



Recommendation

This investigation examined whether the PPB officers involved in assisting WLPD in arresting Mr. Fesser engaged in misconduct by violating applicable Directive. This investigation found that the involved officers did not engage in misconduct.

Even as PPB officers complied with applicable Directive and followed normal procedures, they unwittingly helped arrest a man based on a deeply flawed criminal investigation, launched under murky circumstances and carried out by a WLPD detective who appears to have engaged in multiple and serious acts of misconduct. The public's interest in and concern about the arrest of Mr. Fesser, and PPB's role in that arrest, is understandable and appropriate.

It is difficult to conceive of a policy that would allow PPB to steer clear of assisting other law enforcement agencies that may be violating civil rights. PPB regularly gives and receives assistance to and from other agencies based on communications that must, at times, be brief and limited due to dangerous situations and the sheer volume of collaboration between agencies in the greater Portland area. PPB cannot be required to reestablish PC for every arrest on which they provide assistance. At the same time, PPB is the only agency in the area under a DOJ settlement agreement and the only agency with civilian oversight. PPB has, for example, significantly reduced their rate of use of force incidents in the last several years. In the interest of building public confidence, PPB may find it useful to consider policies and procedures sufficient to provide some measure of due diligence for evaluating requests for assistance from other law enforcement agencies. This may only apply to a subset of requests where PPB believes that they may be operationally distinct from other agencies or where there is increased risk.

I appreciate that this is a difficult request but this incident is a powerful example of how the criminal justice system can be turned against an individual by a very small number of bad actors operating inappropriately. The remedy in that situation is incredibly difficult to achieve and for every person in Mr. Fesser's situation that has prevailed in court and been identified publicly it is very possible that many more exist that are unknown and could not attain that remedy.

