

COCL 2016 Q1-Q2 Compliance Assessment Comments and Recommendations

SOURCE	SETTLEMENT PARAGRAPH	RECOMMENDATION	RESPONSE
COAB Members Written Comments	116-117	Revise compliance label to Non-Compliance but Initial Steps Taken	Although there is much to be done regarding EIS, we feel the efforts by PPB during this review period continue to warrant a Partial Compliance label. PPB has continued to ask us for clarification, perform their own analyses, and attempt to measure utilization of EIS.
COAB Members Written Comments	116-117	Revise report to indicate that COAB shall be included in proposed meeting between DOJ, COCL, and PPB	Please note in the body of our assessment, we recommend "that the Parties meet" to resolve interpretation differences. We will continue to push for transparency and community engagement where appropriate. Working meetings among staff do not always require advisory input.
COAB Members Written Comments	118	Revise report to indicate that thresholds are too high and should be changed based on available EIS data	In our report, we clearly state our view that the thresholds agreed to by the Parties are insufficient as they relate to a comprehensive EIS. However, we cannot alter the terms of the Settlement Agreement. We maintain that the thresholds should be based on data, but our main responsibility is to evaluate the PPB on the terms of the Settlement Agreement.
Pat Adams Verbal Comments	Complete Report	Revise reporting format to include more specific step-by-step tasks required of the City and PPB in order for incremental progress to be better seen by the community	Observable step-by-step improvements are desirable and we will continue to describe changes as we see them. However, systematic changes are often the result of a collaborative effort by COCL, PPB, City, DOJ, and community representatives. Thus it is difficult to provide more specific step-by-step tasks as the process is complex and involves a host of inter-related tasks. Where possible, we believe we have provided (and will continue to provide) "the next step." The progress made by the City and PPB will ultimately be assessed using the totality of our reports and outcome measures.

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Pat Adams Verbal Comments	Complete Report	Better identify the specific individuals responsible for changes in PPB in order to hold people more accountable	As in this and previous reports, we identify the offices or positions that are responsible for changes rather than specific individuals. We do this purposefully as it (a) underscores the agency's responsibility rather than one person's responsibility and (b) maintains our position that specific names not be included in assessments to encourage cooperation and disclosure of problems otherwise undetectable.
Portland Copwatch Verbal/Written Comments	125	Revise report to indicate issuing CRO's between 2-6 hours after an OIS would not be considered "immediately" issuing CRO's.	Our response is the same as the one given to a comment from AMAC. We direct you to that response rather than repeat it here.
Portland Copwatch Verbal/Written Comments	127	Revise the use of the term "he/she" to include the gender of the officer	Particularly with female officers who are fewer in number, disclosing the gender of an officer is a potential window to their personal identity. We maintain our policy of not identifying individuals for reasons discussed earlier.
Portland Copwatch Verbal/Written Comments	70	Revise report to indicate that <i>de minimus</i> force should receive an After Action Report and the officer should be required to complete a FDCR.	In police agencies throughout the country, there is no universal definition for what constitutes "force." After reviewing the types of action that PPB considers "force," we do not see definitional deficiencies when compared with those used by other agencies. Since <i>de minimus</i> force does not require an FDCR, it seemed unnecessary for a supervisor to be required to complete an After Action Report. Given that, however, we believe this may be a moot point with the revised Directive 1010.00 and suggest reviewing the revised version when it is released in the near future.
Portland Copwatch Verbal/Written Comments	141-145	Revise report to indicate COCL's role in detrimental issues with the COAB.	We have revised our report to indicate everyone's role in detrimental issues pertaining to the COAB.

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Portland Copwatch Verbal/Written Comments	Complete Report	Include an additional compliance label called "Considerable Compliance" to indicate a level in between Partial Compliance and Substantial Compliance.	We don't believe that an additional compliance label would be beneficial. In creating four levels of compliance, we sought to strike a balance between too few labels (wherein incremental progress would be masked) and too many labels (creating the potential for confusion). We believe four labels is appropriate.
Portland Copwatch Written Comments	141-145	Revise the term "activists" to say "community members."	We have revised our report to indicate that meetings were disrupted by community members without this label.
Portland Copwatch Written Comments	141-145	Include AMAC as a party with an interest in the COAB, similar to previous reports.	We have revised our report to add a recommendation to include all interested stakeholders when revisiting the operation of the COAB, including DOJ, PPB, AMAC, PPA, COCL, current and former COAB members, and community members as a whole.
Portland Copwatch Written Comments	150	Revise compliance label to Non-Compliance but Initial Steps Taken since the Bureau has not met the Agreement requirements to hold three meetings in the community and one at City Council to go over the report.	Although we agree that PPB has not held any such meetings, our Partial Compliance label is reflective of the fact that the report was issued. Had PPB held the meetings in each Precinct and at a City Council meeting, they would be given Substantial Compliance for this paragraph. With that said, PPB will not reach Substantial Compliance until they have adhered to all the requirements of Par. 150.
Portland Copwatch Written Comments	109	Revise report to address BHUAC recommendation for BHRT officers to be trained on Threat Assessment	PPB has informed us that BHRT officers received a Threat Assessment class as part of their ECIT training. We have revised our report to clarify this.

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Portland Copwatch Written Comments	94	Revise report to recommend BHUAC be open to the public.	In August of 2015, BHUAC internally discussed the option of opening meetings up to the public. Their discussion is documented in the 8/26/15 minutes posted to the PPB website. Based on the meeting minutes, the pros and cons of being open to the public were raised and thoughtfully deliberated. Ultimately, the committee decided to remain closed to the public, though agreed that more should be done to communicate what the group is accomplishing. Because the Settlement Agreement does not require them to be open to the public as it does with the COAB (see Par. 154), BHUAC's compliance is not affected by this issue. After reading the minutes and discussing the matter with BHUAC members, we are satisfied that they have thoughtfully considered the issue. Therefore, we are not prepared to recommend that they make their meetings open to the public.
Portland Copwatch Written Comments	139	Revise report to include specific laws prohibiting IPR from releasing documents created by PPB	We have revised our report to identify the specific OR laws and City Codes related to your comment.
Portland Copwatch Written Comments	101	Revise report to indicate the "appropriate" commander initiates removal proceedings (as opposed to the Central Precinct Commander)	Although ECIT report to their Precinct Commanders, removal from ECIT service falls under the purview of the Central Precinct Commander. Thus, the recommendations from BHUAC is factually accurate.
Portland Copwatch Written Comments	66, 67, 69, 70, 73, 137	Revise compliance labels to Non-Compliance but Initial Steps Taken due to policies not being finalized and lack of analysis on the existing policies.	The fact that the directives have not been finalized does not mean that progress has not been made. PPB's initial attempt to revise the directives, although not in substantial compliance, should not be seen as lacking "significant progress" (see our definition of Non-Compliance but Initial Steps Taken). Instead, we believe they have made significant attempts at revising the directives. However, until the directives are fully consistent with the Settlement Agreement, they will remain at Partial Compliance.

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Portland Copwatch Written Comments	112	Revise report to address "low graduation rate" within the Compliance Assessment	We appreciate PCW's concern with an approximate 20% completion rate with SCT. As we have said in previous reports, it is difficult to determine whether a 20% completion rate can be considered "low." Taking PCW's concern into consideration, we will be addressing the completion rate in our next Outcome Assessment.
Portland Copwatch Written Comments	170 (and elsewhere)	Revise report to recognize the community's comments on PPB directives made in response to the Bureau's requests for input	We have revised our report to recognize the contributions of the community in the review of directives.
Portland Copwatch Written Comments	82	Revise compliance label to Partial Compliance due to training reports lacking "all the criteria from the Agreement"	We maintain that PPB issues semi-annual reports regarding training received and delivered in substantial compliance with this paragraph. Our reference to Par. 80 relates to how "Pass/Fail" is evaluated and we would expect that when PPB improves the measures used in that aspect, it would be reflected in the reports required by Par. 82
Portland Copwatch Written Comments	89	Revise compliance label to Partial Compliance due to prior testimonies to COAB indicating the Unity Center does not fulfill the need identified in the Settlement Agreement	Par. 89 indicates an expectation of Community Care Organizations (CCOs). The Settlement Agreement does not have any power over CCOs and therefore, we can only assess what PPB and the City can reasonably accomplish within the goals of this paragraph. We are satisfied that PPB and the City are participating in the process in good faith, within the constraints of their authority, and therefore continue to find them in Substantial Compliance.

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Portland Copwatch Written Comments	Complete Report	Revise report to include previous recommendations not restated in the present report and how long previous recommendations have gone unaddressed.	As indicated in our response to a previous comment (above), systematic changes are often the result of a collaborative effort by COCL, PPB, City, DOJ, and community representatives. Thus recommendations made in previous reports may change due to such collaboration. Where recommendations are essential for substantial compliance, we have maintained them in the current report.
Portland Copwatch Written Comments	Appendix	Include expanded list of key individuals including, but not limited to, the head of Professional Standards, EIS Administrators, IPR Director, and Assistant Chiefs	We have revised our report to include the list that we included in our Outcomes Assessment.
Portland Copwatch Written Comments	Appendix	List CRC in table of acronyms and use the correct name ("Citizen Review Committee" rather than "Citizens")	We have revised our report to include the CRC in the table of acronyms and have removed the "s".
Portland Copwatch Written Comments	Complete Report	Include short summaries of skipped paragraphs (157, 160-164, 167, 168, 173-175, and 178-189)	We have revised our report to include such summaries.

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<p>Portland Copwatch Written Comments</p>	<p align="center">76</p>	<p>Revise to indicate that PCW had offered input into PPB Quarterly Force Reports. Revise report to indicate that efforts to solicit input should have been enhanced. Revise report to recommend PPB should use an email notification system when new reports are released.</p>	<p>We have revised our report to include the fact that community members have previously offered input into PPB Quarterly Force Reports. As to PPB's efforts, we believe that presentations to TAC, posting the reports online, and taking comments/recommendations via link in the report are all examples of PPB making a serious effort to solicit input.</p>
<p>Portland Copwatch Written Comments</p>	<p align="center">Accountability Section</p>	<p>Revise report to focus on accountability issues related to PPB's failure to initiate a complaint related to Chief O'Dea incident</p>	<p>Although PCW points out that we mention Chief O'Dea's incident in our assessment of Par. 172, they are asking here that it be referenced in specific paragraphs in the Accountability Section. We don't disagree that a reference could be made in many specific paragraphs. However, the incident surrounding Chief O'Dea was a global failure of accountability, and we therefore address it in a global manner. Our assessment of Par. 172 was the most appropriate place to address in this fashion. Therefore, rather than repeat the failures, we believe it better to make a single, large statement on the incident.</p>
<p>Portland Copwatch Written Comments</p>	<p align="center">129</p>	<p>Revise report to include information of whether all Use of Force complaints were investigated and referencing the cases DOJ found insufficiently investigated</p>	<p>We did not address this question in our report. Complaints from Q1/Q2 related to this issue will be addressed in our next report.</p>

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Portland Copwatch Written Comments	134/135	Revise report to indicate COCL has not yet monitored the CRC's work. Revise report to include case where CRC requested additional investigation, regardless of it occurring in 2016 Q3/Q4	We disagree that we have "not yet monitored the CRC's work". Members of the COCL team have attended CRC meetings and we look forward to attending future CRC meetings. Regarding the case that occurred in 2016 Q3/Q4, we will address that case in our next report.
Portland Copwatch Written Comments	Deadly Force Section	Revise report to acknowledge OIR Group's report from January 2016.	We appreciate the work of the OIR Group, as their reports have been insightful into lethal force events in the past. However, our assessment of the lethal force events found in our report was not influenced by OIR Group's January Report.
Portland Copwatch Written Comments	Training Section	Revise report to recommend PPB add "Communication" to their "Core Disciplines" as they relate to training.	We have made it clear in our research and writing that communication is extremely important in police training. We will look closer at PPB training in the future before making such a recommendation. We expect it to permeate through each of the five core disciplines identified by PPB.
Portland Copwatch Written Comments	118/119	Revise compliance label to Partial Compliance due to thresholds not sufficiently capturing potentially problematic officers	In our report, we state our belief that the thresholds agreed to by the Parties are insufficient as they relate to a comprehensive EIS and encourage an empirical analysis of problematic behavior. However, we are not authorized to evaluate the PPB on criteria external to the terms of the Settlement Agreement.
Portland Copwatch Written Comments	83	Revise compliance label from Substantial Compliance due to lack of criteria to screen out officers found liable in civil judgments.	Unlike the other criteria in Par. 83, a civil judgement based on an officer's use of force is not automatically prohibitive for that officer to be a trainer. Rather, it asks that civil judgement to be taken into account. There are many potential considerations that may be included when taking a judgement into account and therefore it is unlikely that set criteria could be created.

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Portland Copwatch Written Comments	139	Revise report to include questions related to whether documents created by IPR can be shared with complainants.	Our report indicates IPR policy is to release items that it generates, provided the provisions of City Code 3.21.110 are not violated.
Portland Copwatch Written Comments	Accountability Section	Revise report to recommend IPR conduct a survey of complainants to see whether they are satisfied with various aspects of the system.	In our evaluation of Pars. 138-140, we indicate that we have spoken with IPR about re-introducing a satisfaction survey. We will continue discussing this with IPR (a meeting had been set for December, though due to inclement weather was postponed until February).
Portland Copwatch Written Comments	190	Revise report to indicate whether all officers (not just new hires) have signed statements indicating they have read and understood the Settlement Agreement.	We have revised our report to address this issue. We have also revised our recommendation to include all employees.
Portland Copwatch Written Comments	79	Revise report to recommend Training Division proactively reach out to community members for input on Training Needs Assessment rather than reaction Training Suggestion Box	We believe the training suggestion box would be a proactive step taken by PPB, provided it be "well publicized so that all are aware of its existence." The TAC is also an avenue of community input on training needs. Furthermore, the citizens academy allows for community members to experience training firsthand and make comments/recommendations. Our report indicates that community voice should be included as a source for all sections, and PPB has a number of avenues to collect that input.

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Portland Copwatch Written Comments	81	Revise report to indicate whether Learning Management System to track training fits the needs to the Settlement Agreement.	In our 2015 Q2 report, we indicated that the system requirements provided by PPB met the LMS needs identified in the Settlement Agreement. Given that, we will need a technical demonstration of the LMS. However, we are satisfied that PPB understood the required capabilities of the LMS when seeking the system.
Portland Copwatch Written Comments	138	Revise report to recommend IPR automatically update complainants on status of complaint without having to fill out a form.	Our response to this comment from our last report was that we would prefer to have IPR measure complainants' satisfaction with the process through client surveys. We will continue to discuss this element with IPR.
Portland Copwatch Written Comments	87	Revise report to recommend City define what "public safety concerns" would lead to a TAC Executive Session. Revise report to mention that TAC is using an email list and allows public testimony at meetings.	We have revised our report to reflect both of these comments.
Portland Copwatch Written Comments	124	Revise report to recommend that officers should fill out FDCR's before the end of their shifts (including in deadly force cases) due to loopholes created by the elimination of the 48-hour rule.	We have made this recommendation in the past and stand by it. However, the legal implications of <i>Garrity</i> are complex and we leave such decisions to DOJ and the City in their meetings about this issue.

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Portland Copwatch Written Comments	108	Revise report to clarify recommendations about BHRT qualifications.	We have revised our report to clarify some of the recommendations made by BHUAC
Portland Copwatch Written Comments	74, 75, 77	Revise report to indicate a wide margin for unsupervised, improper reporting due to sampling of FDCRs	We do not agree that the margin for unsupervised, improper reporting is that wide with the 20% sampling methodology. By initially auditing all cases, the Inspector and analysts were able to identify the extent of FDCR and AAR report writing problems and begin to correct them. However, this process was extremely time-consuming. In Phase II, we recommended a 20% audit methodology, with stratified random sampling, as we believe this still maintains a deterrence against deficient report writing. The 20% also allows for the identification of training and policy implications. Thus, the goals of the audit are still being accomplished without placing an undue burden on PPB personnel.
Portland Copwatch Written Comments	72	Revise report to recommend supervisors be required to use the force investigation checklist	We have revised our report to indicate that, although no policy exists which requires supervisors to use such checklists. We recommend that such a requirement be enshrined in policy in the future.
Portland Copwatch Written Comments	155	Revise report regarding City Attorney giving COAB "sound legal advice". Some in the community think the City Attorney's Office is tailoring advice to neuter COAB.	Despite the voicing of such concerns, we have neither seen nor been provided any actual evidence of deficient legal advice. Our position is also echoed by the DOJ in their Second Assessment Report wherein they provide Substantial Compliance and note that "the City Attorney does not have an actual conflict of interest in providing counsel to the board..."

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Portland Copwatch Written Comments	158/159	Revise report regarding PPB's "genuine effort" to post reports online. Revise report regarding the term "customer satisfaction". Revise report to indicate how COAB receives data to carry out its responsibilities.	We maintain that "PPB makes a genuine effort to post reports and documents". We have replaced the term "customer satisfaction" with more precise language about the recipients of contact surveys. COAB may review the data that are publicly posted and may request PPB input at meetings; however we do not see why that necessitates a revised response for these paragraphs.
Portland Copwatch Written Comments	146	Revise report to clarify whether focus groups were held before or during COAB hiatus.	We have revised our report to include the sentence, "The focus groups were conducted prior to the COAB's 60-day recess and COAB input was sought and incorporated at every step of the process."
Portland Copwatch Written Comments	165	Revise report to clarify that many of the staffing changes at PPB took place in Q2 when Mike Marshman was appointed Chief.	Chief Marshman was appointed Chief at the end of June, 2016. However, it was not until July -- the next reporting period -- when the acting Compliance Coordinator was made official.
Portland Copwatch Written Comments	Complete Report	Revise report to italicize current names to groups (e.g. BHRT) that are different from the names found in the Settlement Agreement. Revise report to get rid of old acronyms (see Par. 90).	We believe our present manner of differentiating between old and current names of groups is sufficient to avoid confusion.
Portland Copwatch Written Comments	122	Revise report to correct inaccurate reference to Directive 0300.00	We have revised our report to correct this error.

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AMAC Written Comments	151	Revise report to ensure that the City is as diligent in responding to the COAB as they have been to other advisory committees (e.g. BHUAC)	The DOJ has accepted responsibility for providing feedback to the COAB regarding policy recommendations. Therefore, we leave it to DOJ to explain and justify the process.
AMAC Written Comments	94	Revise report to recommend BHUAC comes to COAB with draft proposals so they can be vetted in a public setting	We have revised our report to recommend BHUAC continue to interact with COAB subcommittees and coordinate with the full COAB board where possible.
AMAC Written Comments	125	Revise report to indicate that CROs should be issued immediately after the incident is over and the suspect is in custody (and/or deceased). Revise statement that 2-6 hours after an event does not satisfy the requirement of "immediately."	The important element of Par. 125 is that the "Separation of all witness and involved officers to lethal force events is necessary to safeguard the integrity of the investigation of that event." We wholeheartedly agree with this statement and did not mean to imply that separation of witness and involved officers should be allowed to wait 2-6 hours after an event. The responsibility for separating witness and involved officers falls upon the responding supervisor and this should be done immediately upon arriving at the scene.

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<p>AMAC Written Comments</p>	<p align="center">125 (Cont.)</p>	<p>Continued from above</p>	<p>(Continued from above) In our 2015 Q3/Q4 report, we discuss supervisors accomplishing this task and issues that we have seen. While we questioned then why CRO's could not be issued upon arrival of the Detective Division, we feel that is a fine legal point best left for legal professionals. For this report, we only discussed the issuance of physical CROs, which is the responsibility of the Detective Division and may reasonably take 2-6 hours when considering the detectives must arrive on the scene, identify involved and witness officers, and (in the case of witness members) interview officers. However, we agree that separation of officers must be done immediately and should be the responsibility of the responding supervisors. We have revised our report to clarify this point.</p>
<p>AMAC Written Comments</p>	<p align="center">141-145</p>	<p>Revise report to demand the City fill the empty seats on the COAB so that it can function, at least until changes to the Settlement Agreement can be agreed upon and implemented</p>	<p>At this time, we have forwarded the COAB's recommendation on this issue to the City and DOJ. As the Settlement Agreement lacks clarity and specificity on <i>how</i> the COAB should operate, we do not feel it is in the best interest of the Board to continue to operate until the City, DOJ, AMAC, and PPA come to an agreement in the present mediation.</p>
<p>AMAC Written Comments</p>	<p align="center">152</p>	<p>Revise compliance label to Non-Compliance but Initial Steps Taken since the no meetings between the COAB, the Chief of Police, and the Police Commissioner have ever happened.</p>	<p>Based on the recommendation of AMAC, the COAB, and other community members, our 2015 Q3/Q4 Compliance Report was changed to Non-Compliance but Initial Steps Taken for this paragraph in the final submitted version. As no progress was made in 2016 Q1/Q2, that label remained in the present report.</p>

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AMAC Written Comments	66, 67, 69, 70, 73 (among other paragraphs related to policy change)	Revise report to explain the timelines associated with policy review and reconciliation, including crucial policies such as Use of Force, Deadly Force, and Taser policies	We understand the frustration associated with the timeliness of the policy review process, particularly for members of the community who are not involved in the deliberations. As substantive discussion of force policies between City, PPB, DOJ, and COCL did not occur in the first or second quarter of 2016, and given that DOJ is leading the review process, we will refrain from commenting and allow DOJ to explain the timelines and decision making.
AMAC Written Comments	130, 66 (and other policy paragraphs), 84, 118-119	AMAC reaffirms support for statements in report - No actionable revisions	We thank you for your affirmation of our work and will continue to stand firm on those issues
AMAC Written Comments	147-148	Revise report to further underscore the concern that no progress has been made on refining the data collected by police at various interactions with the community despite the Agreement's deadline for such changes of December 31, 2013	We have revised our report to further underscore the importance of these meetings. Given the end of COAB appointments, we will now have to wait for this issue to be resolved. However, we have also revised our report to include a recommendation that PPB attempt to accomplish these tasks outside the realm of COAB, even if informally.
AMAC Written Comments	124	Revise report to indicate the concerns with, in exchange for removal of the 48-hour rule, the PPA contract allowing officers the ability to review police reports and video in less than deadly force cases.	At this time, the PPA contract and BWC policy are not within our compliance mandate. We are willing to discuss these matters with the community as they affect compliance with the Settlement Agreement.

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<p>AMAC Written Comments</p>	<p align="center">146</p>	<p>Revise report to provide more information on how the focus groups for youth, houseless persons, people with mental illness, and the LGBT community were chosen, and whether/why the contractor went ahead with those groups while the COAB was on hiatus.</p>	<p>As the focus groups occurred in the third quarter of 2016, we will address the methodology and results there. We have revised our report to clarify that the focus groups were conducted prior to the COAB recess and that COAB input was sought and incorporated at every step of the process.</p>
<p>AMAC Written Comments</p>	<p align="center">No SA paragraph</p>	<p>"The AMAC would appreciate support from the COCL in reminding the City of its duties under our Collaborative Agreement to post information about all accountability-related meetings in a central location, with 2-3 weeks advance notice, and to put more information out to the public more regularly."</p>	<p>As a general rule, we support the fulfillment of responsibilities by all involved Parties and stakeholders in the PPB reform process (DOJ, PPB, City, AMAC, PPA, COAB, and COCL). As the requirements of PPB under Par. 158 are similar to the request of AMAC here (publicly posting audits/reports and wide public access to data and records related to reform), we will hold PPB accountable for the fulfillment of their responsibilities there. However, we have no oversight authority pertaining to the Collaborative Agreement and therefore hesitate to comment on whether or not the City and PPB are complying with their responsibilities in that document.</p>