

City of Portland Police Review Board Community Member Training

SESSION 2: JANUARY 23, 2014

WELCOME AND INTRODUCTIONS

RECAP OF PREVIOUS TRAINING TOPICS

POLICE REVIEW BOARD PROCESS

Room Setup and Format

Seating Charts

- Conduct/Performance Cases
- Deadly Force Reviews

PRB Format / Process

- Conduct /Performance Cases

PRB Format / Process

- Deadly Force
Reviews

PRB Agenda

Presentation of Case

Purpose and Rules

Review of Facts

Involved Member Statement

Executive Session

Review of Findings

Identified Directives

Findings Defined

Employee History

Discipline Comparators

Discipline

Recommendation(s)

Other

Recommendations

Recap of Findings and

Recommendations

Q&A

Agenda - Performance/Conduct Reviews

Pre-meeting with PSD Captain (20 minutes prior to convening of board)

Captain of Professional Standards Division meets with peer(s), community member(s), involved member(s) and union representative.

Board Convenes

1. The facilitator welcomes everyone and provides the board purpose and rules aloud (read script). Afterward, the facilitator refers participants to *informational handout* which also has a brief description of the process, agenda format and rules.
2. The facilitator asks members of the board and others present to introduce themselves by name, organization, and role (whether a voting or advisory member, investigator, or guest observer)

Presentation of Case

3. The facilitator asks the RU manager (or RU manger's designee) to present their summary statement of the case and investigative facts.
4. The facilitator invites voting board members to ask questions/seek clarification re: investigative facts from the RU manager.
5. The facilitator invites the involved member(s) to make a statement to the board. The involved member(s) may opt to have their union rep address the board on their behalf. If the involved member(s) is/are not present, the union rep will not speak on their behalf.
 - Their statement must speak to the facts of the case and the policy violated.
 - The member may provide information they want the board to consider as when making their recommendation to the chief.
6. The facilitator invites only the voting board members to ask clarifying questions of the involved member(s).
7. The facilitator solicits the voting members and the involved member(s) for any unresolved questions. If there are no additional questions or needs for clarification, the involved member(s), union representative, and IA investigators are thanked for their participation and released from the board.
8. The board proceeds to Executive Session following a five minute break (if a break is needed).

Executive Session

1. The facilitator asks the RU manager to present their review of the findings.
 - a. The RU manager provides their finding (specific to each allegation one at a time) as to whether there is a violation of policy. The RU Manager must also identify the rule or directive violated. Findings are limited to:
 - i. Unproven – Allegation not proven by a preponderance of the evidence.

- ii. Unproven with debriefing – While the allegation is not proven by a preponderance of the evidence; a critique of the complaint, conduct, or performance issue should be conducted with the member.
 - iii. Exonerated – Actions of the member were within policies and procedures
 - iv. Exonerated with a debriefing – While the member’s actions were within the policies and procedures, a critique of the complaint with the member should be conducted.
 - v. Sustained – Member found to be in violation of policy and procedure.
- b. Following the RU manager’s recommended finding for each allegation, the facilitator opens discussion amongst the voting board members.
 - c. At the conclusion of the discussion for each allegation, the facilitator asks the voting members of the board to provide their recommended findings for the allegation. *(The recommended findings are recorded but not identified by name of voting board member.)*
 - d. The rule violated must be recorded including the HR rule and/or directive number/title for each sustained allegation found to be in violation of policy and procedure.
2. The facilitator asks the Review Board Coordinator to provide the employee’s past history of corrective action(s). This step is not necessary if there are no sustained findings.
 3. The facilitator asks the Review Board Coordinator to provide corrective action comparators in past cases involving similar circumstances/allegations of misconduct and/or unsatisfactory performance. This step is not necessary if there are no sustained findings.
 4. The facilitator opens discussion amongst the voting members of the board re: their individual recommendations for corrective action. The facilitator opens discussion with the RU Manager. This step is not necessary if there are no sustained findings.
 5. At the conclusion of the discussion re: corrective action, the facilitator asks each of the voting members to provide their recommendation for corrective action. *(These recommendations are recorded and not identified by name of voting member.)* This step is not necessary if there are no sustained findings.
 6. The facilitator opens the discussion amongst the voting members of the board re: additional recommendations. If a recommendation is made, the voting members of the board discuss the recommendation and then vote to forward the recommendation on to the chief.

Recommendations specific to:

- Policy
- Training
- Other
- Additional Investigation if necessary and identified during the course of the board review.
- Specific action items
- Debrief points (when necessary) to include:
 - Tactical development.
 - Organizational review
 - Performance analysis.

7. The facilitator provides a summary of Police Review Board’s findings and recommendations.

8. The facilitator thanks the participants and concludes the board.

Agenda - Use of Deadly Force Reviews

Pre-meeting with PSD Captain (20 minutes prior to convening of board)

Captain of Professional Standards Division meets with peers, community members, involved members and union representative.

Board Convenes

1. The facilitator welcomes everyone and provides the board purpose and rules aloud (read script). Afterward, the facilitator refers participants to the *informational handout* which also has a brief description of the process, agenda format and rules.
2. The facilitator asks members of the board and others present to introduce themselves by name, organization, and role (whether a voting or advisory member, investigator, or guest observer).

Presentation of Case

1. The facilitator asks the Detectives Division to present their review of the incident and investigative facts. The facilitator invites **voting board members** to ask questions/seek clarification from detectives.
2. The facilitator asks the Internal Affairs Division to present their review of the incident and investigative facts. The facilitator invites **voting board members** to ask questions/seek clarification from IA investigator(s).
3. The facilitator asks the Training Division to present their analysis. The facilitator invites **voting board members** to ask questions/seek clarification re: the analysis (Only the analysis; **questions regarding training in general are reserved for Executive Session.**)
4. The facilitator asks the RU Manager to provide their summary of the case, relevant facts, and areas of review. The facilitator invites **voting board members** to ask questions/seek clarification from the RU manager.
5. The facilitator invites the involved member(s) to make a statement to the board. The involved member(s) may opt to have their union rep address the board on their behalf. If the involved member is **not present**, the union rep **will not speak** on their behalf.
 - Their statement must speak to the facts of the case.
 - The member may provide information they want the board to consider as when making their recommendation to the chief.
6. The facilitator invites **only the voting board members** to ask clarifying questions of the involved member(s).
7. The facilitator solicits the voting members and the involved member(s) for any unresolved questions. If there are no additional questions or needs for clarification, the involved member, union representative, and IA investigators are thanked for their participation and released from the board.
8. The board proceeds to Executive Session following a five minute break (if a break is needed).

Executive Session

1. The facilitator asks the RU manager to present their findings for each area of review.
 - a. The RU manager provides their finding (specific to each area of review, one area at a time) as to whether the actions of members were in or out of policy. The RU Manager must identify the rule or directive relevant to the area(s) reviewed. Findings are limited to:
 - i. In policy
 - ii. Out of Policy
 - iii. In Policy with a Debriefing
 - b. Following the RU manager's recommended finding for each area of review, the facilitator opens the discussion amongst the voting board members.
 - c. At the conclusion of the discussion for each allegation, the facilitator asks the voting members of the board to provide their recommended findings for the allegation. *(The recommended findings are recorded but not identified by name of voting board member.)*
 - d. The rule violated must be recorded including the HR rule and/or directive number/title for each sustained allegation found to be in violation of policy and procedure.
2. If there are out of policy findings related to a specific employee's performance, the facilitator asks the Review Board Coordinator to provide that specific employee's past history of corrective action(s). This step is not necessary if there are no out of policy findings.
3. The facilitator asks the Review Board Coordinator to provide corrective action comparators for instances in cases involving similar circumstances with out of policy findings. This step is not necessary if there are no out of policy findings.
4. The facilitator opens discussion amongst the voting members of the board re: their individual recommendations for corrective action. The facilitator opens discussion with the RU Manager. This step is not necessary if there are no out of policy findings.
5. At the conclusion of the discussion re: corrective action, the facilitator asks each of the voting members to provide their recommendation for corrective action. *(These recommendations are recorded and not identified by name of voting member.)* This step is not necessary if there are no sustained findings.
6. The facilitator opens discussion amongst the voting members of the board re: additional recommendations. If a recommendation is made, the voting members of the board discuss the recommendation and then vote to forward the recommendation on to the chief.

Recommendations specific to:

- Policy
- Training
- Other
- Additional Investigation if necessary and identified during the course of the board review.
- Specific action items
- Debrief points (when necessary) to include:
 - Tactical development.
 - Organizational review

- Performance analysis.
7. The facilitator provides a summary of Police Review Board's findings and recommendations.
 8. The facilitator thanks the participants and concludes the board.

Facilitator Script

POLICE REVIEW BOARD PURPOSE

The Police Review Board (PRB) serves as an advisory body to the Chief of Police:

The PRB reviews cases for adherence to policy and generally accepted standards. The PRB recommends findings related to performance and conduct concerns, and corrective and disciplinary actions. The PRB reviews actions taken by bureau staff in use of deadly force encounters. The PRB makes recommendations relevant to bureau policies, training guidelines and principles, supervisory responsibilities, tactics, and equipment needs that are identified during review board discussions.

POLICE REVIEW BOARD RULES

1. All information discussion in Review Boards is **confidential** and will only be discussed amongst participants of the particular review.
2. Findings, recommended corrective actions, and other recommendations are not to be discussed until the appropriate time during Executive Session.
3. Discussion relevant to corrective action recommendations shall not be discussed until Executive Session.
4. An advisory member's role is to answer questions of voting board members and to bring to the attention of the board clarifying facts within their area of expertise. Advisory members are not here to provide opinions.
5. The involved member statement must speak to the facts of the case, the policy violated, and information relevant to the case that the member wants the board to consider when making their recommendations.
6. All clarifying questions about the facts of the case must be asked prior to Executive Session.
7. Cell phones are set to vibrate.
8. When more than one person wants to speak, wait until acknowledged by the Facilitator. Indicate your desire to add to the discussion by raising your hand.
9. If you are in disagreement with a topic of discussion, offer a reason and alternative option.