

# Accountability for transit police falls short of community expectations

June 2020



TriMet, the Portland region’s transit agency, contracts with 14 local law enforcement agencies to police the region’s public transit system. The Commander of the Portland Police Bureau’s Transit Division supervises officers assigned to work under the contracts. The management model used to provide police services for the transit system is intended to benefit the public by streamlining enforcement resources and centralizing management in Portland, the geographic center of the region. It also leads to some adverse outcomes for community members when they have a negative encounter with an officer and learn that accountability is elusive.

## Reader’s note

Management of the Transit Division may shift from the Portland Police Bureau to another agency at the end of this year. The accountability issues and management challenges identified in this report will still be relevant to the community and all agencies responsible for policing the transit system.

Our recommendations should be adapted and implemented by whichever agency oversees the division.

It is not uncommon for community members to approach Independent Police Review (IPR) with a complaint about an encounter with Transit Division officers and be disappointed to learn that it cannot investigate unless the officer who is the subject of their complaint works for the Portland Police Bureau. IPR refers those complaints to the officer’s jurisdiction, but most police departments do not have equivalent independent investigators like Portland does.

## Variety of enforcement personnel on transit make accountability elusive

Community members may encounter a variety of uniformed personnel on the transit system. Uniformed TriMet employees check riders’ fare with support from private security officers. Police from the Transit Division remain nearby in case they are needed. Transit Division officers wear uniforms provided by their home agency, meaning there are a range of different blue, gray and green police and sheriffs’ uniforms on and around transit stops, stations, and vehicles.



During our review Transit Commanders started requesting that officers carry business cards from their home agency. TriMet also created a website with photos of the different uniforms riders may see, but they may be difficult for community members to distinguish during a tense encounter with an officer. A downside for the Police Bureau is that negative encounters by riders are often attributed to Portland officers, because the multi-jurisdictional makeup of the Transit Division is not well understood by the public.

When a community member experiences a problem with an officer it is helpful if they know where to direct their concerns. People often assume that IPR can help with their complaints, but it cannot if the officer does not work for the Portland Police Bureau.

The intergovernmental agreement with TriMet requires that complaints referred to outside agencies by the Transit Commander be investigated and results reported back to the Transit Commander. Commanders report that they do hear back from outside agencies when they refer complaints, but recordkeeping is informal. IPR historically has referred non-jurisdictional complaints to officers' home agencies, but now will forward them to the Transit Division for referral and tracking as required by the agreement. IPR will also forward complaints against private security officers and TriMet personnel to TriMet and the Transit Commander, so that they may determine whether further training or discipline is required for those employees.

### **Differences in agency policies and directives make it difficult to supervise Transit officers**

The structure of the Transit Division puts the Portland Police Bureau in a difficult management position. A Portland Police Commander manages the officers assigned to the Transit Division, but officers are essentially on-loan from their home agencies and accountable to their home agencies' policies and directives. This patchwork of policies and directives can vary in meaningful ways among agencies. For example, Clackamas and Washington County sheriffs withdrew officers from the Transit Division in part because of their concerns that the Portland Police Bureau's use-of-force directive was too strict.

Recent Transit Commanders said they familiarized themselves with the directives of other agencies and requested that officers familiarize themselves with Portland Police directives. Stronger language in the intergovernmental agreement about complying with the managing agency's directives would help ensure consistency but may also require agencies to agree on which directives should be allowed.

### **Recommendations**

We recommend the Portland Police Bureau:

1. Continue to require that all officers provide business cards at a community member's request with information that explains where complaints and commendations can be filed with their home agencies and the Transit Division.
2. Formalize the complaint tracking process in the Transit Division to improve accountability and communication with complainants.
3. Incorporate data from IPR's intake process to understand the nature of misconduct complaints against police officers, TriMet employees, and private security officers.
4. To ensure consistent enforcement, work with TriMet to amend the intergovernmental agreement to identify which agency's policies and directives will govern law enforcement actions on the transit system.
5. Provide guidance for Transit Commanders who supervise officers from other jurisdictions to help them meet the challenges such supervision entails.





## CITY OF PORTLAND, OREGON



### Bureau of Police

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May 29, 2020

Mary Hull Caballero  
City Auditor  
1221 SW 4<sup>th</sup> Avenue, Room 140  
Portland, Oregon 97204

Dear Auditor Caballero:

The Portland Police Bureau would like to thank the City of Portland's Auditor's office for the work and time invested in its audit regarding the Transit Division. PPB will no longer be commanding the Transit Division after December 2020 and progress is moving forward for the Bureau to be out of the command by September 1, 2020. Starting June 15, 2020, a Multnomah County Sheriff's Office (MCSO) Captain and two MCSO Lieutenants will begin working with the PPB Commander to assume the duties for commanding the Transit Division with TriMet. All of the PPB professional staff will be removed from the Transit Division no later than June 25, 2020. With this move in mind I will address each of the recommendations for the Transit Division:

1. *Continue to require officers to provide business cards with their home agency information when requested by a community member.* We will continue to ensure our members are using their home agency business cards to ensure community members know what agency to file complaints and commendations with.
2. *Formalize the complaint tracking process in the Transit Division.* With few PPB administrative workers left, any system of tracking complaints would be left to the Portland Commander. Currently all complaints made against partner agencies are forwarded to their home agency for investigation. The home agencies then report back to the Portland Commander when they have completed discipline. To formalize the tracking process, Transit has updated SOP A-20. This SOP is attached. A database with this information will be maintained in a confidential file on the shared drive.
3. *Incorporating data from IPR' intake process.* Transit police has no role in supervising TriMet employees including their security. After conversations with TriMet they are very clear in their decision to not share TriMet or security personnel complaints with Transit police. Transit will continue to work with IPR for Portland Police Bureau members.
4. *Amend the intergovernmental (IGA) agreement to identify agency's policies and directives that will govern Transit law enforcement actions.* Our current IGA is clear regarding each agency following their individual agency policies and directives. Portland's IGA will expire no later than December 2020 and will not be renewed with PPB as the commanding agency. This would be a decision between TriMet and MCSO, the new commanding agency

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1. *Providing guidance for Transit Commanders to meet the challenges of supervising multiple jurisdictions.* WE support this recommendation and if PPB command staff was to remain in command I believe more discussion on this would be warranted. I will share this recommendation with the new MCSO command structure.

This report and these recommendations come at a time of transition for the Transit Division to a new command making some of the recommendations unfeasible to implement. I appreciate the work the auditor's office dedicated to this review and will forward them to the new MCSO command. PPB's current Transit command staff is dedicated to implementing the recommendations as feasible prior to transfer of command.

The Transit Division continues to evolve through future changes and will make sure to support the Bureau's goal of organizational excellence. We appreciate the Auditor's office input and thank them for their thoughtful involvement in this ongoing effort.

Sincerely,



Chris Davis  
Acting Chief of Police

CD/drh

C: CHO Electronic File