g., use of deadly force incident) may be placed on administrative leave and/or temporary altered duty assignment following such an incident as determined by the Chief of Police.~~

Procedure:

1. Altered Duty for Involved Members:

~~1.1. The Employee Assistance Program Coordinator will ensure that all involved members are assigned a Traumatic Incident Committee team member as soon as practical following the use of deadly force.~~

~~1.2.1.1. Involved members~~Involved members in a use of deadly force or in-custody death event will be placed on administrative leave immediately following an event. This work status will stay in place until the involved member attends a session with a licensed mental health professional. If this session occurs prior to one week after the end of the Grand Jury deliberations, the involved member will not return to work until one week after Grand Jury deliberations. This procedure recognizes the difficulty in processing such an event by a member until after the completion of the Grand Jury deliberations.

~~1.3.1.2.~~ Members who need more time off work ~~will be afforded the opportunity to~~ use vacation or sick leave, if applicable.

~~1.4.1.3.~~ If a member feels unable to return to work, they may file a claim under the Fire and Police Disability and Retirement System.

~~1.5.0.1.1.1. The Employee Assistance Program Coordinator will schedule the Critical Incident Stress Debriefing as soon as practical following the conclusion of the Grand Jury deliberations. This procedure recognizes the value in conducting this debriefing as soon as is procedurally possible.~~

~~1.6. The Employee Assistance Program Coordinator will assist in pairing the involved member with a licensed mental health professional and ensure the involved member is both scheduled for and attends a session prior to returning to work, and at three (3), six (6), and twelve (12), months following the incident.~~

~~1.7.1.4.~~ The involved member's Lieutenant will be responsible for keeping the member informed of the details of their temporary assignment. This procedure recognizes the value in the member receiving official communication in a timely, accurate, and regular manner.

~~1.8.1.5.~~ Involved members will return to work at the conclusion of the administrative leave and after the Critical Incident Stress Debriefing.

~~1.9.1.6.~~ The involved member's return to work will be structured in a manner designed to continue to facilitate the member smoothly returning to their full duty assignment.

2. Return to Work for Involved Members:

2.1. The first week of the structured return to duty assignment will include being paired with another member for a minimum of the first week. This procedure recognizes the benefit of being back with the involved member's usual peers as well as being able to step back into the demands of the job in a progressive manner.

- 2.2. The first day will be administrative in nature and will include such things as obtaining back the involved member's weapon and equipment, visiting the range if desired, and visiting the scene of occurrence if desired.
- 2.3. If the involved member is in an operational assignment, the rest of the week will involve working in a two (2)-person "beat" car and taking non-priority calls. The intent is for the involved member to not have district responsibilities for the first week and to take calls in a self-initiated and controlled manner.
- 2.4. If the involved member is in a non-operational assignment, a similar stair step approach assignment will be structured.
- 2.5. At the end of the first week, the involved member, the Employee Assistance Program (EAP) Coordinator, and the member's supervisor will make a determination if the member is ready for a complete return to unrestricted duty or decide if there would be additional benefit by continuing to be paired with a partner.

3. Witness Member:

- 3.1. Members that witness (as defined within this Directive) the use of deadly force may be placed on administrative leave and/or placed in a temporary altered duty assignment following such an incident. This may also be referred to the ~~Employee Assistance Program~~ EAP Coordinator and assigned a Traumatic Incident Committee or Peer Support Team member.
- 3.2. These decisions, as well as the return to work process, will be determined on a case by case basis by the Assistant Chief of the witness member in consultation with the ~~Employee Assistance Program~~ EAP Coordinator, the witness member, and their assigned Traumatic Incident Committee or Peer Support Team member.
- 3.3. This procedure recognizes that witnessing such an event, though not being directly involved in the use of deadly force, can still have a significant impact on members.

4. Members involved in all other types of critical incidents may be placed on administrative leave with the approval of the Chief or their designee.

5. EAP Coordinator:

- 5.1. The EAP Coordinator provides support and assistance to members involved in a critical incident by partnering them with peer-support groups; referring them to licensed mental health providers; conducting follow-ups; advocating on their behalf to command staff for additional time off, if necessary; and coordinating their return to work.
- 5.2. Following the use of deadly force or in-custody death, the EAP Coordinator will:
 - 5.2.1. Ensure that all involved members are assigned a Traumatic Incident Committee team member as soon as practical.

5.2.2. Refer members to licensed mental health providers and ensure the involved member(s) is both scheduled for and attends a session prior to returning to work. The EAP Coordinator will also schedule members' sessions at three, six, and twelve months following the incident.

5.3. The EAP Coordinator is responsible for scheduling the Critical Incident Stress Debriefing following any critical incident.

5.3.1. Critical Incident Stress Debriefings for use of deadly force or in-custody death events will occur as soon as practical following the conclusion of any criminal proceedings (e.g., Grand Jury). This procedure recognizes the value in conducting this debriefing as soon as is procedurally possible.

5.3.2. Critical Incident Stress Debriefings for all other critical incidents shall occur within a week of the event or as soon as practical.

4.6. Exceptional Circumstances:

4.1.6.1. In exceptional circumstances, the Chief of Police or their designee, reserves the ability to have a member remain on administrative leave beyond the provision time periods outlined in ~~within~~ this directive.

4.2.6.2. The Chief of Police, also reserves the ability to assign a member to a non-call taking assignment.

4.3.6.3. Factors that will be considered in making such determinations include, but are not limited to:

4.3.1.6.3.1. Member concerns,

4.3.2.6.3.2. Threats to members and family members,

4.3.3.6.3.3. Media coverage,

4.3.4.6.3.4. Community concerns,

4.3.5.6.3.5. Grand Jury returning a true bill for a criminal indictment, and/or

4.3.6.6.3.6. There is an objective basis for the Chief of Police, to believe that the member may be terminated ~~for~~from employment.

Directive 416.00 Feedback

1st Universal Review: 11/15/18-11/30/18

#1

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, November 15, 2018 10:23:23 PM
Last Modified: Thursday, November 15, 2018 10:26:44 PM
Time Spent: 00:03:20

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Q1 Please provide feedback for this directive

I agree with the procedure set in place by this directive, it allows officers a way to process the feelings associated with a "major event".

Q2 Contact Information (optional)

Respondent skipped this question

#2

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Sunday, November 18, 2018 8:57:38 PM
Last Modified: Sunday, November 18, 2018 8:59:17 PM
Time Spent: 00:01:39

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Directive 416.00 Feedback

Q1 Please provide feedback for this directive

#1. Paragraph 1.2 is a messy explanation of when an involved member can return to work following administrative leave. I recommend editing the section as listed below.

#2. Paragraph 1.3 "will be afforded the opportunity to" can be simply stated "may".

#3. Paragraph 1.5: A critical incident debriefing should be conducted as soon as practically possible following a traumatic event. Why would you wait until AFTER Grand Jury deliberations to try and schedule a debriefing?!? That allows too much time for the traumatic incident to affect a person's mental and emotional health. As a Battalion Fire Chief, I would coordinate a critical incident debriefing immediately following any significant traumatic event. RETHINK THIS!

#4. Paragraph 1.6. Just rewrite this. It sounds like the EAP coordinator is responsible for the involved member's follow-up appointments. I recommended a REWRITE of the section below.

#5 Paragraph 1.8. Just delete - redundant, so just delete it. A Critical Incident Stress Debriefing should not occur more than 7 days after Grand Jury deliberations ended.

#6 Paragraph 1.9. Also redundant. This is explained in detail in Section 2.

#7. Paragraph 3.1 & 3.2 could be combined. But kudos to the thought and implementation of this directive. Although I'm not sure the EAP coordinator needs to be involved in the decision process mentioned in 3.2, the trio of AC, support member, and the involved member is excellent!

#8. Section 4. I would think that the Deputy Chief or Assistant Chiefs should also have the ability to make these decisions, especially in the absence of the Chief of Police. But this is just MY opinion.

RECOMMENDED EDITS:

1.2. Involved members will be placed on administrative leave immediately following an event.

- {This work status will stay in place until the involved member attends a session with a licensed mental health professional. If this session occurs prior to one week after the end of the Grand Jury deliberations, the involved member will not return to work until one week after Grand Jury deliberations.}

+ [This work status will continue until the involved member attends an evaluation session with a licensed mental health professional. If the incident results in a referral to the Grand Jury, the administrative leave work status will not change until at least 7 days after the conclusion of Grand Jury deliberations associated with the involved member.]

This procedure recognizes the difficulty in processing such an event by a member until after the completion of the Grand Jury deliberations.

1.6. The involved member will meet with a licensed mental health professional prior to returning to work, and at a minimum, at three (3), six (6), and twelve (12) months following the critical incident. Additional sessions may be scheduled based on the recommendation of the licensed health professional or at the request of the involved member. The Employee Assistance Program coordinator will assist with scheduling these sessions and documenting the member's attendance.

Q2 Contact Information (optional)

Name

Email Address

From: [Directives, Police](#)
To: [Bureau](#)
Subject: re: 0416.00 Critical Incident- Temporary Altered Duty
Date: Wednesday, November 28, 2018 7:27:34 PM

There is an issue with this directive as it originated in 2013. At that time, GJ's were taking 10 to 12 days and the IA investigation was not partnered with the detective investigation. With the changes over the last couple years, GJ's are taking anywhere from a month to three months. And the IA may or may not be done by the time the incident goes to GJ. Thus the involved members are still under the communication restriction order and would have to go back to work a week after the GJ – but before we are able to have a debriefing. We need to take a look at this and see how the Directive can be reworded to fit our current way of doing things.

Employee Assistance Program
Portland Police Bureau

From: Portland Copwatch
To: [Outlaw, Danielle](#); [Bell, Jeff](#); [Morgan, Craig](#); [Dennis Rosenbaum](#); [Hood, Mandi](#); [Auditor, CRC Mail](#); [Severe, Constantin](#); [Directives, Police Bureau](#); [Hull Caballero, Mary](#); [Wheeler, Mayor](#); [Grant, Nicole](#)
Cc: [Jonas Geissler](#); [Jaclyn Menditch](#); [Jared Hager](#); [News Media](#)
Subject: COMMENTS on Critical Incident Altered Duty Directive, November 2018
Date: Wednesday, November 28, 2018 2:04:38 PM

COMMENTS ON CRITICAL INCIDENT ALTERED DUTY DIRECTIVE, NOVEMBER 2018

To Chief Outlaw, Capt. Bell, Lieutenant Morgan, PPB Policy Analysts, Compliance Officer/Community Liaison Team, Community Oversight Advisory Board staff, US Dept. of Justice, Independent Police Review, Citizen Review Committee and the Portland Police Bureau:

Below are Portland Copwatch's comments on the Critical Incident-Temporary Altered Duty Directive (416.00) posted for review in November (<https://www.portlandoregon.gov/police/article/703054>).

We continue to believe that the review periods should be at least 30 days on both ends of the rewriting process so organizations who only meet monthly (including the new PCCEP) can weigh in. We also still urge the Bureau to add letters to section headings (Definitions, Policy, Procedure) so that there are not multiple sections with the same numbers, and to enumerate the Definitions. Our comments below refer to the Procedure Section unless otherwise noted.

The Bureau made some changes to this Directive after the last draft was circulated for comment, including that it used to be called "Post Officer Involved Deadly Force Temporary Altered Duty." While the Directive opens up that such changes to an officer's assignment might follow incidents that do not involve deadly force, the only other example given is "force resulting in serious injury" (Policy Section 1).

This is further complicated by the Bureau's having adding a definition of "Critical Incident" as PCW suggested back in August 2017 (and previously). The definition is very vague and it is unclear who is the subject: "An atypically traumatic event that may cause physical, emotional and/or psychological injury or harm." Does this mean to the officer or to the person the officer is responding to? Does it mean to the victim of the crime or a suspect who gets subjected to police violence? This definition is all the more important since Traumatic Incidents are one trigger for alerts in the Employee Information System. As we noted in our analysis of the COCL's October report (http://www.portlandcopwatch.org/COCLquarterly1018_pcw.html):

"While only 19% of cops using too much force get interventions, a whopping 73% of those with traumatic incidents get such counseling."

We also called attention to the "critical incident" definition in our comments on the EIS Directive in September.

Our previous concern about failing to define critical incidents properly still holds, which is that officers can be placed on Administrative Leave by discretion of the Chief. The Directive allows the Chief to decide what is "force resulting in serious injury" (Policy Section 2) but suggests other incidents could lead to unrequested leaves of absence. To be clear, PCW might be supportive of taking such officers

off the force, it just should be clearly defined so there are no challenges to implementation.

We also continue to question whether there should be more consideration about the psychological effect of an officer revisiting the scene of a shooting on their first day back on duty (Section 2.2). There is an emphasis on officers getting counseling for stress, so more language than "visiting the scene of occurrence if desired" may be appropriate. In the release notes for the revised Directive, the PPB defended the existing language because it is optional, we think more attention needs to be put on the possible downside.

The Bureau had previously added in the concept of the impact of deadly force incidents on the community (in Policy Section 1 and Procedure Section 4.3.4), which PCW acknowledged. We also asked that the impact on the community, family, friends and coworkers also be part of the officers' counseling, but that idea has not yet been added to the Directive.

CONCLUSION

We continue to appreciate the Bureau seeking community input. After reading recently that the unarmed officer positions we were promised in late 2016* are being turned into non-patrol positions, we urge the Bureau to do more listening to the community rather than making decisions behind closed doors. As we have noted before, it is helpful to get feedback on reasons the Bureau disagrees with suggestions-- which sometimes happens in the final publication of Directives-- since it helps the discussion move forward.

Thank you for your time

--Portland Copwatch

*-- see <http://efiles.portlandoregon.gov/Record/11070224/file/document> pages 13-16.

#1

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Friday, March 01, 2019 4:19:22 PM
Last Modified: Friday, March 01, 2019 4:20:12 PM
Time Spent: 00:00:50

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Q1 Please provide feedback for this directive

COMMENTS ON ACCOUNTABILITY, AND OTHER DIRECTIVES FEBRUARY/MARCH 2019

To Chief Outlaw, Capt. Bell, Lieutenant Morgan, PPB Policy Analysts, Compliance Officer/Community Liaison Team, Community Oversight Advisory Board staff, US Dept. of Justice, Independent Police Review, Citizen Review Committee and the Portland Police Bureau:

Below are Portland Copwatch's comments on the Directives posted for review in February/March . While reviewing ten Directives at once is overwhelming, the Bureau's red-line copies helped point us to the areas that were changed, and since we commented on nine of the policies in September (and the other, on Altered Duty, in November) the process was a bit quicker. That said, part of the ease of review is that the Bureau has barely made any changes to the Directives, so most of our comments still stand. We recognize a few of the changes were made in response to our comments.

We still would like to see the Bureau post comments as they arrive so commenters would be able to build off each others' ideas.

One item we'd like to highlight up front is our suggestion in Directive 338.00 on the Discipline Guide that the Guide itself should be posted for public review and input along with the policy. We have made one recommendation based on the recent case of Sgt. Gregg Lewis but would take a "deeper dive" given a formal opportunity.

As we noted in September, the findings on misconduct allegations are a source of great concern. Not only are there poorly defined allegations for general misconduct cases ("Not Sustained" and "Unfounded" need to be fixed), but in deadly force and non-disciplinary investigations there are only two possible findings-- and those are not even the same as each other ("In Policy/Out of Policy" and "Substantiated/Not Substantiated").

We also noted several times that many Directives refer to the Professional Standards Division (PSD) and/or Captain, while others refer to the Internal Affairs (IA) Captain. Since IA is part of PSD this is confusing, and nothing has been done to clarify the issue.

We once again urge the Bureau to make the review periods at least 30 days on both ends of the rewriting process so organizations who only meet monthly have time to give feedback. In addition to the other advisory committees we have mentioned in the past (BHU Advisory Committee, Training Advisory Council, and Citizen Review Committee), the newly formed Portland Committee on Community Engaged Policing (PCCEP) seems to have too much on its plate to respond quickly to requests for input.

We continue to believe the Bureau should add letters to section headings (Definitions, Policy, Procedure) so that there are not multiple sections with the same numbers, and to enumerate the Definitions. Our comments below refer to the Procedure Section unless otherwise noted.

DIRECTIVE 416.00 CRITICAL INCIDENT ALTERED DUTY (previous comments November 2018)

Directive 416.00 Feedback

In our last comments, we noted that the only example of a "Critical Incident" beyond a case involving use of deadly force was "force resulting in serious injury" (Policy Section 1). Rather than list other examples, the Bureau is planning to cut that phrase. This is exactly the opposite of what PCW suggested, which also included our long-standing idea to use the Definitions section to outline what "Critical Incident" means. We noted that it is not clear whether the current definition refers to a community member (be it a crime victim, suspect, or recipient of police violence) or the officer when it says a Critical Incident is "an atypically traumatic event that may cause physical, emotional and/or psychological injury or harm." We noted that the Bureau needs to let the community know what Critical or "Traumatic" Incidents are since they can trigger alerts in the Employee Information System. We repeat here what we noted in our analysis of the COCL's October 2018 report: "While only 19% of cops using too much force get interventions, a whopping 73% of those with traumatic incidents get such counseling."

PCW also continues to believe the vague definition also could negatively affect officers, since they can be placed on Administrative Leave by discretion of the Chief. Policy Section 2 allows the Chief to decide what is "force resulting in serious injury," but suggests that beyond deadly force, other incidents could lead to unrequested leaves of absence. We noted our group is supportive of taking such officers off the force, but that a clear definition will limit legal challenges. New Section 1.2 tries to address this by saying the Chief (or a designee) "may" place officers on leave in incidents not involving deadly force, but without a clear definition, the implications remain unclear.

We have repeatedly questioned whether Section 2.2 should include consideration about the psychological effect of an officer revisiting the scene of a shooting on their first day back on duty "if desired," since the Bureau emphasizes counseling officers for stress. The PPB defended the existing language because following through on such a visit is optional, but PCW would like to see more attention paid to the downside of doing so.

Policy Section 1 and Procedure Section 4.3.4 include the concept of the impact of deadly force incidents on the community. PCW asks once again for the Bureau to add the impact on the community, family, friends and coworkers to the policy and to the officers' counseling.

The majority of changes being proposed to Directive 416.00 consolidate the actions of the Employee Assistance Program from Section 1 to new Section 4.

CONCLUSION

PCW again appreciates that the Bureau asks for community comments on its policies, and the few changes that were made in response to our feedback. However, the other common-sense ideas we are putting forward which would lead to a more trustworthy and community-minded police force should not be brushed aside. We are hoping that the once the PCCEP starts making recommendations, the Bureau will engage in public discussions (involving the Committee members and the general public) rather than continuing to go behind closed doors to assess community input. That would show a true commitment to "community engaged policing."

Thank you for your time

--Portland Copwatch

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