

# **The Portland Police Bureau: Officer-Involved Shootings and In-Custody Deaths**

## **First Follow-Up Report**

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## Executive Summary

In the first follow-up report to its August 2003 Report (“PARC Report”) on Portland Police Bureau (“PPB”) officer-involved shootings and in-custody deaths, the Police Assessment Resource Center (“PARC”) examines how the PPB has responded to certain recommendations in the PARC Report and also reviews 14 officer-involved shootings that occurred from July 1, 2000 through December 31, 2001.

In an effort to ensure that the PPB’s policies and practices relating to officer-involved shootings and in-custody deaths were up-to-date and consistent with good practice, the Independent Police Review Division (“IPR”) of the Office of the Portland City Auditor retained PARC in 2002 to examine those policies and practices. The PARC Report made 89 recommendations for changes in the PPB’s deadly force policies, investigation and review procedures and practices, tactics, and information management.

IPR has retained PARC to issue five additional follow-up reports to the PARC Report. This First Follow-Up Report finds that the Police Bureau, led by Chief Derrick Foxworth, has responded very positively to most of the 28 recommendations examined this year. Those 28 recommendations were selected by PARC and IPR for examination this year because they involved changes to written policies and procedures that are basic to the good practices we recommended and would have been expected to have been implemented in the two years since the PARC Report.

The PPB appropriately revised its deadly force policy to emphasize the sanctity of human life, became a national leader by requiring its members to avoid actions that unnecessarily precipitate the use of deadly force, significantly improved its policy for using deadly force against fleeing felons, and adopted progressive policies relating to shooting at or from moving vehicles. One important recommendation not adopted by the PPB is to revise its policy to authorize the use of deadly force only when no other alternatives are reasonably available.

The PPB adopted in whole or in significant part most of the PARC Report's recommendations relating to the procedures for investigating officer-involved shootings and in-custody deaths. The PPB declined, however, to adopt one of two investigative models of deadly force incidents recommended by PARC that are consistent with good practice, and instead modified its Homicide-only investigative model. This change, nonetheless, will enhance the quality of its administrative investigations by increasing the roles of the Internal Affairs and Training Divisions, and the PPB has indicated that in a year's time it will consider whether to adopt one of the investigative models recommended by PARC.

No action has been taken on the important recommendation in the PARC Report—directed to the Portland City Council—to create permanent civilian oversight of PPB administrative investigations and tactical analyses relating to deadly force incidents. PARC's findings from reviewing five years of shooting investigations demonstrate the need for such ongoing contemporaneous civilian oversight. PARC recommends that the new Mayor and Council create the necessary oversight of this critical police function.

As anticipated, in light of the fact that the PARC Report was not issued until 2003, our examination of the 14 officer-involved shooting incidents from mid-2000 through 2001 raised many of the same issues we found in the cases (from 1997 to 2000) reviewed for the PARC Report.

Based on the cases reviewed this year, we do address and make recommendations concerning two subjects not directly addressed in the PARC Report: extracting noncompliant persons from vehicles and obtaining medical aid without undue delay for persons wounded in deadly force incidents. PARC makes a total of ten new recommendations in this Report. Most build on recommendations made in the PARC Report. In addition to the new recommendations on vehicle extractions and rendering medical aid, PARC recommends that the PPB adopt a policy that prohibits officers from responding to routine patient management situations in mental health facilities and requires advising all mental health providers in the City of that policy.

In future reports we will review the progress on the 61 recommendations in the PARC Report not followed up on in this Report. In two years we will begin the review of officer-involved shooting incidents that postdate the release of the PARC Report. PARC values the opportunity to establish a long-term working relationship with the Portland community and the PPB to improve its policies, procedures, and practices relating to these critical issues that literally affect life and death.