

Moore-Love, Karla

From: Lisa G Wright <writingweb@gmail.com>
Sent: Thursday, April 13, 2017 12:29 PM
To: Commissioner Fritz; Commissioner Eudaly; Commissioner Saltzman; Moore-Love, Karla; Commissioner Fish; Wheeler, Mayor
Subject: Please oppose change to item 364. city code 3.21

Dear Mayor Wheeler, City Council Members (cc: City Clerk)

I am writing to oppose the proposed amendments to the Independent Police Review Code that you will consider today, April 13, 2017.

I place a high priority on police transparency and accountability, and I want Portland to comply fully with the U.S. Department of Justice settlement agreement, which requires that police officer misconduct investigations take no longer than 180 days. This should include Citizen Review Committee appeals in which public testimony is collected **prior to** CRC decisions.

Please do not amend the IPR Code. Police officer misconduct investigations must be accelerated in order to comply with the settlement agreement within the existing Code.

Thank you for supporting sensible police accountability.

Lisa Wright

1010 NE Failing St

Portland, OR 97212

Moore-Love, Karla

From: Kristin Malone <kristinmalone@markowitzherbold.com>
Sent: Tuesday, April 11, 2017 3:37 PM
To: Council Clerk – Testimony
Cc: Nguyen, David (City Auditor); Andrea Chiller; Jim Young; Julie Falk; Julie Ramos; Kiosha Ford; Marisea Rivera; Michael Luna; neilhsimon@gmail.com; Roberto Rivera; Vanessa Yarie
Subject: Citizen Review Committee Comments on IPR Code Changes

Dear Mayor Wheeler, Commissioner Fish, Commissioner Fritz, Commissioner Eudaly, and Commissioner Saltzman:

At the April 5, 2017 meeting of the Citizen Review Committee, the nine present CRC members voted unanimously to recommend to you that no changes be made to the existing City Code with regard to the timing of public comment at CRC case file review and appeal hearings.

Public input is essential for effective civilian oversight and police accountability, and the CRC's process is stronger for it. CRC members understand our duties and our standard of review, and instructions provided by City Attorneys throughout the process further ensure that public comment does not inappropriately influence the votes of CRC members.

The CRC asks that the City Council reject the proposed code changes that seek to limit public comment at CRC hearings.

Kristin Malone
Chair, Citizen Review Committee

INDEPENDENT POLICE REVIEW CODE AMENDMENTS

IF YOU WISH TO SPEAK TO CITY COUNCIL, **PRINT** YOUR NAME.

Number	Name (please print)	Address & Zip Code (optional)	Email (optional)
✓1	CHARLES STUBBS		
✓2	F. WALKER		
✓3	DAVE HANDELMAN	PORTLAND COPWATER	
✓4	REGINA HANNON	PORTLAND COPWATER	
✓5	CAROL LANDSMAN	PORTLAND COPWATER	
✓6	DEBBIE AIONA DEBBIE AIONA	LEAGUE OF WOMAN VOTERS	
✓7	CAROL CUSHMAN	LEAGUE OF WOMEN VOTERS	
✓8	SHANNON COGAN	SISTERS OF THE ROAD	
✓9	JAMES P. KEHAN	_____	_____
✓10	JUAN CHAVEZ	NATIONAL LAWYERS GUILD	

INDEPENDENT POLICE REVIEW CODE AMENDMENTS

IF YOU WISH TO SPEAK TO CITY COUNCIL, PRINT YOUR NAME.

Number	Name (please print)	Address & Zip Code (optional)	Email (optional)
✓ GRC 11	Kristin Malone	97203	
✓ 12	Star Stauffer	Not relevant	ACAB
✓ 13	Lighting Super Watchdog		'
✓ 14	Steve Entwistle, SA		
✓ 15	Red Hamilton		
left 16	Nancy Newell	3917 N.E. Skidmore St. 97211	ogec2@hotmail.com
✓ 17	Tuna Poanessa		
✓ 18	Cameron Stark		
✓ 19	Danny Robbins		
✓ 20	Tara Parrish		

INDEPENDENT POLICE REVIEW CODE AMENDMENTS

IF YOU WISH TO SPEAK TO CITY COUNCIL, PRINT YOUR NAME.

Number	Name (please print)	Address & Zip Code (optional)	Email (optional)
21	Donna Hayes	5085	hayesdonna8876@gmail.com
22	Sylvia Dutton	5025 N. Vancouver #412	
✓ 23	CALVIN L. WALTON	227	calvin.walton.ok@gmail.com
✓ 24	Charles BridgeCrane JOHNSON		
✓ 25	Antigonus Jarrett		
26			
27			
28			
29			
30			



The League of Women Voters of Portland

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Minda Seibert
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DATE: April 6, 2017

TO: Mayor Wheeler, Commissioners Eudaly, Fish, Fritz, and Saltzman
Auditor Hull Caballero

CC: IPR Director Severe, Citizen Review Committee

FROM: League of Women Voters of Portland
Frances Dyke, president
Debbie Aiona, Action Committee chair
Carol Cushman, Action Committee member

RE: **Proposed Code Changes to Independent Police Review Division Code**

The League of Women Voters of Portland has a long-standing interest in Portland's police oversight system dating back to the early 1980s. As an organization that promotes active and informed participation in government, we believe transparency and public involvement are of the utmost importance.

The League is extremely troubled by the proposed elimination of public comment during Citizen Review Committee (CRC) appeal hearings and case file reviews; we strongly oppose the proposed amendments that would cut the public out of the process. Our members have attended nearly all the CRC meetings over the years and have found that, in the vast majority of cases, public comment has been constructive and respectful. Some audience members have a longer history with and knowledge of the system than the CRC or city staff, and it is wise to acknowledge the perspectives gained from that experience. In particular we are concerned that the City Attorney cites a fear that the involved Police Bureau member might file a grievance as a result of something said during public comment. According to the City Attorney, however, this has never happened in the CRC's 15-year history.

The League and others recently participated in a short-term committee considering the appeals process and other issues. Facilitator John Campbell's observations in the final report summarize well our concern that the City is placing a priority on avoiding the remote possibility that a discipline finding will be

overturned in arbitration, rather than looking out for the interests of the public it serves.

The point of community involvement in police oversight is to prevent the values of good public service and public trust from being treated as a lower priority than liability avoidance, competing legal mandates, or any number of other issues unrelated to the public service point of the job. Because efficiency and ease of legal compliance concerns can motivate a desire to keeping the public away from the process, stakeholders are understandably suspicious of changes in that direction made without their input. (p. 11)

Mr. Campbell provides suggestions for addressing the City Attorney's concerns that would eliminate the perceived need to exclude the public from the process. For example, the City Attorney could routinely remind CRC members to explain for the record the reasoning behind their vote. That would dispel any concerns that they were swayed by irrelevant or emotional public comment.

As participants in the short-term committee, we are disappointed that it appears recommendations from that group had no impact on the proposed IPR code amendments. The facilitator's comments captured well the sense of the committee participants:

While this narrow-scope committee did help address some concerns, it did not fully address the suspicion, frustration, and often anger felt by many long-time involved community members about the City's most recent effort to change aspects of the oversight process without developing proposed changes through publicly-held meetings involving a broad range of stakeholders. (p. 11)

The City has the opportunity to build trust by paying heed to the facilitator's conclusions and forming a follow-up committee to further discuss the many issues facing our police oversight system. There are a number of other proposed changes that deserve further consideration in a stakeholder process, before City Council takes action on the Independent Police Review (IPR) code. In the meantime, the League offers the following comments on the proposal before you and on items that were dropped from an earlier draft.

Issues for Further Stakeholder/Community Committee Consideration

Size of the Citizen Review Committee

It appears the volume of appeals has decreased in recent months, lessening the urgency for solutions to the problems of overworked CRC members and difficulty meeting timelines. A follow-up stakeholder committee should discuss options for how to respond to a potential future surge in appeals, including increasing the size of the CRC and pulling in Police Review Board members for appeal hearings.

Monthly updates in the IPR Director's report on pending appeals would be of immense value to the public in assessing the need for change, and we recommend that information be provided in future reports.

Additional issues a stakeholder committee should discuss include:

- Allowing a complainant to attend the Police Review Board hearing on their case and allowing Appellants the opportunity to review their own case file in preparation for an appeal hearing,
- The CRC's problematic "reasonable person" standard of review,
- Granting CRC the authority to hear appeals of deadly force incidents,
- Giving IPR and Internal Affairs the authority to attach proposed findings to their investigations, and
- Elimination of the Conference Hearing in cases where the CRC and the Police Chief disagree on findings in a case.

Additional Comments on the Current Proposal

We support the requirement for the IPR and Internal Affairs to review completed non-disciplinary complaint investigations (Supervisory Investigations), although more discussion about options for appeal is warranted. Furthermore, the requirement that IPR be notified when a member has engaged in conduct that might result in a criminal or administrative investigation is also an important addition to the code.

In conclusion, we quote again from Mr. Campbell's report:

Changes in the oversight process that raise the likelihood of outcomes that improve community/police trust and partnership should align well with community stakeholder concerns. That begins with ensuring an involved community is at the table when changes to how the community will interact with the oversight process are up for discussion. (p. 12)

Thank you for considering our comments.

SUMMARY COMMENTS: Police oversight ordinance (April 11, 2017 for April 13 hearing)

To Mayor Wheeler, Commissioners Eudaly, Fish, Fritz, and Saltzman, and Auditor Hull Caballero:

This is a follow up to our March 20 email in which we urged you to modify or postpone a vote on the proposed changes to the Independent Police Review Division, currently scheduled for Thursday at 2 PM. <<https://www.portlandoregon.gov/auditor/article/635119>>

We continue to believe you need to incorporate the stakeholder report written by John Campbell at the behest of the City into the proceedings.

<http://www.cdri.com/images/PDFs2016Forward/CRC_Appeals_StakeholderReport12_15_2016.pdf>
While we understand Mr. Campbell will be out of town, we are hoping someone can refer to the report and Mr. Campbell's remarks.

Even after we called attention to the IPR not mentioning the Stakeholder group in its paperwork for the agenda, they did not modify their cover sheet to include it.

We still believe further public process involving Stakeholder input is needed to review the parts of the ordinance not subject to the November Stakeholders' purview. That said, we wanted to summarize our main concerns with the draft ordinance.

1) Public Testimony Should Be Taken Before CRC Votes at Hearings

Though the City Attorney continues to insist on being overly cautious, it is far-fetched to say an officer's discipline could be overturned based on public input at a hearing. (Something they admit has never happened.)

On April 5, the Citizen Review Committee voted 9-0 to keep public input where it is, before the votes at the Case File Review and Appeal hearings. This is a strong statement in their confidence that public input is helpful, but that it will not cause them to veer from the ordinance's directive to consider evidence in the official record (3.21.160 [B])

As we noted before, someone could read that section of City Code before public testimony as a reminder; perhaps a "process monitor" chosen from among CRC members/alternates and/or a staff person. The "process monitor" needs to be neutral and not try to influence CRC's decision, just keep them on track regarding this and other procedural matters.

Removing public comment to "the end of the meeting" (as contemplated for Appeals in 3.21.160 [A] and for stand-alone Case File Reviews in 3.21.150[B]) or "after the committee has made its recommendation to the Bureau" (when the Appeal Hearing happens on the same day as the CFR, also 3.21.150[B]) makes it more or less meaningless. If CRC members decided to call for reconsideration after hearing input, it would only delay the process, and if they truly wait until the end of the meeting (rather than the end of the hearing), most of the parties will have already left. Not to mention that persons who wish to make comments may come solely for the hearing but would have to sit through an hour or more of other CRC business before weighing in.

The goal of changing this ordinance has been to help speed up the time that cases take to get through the complaint system. That goal is looking at days, weeks and months, not the 15-20 minutes it takes to hear public input at CRC meetings. Do not vote for the ordinance as written as it will bar CRC from hearing input, even if they one day decide to change their protocols to restrict it.

2) Relieve the Burden on CRC Members By Broadening the Available Number of Volunteers

While we would not object to Council expanding CRC from 11 to 13 or 15 members (as suggested by the Stakeholder group), we still feel the best solution would be to create legislation allowing civilian members of the Police Review Board pool to rotate in on an as-needed basis to assist CRC. Their training is mostly the same, and as Council learned when hearing the Taser case in February, it is possible to learn the differences between the "reasonable person" and "preponderance of the evidence" standards of review. CRC members currently have to do so when they sit on PRB panels. Of course, another solution would be to change CRC's standard of review so it is not so deferential or confusing, since Council has the final say and CRC's votes are only recommendations.

Related to CRC's concern that there aren't enough members to attend 5-person panels reviewing appeals, it's crucial that CRC volunteers at least show up to as many meetings as possible. On Wednesday morning at 9:45 AM you will be considering the reappointment of Mr. Jim Young to the CRC. Mr. Young has made some valuable contributions to the CRC, including his advocacy for a less deferential standard of review and asking that CRC should hear deadly force appeals. He's also made statements we've disagreed with. We want to make clear that these concerns are not personal. We have checked CRC minutes and our records and found that of 15 CRC meetings held from May 2016 to April 2017, Mr. Young only attended 5 of those meetings.

(continued)

CRC protocol 5.23 states:

“It is the responsibility of each CRC member to attend all scheduled meetings. Excusals may be granted for occasional schedule conflicts, illnesses, etc.”

We would suggest that missing 10 of 15 meetings falls outside the “occasional conflicts” contemplated by the protocol, and that Mr. Young should not be renewed for another term, rather, Council should ask the Auditor to present one of the alternates for appointment.

3) Other Problems with the Proposed Ordinance:

—“Supervisory Investigations” should be called “Non-Disciplinary Complaints,” because that is a more accurate name and won’t make civilians feel that only the officer’s supervisor is looking into their concerns. IPR will be doing intake and approving a Supervisor’s finding. Because there are now findings, civilians should be able to appeal if there is no wrongdoing found; the draft ordinance prohibits appeals.

—Section 3.21.110 [A][4] allows IPR to ask the Bureau to open a deadly force investigation if they think the force used was potentially lethal. The ordinance should require the Bureau to open such an investigation upon IPR’s referral, and/or allow IPR to conduct its own deadly force investigations.

—Section 3.21.120 [C][4][d] allowing IPR to dismiss a complaint if it is “trivial, frivolous, or not made in good faith” should be removed, as it is too subjective.

—Section 3.21.120 [C][4][e] allowing dismissals when there is “clear and convincing evidence the officer did not engage in misconduct” should also be removed, as the only way to obtain that evidence is to include an interview with the officer. If the complainant identifies the wrong officer, that doesn’t mean misconduct did not take place.

—Complainants should be allowed to address the Police Review Board.

—To truly speed up the process, Council should drop Section 3.21.160 [A][1][c][2] which provides for a “Conference Hearing” if CRC and the Bureau do not agree on a finding. Let the Bureau and CRC make their arguments before City Council.

—Provide for true advocates to assist complainants from the time they file a complaint, or at least in preparing for and during the Appeal Hearing.

—Allow CRC to send cases back to add or refine allegations. The ordinance is currently silent on whether they can do this, so IPR and the Bureau do not have to respond when CRC makes such a request.

—Allow IPR to compel officer testimony and make other changes suggested by the 2010 Stakeholder group.

4) A Few Welcome Provisions

We are always reluctant to shower praise on IPR or the Bureau as they tend to latch onto such praise and ignore our many concerns. However we do want to add that the changes we support in this draft include:

—Requiring IPR to be notified when an officer is under criminal investigation (3.21.110[A][3]).

—Protecting those making complaints from retaliation (3.21.110[D])— something the DOJ asked to be clarified in Bureau Policies but which still hasn’t been done adequately.

Thank you for your time. We look forward to testifying on Wednesday and Thursday this week.

dan handelman

—Portland Copwatch

Portland City Council

April 13, 2017

To: Mayor Wheeler, Commissioners Eudaly, Fish, Fritz, and Saltzman, and Auditor Hull Caballero:

I am disappointed that a revision of the ordinance for CRC has been given the label of “police accountability” when it has nothing to do with holding the police accountable. In the interests of all concerned, I believe you should not take a vote on the revisions presented today given the concerns from the community, *unless it can be assured that public testimony can be taken before the CRC votes at hearings.*

More than ever we need to make sure the people’s voices are heard. Eliminating public testimony before the CRC votes at hearings is a step backward. This is not going to solve the problems with the trust issues the community has with the City of Portland or the PPB, but will instead exacerbate community distrust. Has not this Council claimed that it has a goal of building trust with the citizens of Portland, Oregon, and the PPB? Yes, there are problems, and one way to address those problems is to work with people and their frustrations when they come to the CRC to testify.

If we want to save the city money, then we need to look at ways in which to do so that *does not* impinge on the rights of the citizens involved who want or need to apply for a hearing with the CRC after an encounter with the PPB officer/s. Otherwise, there will be more costly law suits, not just to the citizen involved, but to the *city*.

I believe in solutions, having stated many times over that a professional Quality Assurance program would be the correct way in which to collect data so as to catch problem areas officers encounter on the street. Although the PPB has started collecting data, that data is not designed to capture problems in a manner in which to ferret out problem areas ahead of events so as to make corrections either in training, further coaching officer/s, or if there is a need for a change in policy directives or the equipment officers use. My belief is that effective data, proper analysis, and using that information to improve performance will reduce the number of excessive use of force encounters. One bad encounter out-shines all the good encounters. We want to reduce bad encounters. It saves us money and brings us good will. Then, hopefully, the number of CRC reviews would be reduced.

Please, note that I have read Portland Copwatch’s recommendations and I believe their recommendations are solid. Also, I concur with the statement by James P. Kahan on Quality Assurance and Police Accountability that has been given to you.

Respectfully,

Sylvia Zingeser

Moore-Love, Karla

From: Kristen Chambers <kristenachambers@gmail.com>
Sent: Thursday, April 13, 2017 8:51 AM
To: Wheeler, Mayor; Commissioner Fritz; Commissioner Fish; Commissioner Saltzman; Commissioner Eudaly
Cc: Moore-Love, Karla; City Auditor, Mary Hull Caballero; Severe, Constantin; Ashlee Albies
Subject: NLG Testimony re IPR Proposal
Attachments: 17.4.13 - NLG Testimony Re IPR.pdf

Mayor and City Commissioners,

Attached please find the NLG's testimony regarding the proposed changes to IPR. We plan to have a representative attend today's meeting to present it.

Thank you,
Kristen Chambers

**NATIONAL LAWYERS GUILD
PORTLAND, OREGON CHAPTER**



POST OFFICE BOX 40723
PORTLAND, OREGON 97240-0723

DATE: April 13, 2017

TO: Mayor Ted Wheeler
Commissioner Dan Saltzman
Commissioner Amanda Fritz
Commissioner Nick Fish
Commissioner Chloe Eudaly

FROM: Portland Chapter of the National Lawyers Guild

CC: Auditor Mary Hull Caballero
IPR Director Constantin Severe

RE: TESTIMONY TO CITY COUNCIL RE PROPOSAL FOR IPR AMENDMENTS

Dear Mayor Wheeler and City Commissioners:

For more than a decade, the Portland Chapter of the National Lawyers Guild (NLG) has worked to improve police accountability in Portland. The NLG remains committed to achieving an oversight system which provides effective, credible, and transparent review of police misconduct.

Last fall, the NLG testified here before you about the draft ordinance that was then being proposed to modify IPR and CRC. We were glad to see that City Council chose to listen to the community, delay that proposal, and convene a stakeholder group to analyze the proposal and provide recommendations. However, we are surprised to see that the proposal in front of you today is not a reflection of what the stakeholder group concluded.

The vast majority of the stakeholder group who expressed an opinion on whether to maintain public comment during appeals was in favor—key representatives who were opposed include the PPA, PPB, and the City. The stakeholder group gave thoughtful consideration to the potential downsides of continuing to allow public comment during appeals and explained in its

report why each of these reasons did not justifying moving public comment until after the CRC makes its decision. Some members of the group proposed reasonable alternatives to public comment. The stakeholder group recommended against passing any changes (other than increasing the size of the CRC) “until all such changes can be vetted through a public stakeholder review process.” The group provided suggestions about that process. We have seen no response from the City to the stakeholder group’s report and now see a proposal that is inconsistent with it. The stakeholder group has done their job and now we ask for the City to do its job and follow their recommendations.

In addition, the NLG is troubled by the proposed development of “Supervisory Investigations” on a separate track from other complaints. As a matter of clarity, it appears that such investigations are synonymous with “Service Improvement Opportunities,” (SIOs) found in Directive 331.00, yet they seem to have differing criteria. Either way having two names is confusing and misleading to the public without further explanation. In addition, “Supervisory Investigations” is a misnomer because it can be read to mean that a supervisor is being investigated or the supervisor is the only person looking at the complaint. In substance, we are concerned about the proposed Supervisory Investigations becoming an opportunity to lose critical data about officer misconduct. SIOs are not placed in the officer’s personnel file, the proposal before you states that a supervisor’s decision is not subject to appeal and it only gives IPR authority to “review completed supervisory investigations,” not the authority to provide “final case approval” as the SIO directive provides. While one “minor” violation in the eyes of the Bureau may not be a big concern, a pattern or practice of repeated similar violations can create a serious problem that needs intervention. But, the proposal only authorizes IPR to conduct reviews of bureau policies and practices when complaints *do not* allege member misconduct. The combined effect of these rules is to distance IPR and the public from documenting how “minor” misconduct impacts the culture of the Bureau and the safety of the community.

The NLG is also disappointed that these proposed changes to IPR do not include many reforms the community has sought over several years. These include, but are not limited to:

1. The IPR Division should have the power to compel officer testimony independently,

without the attendance of a representative from the Police Bureau;

2. The CRC should have the power to compel officer testimony;
3. The definition of “supported by the evidence” should be changed from the “reasonable person” standard to a “preponderance of the evidence” standard;
4. The CRC should be allowed to review the proposed allegations before an investigation or at the appeal stage;
5. The CRC should be allowed to send cases back to add or refine allegations;
6. One community-led system of review should apply to all police misconduct complaints, rather than the separate Police Review Board system;
7. All complaints involving community members should be investigated by IPR and IPR should have appropriate financial resources to carry that out;
8. Complainants should have access to an advocate throughout the complaint process and staff support should be available for persons with psychiatric disabilities.

We strongly urge the City to follow the advice of its stakeholder group and not make any changes to City code—especially those inconsistent with the majority opinion of the stakeholder group—without public vetting.

For a Better World,

Portland Chapter of the National Lawyers Guild

Moore-Love, Karla

From: Benjamin Kerensa <bkerensa@gmail.com>
Sent: Wednesday, April 12, 2017 2:05 PM
To: Moore-Love, Karla
Subject: Letter Regarding IPR/Auditor Agenda Item 364 for April 13th, 2017
Attachments: LettertoCityCouncil.pdf

Hello Karla,

Attached is a letter addressed to City Council regarding Agenda Item 364 for April 13th, 2017 which is the IPR agenda item.

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Benjamin Kerensa

Dear City Council,

While I cannot make it to the City Council meeting tomorrow to provide testimony I wanted to write about the IPR item on the agenda for April 13th, 2017. Specifically, I am asking the City Council to make an amendment to the proposed change, more specifically, I would implore City Council to make the following changes to 3.21.120 of the City Code.

3.21.120(C)(3) currently states:

“Dismissal. If IPR declines to take action on the complaint, IPR will send a dismissal letter to the complainant. IPR will also notify the involved officer(s) and involved commanding officer within 30 calendar days of the dismissal. The Director may dismiss the complaint for the following reasons”

I would encourage the current proposed language change be amended to add language that states:

3.21.120 of the City Code is amended to add the following section:

H. Upon dismissal of a complaint by the Director the complainant may appeal the dismissal to the CRC for review of the reason for dismissal and to review complainant appeal. If the CRC finds that the Director dismissal was in error the CRC may refer the complaint back to the Director for reconsideration.

The justification behind this request is that currently there is no check and balance for dismissals and if the Director errs or the staff of the director miss something, there is no opportunity for a complainant to appeal a dismissal that was in error or due to poor investigation. I currently have a case that two allegations were dismissed and the reasoning that the Director provided is not based on the public record or evidence supplied to IPR and I am very confident that given an opportunity to take the information I supplied IPR before the CRC, if they had the power to hear appeal of dismissal that they would be inclined to refer my complaint back to the Director for reconsideration.

I implore City Council, if you are serious about police accountability and making the IPR process fairer for citizens, that you consider making this common sense change to our only process for police accountability.

From: Jim Kahan <jimkahan@gmail.com> on behalf of Jim Kahan <jimkahan@alumni.reed.edu>
Sent: Friday, April 07, 2017 10:56 AM
To: Council Clerk – Testimony
Cc: Jim Kahan
Subject: Council meeting next Thursday
Attachments: police accountability 2017.04.13.pdf; PPB QA Nov 2011 by JPK.pdf; QA and police accountability.pptx.pdf; Some References for Examining Quality Assurance.pdf

Hi Council,

There used to be a Council session on police accountability scheduled for Thursday 9 March at 2:00 pm. Then it got pushed back to Thursday 23 March, again at 2:00. Then it got pushed back to Thursday 13 April, but now at 3:00. As of just now, it has been pushed forward to 2:00 on that date, but changed from police accountability to IPR. It has been my intention to appear before the Council and speak about this, and I still intend to do so. I attach what I shall say and supporting materials, and request that these be distributed to the Council and any other relevant people.

yours,

Jim

James Paul Kahan, Ph.D.

mobile: 1-503-309-3375

<jimkahan@alumni.reed.edu>

Statement by James Paul Kahan, Ph.D.

Thursday, 13 April 2017

(originally 9 March and then 23 March and announced topic altered)

1. My name is James Kahan and I live in Eastmoreland, and I have been working on the problem of police accountability in Portland for the last six years. More than five years ago, I addressed the City Council on this topic. I provide what I told the Council at that time (attachment 1 in my package). It is regrettable that it is not better now than it was then.

2. We can anticipate that the US DoJ will lose interest in police accountability, and may even drop the suit that led to the Settlement Agreement. But Portland should not need that pressure in order to do the right thing. We could be a best practice for this, if only we choose to do it.

3. What it takes to achieve police accountability is leadership, which means that this room is the right place to bring this up. In 1993, I worked for the RAND Corporation studying allowing gays to openly serve in the military. That it took leadership was our conclusion then, and as soon as the civilian and uniformed leadership was on board, it happened. My friend, the late Chairman of the Joint Chiefs of Staff John Shalikashvili, publicly stated that his opposition to allowing gays to serve was the biggest mistake of his career.

4. An essential tool to make it happen is Quality Assurance. Last year, I gave a presentation on this, based upon my own work, to the COAB and Mayor Wheeler, and they expressed interest at that time. I provide the slides of the presentation I gave (attachment 2 in my package), and am happy to go over this with any or all of you. My colleague Sylvia Zingesser will speak after me about how Quality Assurance works.

5. In conclusion, police accountability is not rocket science, it is not impossible, and it is not too expensive. It isn't even really new. I provide a reading list to get you started (attachment 3 in my package). Again, all it takes is will and leadership.

Thank you for your careful consideration of my message.

James Paul Kahan, Ph.D.
2835 SE Lambert Street
Portland, OR 97202
tel: 503-777-1346
fax: 503-281-2814
e-mail: jimkahan@alumni.reed.edu

30 November 2011

REMARKS TO THE CITY COUNCIL OF PORTLAND ON QUALITY ASSURANCE FOR
THE PORTLAND POLICE BUREAU.

I am a resident of Portland and a policy analyst by profession. I have done policy analysis and research on public safety, and was the director of research quality for six years at the European offices of the RAND Corporation. I currently serve on the Advisory Board of the PPB Crisis Intervention Training unit and on the Steering Committee of Safer PDX. I was a member of the stakeholder group convened last year by Commissioner Leonard that produced the recommendations that are presently under consideration, and my position on all of those recommendations is stated in the documentation of the group's work.

While the immediate topic of today's council session is the Independent Police Review Department and its Citizen Review Committee, the larger topic is police accountability. Police accountability has two major components: external oversight and internal quality assurance (QA). The external oversight in Portland is well-structured, including the IPR and CRC, police audits by the City Auditor, close oversight by elected officials, and engagement by committed community stakeholders. The discussion about how best to implement and link these components of external oversight is productive.

What appears to be missing is QA. QA is an objective, evidence-based, systemic, blame-free approach to continuous quality improvement of an organization, and is by definition internal. External oversight is thus not a substitute for QA; nor is the Internal Affairs Department QA—its primary mission is determining blame of individual officers. If, in the course of a CRC or IAD investigation, policy and procedural issues are brought to light, so much the better, but that is not their main purpose.

QA is, in the context of a police force, a method for identifying systemic deficiencies in police policies and procedures—especially those deficiencies that could have or have had serious consequences for the citizens served by the police. The most important feature of QA is the collection and analysis of meaningful, valid, and comprehensive data that looks for any systemic deficiencies in the policies and processes that are used to achieve PPB objectives—especially in regard to interactions with citizens. To be meaningful, valid, and as complete as possible, these data must be collected in a blame-free atmosphere, where the goal is not to give demerits or worse to misbehaving PPB members but to track system functioning. QA data comes not only from reports of negative events, but from “near misses” and successes as well, plus open self-reports of such events and anonymous reports by officers. Looking at the good and bad is essential to QA—not to calculate percentages of times when things went well, but instead to identify what caused things to actually go bad or come close to going bad.

In summary I believe that QA—an objective, evidence-based, blame-free approach to continuous quality improvement—needs to be designed and implemented within the Portland Police Bureau in a timely but deliberate manner.

ACCOUNTABILITY THROUGH QUALITY ASSURANCE

**James P. Kahan
Full Circle
Portland, OR
February 2016**

Why Accountability for Police Departments?

- **Sometimes, things go wrong**
 - Determine preventable causes of major incidents
 - Policy, SOPs, training, leadership, culture, “simple” human error
- **Increase quality of performance by making acceptable and implementable recommendations**

Speak for public safety

Internal vs. External Accountability

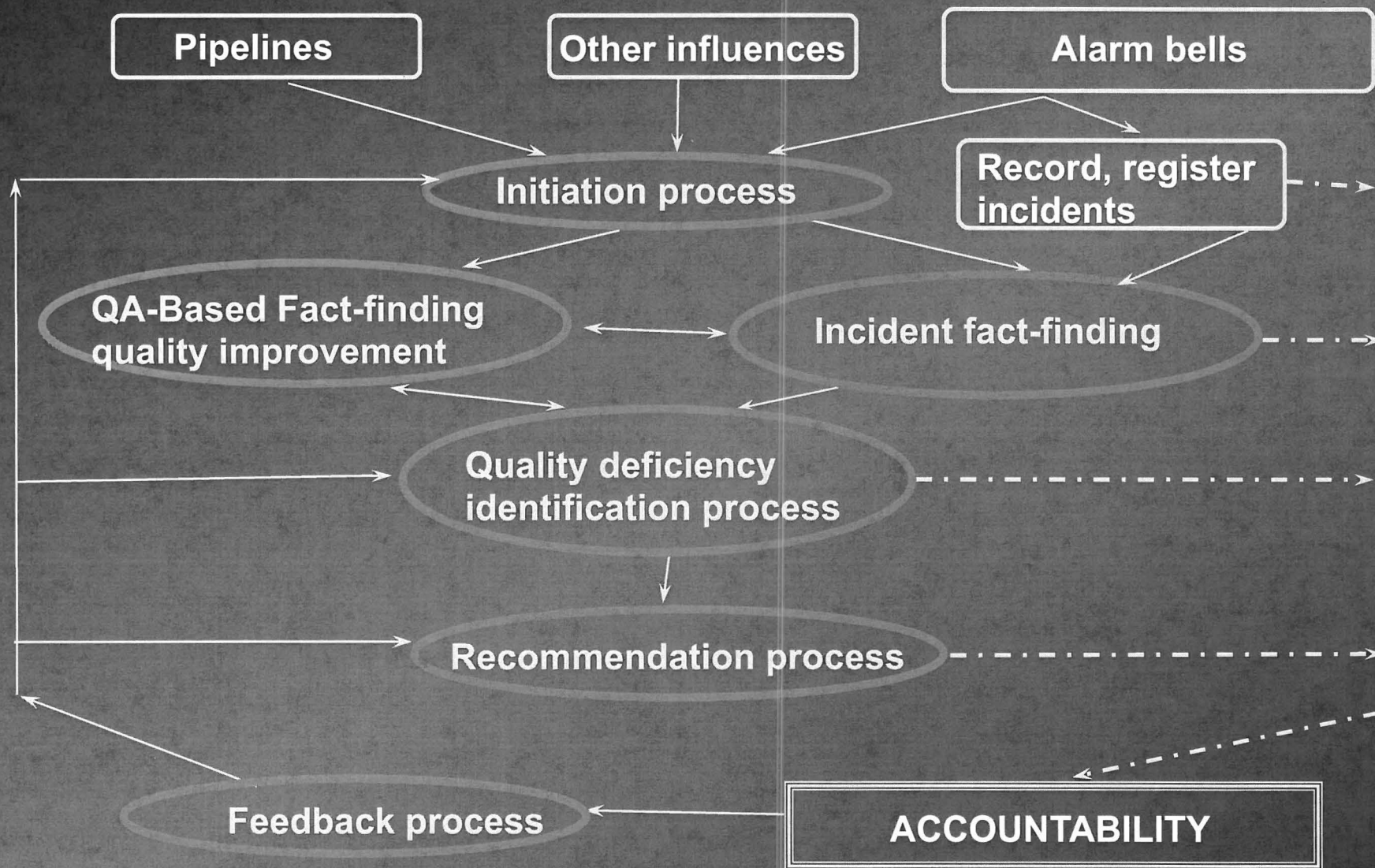
- **Internal accountability is driven by the organization itself, and is reflective of the organization's cultural values**
 - Maintenance of quality standards
 - Openness to improvement
- **External accountability is oversight based on examination of incidents and “near misses” that can be evidence of quality deficiencies**
 - Too often, external accountability focuses on blame, but that need not be so (e.g., NTSB) and, indeed, **SHOULD** not be so
- **Effective internal and external accountability share common features**
 - Focus on bad outcomes or processes that could have been prevented or mitigated
 - Identify what to do to make this happen

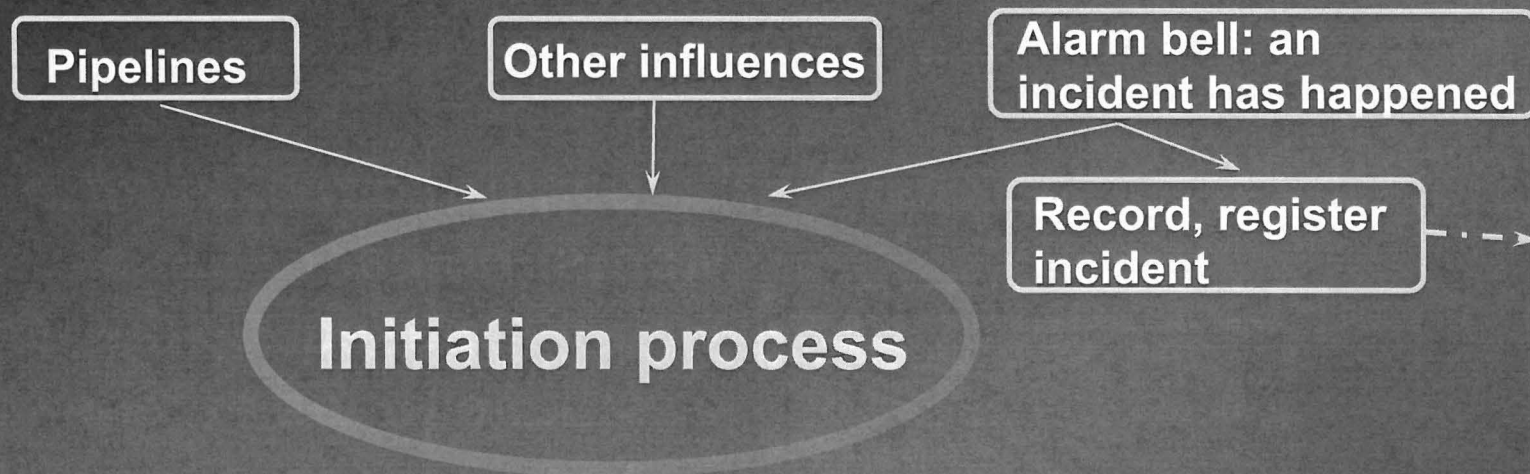
Effective internal accountability can reduce the need for external accountability

- Show the community that quality policing is an important value for law enforcement.
- Identify precursors to incidents
 - An ounce of prevention IS worth a pound of cure
- Get out of the blame game
- Save everybody time, emotional wear and tear, and money

Accountability Methods

- **Accountability, whether internal or external, proceeds by a common set of quality assurance (QA) processes**
 - **Initiation process—what do we look at?**
 - **Fact-finding process—what information do we have and what new information must we collect?**
 - **Quality deficiency identification process—what have we found that needs to change?**
 - **Recommendation process—what is the best way to make changes?**
 - **Feedback process—have the recommendations worked?**
- **For public bodies such as police departments, openness of these processes to the public is essential**





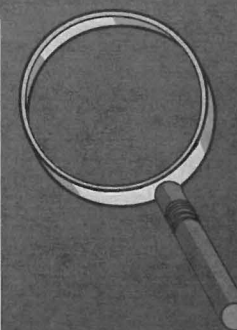
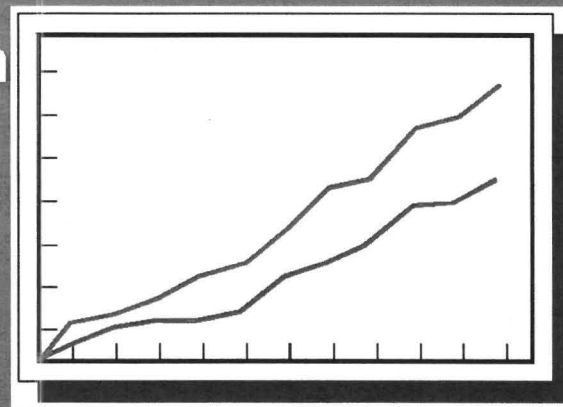
- Allocate quality assurance resources
- Begin investigation
 - Guidelines used for decision
 - »Severity of (possible) incidents
 - »Frequency of incidents
 - »Public impact
 - Community standards
 - Special circumstances

ACCOUNTABILITY

QA-based improvement fact finding process

Incident investigation fact finding process

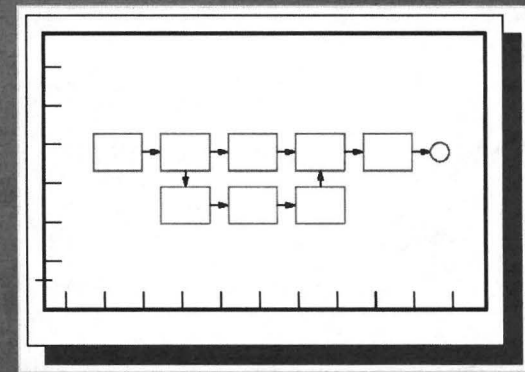
- Reactive incident investigation
 - Most common form
- Quality improvement study
 - Investigate set of events
 - Statistically-based
- Proactive improvement study
 - Selected characteristics
 - Case controls



ACCOUNTABILITY

Quality deficiency identification process

- **Discovery of systemic deficiencies**
 - Relatively new focus for policing
 - Still more of an art than a science
- **Many possible tools**
 - Pattern recognition
 - Multivariate regression
 - Modelling
 - Expert judgment



ACCOUNTABILITY

Recommendation process

- **Posit actions to prevent or mitigate incidents**
- **Based on evidence**
- **Economically and politically acceptable**
- **Addressed to appropriate actors**
 - **Change policy?**
 - **Change procedures?**
 - **Change leadership or training?**
 - **Hardest: change culture?**
 - **Last resort: change individuals?**

ACCOUNTABILITY

Feedback process

ACCOUNTABILITY

- **Feedback materials include**
 - **Reports of studies**
 - **Recommendations**
 - **Outreach internally and to the public**
 - **Leadership support**
- **Feedback information needed:**
 - **Track results of recommendations**
 - **Assess public awareness, outreach**
 - **Assess public trust**

**Some References for Examining Quality Assurance
as a Tool for Police Accountability**

James P. Kahan, Ph.D.

March, 2017

APCO INTERNATIONAL (The Association of Public-Safety Communications Officials) <https://www.apcointl.org/> is a leader committed to providing complete public safety communications expertise, professional development, technical assistance, advocacy and outreach to benefit our members and the public. Recent relevant publications include: *Standard for the Establishment of a Quality Assurance and a Quality Improvement Program for Public Safety Answering Points* (January 2015).

Wendy Cukier, Terry M. Cheslock, Sara Rodriguez (2013), *Quality Assurance, Risk Management and Audit in Canadian Police Services: Current Status and Emerging Trends*. Toronto, Ont., Canada: Ted Rogers School of Management, Ryerson University, 2013. <http://www.capg.ca/wp-content/uploads/2013/05/QA-Risk-Management-and-Audit-in-Canadian-Police-Services.pdf>, (accessed 26 February 2017).

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