



City of Portland Oral History Program

Police Accountability and the Independent Police Review Oral History

Jeff Bell
Transcript
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CONTENT WARNING: This interview discusses sensitive subjects including police violence and death. Statements made in this interview are the recollections and views of the interviewee, not the City of Portland Archives.

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Interviewee: Jeff Bell

Interviewer: Devin Busby

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Location: City of Portland Archives and Records Center, Portland, Oregon

Transcribed by: Teresa Bergen

Devin Busby: My name is Devin Busby. I'm interviewing Assistant Chief Jeff Bell for the City of Portland Oral History Program. It is March 15, 2023 and we are in the Portland Archives and Record Center in downtown Portland. Thanks for being here.

Jeff Bell: Thank you.

DB: So, just to get things started, when did you start working for the Portland Police Bureau?

JB: So, actually tomorrow it will be twenty-three years. So, March 16th of 2000.

DB: Okay. Describe the duties of the Professional Standards Division.

JB: So, the Professional Standards Division, and it's changed somewhat over the years, but currently one of the main duties of the Professional Standards Division is the IA Division portion of it. The Professional Standards Division also has folks who take care of things regarding police liability. So, lawsuits and tort claims that come into the city that relate to the police. It also administers the employee information system, which is kind of like an early warning system or a system that looks at statistics like what kind of calls folks have been on, how much sick time they've used, things like that, and just tries to help flag employees who may need to be looked at or coached or counseled.

And then over the years, the Professional Standards Division has also been the place where things like policy development has been housed and at one point it also had a group of folks who analyzed use of force data.

DB: Describe the role of the Internal Affairs Division versus the role of the Independent Police Review regarding citizen complaints about police activities.

JB: So again, that's something that's changed over the years. And I first started working in IA ten years ago. Almost exactly ten years ago. And with Internal Affairs and IPR, again, it's changed a little bit over the years. There's some overlap in function. The complaint system that we have set up is designed to take complaints from any source. So, if someone calls me on the phone, I can take a

complaint. An officer on the street can take a complaint. But the main intake point for citizen complaints about police misconduct is the Independent Police Review. IA gets some of those. But oftentimes they're either forwarded or discussed with the Independent Police Review. So, both agencies can receive complaints. Again, IPR's the main intake point for those complaints. And whoever receives the complaint, talking back and forth with each other, working together, decides who's going to kind of do a preliminary investigation. And so, look at things like reports and take an initial interview with the complainant. Most of that's done in IPR. Again, some of that does get done at Internal Affairs. IPR then makes a decision about what to do with that complaint, whether they want to investigate it themselves. And that's been a trend that's changed over the years. They used to not investigate any complaints. They would just do the preliminary and then pass it along to Internal Affairs. Now they have enough staff that they can actually do some of those investigations themselves. And typically, they will do those under certain circumstances if it's a crowd control complaint, if it's a bias-based policing complaint, if it's a complaint of someone of the rank of captain or above or if the complainant is some sort of, I'm trying to think of the term they use. Like a person with disabilities or an elderly person or a child, those sorts of complainants generally will be investigated by IPR. Generally, all the rest of them, if they need to be investigated, go over to Internal Affairs in their investigating.

Whether the investigation happens at IA or IPR, the process is identical. There's just a different level, obviously, of, I don't want to say transparency. But there's obviously a different level of, I think, community trust when you have IPR investigating some of those more sensitive ones or again, folks in the bureau who are of higher rank. And so, they investigate. Both agencies review the investigations, regardless of whose investigation it is. Both IA and IPR have a chance to weigh in on—and I apologize if I'm getting like way down in the weeds.

DB: No, don't apologize. It's great.

JB: Okay. Both agencies, and so the findings, the decision about whether or not something, an officer's behavior based on the investigation, whether or not that officer's behavior is in or out of policy, whether it's something they should have done or shouldn't have done, falls on their RU manager. It's a technical personnel term, but it's basically their captain or their commander or their boss.

After their boss kind of weighs in on whether or not they think this is misconduct or not, IA and IPR then get an ability to review that and they can controvert that and send that to what we call a police review board, which kind of allows them to say hey, we don't agree with your decision. And again, this is the same IA and IPR. And we're going to send it to this police review board, which is made up of a whole bunch of people, including some community members. And it gives them an option to kind of get another chance to have this heard in a different forum. And that body makes then recommendations to the chief of police. So, IA and IPR have a lot of the same functions. But IPR obviously being independent of the Police Bureau and not being overseen by the same commissioner as the Police Bureau and not being in the same building, it's not under the same management structure. It allows them a different level of freedom and ability to do what they feel is right. Sorry, that was kind of a—

DB: No, that was great. You were talking about process. So, in going to that a little bit more, describe Internal Affairs' investigative process when IPR refers a case.

JB: So, Internal Affairs has actually, and this may be a little bit more common now, but I think at the time, probably the only major city police department where we had investigators who were non-

sworn. So, they were not police officers. Typically, in most agencies they use detectives or sergeants to do these investigations. Now most of our folks who are there are retired police officers or former detectives, those sorts of things. But they are not actually sworn police officers. So, we have folks with investigative and police experience, but folks who are not a part of the command or supervisory structure of the agency.

And the way they investigate these things. I mean, a lot of these complaints come in involve interpersonal interactions. And so, a lot of the investigations end up being just trying to identify witnesses and get interviews with witnesses. Sometimes there's looking for, it's kind of like a criminal investigation or any other investigation. You're looking for evidence. So, in this case, like I said, a lot of the evidence is going to be just people's statements. People who saw the interaction or people who maybe heard about the interaction from someone who was involved. But then they're looking for video evidence. In the case of if a person complains about the force that was used against them, it can be medical records. And so, their job is to kind of track all of that evidence down. Sometimes it can be stuff in social media, depending on just, there's a wide variety of things our rule book covers. So, there's a wide variety of complaints about potential officer misconduct.

And so, they gather all of that together. And again, something we changed in probably 2017 was they actually weigh in with kind of a recommendation. Once they've spent several weeks gathering information, interviewing people, they've kind of got this whole case in their head. And they're someone who is really the most knowledgeable at that point of this case. So, we have them make a recommendation what they think. Do you think the officer violated policy? It's a little bit more complicated than that, but that's kind of the basic. And so, as part of their, they gather all the information. They write an investigative report that's essentially a summary of all the information, all the evidence they've gathered. And then they conclude that with a, my recommendation is that this officer violated this policy is essentially kind of where they end up.

DB: What was IPR's role with Internal Affairs investigations, and did the role evolve over time?

JB: Yeah. So, it evolved over time. So, IPR, ultimately IPR has the ability to look at any records. It doesn't matter if they're confidential, it doesn't matter what the nature of those records are. IPR has the ability within city code to look at those. So, they have the ability to look at all the information in the investigation. They have the ability to say, IA, we really think you should have investigated this, too, or we think you should talk to this person. So, they have the ability to look at that investigation and direct IA to do some additional work. Obviously, again, it's not the same management structure. But their recourse if IA doesn't want to do what they say is they can simply do the investigation themselves. They can take the information that IA has already done and do the add-ons that they want. That becomes their investigation. So, that doesn't happen, or at least, I can't think of it happening. But that's kind of the failsafe there.

In my experience with one, two, three different directors in IPR, the relationship has always been fairly congenial. We don't always agree on outcomes. But I think generally the process and the end goal of police accountability has been fairly, the relationship has been fairly agreeable and one that I think has worked really well. And again, so IPR, when I first started, IPR had a very basic ability legally within city code to be able to conduct their own investigations. They didn't start doing that until probably 2014. Their powers were broadened a little bit more and they started just as a routine matter of doing it, they started doing some of their own investigations. They got more staff. They got more training for their staff. And so, they started doing those investigations. And then they kind of settled on hey, we want to do this slice of them. We think this looks better to the community if IPR is the lead investigative agency on the subset of investigations that I talked about further.

So that changed. When I first started, they were really just oversight of the investigative process. And they kind of became a really, I don't want to say unusual, but I think, it probably still is kind of unusual to have—typically agencies are either, they oversee what the police agency does. Or sometimes they're kind of like the whole package, and the police agency doesn't do the investigations. So, they're kind of an interesting hybrid. And again, that's evolved over time. But yeah, basically, I mean, and again, it hasn't come down to them having to force anybody to do anything or take an investigation away. But what they say goes. I mean, they have the ability to say no, we want this investigated. We think this should be looked at. And so, but like I said, that's always been congenial and worked well.

DB: Discuss Internal Affairs' work with the Citizens' Review Committee, including any orientation and training activities new members would have taken.

JB: So, Internal Affairs, I'm trying to remember. I don't know that they had a whole lot of direct interaction with like the investigators. But when I worked in Internal Affairs, I did give trainings to new Citizen Review Committee members. Their charge is to kind of, you know, make recommendations on policy decisions and things like that to the bureau. But kind of where IA comes into the picture with the Citizen Review Committee is, the Citizen Review Committee is the appellate body for when a citizen or when a police officer doesn't agree with the findings. So, a citizen gets notified that the police officer was found to have not have violated policy, they can appeal that decision to the Citizen Review Committee. And vice versa. If a police officer doesn't like the decision that the bureau has made finding them out of policy, they can appeal that to the Citizen Review Committee.

So, my interaction with the Citizen Review Committee, again, outside of their meetings was to kind of give them basics on this is what IA does, and this is kind of what you'll find in an IA investigation. Because as part of the process, they get access to the whole IA file. They can look through the whole thing. Obviously if they're going to be hearing an appeal, they should be aware of all that information. So, they're thick files. They've got a lot of stuff in them. Some of it is administrative in nature and not necessarily germane to the investigation. So, kind of going through it with them, and this is what this is and this is, you know, this is what you're looking at when you see this, this is why we do this, those sorts of things.

And then Internal Affairs, whenever there is an appeal hearing at a Citizen Review Committee, typically the IA staff will show up there in case there are any questions about the investigation or just general discussions about the case. So that's kind of the interaction between Internal Affairs and the Citizen Review Committee.

DB: Can you describe the role of the Police Review Board?

JB: Yeah. So, I touched on it beforehand that at its most basic, the Police Review Board is an advisory body to the chief of police. So, as I described before, if the RU manager, let's say if the North Precinct commander decides that this officer violated policy, or this officer didn't violate policy, and the IA captain or the IPR director or actually the assistant chief also, they can controvert that finding. They can say, "No, I disagree." And that automatically sends it to this Police Review Board. If there's serious discipline that's recommended, that also sends it to a Police Review Board. So, the Police Review Board is an advisory body made up of voting members and advisory members. And the voting members are always IPR director, the RU manager, the assistant chief, a community member who's chosen from a pool of folks that's recommended by IPR, and then a peer member, a member of the bureau who's at the same rank.

And they essentially, they vote. They discuss the case. They vote on whether or not they think the officer violated policies or whether they think there was not enough evidence or no, the officer did everything right. It's five individual votes. It's not a consensus model. And although the votes are anonymous, the tally of those votes then later on will go to the police chief for, just as kind of an advisory. And I know the way the current chief looks at it is, this is kind of a slice of management at the bureau, management at IPR, a member of the bureau who's at the same rank and a community member. And so, this is kind of like a slice of how people feel about this.

If any of them vote to sustain the officer, to say that the officer violated policy, they also vote on what they think the appropriate discipline is. And there have been a couple of different discipline guides over the years. But they basically use the discipline guide to decide what the recommended discipline. Again, the chief gets, it could be one person thought this, two people thought this, the other two people thought this. Or the other two people didn't think the officer violated policy, so they didn't vote on that.

So, you had this whole process of did the officer violate policy? And if so, did the officer, what's the recommended discipline? So, everybody, they have this discussion. It's facilitated by a contract employee. So, somebody who doesn't work for the Police Bureau or even the city. And then they write all this up and they send it off to the chief. It's also comprised of advisory members. So, we have someone from training there. The IA captain is an advisory member. They don't get a vote, but obviously they know something about the case, so they're an advisory member. We usually have someone from the mayor's staff sit in on those, the mayor being the police commissioner and the ultimate decider of discipline. We typically have someone from BHR, a city attorney. The professional standards commander will often sit in on those. So, you have a variety of different advisory members as well in that who are not part of the voting, they're not part of the discussion. But if someone has a question about what are officers trained on X, you've got someone from training who can hopefully answer those questions in case the voting members have any sorts of questions while they're going through that. So that's kind of the function of the PRB. Again, basically look at these cases. Make a recommendation on findings and discipline to the chief of police.

DB: Over the twenty years that IPR's existed, several city code changes expanded the authority of the division, which you've kind of talked about. Can you say like kind of explain how these affected Internal Affairs' investigative processes? Like do you have any specific examples?

JB: You know, I don't know that their change, you know, they had kind of expanded powers through a couple of different, I'm trying to think. There was one in I want to say 2012. And then there was another one in 2014. And some of their specific powers were added to the city code to deal with, quite frankly, issues that the bureau had in holding members accountable. And I don't really know that they affected the relationship or even the investigative process with IA. The investigations kind of stayed the same. It was just what kind of investigations. Whereas before, IA would do all of the investigations. And I think, I'll give you a perfect example the way things changed. Not in terms of process, but there was, I'm trying to think of how to be delicate about this. But there was a situation where the bureau had hired someone into an assistant chief position who was not a police officer. They were non-sworn. It was appropriate for the position. It was kind of a business management position. But it was being held by a non-sworn person. And there were some allegations of misconduct on the part of this person. Now, IPR wanted to investigate that. And if it were an assistant chief, anybody with a badge essentially is under IPR's purview. They can investigate those folks. But this person wasn't a police officer and the code didn't anticipate that issue. So that was an issue where, and that person did volunteer to be interviewed and it didn't

interfere. But there was the potential there for IPR not being able to do their job just because of kind of a tweak in the way it was, their powers were worded. So, they got the ability to investigate any Police Bureau employee who manages or supervises sworn officers. And we do have some of those situations, where there are a couple of officers assigned to the records division, and that has a civilian manager. So, if they wanted to investigate the civilian manager of the records division, they now have that ability in code.

So again, it didn't change process. But it changed like that was normally an investigation that IA would do. And you could kind of see, I see the potential. Not only did they not have the ability to do that before, but their desire to kind of take those out of IA and do those themselves. When IA is investigating bosses, even though IA doesn't report to those folks, there's a perception that that boss can kind of lean on or influence the investigation. And so having IPR do those, again, that's an example of one of the code changes, having IPR do those kind of just eliminates that whole, it's just cleaner. Because obviously IPR isn't influenced by the assistant chief. IPR does the investigation. And so, again, I probably said it three times now. But it didn't really affect all the process all that much. Just what was being done.

DB: What happened once Portland Police Bureau completed an investigation into a complaint?

JB: So, the very first thing, and I guess I can talk in a little bit of detail here. Typically, an investigator finishes a complaint. We have sergeants in Internal Affairs who supervise those investigators. They do an initial kind of read through the investigation. And they pass it off to the lieutenant in Internal Affairs. And the lieutenant's kind of the final word before that case goes out. They look through it. And when I was the lieutenant, my perspective was always is the investigation complete? Are there unanswered questions? Is there misconduct here that perhaps—you know, initially someone might complain, the officer yelled at me, the officer was rude to me. And as you look through there, you read the reports, you talk to people, you realize, well, the officer also did this, this and this that they probably shouldn't have. Or there's the potential for that there. So, making sure that those other things that come out during the investigation are identified and looked into. And then making sure that that investigation report is kind of a fair, neutral, unbiased encapsulation summary of all the evidence that was gathered.

At that point, it then actually goes to IPR. And IPR does their review of the case kind of looking at, I assume they look at the same things. But again, their ability there is they can say, IA, we want you to interview this person, or IA, we feel these questions didn't get asked. Or IA, wow, it looks like this officer did this, and you didn't look into that. Can you look into that, too? So that's kind of what happens after an investigation is done. It's reviewed at several different levels. And again, kicked back to the investigator if it wasn't complete or wasn't done properly.

DB: What happened if an officer or a citizen appealed the decision of Internal Affairs or IPR? For any given case. Like what if they appealed the decision?

JB: So, what kind of decision are you talking about? I can think of a couple of ways to answer that. I can just go through it if you want.

DB: Yeah, that would be great.

JB: Okay. So, initially there is the decision as to whether or not we're even going to do a full investigation. Typically, that decision is made by IPR. And IPR again, they do their preliminary investigation. They talk to a complainant. They might talk to some witnesses. And they will review

like police reports or any sort of reports that might be associated with the described behavior. And they make a case handling decision. So that's kind of the first decision layer. And to be honest, if they decide not to investigate further, and I'll give you a real like basic example. Someone might complain, you know, "When the officer took me to jail, they arrested me for a warrant or whatever, they put my backpack in their property room, and I don't think that was right." And IPR looks at it. And IPR will go, but that's what their rules tell them to do. Therefore, even if what the complainant is 100 percent true, it's not a violation of policy. They'll say look, "We're not going to, we've looked at the reports. Yeah, they said they put it in the property room. Yeah, you went to jail on this warrant. Again, what you're saying"—and they keep track of stuff like that now in terms of is there a policy issue? But if the officer followed the policy clearly by the complainant's own complaint, they don't do anything with that.

And sometimes people will call IPR back up, or they'll call IA and say, you know, "Hey, I want this investigated. This was wrong and I want somebody to do something about that." Typically, on the IA side of things, that stuff just gets referred back to IPR. And that's kind of their decision as to whether or not to do that. If IA has made the decision that we've looked at this and we're not going to investigate further, obviously those sorts of, if a citizen says, "Hey, I want this investigated," IPR can simply force IA to do the investigation. Or IPR can do the investigation themselves.

That's stuff that doesn't happen very typically. And I don't know on the IPR side when they, because they communicate with the complainant, "Hey, you complained about officer X doing ABC. ABC's actually within the policy. So, we're not going to do any further with this." I don't know how that works, what happens with that if they complain. I'm sure there's probably some conversation, but that's on the IPR side of things.

In terms of the actual decision, so once an investigation is done and the RU manager, the precinct commander, the division captain has said, you know, "I believe that the officer didn't violate any policies," that can be appealed to CRC. And I talked about that a little bit before. If the officer disagrees with the findings, they can appeal it to CRC. We have had that happen. It's not as common, but we have had that happen where an officer was dissatisfied with a finding. And they've gone to CRC and said, "Hey, this is what I think it should be." There's actually a process for going through. CRC has a hearing. They can decide whether or not to make a recommendation to the bureau to change the findings. the process kind of goes on from there. If they make a recommendation, they can either say, "No, we think the bureau got the findings right," or they can say, "We recommend that the bureau change the findings." That goes to the chief. And the chief can say, "Yep, CRC, you're right. I'm going to change the findings." Or the chief can say no. And then there's another hearing with the CRC and the chief, where the chief says, "This is why I think the findings were correct." And the CRC can say, "Well, we think the findings should be this." They can come to an agreement right then and there. The chief can say, you know, "Let's compromise here." Or the chief can say, "I'm not going to change." And the CRC can say, "Well, we hear your side." Or the other can happen. The chief says, "I didn't think about it that way. I'm going to agree with you now."

Ultimately if that isn't resolved at that level, it actually goes to the city council and there's a full city council hearing. To my knowledge, I can think of two off the top of my head where that's happened, where the CRC and the chief were not able to convince each other that either side was right. And they disagreed and it went to the city council. And ultimately, that's where the buck stops. The city council gets to say, "Nope, this is what the finding is." So that's kind of the whole, I'm going to call it robust appeal process is.

DB: You mentioned that if Internal Affairs doesn't think something should be investigated but IPR does, they can either tell them to do it or they do it themselves. How often would you say that happens?

JB: Very, very rare.

DB: Rarely.

JB: Yeah.

DB: What did a decrease in the number of complaints in any given year say about police accountability?

JB: You know, that's interesting. You can look at that from a whole lot of perspectives. And having spent time at CRC meetings listening to very vocal critics of the Police Bureau, I know what I'd like to say. I'd like to say when the complaints go down, we must be doing a good job. I know that that's not how that's interpreted by folks, everyone in the community and other folks. I know that can also be interpreted as that the people are frustrated with the process and they're just simply not going to participate in the process. Or there's not enough outreach and people just don't know about the process. There are people out there who have been wronged, who don't have any idea how to make a complaint. They don't have any idea how to go through the system. So, there's a variety of different interpretations there. Again, I would hope what that means is that we're doing a good job and that there's not as much concerning behavior out there. And it could also mean that there's just not as much police contact with folks. We're about 200 officers shy of where we were the first time I worked in IA. So, there's just not as many officers to have contact with people. And the type of policing that we do now is very much more reactive, whereas when I first started, we were encouraged to be very proactive. Get out of the car, talk to people. Be on the lookout for suspicious behavior. And obviously there's all sorts of things that trickle down from that sort of philosophy from policing. But most of the time right now we're very reactive. So, we're responding to 911 calls. And so, these are people who have asked us to be there, as opposed to people who we're kind of intruding in their lives as they're going about their day-to-day business. So, I think that, and we have seen a huge decrease over the last couple of years. I think that's part of what's driving that decrease.

But you can look at it from all sorts of perspectives. And I fully get that my Pollyanna gee, we must be doing a really good job perspective on that may not be accurate.

DB: How would you say Portland's police accountability system compares to other cities of similar size?

JB: So, what I'm familiar with, it is much more complex. I feel like, from what I've seen of other agencies, and being under a settlement agreement with the Department of Justice, I didn't do a ton of looking at other agencies. Because we were kind of handed, as part of the settlement agreement, we were handled like you need to do these things. So, we were kind of pinned in on, I don't want to say pinned in, but we were kind of directed as to what we were supposed to be doing.

But what little I've looked at other systems, they seem to be more simple. If you have an IPR-like body, typically you've got, IA does the investigations and the IPR-type body just monitors those. And they have a variety of powers to being able to make recommendations to being able to now force police agencies to do this, that or the other. And then some similar-sized agencies, they have an independent group that does all of the functions that IA and IPR do.

And I don't think other agencies have the number of levels of review that these things go through. So, our process takes a little longer. I'd like to think that by going so many layers of review by the time we're done we've got a better product that is less likely to have missed something. Because we have so many different eyes on these investigations. Yeah. I think, again, it's just, the Department of Justice in their settlement agreement, I think it was in their findings letter, referred to it as Byzantine. So that's kind of become our joking adjective for it. It is, it is complicated. And there's not a whole lot of people I think in the bureau that fully understand how everything works without having to like go through. Because there's stuff in code and there's stuff in Police Bureau policies. It's complicated. But again, I think that has, people tend to focus on the negatives. It takes too long and I don't have a whole lot of control over exactly how it works, so I focus on the positives. Lots of people look at it and we catch a lot of things. I mean, even world-class homicide detectives are going to spend months working on a really big case. Two years later, you can go back and look at that and see they missed this, they missed that, they didn't do this. I mean, no investigation is going to be perfect from the start. Just by the nature of having different people with different perspectives I think we get a better product.

DB: What led to the US Department of Justice to begin investigating the Portland Police Bureau in 2011? And how did that impact Internal Affairs?

JB: So, the impetus for that was a particular officer-involved shooting. A gentleman by the name of Aaron Campbell was—I'm not super familiar with the incident beyond just what was in the newspaper, because I was not, I wasn't in IA when it was investigated. I wasn't in training when it was looked at from that angle. I didn't work at that—where was I working at the time—yeah, I wasn't working at that precinct when it happened. So real basic. Aaron Campbell was distraught. I think he had another adult and some kids in the apartment with him. He had a gun. They got the people out of the house. During the negotiations to get him out of the house, quite frankly there were some communication issues among all the officers on the scene. He came out. He wasn't immediately compliant. An officer perceived that he was reaching behind his back, potentially for a gun, and the officer shot him and killed him. That prompted a lot of concern in the community. Quite frankly, there was some concern inside the bureau as well.

Part of the investigation into that, I believe it was Dan Saltzman. It was the very brief period where our police commissioner was not the mayor. It was another City Council person. Dan Saltzman. Sam Adams was the mayor. I believe Dan Saltzman was our commissioner. But I think both of them basically asked the Department of Justice to come in and take a look at this. Take a look at this shooting. You know, we have questions. We want an outside look at this. And that kind of evolved into a look into pattern and practice of the way the Portland Police Bureau used force on folks experiencing mental health crises or folks with mental illness. So, that was the incident that was the impetus. Obviously, there were incidents before that that the community was concerned about. And so that led to them coming and looking at that.

And so, they did an investigation. They produced a report of findings that found that the Police Bureau did have a pattern of practice of excessive, unconstitutional use of force against folks experiencing a mental health crisis or mental illness. My understanding is that was the first mental health, most agencies get a consent decree. We had a slightly lower, we had a settlement agreement, which was structured a little differently than the typical consent decree. You'd have to ask an attorney to describe the exact differences. But essentially as part of that, we agreed to a settlement agreement with the Department of Justice, that involved us agreeing to make changes to use of force policies, training, police accountability. It involved what really is the crown jewel of things that happened due to the settlement agreement. Our behavioral health unit, where we have officers

paired with licensed mental health practitioners who go out and engage folks on a daily basis. They have caseloads. And they go out and they try to help connect people with services so that they're not generating 911 calls. Because obviously we'd like to deal with that stuff on the front end. But so, it encapsulated all of this change kind of throughout the bureau.

And so, part of the, as part of the settlement agreement, IA agreed to, kind of the one that gets the most focus is 180 days. From the time the complaint is received till the time the chief renders findings, that we agreed that we would finish in 180 days.

And when I first got into IA, our average was 220. Don't quote me on that. But it was in the 200s. And that had come down significantly in the previous years prior to the, prior to the settlement agreement being enacted, I want to say—and again, I started in 2013—I want to say the numbers from 2012 were in the low two hundreds. I want to say in the previous five years, as much as close to a year was the average. So, they recognize that, and there's all sorts of problems with taking a long time. It's not good customer service to the community members who have this complaint against police misconduct and deserve some sort of answer within a timely fashion. To a police officer, if they did do misconduct, any sort of corrective action, for it to be effective, should take place relatively close in time to when the violation to policy occurred. So, it's going to be more effective. And plus, if they're violating policy, they need to be corrected sooner rather than later. And if they didn't violate any policy, then they deserve to know that. It's not generally good for someone's mental health to have this kind of hanging over their head. They're investigating me, I don't know what the results are going to be. I think I did the right thing, but I don't know. And if that hangs on for six months, nine months, a year, I mean, that can take a toll on both the complainant and the officers being investigated. Regardless of what the results are going to be, sometimes the officers are like, "Yeah, I made a mistake. I swore at that guy. I was rude. I shouldn't have been. I just want to get this over with." Like, "Go ahead and discipline me. I shouldn't have done that. I was having a bad day." Whatever. They just want to get it over with. And when the process takes a long time, what's the saying? Justice delayed is justice deferred? I'm going to get the quote wrong. But essentially the idea is, you know, the longer it takes, the less effective it is. That was one of the big ones.

You know, some of the other stuff, I would argue we were doing already. We didn't necessarily have it locked down in our policy, so it was good to get some of that stuff, you know, hey, here's what you need. Okay, we'll write a policy that says we need to do those things. And that way, we're held accountable to that. But it changed. There was definitely, I would say that there was a little bit more money in terms of budgetary allocations to professional standards and to IA. Typically that office had been staffed at five or six investigators. And we were able to go up to as many as nine. The idea being, I think it was staffed at kind of an average level. But when you get a lot of complaints that come in, you just can't handle that. So, adding more investigators allows us to staff that at a higher level. There are seasonal variations and there's just times where complaints are coming in and there's times when complaints are not coming in for whatever reason. Again, it could be seasonal weather. Just, who knows what? It could be an incident in another city that makes people pay more attention to what's going on here. And so being able to staff that at the level where we can handle the peaks was a big change and allowed us to get that average down significantly farther to be able to complete those investigations on time.

I think it forced us to, I feel like, I feel like this is not to say that things were unprofessional, but I think it forces us to professionalize that office a little bit more. Things like standard operating procedures within the division. Just kind of being more careful about being more consistent. Hey, this is the way we always do this. Yeah. I think it led to a lot of improvements. And I think on the back end of that a better product.

DB: Did you want to discuss the impact of the United States vs. the City of Portland settlement on IPR as well as Internal Affairs?

JB: Yeah, so, you know, the settlement agreement is with the city. It's not specifically with the Police Bureau. Most of what's contained in the settlement agreement has to do with the Police Bureau. But there's overlap with some things the BHR does, and there's certainly a lot of overlap with things that IPR does. IPR's in the same boat IA was. If they're going to do investigations, they're beholden to all of the same requirements. They have to get stuff done within 180 days. They have to—I'm trying to think of some of the other specific provisions of the agreement that—honestly I can't think of a whole lot off the top of my head. But it affected them in the same way. They went from, when I first started they had maybe three investigators to the point where they were staffed up to eight investigators. And their caseload is a little different. They don't do nearly as many of the full, complete investigations. But they're constantly doing a lot of kind of cursory initial investigations to see kind of what we need to do with this case. Whether it needs to go to IA, whether they need to investigate it. We have some lower-level supervisory investigations that we can assign out directly to the supervisor for low-level stuff. Things like courtesy and just minor rule violations. Let the supervisors take care of that. It's a very fast process. And it gets the direct supervisor of the member who's accused of misconduct directly involved in an investigation, talking to the complainant. I didn't mention that earlier.

So, all of those decisions are done from that IPR generally initial investigation. So, each person does a lot more investigations. They just don't do as many of the full, in-depth ones. So, they had to beef up their staff. And so, again, Constantin Severe was the director at the time we put together a couple of days' worth of training for the investigators. Because we added the recommended findings. That was required as part of the settlement agreement. Before, and there are pros and cons to both sides, but before, the IA investigators or the IPR investigators were really just like, "These are the facts." And we kind of felt like that was a good system. Because if the IA investigator is not worried about what the findings are, they are just worried about hey, these are the facts, they're not allowing their feelings about what the ultimate outcome should be to try and drive their investigation.

Again, the benefits of having them make findings are they know the case really well. And by the time they're done, they have a pretty good opinion of whether or not this person violated policy or not. So that was a big change, having them make recommended findings as part of their investigations.

And so, as part of that, Constantin and I put together some training. We gave the same training to everyone to make sure that the IA and the IPR systems were mirror images. So, if you were a community member, if you were a Police Bureau member who was accused of misconduct, it didn't matter to you procedure-wise who was going to do the investigation. Because they were going to have someone who's trained the same way, someone who's going to do the same investigation. It was going to go through the same procedural steps.

So that was something that affected both IA and IPR was to bring those two, not that they were terribly dissimilar, but to really on paper make sure that—there's the perception piece of having IPR do certain cases is probably perceived as more fair or more unbiased. But in terms of the actual product, you should get the same thing regardless of who does the investigation. So, there was a lot of work to kind of bring the two agencies into alignment and make sure that we were basically doing the same thing.

DB: So, how will the Police Accountability Commission differ from the city's previous police accountability system, and what will the similarities be?

JB: So, it's interesting. Obviously, the Police Accountability Commission right now, I'm not sure where they're at exactly. I know very recently they were still kind of gathering data. So, they were doing outreach to affected communities. They were talking to people from IPR, they were talking to people from the Police Bureau, they were gathering information. And I know the end result of all of this is going to be a recommendation to city council sometime this year of what a new system should look like.

City code as part of the charter amendment, I should say the charter, language in the charter, requires certain things of the new police oversight board is, I think, what the charter calls the new. So, the police oversight board, they have the ability to do investigations. That is actually one piece I didn't mention before. One of the differences between IA and IPR is, and this is a contractual issue with the police union. But IA is the only agency that does investigations of officer-involved shootings. And I'm talking about the procedural piece. They don't do the actual like did you violate any laws. They're looking at did you violate any rules. IA does those. IPR still reviews them, still has the ability to controvert findings and stuff. But IA does those now.

The new police oversight board is given complete jurisdiction over doing officer-involved shootings, in-custody deaths, all of the things right now, you know, use of force complaints, bias-based policing complaints. They will be the agency with the charge to have jurisdiction over those types of complaints. They will, the way I read the charter, they will make findings and they will decide discipline. Where now that's a very bifurcated process where you have the folks who do the investigations, aren't involved in the actual decision-making surrounding discipline. And I think again, there are benefits to that, again. So, you're not trying to like, when I was the IA captain, I didn't have anything to do with discipline. I could say whether or not I believed the officer was in or out of policy. But I'm not the one who says, "Yeah, that guy's going to get three weeks off," or, "That guy's going to get a letter of reprimand in their file." And again, I think there's value to that.

There's also value in having a system where you're kind of a one-stop shop. And this police oversight board looks like they're going to basically do everything that's now being done by the Internal Affairs, IPR, the RU manager, the IA captain, the IPR director when they do their review of the files, and the police chief. I mean, you've got kind of a, I think the potential is for a much simpler system. Again, there's pros and cons to that. I don't know what that's going to mean for IPR and for IA. I really don't know. Because it doesn't specify that the police oversight board needs to investigate everything. It says what they have jurisdiction over. I don't believe, it says they have the ability to subpoena officers, basically force officers to come in and be interviewed. But again, it doesn't say that they're going to be the only ones doing that. So, I don't know what the future holds. It will be interesting to see what the accountability commission comes up with, with their recommendations. But again, as with all of these systems, there's a balance in terms of simplicity, effectiveness. You need a system that's going to have buy-in from both sides of it, both the community members who are making complaints about police officer, what they perceive to be police officer misconduct, and from the police side of things. Because if the Police Bureau members don't buy in that it's a fair system, if they think it's rigged or fixed, yeah, that causes internal problems. And if the citizens believe it's fixed the other direction, then they're not going to use the system and we're not going to get, we're not going to be able to hold people accountable because we're not going to know about things that are happening. So, sorry, that's a long-winded, like I just don't, nobody knows. It's really, it's going to depend on what they propose and what the city council ultimately decides to do. But again, there are some things kind of written in stone in the charter that, like I said, requiring them to be the investigating agency for officer-involved shootings. That's a big change.

DB: How has the city served the community regarding police accountability, and how has it not?

JB: So, I think the city has, I think there may be a perception that the city kind of throws up its hands and just—I feel like knowing a lot of what’s happened behind the scenes, there’s a lot of people both in the Police Bureau, in IPR, in council offices, that actually really care about legitimate police accountability. I feel like you know, Oregon has fairly strict privacy laws regarding public records, regarding employee discipline. And there’s a lot of things that I feel like if the public could know about, I think they’d be fairly pleased with what has gone on behind the scenes. That opens up a whole can of worms in terms of, I’m not necessarily advocating for opening all records. I know, for instance, like Florida is a state where I’m pretty sure a lot of personnel records, at least for police officers, are fairly open to the public. So, I think there’s a lot of perception that the city doesn’t do things. And usually when the city doesn’t discipline an officer for something that is perceived in the public to have been terrible or awful, there’s usually a good reason. Sometimes it’s a legal kind of, oh, what’s the word I’m looking for? It’s kind of a nitpicky, technical reason. But sometimes it’s because what’s out there in the public is not accurate. And again, we can’t always just release that information to the public.

And there’ve been a lot of officers who have simply resigned rather than go through the process. And that’s something else that had changed real recently when I got up there in 2013. There were a lot of officers that thought well if I just resign, they’re going to stop the investigation and I can go get another job. And we absolutely stopped doing that, probably 2012ish and decided no, we’re going to complete these investigations. Because when the state licensing agency sees that you resigned, we have the obligation to tell them you resigned under investigation. And the state agency has the ability to request that investigation and we have to share that with them. So, we need to get all of this on paper so that when the state agency comes and they look at this, they’re going to decertify you so you don’t get to be a police officer somewhere else. There’s a lot of that that does not get reported, that nobody knows anything about. They wonder, how come we don’t—I’ve had this question asked, “How come you don’t fire more police officers?” We actually have quite a few people who resign in lieu of termination or resign because that’s the way it’s going. We still take care of our end in terms of accountability, making sure that the behavior is investigated, that the licensing agency through proper legal means is notified. And they review that so they take appropriate action on this person’s license. So hopefully people that have done really bad things don’t get to be police officers in Oregon or anywhere else. So, I think there’s things like that that we’ve done.

Where we haven’t done the best job, we haven’t always devoted the amount of resources that we need to this. We haven’t always made the process, I think there’s probably opportunities to make the process more transparent than it is. Within existing, you know, laws, public records laws. I think we’ve missed some opportunities. And I don’t know that we’ve always explained ourselves as well as we could. I think in the past, I think, I think like with any organization, you have people who within the Police Bureau, folks in management positions who probably took care of friends who, you know, made sure that the discipline was less than it should have been, or did things like that. Not out of malice or not out of—just because they thought that was the right thing to do. And I think our discipline system was much more subjective in years past. I think that allowed people to do things like well, so and so’s a really good person. They’ve been a good officer. Yeah, they’ve made some mistakes here. And I’m not talking about things where folks have abused their authority. I’m talking about just kind of day-to-day, everybody makes mistakes. I feel like we’ve done a good job when there have been serious cases of misconduct. That we have taken those seriously. That we have not had to have folks go to the media and force us to investigate things. When there have been serious cases of misconduct, to my knowledge, officers if they find out about it, they have reported their fellow officers. “Hey, so and so did this. This isn’t right.” Serious misconduct we have not hid

behind the thin blue line. And I would challenge folks to find a report of something where we were forced by the community or by the news media to take up. Like you see in some places where things get pooh-poohed for years until finally there's enough outrage that they're forced to investigate it. I feel like when things have been brought forward—and again, having IPR as a partner with IA, I mean, we share everything. Not that we wanted to get away with it, but they're not going to let us get away with sweeping stuff under the rug. So, yeah. I feel like we've done a good job, like I said, kind of objectifying or making the process more objective in terms of discipline, in terms of in the past. And again, it was with minor stuff. But if it was, if it was command staff, it was the captain. We never opened investigations on management within the Police Bureau. It was, okay, yeah, they made a mistake there. I'm going to take them aside and I'm going to talk with them and we'll make sure that doesn't happen again. And again, that's a system that doesn't, I think, meet general muster with officers.

Because usually when management is accused of misconduct, it's usually by someone else within the organization. It's usually them abusing their managerial powers. And so, you know, that used to be really taboo to open a case on a captain or a commander or an assistant chief. And we got through that. And actually, now having IPR do that, it's just not a question. IPR's going to open the case. And it doesn't matter if it's obvious, we think it's obvious right on the front end, it's not a big deal. We're going to go through the investigation. We're going to make sure we get that.

So, I feel like there are ways that we probably let the public down in some ways. I feel like we've moved to a point where we fixed a lot of those issues. But again, I think transparency and just, I can think of probably a handful of times. And I can't think of the specific details where it was, could we tell the public that? Well, we never have. Yeah, actually there's no legal reason why we couldn't share. Let's share it. You know? And again, it's not specifically like officer so and so got three days off because they did this, that and the other. But it's stuff about process or just keeping people up to date about where the investigation's at. Or yeah, we've never done that before. There's nothing wrong with that. Let's do that. Let's be more—but I mean, there's always room for improvement.

DB: I'm going to pause just for a minute because I keep coughing. I'm going to grab a drink of water real quick.

JB: Actually, I'm going to take a drink, too.

DB: We're almost done though. We're getting near the end.

JB: Yeah, you're making my throat feel scratchy.

DB: You know when the tickle just won't—

JB: No, I totally, like I said, then I—

DB: So, what can the city do better regarding police accountability and citizen oversight?

JB: You know, the city can do better. And again, some of these things are some of the things we talked about. Be more transparent. I really think, I mean, I know I've just touched on some of the process. And I'm sure it sounds like—I have seen a flow chart someone developed once of our process, and it had arrows all over the place going like this. I mean, what the city could do better is I think make the process simpler, easier to understand for all users of the system. I think when you

simplify the process, you make it probably, there are ways to do this, but make it faster. Again, I don't want to complain about something and then find out about it six months later. I want resolution now. And like I talked about supervisory investigations before, those take a couple of weeks. Again, we don't do those for major things. We do those for very minor. But most of the stuff we get is pretty minor. The officer was rude to me. The officer mishandled my property. The officer didn't take a report that they were supposed to. Those are things that can be handled at the supervisory level nice and quick. If we could do that with our bigger investigations, and I think we have made the sort of dual IA/IPR system work as well as we can. But honestly, have that be one agency. And however you structure that. I mean, I think that's honestly the best thing is to have one-stop shopping for the intake, investigations, processing, all of that stuff. I mean, that would just make things simpler, easier to understand.

I feel like the city has done a good job about making it easy to make a complaint. You can call. You can, I mean, you can flag down an officer on the street and say, "Hey, I want to make a complaint." And if you tell the officer, "No, I want you to take this complaint," the officer by our policy okay, "I'll take down your information." Now they're just going to forward that to IA and IPR. But that is a completely legitimate, within our rules way of making a complaint. There's phone numbers. You can do it online. You can do it by paper by mail. We've really lowered the bar for people to be able to make complaints. The rest of the system should kind of maybe have that lower bar in terms of just how easy it is to navigate and manage.

And then you throw in an appellate system that goes through the CRC and through, I mean, we've had cases where just the investigation didn't necessarily take too long, but all of that administration stuff between CRC and, I mean, if stuff goes to the city council, it's going to take a year and a half to get that all done. And that's not fair.

I think the city can, again, look for ways to be more transparent. I totally get, and again, I see both sides of this. There is definitely a side where I see like maybe public servants who have a lot of power and a lot of authority maybe should have a lower bar in terms of whether or not the public gets to see their disciplinary records. But I also see how that can be embarrassing. Like if I make some little mistakes, do I really want the public to be able to look at that? And so, there's a balancing act there. And I mean, given where you work, I assume you probably know the public records laws a lot better than I do. I mean, there's balancing tests where is this of such importance to the public that it outweighs our ability or our legal requirement to withhold this information from the public? I've seen a little bit more of that proactive balancing going on. Like we know we're going to get public records requests, let's look at this. Yeah, this is going to be in the public interest. Like once we're done with everything, once this is no longer going to affect it from a labor employment standpoint, when the employee's due process rights are all done with, like we don't have to wait for public records requests. Let's put the information out there and let people see. We get it. Because if a public records request comes in and we deny it, it's going to go to the district attorney. And they're going to tell us to turn it over anyway. Why make people go through that when we know what the end result is going to be? Let's be transparent. So, we can do better with that. Because again, like I said, I get that a police officer is different than, you know, an arborist working for the parks bureau or an electrical engineer working for some city bureau or whatever. I get that there's more public interest in that. There's just a balancing act there. And I don't know where that is.

And so, a better, easier to use system. More transparency. I really feel like, and I don't know how to do this, the city could be more—I have to say, when you look at what other agencies go through and what happens in other agencies, I am in no way, shape or form downplaying any of the misconduct that's been done by police officers over the years. And I am in no way, shape or form saying that there aren't still lots of improvements to be made. Compared to other agencies our size and compared to other agencies even just in the metro area, the kind of behavior we see in

complaints is pretty low-level stuff. When it's use of force stuff, it's not something like what we saw in Memphis. It's like yeah, the officer hit me twice and I didn't think that was right. It's not you know, several officers beat somebody to death. When it's use of force, it tends to be lower level. A lot of it is, I chalk up to the officer was having a bad day and they were rude to somebody. No, they shouldn't do that. But a large part of our complaints are courtesy sort of stuff. The officer was rude to me, the officer didn't seem to care. The officer called me a name. Whatever. Not that those aren't bad things, not that those don't need to be held accountable to. But compared with what we see in other agencies, I feel like the city could do a better job of demonstrating, again, not perfect. Room for improvement. But what a really decent group of people we have working as police officers in this city.

DB: So, final question.

JB: Yeah.

DB: Is there anything you wish we had asked or is there anything you would like to say?

JB: No, I feel like I talked too much. I tried to be thorough in my answers. No, I just think, like I said, when the auditor reached out to me, I just thought this was a good idea. Because this is all going to be lost if we don't, you know, do what you're doing and we don't figure this out. Because one thing that we've seen is, just society in general, but police work especially, has evolved a great deal over the last, just in the 23 years that I've been doing it. And it's certainly evolved a lot in the last hundred years. And we will see further evolutions. And it will be nice for somebody to go back and go, "We used to do this. Why did we change it? Let's go back and kind of look at this." So, I think that's really valuable.

DB: Great. Thank you so much.

JB: Thank you.