



## CITY OF PORTLAND, OREGON



### **Bureau of Police**

Ted Wheeler, Mayor  
Charles Lovell, Chief of Police

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

Integrity • Compassion • Accountability • Respect • Excellence • Service

### **Rescinding: Directive 0640.40, Investigations on Public School Property**

Effective 12/29/2022, the Bureau is rescinding Directive 0640.40, Investigations on Public School Property, as sufficiently covered by revised Directive 0850.30, Juvenile Interviews, Detention, and Custody.

#1

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Tuesday, February 15, 2022 5:47:05 PM  
**Last Modified:** Tuesday, February 15, 2022 5:47:41 PM  
**Time Spent:** 00:00:36

---

Page 1

## Q1

Please provide feedback for this directive

### COMMENTS ON YOUTH-RELATED DIRECTIVES, FEBRUARY 2022

To Chief Lovell, Capt. Parman, Lieutenant Morgan, PPB Policy Analysts, Compliance Officer/Community Liaison Team, Portland Committee on Community Engaged Policing, US Dept. of Justice, Citizen Review Committee and the Portland Police Bureau:

Below are Portland Copwatch's comments on two of the four Directives (policies) posted for review in February . We do not have comments on the Fingerprinting and Photographing of Juveniles (640.70) or Missing, Runaway, Lost or Disoriented Persons (850.39) at this time, though we may take another look during the Second reviews of those.

We believe the Bureau is planning to revise these policies due to the passage of SB 418, which prohibits police from providing false information to a minor suspected of committing a misdemeanor or felony. We hope that information gets added in the appropriate places.

Similarly, Directive 640.40 makes several references to School Resource Officers, a program which was dismantled in 2020, and we suspect the Bureau will fix that language as well.

For eight years now, we have asked the Bureau to assign a letter or number to each major section (Definitions/ Policy/ Procedure) to avoid the confusion of having multiple Sections marked "1." Our comments below address Procedure sections unless otherwise noted.

We also continue to think the First Review should have a longer period than 15 days, particularly in cases like this where two of the Directives are eight pages long.

### 640.40 INVESTIGATIONS ON PUBLIC SCHOOL PROPERTY (Previous comments made August 2015)

These comments are drawn from the ones we made in 2015, with a few new additions. Notably, the draft posted then included the Bureau's current numbering system, but that version was apparently never adopted.

Legal Rights Front and Center: Our largest concern in this Directive is the lack of focus on rights. The section on Police Contacts on School Property talks about interviewing the student with the Principal present, and informing the Principal or guardian of the student before a custodial arrest is made. However, there is no discussion of informing the student, whether adult or juvenile, of their right to refuse to answer questions. It is not clear, therefore, whether these rules properly reflect the investigation guidelines in ORS 133.402, which call for delivering Miranda rights to minors and recording the interrogations.

Use Clear Language: In the definitions and the text, the use of the term "student occupied school" to describe a school that is in use, but not necessarily full of students, is confusing. "Functional school" or some other term might work better.

Train Cops Well: In the absence of School Resource Officers, Portland Copwatch hopes that the Bureau will have specific training around going into schools and interacting with minors to avoid creating trauma.

Advocates Allowed?: The Directive should also provide that the juveniles be allowed to have someone sit in during any questioning, whether a parent/guardian, attorney or peer. If possible, having such an advocate available should be mandatory.

### CONCLUSION

Thank you again for the opportunity to comment. We recognize how far this process has come since the Bureau told the Citizen

## 0640.40 Directive Feedback (1UR)

Review Committee in 2015 that it would "never happen" to let the public know how many comments came in on the Directives. We hope the process and responsiveness to the public continues to evolve.

--dan handelman and other members of  
--Portland Copwatch

---

### Q2

Contact Information (optional - your name will be visible on PPB's website)

Name **Portland Copwatch**

---

#2

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Tuesday, February 22, 2022 11:03:59 AM  
**Last Modified:** Tuesday, February 22, 2022 11:04:09 AM  
**Time Spent:** 00:00:10

---

Page 1

**Q1**

Please provide feedback for this directive

test

---

**Q2**

Respondent skipped this question

Contact Information (optional - your name will be visible on PPB's website)

---

#3

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Wednesday, March 02, 2022 5:46:21 PM  
**Last Modified:** Wednesday, March 02, 2022 5:47:37 PM  
**Time Spent:** 00:01:15

---

Page 1

**Q1**

Please provide feedback for this directive

Now that the School Resource Officer program no longer exists, please remove all references to the program.

In the absence of the program, how will police be trained on dealing with young people while on school property?

I am very concerned about the process around interviewing students at school.

Under no circumstances should a police officer ever be allowed to be the only person with a student.

Students must be informed of their right to remain silent and they must be allowed to have a representative of their choosing with them while being questioned.

---

**Q2**

Contact Information (optional - your name will be visible on PPB's website)

Name **Marc Poris**

---