

Title of Recommendation	Procedural Justice Statement Policy Recommendation		
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Summary of Recommendation:

The PCCEP recommends that the Portland Police Bureau (PPB) adopt and implement a Procedural Justice Statement Policy requiring officers to provide a procedural justice statement during vehicle and pedestrian stops and searches of community members. We recommend the policy incorporate the following concepts:

1. **CONTENT**—The statement should include a verbal introduction, including the officer’s name and badge number, and provide the reason for the stop and/or search. The statement should advise the community member if they are being detained or are free to leave. Finally, the statement would require that the officer inquire whether there is any reasonable accommodation the officer can make to make the individual feel safer during the stop.
2. **TIMING**—The statement should be made at the beginning of the officer’s stop and/or search, or as soon thereafter as feasible under the circumstances.
3. **PROCESS**—We recommend the PPB Policy Team collaborate with PCCEP members to create a first draft of the policy, after which the PCCEP will engage the community via the Racial Equity Subcommittee and the PPB will engage the community via its established Universal Review process. The PCCEP welcomes participation by PPA representatives in the collaborative process.
4. **INTERACTION WITH EXISTING POLICY**—We recommend that the policy be in addition to, not a substitute for, existing PPB policy requiring identification and business cards. See PPB Directive 0312.50 – [Identification](#) (click hyperlink to review related policy).
5. **EVALUATION**—We recommend using contact surveys to evaluate the success of this policy over time.

Explanation of recommendation:

Procedural Justice is an essential component of best practices in policing. Procedural justice is defined as the fairness of processes during any stop or interaction used by those in positions of authority to reach specific outcomes or decisions. Procedural justice has four pillars: fairness in the process, transparency in actions, opportunities for people being detained to voice their concerns and impartiality in decision making. PCCEP recognizes that certain investigations and police actions may limit the extent to which the procedural justice statement can be given. We recommend PPB work with community members, PCCEP members, and policy experts to shape the final policy. At the minimum, this statement should be verbally given during vehicle or pedestrian stops or searches where no crime is in progress, no weapons are visible, and/or where use of force is not necessary upon engagement (.23% of calls, 3.5% of custodies in 2018)¹ or except in any instance that would impair performance of duty as outlined in the PPB Directives Manual Identification Policy, POLICY (312.50)².

The Procedural Justice Statement Policy requires officers to state the following information.

1. Their full, first and last name. (transparency)
2. Their Department of Public Safety Standards and Training (DPSST) number. (transparency)
3. The reason they stopped the individual. (transparency)
4. If the individual is being detained or is free to go. (fairness)
5. If there is any reasonable accommodation the officer can do to make the individual feel safer during the stop. (voice)
6. In the case of a vehicle stop, ask the driver too keep their hands visible for the safety of everyone involved.
7. If there is anything the individual being stopped can do to make the officer feel safe, including keeping hands on the wheel.

In addition to the above, the Policy would require officers to provide stopped individuals with a business card and a card with the written instructions of the policy statement for persons with different abilities.

The Portland Police Bureau has recently made an effort to champion procedural

¹ <https://www.portlandoregon.gov/police/article/747580>

² <https://www.portlandoregon.gov/police/article/525561>

justice.³⁴ The main efforts towards this have been a new procedural justice training required for all sworn officers in addition to a procedural justice framework being embedded into all other PPB training. This recommendation complements the Bureau's training and other efforts and takes it a step further by giving officers a tool to put procedural justice into everyday practice. While officers are evaluated at the end of the course, there is no way to measure if it is effective in the community or what community member's perceptions of procedural justice are when interacting with police officers. The 2019 Q3 COCL report highlights this fact, acknowledging that while the training is in place, it is too soon to see results.⁵ PCCEP recommends that PPB develop assessment tools to measure the effectiveness of their procedural justice training in the community and establish baseline community perceptions of procedural justice. PCCEP recommends using the recently collected contact survey data as baseline data. When conducting future contact surveys, PPB could measure differences in feedback once the Procedural Justice Statement Policy is in place.

The right to know basic information during a stop, including the name of the officer conducting the stop and the context of why an individual is being stopped, should not be the burden of community members to determine. By giving community members their basic information, the officer is able to build a sense of trust, transparency, and voice for the community members who will be more willing to cooperate with officers. When giving the Procedural Justice Statement, police officers will then be actively modeling the same transparency which they ask of from community members.

People perceived to be Black, African-American or Native Hawaiian or other Pacific Island groups are disproportionately stopped and searched by the police.⁶ Data collected by PPB shows the perceived race of the driver is not a significant predictor of whether contraband will be found.⁷ Community members are less likely to follow laws they perceive as unfair. By implementing the Procedural Justice Statement Policy, PCCEP seeks to improve trust between community and policy and perception of fairness/justice by individuals who come into contact with PPB, as measured by

³<https://www.oregonlive.com/crime/2019/10/portland-police-chief-danielle-outlaw-on-police-shootings-protests-and-staffing-shortages.html>

⁴ <https://www.portlandoregon.gov/police/article/725855>

⁵<https://www.oregonlive.com/crime/2019/10/leader-of-community-oversight-group-portland-police-are-a-ways-off-from-substantial-compliance-with-doj-settlement.htm>

⁶ <https://www.portlandoregon.gov/police/article/747580>

⁷ <https://www.portlandoregon.gov/police/article/747580>

annual surveys.

To roll out the out this policy, PCCEP recommends the following steps.

1. Establish a workgroup of PPB policy staff, PPA representatives, PCCEP members, community members, and policy experts to draft a final policy via the Universal Review Process of PPB.
2. Institute a pilot project of the policy within a certain precinct or area which will allow for feedback on the success and challenges of the policy and allow perception and other relevant data to be collected.
3. Use the results of the pilot policy to inform the final policy and implement the policy Bureau wide.
4. Collect baseline data on procedural justice perceptions using contact survey data. Use data from each year to improve practices of procedural justice Bureau wide.
5. Collect data on the investigatory purpose of stops: Other police departments, including the nation's largest-- the New York City Police Department-- [release reports](#) about stops; detailing the reason for stops, as well as key demographic information and statistics about weapon/contraband recovery. This disclosure allows community organizations and civil rights groups to perform independent analysis, as the New York Civil Liberties Union [has done](#). We urge the Portland Police Bureau to follow the NYPD's lead and require officers to fill out forms after each stop and disclose aggregate data to the public on a quarterly basis.

The goal of this recommendation is to increase trust between the various communities of Portland, especially communities of color and underrepresented groups by specifically targeting transparency and voice around vehicle and pedestrian stops and searches.

PPB has an opportunity to be a national leader in procedural justice by adopting this policy which is a first-of-its-kind in the nation. By implementing the Procedural Justice Statement Policy, PCCEP strives to support PPB in championing procedural justice from practice to policy and yield results where community members have a sense of voice, fairness, transparency, and impartiality in all stops and interactions with Portland community members.

<p>How does this recommendation redress barriers to racial equity?</p>	<p>People of color, especially Black, Native Hawaiian, and Other Pacific Islander communities are disproportionately detained, searched arrested by Portland Police Bureau Officers. By implementing the procedural justice statement, this recommendation will support increased trust in these communities that have been affected by disproportionate police contact. Community members will be more aware of their participation in stops and searches.</p>
<p>How does this recommendation improve outcomes for persons with mental illness and or behavioral health?</p>	<p>This recommendation will give community members more voice, allowing for persons living with mental illness to share their specific needs related to the stop or search with officers</p> <p>This recommendation will also give voice to members of the different abilities communities by making accommodations for them during stops and searches.</p>
<p>How were marginalized and underrepresented communities, including those who will be affected by this recommendation, engaged to shape, write and otherwise develop this recommendation?</p>	<p>This recommendation was vetted by community members and PPB officials at several of the Racial Equity subcommittee meetings as we as input from community members and PPB officials through additional outreach efforts. This recommendation will additionally be subject to two Universal Reviews by the public and members of PPB if passed.</p>

Resources

Please list all relevant resources to this recommendation.

1. PPB Stops Data Collection Annual Report 2018
<https://www.portlandoregon.gov/police/article/747580>
2. POLICY (312.50) IDENTIFICATION
<https://www.portlandoregon.gov/police/article/525561>
3. Portland Police Chief Danielle Outlaw on police shootings, protests and staffing shortages

<https://www.oregonlive.com/crime/2019/10/portland-police-chief-danielle-outlaw-on-police-shootings-protests-and-staffing-shortages.html>

4. Portland Police Bureau Training Division Evaluation 2018 Annual Needs Assessment <https://www.portlandoregon.gov/police/article/725855>
5. Leader of community oversight group: Portland police are 'a ways off' from 'substantial compliance' with DOJ settlement
'<https://www.oregonlive.com/crime/2019/10/leader-of-community-oversight-group-portland-police-are-a-ways-off-from-substantial-compliance-with-doj-settlement.html>
6. Use of Force Data Q2 (Apr-Jun) <https://www.portlandoregon.gov/police/76875>