



CITY OF PORTLAND, OREGON



Bureau of Police

Ted Wheeler, Mayor

Danielle M. Outlaw, Chief of Police

1111 S.W. 2nd Avenue • Portland, OR 97204 • Phone: 503-823-0000

Integrity • Compassion • Accountability • Respect • Excellence • Service

Directives 310.00, Professional Conduct and Courtesy; 310.20, Discrimination, Harassment, and Retaliation Prohibited; 310.50, Truthfulness; and 315.00, Laws, Rules and Orders Executive Summary

Introduction

These directives establish the guidelines for Portland Police Bureau (PPB) member conduct and behavior towards other City employees and members of the public. These directives were originally developed in September 2001, but have undergone multiple revisions since that time to include clarifying language and incorporating more detailed information. In the course of updating these directives, in conjunction with the Department of Justice (DOJ), the Bureau recognized an opportunity to combine similarly themed concepts to develop more comprehensive directives for its members. With the approval of DOJ, PPB incorporated Directive 310.40, Courtesy, into 310.00, Professional Conduct, and included discrimination and harassment prohibitions into Directive 310.20. No significant changes were made to Directive 310.50 while Directive 315.00, Laws, Rules and Orders, includes direction for member compliance with Human Resource Administrative Rules (HRAR) from Directive 344.00.

Public Comments

PPB received several comments from Bureau members and community members over the past several years when these were posted for universal review. The policy team compiled all of the information and reviewed each comment, including those from previous years, for potential inclusion in the updated policy. Since these directives fall under the requirements of the DOJ's Settlement Agreement, PPB conducted extensive discussion conferences with DOJ and the Compliance Officer/Community Liaison (COCL) team to discuss best practices and their proposed changes to the directives, address public comments, and consider the recommendations presented by the Community Oversight Advisory Board (COAB).

The public comments received ranged from general statements to more precise suggestions, such as defining professional conduct, creating a PPB-specific code of ethics for members, adding a duty to report requirement for members who witness misconduct by another member, ensuring protection against retaliation for those who report misconduct, prohibiting the use of profanity, and ensuring members are held accountable for acknowledging all Bureau orders and directives and City rules.

Defining Professional Conduct

PPB received several comments questioning what professional conduct entails since no definition exists in the current policy. In order to address this concern, PPB has added a definition of professional conduct in Directive 310.00 to describe what constitutes professionalism within the law enforcement profession. Although the definition cannot fully capture what is considered professional conduct, PPB attempts to identify some of the industry standards members are expected to fulfill in their role as a sworn officer.

**Community Policing: Making the Difference Together
An Equal Opportunity Employer**

City Information Line: 503-823-4000, TTY (for hearing and speech impaired): 503-823-6868 Website: www.portlandpolice.com

PPB Specific Code of Ethics

PPB Directive 300.00, Statement of Ethical Conduct, establishes the Bureau's ethical standards, which expand on the City's HRARs, cross-references other relevant Bureau directives, and provides examples as they relate to ethical conduct.

Duty to Report Misconduct

As the current directive has no provision for members to report misconduct by another member, PPB recognized the need to address this affirmative duty. The Bureau acknowledges the importance of this requirement and has added language that both directs members to report misconduct to a supervisor and prescribes disciplinary action for the failure to do so.

Retaliation Protection

PPB received comments concerning the need to include in policy measures to safeguard Bureau members who report misconduct. To address those concerns and to provide clearer guidance on the issue to members, PPB has added language expressly prohibiting retaliation against individuals who report misconduct and created a new section in the directive called "Complaints of Misconduct." This section prohibits certain actions on the part of the member who is the subject of a misconduct complaint and also requires those members to report any contact with a community member complainant to a supervisor as soon as practicable.

Prohibiting the Use of Profanity

PPB received numerous comments recommending that the Bureau either clearly define and set forth in policy a list of impermissible words, or prohibit the use of profanity altogether; however, a blanket prohibition is not plausible and cannot be adequately enforced. Each engagement a member has with the public is unique and individuals respond differently to a member's orders. The decision to keep the directive with a general prohibition allows the member, in exceptional circumstances, the ability to establish control of a situation where the use profanity may help avoid the need for or reduce the amount of force. Members are still required to document their use of profanity in a report, and the use of such language is still judged based on the totality of circumstances.

City of Portland HRARs

PPB received comments from concerned community members regarding collective bargaining agreements superseding HRARs; however, HRAR 1.01, Duties and Authorities of the Director of Human Resources, explicitly outlines that "in the event of a conflict between the Administrative Rules as they apply to employees and any applicable labor agreements, the latter shall govern." This provision does not allow members to violate any state or federal laws or Bureau orders and directives. Also, while Bureau members are required to acknowledge the City's critical HRARs, the Bureau of Human Resources (BHR) does not designate the critical HRARs on their website. Bureau members must, therefore, acknowledge all HRARs and those identified as critical when BHR deems appropriate.

We thank every individual who took the time to read the draft directives and provide input. All comments received are attached at the end of this document; all personal information has been removed to protect the privacy of commenters.

PPB's Revised Policies

The Bureau believes these revised directives explain in more detail the standards of professionalism, the prohibited acts of discrimination, harassment, and retaliation against any individual, and the

requirement of all members to comply with all laws and applicable City rules and Bureau orders and directives.

Directive 310.00, Professional Conduct and Courtesy

As stated earlier, the revised directive includes a definition of professional conduct, a duty to report for members who witness acts of misconduct by another member, and incorporates courtesy as a component of professional conduct. PPB added a statement at the end of section 2.1. reaffirming that members will treat all individuals with dignity and respect and clarified that no members shall use epithets or terms to denigrate individuals. PPB also removed elements of the policy that are sufficiently addressed in other existing directives.

Directive 310.20, Discrimination, Harassment, and Retaliation Prohibited

This revised directive updates the definition of retaliation, adds language that expressly prohibits discrimination and harassment, and provides information and examples of prohibited acts, conduct, and behavior for each category. PPB used the City's HRAR 2.02, Discrimination in the Workplace, as a building block for this directive and expanded upon the concepts covered in the HRAR to ensure the directive is tailored to the operational needs of the Bureau. This included crafting language that not only captured prohibitions of certain behavior in the workplace among City employees, but also adding similar restrictions for PPB members who interact with individuals in the community. PPB also added more guidance outlining the process for reporting discrimination, harassment, and retaliation.

Directive 310.50, Truthfulness

The proposed directive contains minor changes from the current policy for clarification purposes.

Directive 315.00, Laws, Rules and Orders

This directive now incorporates Directive 344.00, Compliance with Human Resources Administrative Rules, in order to consolidate multiple directives requiring members to comply with all laws and applicable Bureau orders and directives as well as the City's Human Resource rules.

PPB is confident the updated directives provide more clarity and guidance to its members; however, any suggestions to further improve these directives are welcome during their next review.

Effective dates for each directive are listed below:

- Directive 310.00, Professional Conduct and Courtesy- 02/28/18
- Directive 310.20, Discrimination, Harassment, and Retaliation Prohibited- 03/02/18
- Directive 310.50, Truthfulness- 02/28/18
- Directive 315.00, Laws, Rules and Orders- 03/02/18

Published on 2/1/18

310.00, Professional Conduct and Courtesy

Refer:

- DIR 315.00, Laws, Rules and Orders

Definitions:

- **Misconduct:** Conduct by a member that violates Bureau regulations, orders, directives, or other standards of conduct required of City employees.
- **Professional Conduct:** The standard by which member behavior that is not specifically addressed in other Bureau directives is evaluated. The Bureau expects member behavior to reflect the highest of law enforcement industry standards. This includes, but is not limited to, member adherence to all applicable laws, rules, and Bureau directives and member application of the law. The Bureau also requires that members fulfill their professional duties, act with the utmost respect for the Constitutional rights of all people, and communicate in a professional manner at all times. Members shall refrain from conduct that unduly affects Bureau operations or unduly erodes public trust.

Policy:

1. The Portland Police Bureau recognizes its role within the community and its internal organization to engage and interact with individuals in a professional and courteous manner that emphasizes a respect for all individuals and cultures. This is regardless of race, gender, nationality, sexual orientation, physical or mental disability, ethnic or religious group, age, or any protected status under applicable law or administrative rules. The Bureau expects its members to constantly strive to attain the highest professional standard of conduct.

Procedure:

1. Professional Conduct.
 - 1.1. Members, whether on duty or off duty, shall be governed by the reasonable rules of good conduct and behavior, and shall not commit any act tending to bring reproach or discredit to the Police Bureau or the City of Portland.
 - 1.2. Members will conduct themselves in a professional manner in the discharge of their duties and in relations with the public.
 - 1.3. Members shall not publicly criticize the Police Bureau, its policies, programs, actions, or members, or perform any acts, or make any written or oral statements which would unduly impair or diminish the orderly and effective operations, supervision, or discipline of the Police Bureau.
 - 1.4. Members who become aware of an act of misconduct shall report the act of misconduct to a supervisor as soon as practicable. Failure to report member misconduct shall lead to possible discipline up to and including termination.
2. Courtesy.
 - 2.1. Members shall, on all occasions, when reasonable, in the performance of their duties or after identifying themselves as a Bureau member, be courteous and considerate toward their supervisors, their subordinates, all other members, and the public. Members shall treat all

individuals with dignity and respect, showing consideration for the welfare of all persons with whom they interact.

- 2.2. The use of profanity is generally prohibited, except when necessary to quote another person in reports or in testimony. All other use of profanity will be judged on the totality of the circumstances in which it was used. Members shall document uses of profanity in a police report.
- 2.3. No member shall use epithets or terms that tend to denigrate any particular race, gender, nationality, sexual orientation, physical or mental disability, ethnic or religious group, age, or any protected status under applicable law or administrative rules, except when necessary to quote another person in reports or in testimony.

History:

- Originating Directive Date: 09/06/01
- Last Revision Signed: 01/30/18
 - Effective Date: 02/28/18
 - Rescind Directive 310.40, Courtesy
- Next Review Date: 08/28/18

310.20, Discrimination, Harassment, and Retaliation Prohibited

Refer:

- City of Portland, Human Resources Administrative Rule 2.02, Prohibition Against Workplace Harassment, Discrimination and Retaliation
- DIR 312.50, Identification
- DIR 330.00, Internal Affairs, Complaint Intake, and Processing
- DIR 344.05, Bias-Based Policing/Profiling Prohibited

Definitions:

- **Discrimination:** Unequal or adverse treatment of an individual on the basis of actual or perceived protected status.
- **Harassment:** Inappropriate verbal or physical conduct, which may include conduct that is derogatory or shows hostility towards an individual, related to the individual's actual or perceived protected status. The intent or consent of the persons engaging in the inappropriate conduct does not matter. Harassment includes sexual harassment which may consist of unwanted sexual advances, requests for sexual favors, and other sexually oriented verbal or physical conduct.
- **Retaliation:** Adverse conduct towards an individual, not otherwise authorized by law or policy, which is in response to an action taken or perceived to be taken by the individual. Conduct that would likely deter an individual from reporting or supporting a claim or harassment or discrimination may constitute retaliation. Retaliation can occur even if the underlying complaint of harassment or discrimination is not substantiated.

Policy:

1. To build and sustain community trust, the Bureau is committed to constructing relationships and an environment in which community members do not fear reprisal. The Bureau strictly prohibits members from engaging in any form of discrimination, harassment, or retaliation against community members, including discouragement, intimidation, coercion, or adverse action, against any community member or Bureau member who files a complaint or cooperates with an investigation of a complaint against a Bureau member.
2. The Portland Police Bureau is also committed to establishing and maintaining a positive and supportive working environment in which all members have the opportunity to perform their duties to their fullest potential; therefore, the Bureau expressly prohibits members from engaging in all forms of discrimination, harassment, or retaliation against other Bureau members or employees of the City, including discouragement, intimidation, coercion, or adverse action, against any person who reports misconduct, makes a misconduct complaint, or cooperates with an investigation of misconduct.

Procedure:

1. In addition to the City's Human Resources Administrative Rule 2.02, Prohibition Against Workplace Harassment, Discrimination and Retaliation, members shall comply with all State of Oregon and federal laws that prohibit discrimination, harassment, and retaliation.

2. Discrimination Prohibited.
 - 2.1. Members shall not take any employment-related action that adversely affects an applicant or employee on the basis of actual or perceived protected status.
 - 2.2. Members shall refer to Directive 344.05, Bias-Based Policing/Profiling Prohibited, which prohibits taking police action solely or primarily based on an individual's actual or perceived protected status. In addition, members are expressly prohibited from engaging in any other unequal or adverse treatment of an individual on the basis of actual or perceived protected status.
3. Harassment Prohibited.
 - 3.1. Members are expressly prohibited from engaging in conduct that constitutes harassment, which includes sexual harassment. Examples of prohibited behavior include unwanted and inappropriate physical contact, use of epithets or slurs, making sexually suggestive comments or gestures, or using Bureau equipment to transmit or receive offensive material, statements or pictures.
4. Retaliation Prohibited.
 - 4.1. Members shall not engage in adverse conduct in response to action taken or perceived to be taken by any individual.
 - 4.2. The intent of applicable City rules and this Directive is to prohibit conduct that is unlawful, as well as other inappropriate conduct, before it rises to the level of unlawful retaliation. Retaliation by a member against any City employee for any reason is expressly prohibited. Examples of actions that may constitute explicit or implicit workplace retaliation include, but are not limited to:
 - 4.2.1. Adverse employment action such as termination of employment, demotion, suspension, failing to hire or consider hiring, failing to treat impartially when making employment decisions, assigning undesirable work, shunning;
 - 4.2.2. Intentionally not providing cover, support, or assistance, or intentionally responding to calls for cover, support, or assistance in an untimely manner;
 - 4.2.3. Reprisal in response to a member reporting misconduct, making a misconduct complaint or cooperating with an investigation of misconduct;
 - 4.2.4. Reprisal for testifying against a Bureau member;
 - 4.2.5. Creation of a hostile work environment;
 - 4.2.6. Intimidation or ridicule;
 - 4.2.7. Rude, discourteous, or disrespectful behavior; or
 - 4.2.8. Inappropriate jokes, comments, or gestures.
 - 4.3. Members shall not engage in any form of explicit or implicit retaliation against a community member. For example, a member shall not issue a citation to, or take other action against, a community member solely for:
 - 4.3.1. Exercising their legal rights;
 - 4.3.2. Reporting or making a claim of misconduct regarding a Bureau member;
 - 4.3.3. Participating in an investigation of a complaint against a Bureau member;
 - 4.3.4. Questioning the legality of a Bureau member's actions; or

4.3.5. Asking for a Bureau member's name, business card, and/or Bureau I.D. number.

5. Complaints of Misconduct.

5.1. No employee of the Bureau who is the subject of a misconduct complaint shall intentionally contact, or take any action against, a complainant or a witness involved in the misconduct complaint in retaliation for the complainant or witness having filed or provided information in support of a misconduct complaint. Members who are subject of a complaint shall be notified of the complaint in accordance with Directive 330.00, Internal Affairs, Complaint Intake, and Processing.

5.1.1. If the accused employee makes such contact or takes such action against a Bureau complainant, that complainant is encouraged to notify a supervisor as soon as practical, but no later than 24 hours after the contact.

5.1.2. If the accused employee makes such contact or takes such action against a Bureau witness, that witness shall notify a supervisor as soon as practicable, but no later than 24 hours after the contact.

5.1.3. If the accused employee has contact with a complainant or witness who is a member of the public, the accused employee shall advise a supervisor as soon as practicable, but no later than 24 hours after the contact.

5.1.4. If the accused employee has contact with a Bureau complainant or witness (other than in the normal course of business), the accused employee shall advise a supervisor as soon as practicable, but no later than 24 hours after the contact.

6. Reporting Discrimination, Harassment, and Retaliation.

6.1. Members shall report any discriminatory, harassing, and/or retaliatory behavior they observe or become aware of in accordance with Directive 330.00, Internal Affairs, Complaint Intake, and Processing, as soon as practicable. Members are not required to follow chain of command in reporting discrimination, harassment, or retaliation. Members may also report retaliatory behavior to the Bureau of Human Resources.

6.2. Managers and supervisors shall take immediate action to stop and prevent any discrimination, harassment, or retaliation they observe or of which they become aware.

6.2.1. Managers and supervisors shall notify their supervisor and the branch assistant chief of the circumstances and the action taken. If the immediate supervisor is implicated in the misconduct, the supervisor shall make this report to the next highest level in the chain of command.

6.3. For any discrimination, harassment, or retaliation that could constitute a violation of HRAR 2.02., the manager or supervisor shall also report the behavior or incident to the Bureau of Human Resources as soon as possible, but no later than two working days after observing or becoming aware of the violation.

History:

- Originating Directive Date: 09/06/01
- Last Revision Signed: 02/01/18
 - Effective Date: 03/02/18
- Next Review Date: 09/02/18

310.50, Truthfulness

Policy:

1. Truthfulness is a pillar upon which the Portland Police Bureau's legitimacy and community credibility are built. The integrity of police service is rooted in honesty and truthfulness. The Bureau is committed to holding its members accountable for being honest and truthful in all statements made and actions taken which relate to their duties as members of the Police Bureau.

Procedure:

1. No member shall knowingly or willfully be dishonest or untruthful in giving a statement or testimony, in creating a report, in any official oral or written communication, or in giving any statement about actions taken that relate to the member's own or another member's employment or position. Being dishonest or untruthful includes knowingly or willfully: making false statements, falsifying work-related records or official documents, omitting material facts or material information, or answering questions or providing information in a manner that is incomplete, evasive, deceptive, or misleading.
 - 1.1. These requirements apply to any report, investigations, or communication concerning Bureau business, including, but not limited to, oral communications, written reports, transmissions to the Bureau of Emergency Communications, testimony in legal proceedings and communications to members via radio, telephone, pager, e-mail, text, or mobile data computer (MDC).
2. Members shall not knowingly or willfully make any false statements to justify a criminal or traffic charge, or seek to unlawfully influence the outcome of any investigation.
3. Members are obligated under this directive to respond fully and truthfully to questions about any action taken that relates to the member's employment or position, or to the employment or position of another member, regardless of whether such information is requested during a formal investigation or during the course of business.
4. A limited exception to the standards in this directive is when deception is necessary due to the nature of a member's assignment, such as an undercover assignment, when necessary to acquire information for a criminal investigation or to protect the safety of the member or others. The use of deception in these circumstances must be for a specific and lawful purpose and must be temporary in nature.

History:

- Originating Directive Date: 09/06/01
- Last Revision Signed: 01/30/18
 - Effective Date: 02/28/18
- Next Review Date: 08/28/18

315.00, Laws, Rules, and Orders

Refer:

- City of Portland Human Resources Administrative Rules
- Human Resources Administrative Rule 1.01, Duties and Authority of the Director of Human Resources
- DIR 010.00, Directives Manual
- DIR 330.00, Internal Affairs, Complaint Intake, and Processing

Definitions:

- Directive: A Portland Police Bureau official document that addresses both the policy and procedural sections for a specific topic.
- Human Resources Administrative Rules (HRARs): City of Portland standards that help ensure compliance with applicable laws and regulations and mandate or constrain employee action. The Director of the Bureau of Human Resources is responsible for the development and revision of all HRARs. The City Council or, when designated, the Chief Administrative Officer (CAO) has the final authority to approve and adopt all rules.
- Orders: Written and/or verbal direction from any PPB member above the recipient's rank or above the recipient in the chain of command.

Policy:

1. In order to further develop and maintain its legitimacy and to continually build its credibility with the public and within the Bureau, the Portland Police Bureau (PPB) recognizes that correct and impartial enforcement of the law demands that Bureau members understand, comply with, and be held accountable to those same laws that apply to members of the community. Furthermore, Bureau members also have a responsibility to understand and comply with applicable City rules and Bureau orders and directives. This policy establishes the expectation of the Bureau regarding member compliance with all laws and applicable rules, directives, and orders.

Procedure:

1. Members shall acquire and maintain a thorough knowledge of city, state, and federal law, including elements constituting criminal acts and fundamental rules of evidence.
2. Members shall not commit any act or fail to perform any act constituting a violation of any applicable laws, rules, and orders, whether stated in these directives or elsewhere.
3. Bureau Directives.
 - 3.1. Members are required to know and act in accordance with all PPB directives.
 - 3.1.1. Members shall electronically sign a statement acknowledging that they have received, read, and had an opportunity to ask questions about the new or revised directives within 30 calendar days of the Chief's approval and prior to enactment, except as provided in Directive 010.00, Directives Manual. When PPB deems appropriate, members shall also successfully complete a knowledge check assessment within that same timeframe.

- 3.1.1.1. Timely acknowledgment of new or revised directives is an important job duty. Members who fail to acknowledge new or revised directives within the prescribed timeline may be subject to corrective action and/or discipline.
 - 3.1.1.2. Supervisors shall ensure that members have electronically signed and acknowledged directives within the designated timeframe.
 - 3.1.2. Members must know and comprehend standards as established within Bureau communications mediums issued by the Chief or the member's Responsibility Unit Manager (e.g., orders, bulletins, tips and techniques, memoranda, etc.). Upon returning to duty, members shall read all communications issued during their absence.
 - 3.1.3. Members having any question or uncertainty about any directive, standard, law, rule, or order will immediately seek clarification via the chain of command.
4. Compliance with City of Portland HRARs.
 - 4.1. As employees of the City of Portland, all Bureau members, sworn and non-sworn, are subject to all City of Portland HRARs. Therefore, members are expected to know and comply with all HRARs.
 - 4.1.1. Additionally, members shall be required to read and electronically acknowledge all critical HRARs, as defined by the Bureau of Human Resources.
 - 4.2. If there is a conflict between a citywide HRAR and a collective bargaining agreement, the collective bargaining agreement prevails.
5. Bureau Orders.
 - 5.1. Members shall promptly obey any lawful written or verbal order of a supervisor. This will include orders relayed from a supervisor by a member of the same or lesser rank.
 - 5.1.1. Members who are given an otherwise proper order that is in conflict with a previous order shall respectfully inform the supervisor issuing the new order of the conflict. When informed of the conflict, the supervisor shall determine the appropriate course of action and notify the member accordingly. Under these circumstances, the responsibility for resolving the conflict shall be upon the supervisor issuing the new order, and members shall follow the supervisor's resolved direction and shall not be held responsible for deviation from the previous order.
 - 5.1.2. If in doubt as to the legality of an order, members shall request the issuing supervisor to clarify the order or confer with higher authority. Members shall not obey any order that a reasonable officer would believe is clearly unlawful.
6. Notification Requirement.
 - 6.1. Members shall ensure that their direct supervisor or, if unavailable, an on-duty supervisor is notified as soon as practical when cited for a violation of law or regulation, other than a traffic infraction, when arrested for a criminal offense, if their driver's license is suspended, if they become subject of or violate a restraining order, if they become aware they are a suspect in a law enforcement investigation, or if they become the subject of a Department of Public Safety Standards and Training investigation, suspension, or revocation proceeding. This notification must occur within 24 hours, unless a method of communication is not available or the member is incapacitated. In notifying a supervisor, members are not violating any Communication Restriction Order that may be in place.

7. Bureau Chain of Command.

7.1. Unless authority has been delegated otherwise, the chain of command is the established order of authority for members of the Bureau. The Chief of Police is responsible for the placement of non-sworn members within the chain of command. The chain of command for sworn members, in descending order, is:

- 7.1.1. The Chief of Police,
- 7.1.2. Assistant Chief,
- 7.1.3. Commanders,
- 7.1.4. Captain/Non-sworn Division Manager,
- 7.1.5. Lieutenant/Non-sworn Administrative Supervisor (I or II),
- 7.1.6. Sergeant,
- 7.1.7. Detective/Criminalists
- 7.1.8. Police Officer.

History:

- Originating Directive Date: 09/06/01
- Last Revision Signed: 02/01/18
 - Effective Date: 03/02/18
 - Rescind Directive 344.00, Compliance with Human Resources Administrative Rules (HRARs)
- Next Review Date: 09/02/18

Directive 310.00 – Website comments 4/5/17-5/6/17 and 6/22/17-7/6/17

Date	Individual	Comment
2nd universal review		
7/3/17		<p>The following text from the existing 310.00 directive should also be included unless it is found in another directive: 5. Members shall not share information that is known to be false or disparaging about other members, community members, future policies or activities.</p>
7/1/17		<p>SECOND REVIEW: DIRECTIVE 310.00 PROFESSIONAL CONDUCT (last comments April 2017) AND COURTESY (former Dir. 310.40, last comments April 2016).</p> <p>--As we noted in our January 2015 comments, the policy (now in "Procedure" Section 1) that officers should "not commit any act tending to bring reproach or discredit on the Police Bureau" should give some examples. We previously suggested these items: ---beating down people in mental health crisis; ---carrying badly beaten persons with broken ribs bodily into the jail; ---shooting unarmed persons; ---striking at non-violent protestors.</p> <p>We noted that many officers are never held accountable under the previous and current Force Directives might, with this added language, still face discipline when their violent behavior causes community outcry. We added that discipline in such cases is not a replacement for firing or jailing officers, but since neither seems to happen (or stick) in force cases, the Bureau would do well to apply this Directive appropriately.</p> <p>--It is good to see that the Bureau has removed previous Policy Section 5 that we pointed out asked officers not to share "false or disparaging" information about other cops, community members or "future policies or activities."</p> <p>--That said, Section 1.3 contains the old prohibition on officers disparaging Bureau policies. We asked in our previous comments whether the Training Division officers who provided Taser training were being held accountable for making such disparaging remarks in 2016 (as noted in the Compliance Officer /Community Liaison Q3/Q4 2016 Compliance Report).</p>

Directive 310.00 – Website comments 4/5/17-5/6/17 and 6/22/17-7/6/17

		<p>--The Policy section emphasizing respect for various persons of protected status should explicitly include political beliefs.</p> <p>--Section 1.4 carries forward the affirmative duty of officers to report acts of misconduct by other officers or face discipline as severe as being fired. This reflects the duty to report some misconduct from Directive 344.00 on Compliance with Human Resources Administrative Rules (specifically rule 11.03) and is a welcome addition.</p> <p>--Section 2 carries forward the substance of previous Directive 310.40 except:</p> <p>---Section 2.1 on being courteous and considerate adds that "Members shall treat all individuals with dignity and respect, showing consideration for the welfare of all persons with whom they interact." Great addition.</p> <p>---Section 2.2 on use of profanity removes the troubling example we highlighted in our April 2016 comments, which said officers could use profanity to "establish control." We cited the Citizen Review Committee's 2002/2003 policy recommendation for profanity use to be limited to "extreme circumstances," noting that sometime in 2014 or 2015 the Bureau dropped that limitation and said profanity will be judged on "the totality of the circumstances." As we wrote before, the rule still begins, "the use of profanity is generally prohibited," but those who seek a professional police force do not want to leave so much wiggle room for exceptions. We continue urge the Bureau to either outright ban profanity or at least re-insert language making clear its use should be extremely rare. (We also made that comment in January 2015).</p> <p>---Section 2.3 prohibiting use of epithets against persons of protected status should, like the Policy Section, expressly include "political beliefs."</p>
1st universal review		
5/3/17		<p>Directive 310.00, Professional Conduct.</p> <p>While 310.000 Conduct, Professional is sparse, it is worth nothing the directive references Human Resources Administrative Rule 11.01 (attached), "Statement of Ethical Conduct," which</p>

includes:

- HR Admin Rule 11.03: Duty to Report Unlawful or Improper Actions, which includes a duty to report waste, fraud, or abuse and no tolerance for retaliation; and
- COP’s Code of Ethics, which includes:
 - o Public trust
 - o Avoiding even the appearance of impropriety
 - o Whistleblowing
 - o Political activity

The question is whether the Portland Police Bureau should supplement standards that all City employees are subject to with different or higher standards for police officers. We believe it should.

Recommendations:

1. Add language about serving the public, serving and upholding constitutional rights. For example, see the Riverside County Sheriff’s Code of Ethics (attached).
2. Add definition to what “professional conduct” towards members of the public means. E.g., respect, courtesy, refrain from any language or behavior that could be considered offensive or mocking.
3. Add definition to what the “highest standard of professional conduct” means for the PPB (310.00.3). The goals and objectives of this standard should be clear and concrete.
4. Add a Duty to Report Misconduct section, perhaps similar to Seattle and Berkeley police departments (attached), to supplement HRAR 11.03, which is a bare bones rule about a duty to report waste, fraud, or abuse. Clarify the supervising officer’s responsibility to correct misconduct.
5. Add a PPB-specific Code of Ethics that goes beyond the COP’s Code of Ethics in order to address behaviors specific to the police. For example, the Berkeley PD addresses police conduct during arrests, court hearings, etc. This section could also include political activity, including behavior when officers are off-duty (Facebook, interaction with members of the public, etc.). Note Berkeley PD addresses off-duty conduct.

NOTES/APPENDIX

Portland Police Officers are subject to the City of Portland’s Statement of Ethical Conduct (Human Resources Administrative Rule 11.01):

Directive 310.00 – Website comments 4/5/17-5/6/17 and 6/22/17-7/6/17

		<p>Seattle PD conduct includes:</p> <ul style="list-style-type: none"> • Reporting Misconduct <p>Berkeley PD conduct includes:</p> <ul style="list-style-type: none"> • Reporting Misconduct. o Duty to Report • Supervisory and Command Officer Responsibilities to take corrective action in response to misconduct • Off Duty conduct • Conduct during arrests, court appearances, etc. <p>Law Enforcement Code of Ethics (Riverside County, CA Sheriff) “As a Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice. I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty. I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities. I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.” [Note: dedication to God not recommended to allow members to manifest their beliefs as they choose.]</p>
4/28/17		Here are our comments on this Directive from January 2015:

Directive 310.00 – Website comments 4/5/17-5/6/17 and 6/22/17-7/6/17

		<p>--It seems that this Directive could be expanded to indicate that beating down people in mental health crisis (and carrying them bodily into the jail with broken ribs), shooting unarmed persons, striking at non-violent protestors, and other such actions "tend to bring reproach or discredit on the Bureau" (Policy section 1). That way so many officers who are never held accountable under the previous and current Force Directives might still face discipline when their violent behavior causes community outcry. This certainly is not a replacement for firing or jailing officers, but since neither seems to happen (or stick) in force cases, the Bureau would do well to apply this Directive appropriately.</p> <p>--We also note here that Policy section 5 prohibits officers from sharing "false or disparaging" information about other cops, community members or "future policies or activities." First of all, shouldn't "current policies or activities" also be included? Second of all, it seems there should be an investigation opened into the Training division officers who delivered Taser training in 2016, since the Compliance Officer/Community Liaison (COCL) reported them making such disparaging remarks about Bureau policy in the Q3/Q4 draft report (Paragraph 84).</p>
4/11/17		<p>"4. Members shall not publicly criticize the Police Bureau, its policies, programs, actions, or members, or perform any acts, or make any written or oral statements which would impair or diminish the orderly and effective operations, supervision, or discipline of the Police Bureau."</p> <p>This stance contributes to a culture of silence in law enforcement. Officers must be free to speak out against harmful actions by fellow officers without fear of reprisal.</p>
4/5/17		<p>This directive is ambiguous and does not fully explain the first sentence.</p> <p>"1. Police Bureau members, whether on duty or off duty, shall be governed by the reasonable rules of good conduct and behavior, and shall not commit any act tending to bring reproach or discredit upon the Police Bureau"</p> <p>An example of ambiguity is we have had a number of Portland police officers engage in extra marital affairs with sworn and non sworn members which have brought embarrassment to the Bureau (a chief and a non sworn) as well as other bureau members engaged in extra marital</p>

Directive 310.00 – Website comments 4/5/17-5/6/17 and 6/22/17-7/6/17

affairs which have cause discord within the organization. These affairs are clearly examples of bad conduct and bad behavior which negatively impacts the workplace. What is being done to address the issue of adultery within the department. Is this the directive to address this issue or should the bureau draft a new policy?

What constitutes "reasonable rules of good conduct and behavior?" Standard moral values related to truthfulness, fairness and ethics? How does the bureau regulate this off duty without a good definition of what is considered good conduct and behavior.

I propose language which clarifies "reasonable conduct and behavior" is defined as: standard moral values of ethics, honesty, integrity, truthfulness. No member shall engage in conduct contrary to standard moral values.

Directive 310.20 – Website comments 4/5/17-5/6/17 and 6/22/17-7/6/17

Date	Individual	Comment
2 nd universal review		
7/1/17		<p>310.20 DISCRIMINATION, HARASSMENT AND RETALIATION PROHIBITED (formerly Retaliation Prohibited, last comments April 2017)</p> <p>First of all, we thank the Bureau for finally including the specific prohibitions on retaliation against officers who file complaints or participate in misconduct investigations (Policy Section 2, Procedure Section 4.2.3), and adding protections for civilians who participate in misconduct investigations (Procedure Sections 2 and 4.3.3). We noted previously that the DOJ Settlement Agreement paragraph 130 requires this language and that such language was put into City Code in April's revisions to the IPR ordinance (3.21.110[D]). We will add here that the Settlement Agreement means just that: The City agreed with the DOJ they would take on all these tasks willingly so as to avoid going to court-- these are not being imposed on the Bureau, they are things the City said they would do nearly five years ago.</p> <p>--As noted in previous comments, We continue to support examples of retaliation listed including failure to provide backup to fellow officers, employment actions (firing, demoting, giving bad assignments) and "rude, discourteous or disrespectful behavior" (Now in Section 4.2). We also support that retaliation is prohibited against people who report misconduct, question a police action, or ask for an officer's name or ID number (Section 4.3).</p> <p>--We thank the Bureau for retaining and clarifying the section requiring supervisors to take immediate action to stop retaliation, adding discrimination and harassment as throughout (now in Section 6.2). It's not clear, though, why the word "immediately" was taken out of officers' responsibilities to report on such misconduct (Section 6.1).</p> <p>--New section 5.1 prohibiting officers from contacting or taking action against anyone involved in filing complaints is excellent. It may be worth suggesting that officers who recognize complainants or witnesses against them should call in a supervisor or other on-duty officer (not involved in the alleged misconduct, obviously) to relieve them from contacting such persons to ensure there is no retaliation involved.</p> <p>--New section 2.2 about discrimination says that Directive 344.05 on Bias-Based Policing</p>

Directive 310.20 – Website comments 4/5/17-5/6/17 and 6/22/17-7/6/17

		<p>prohibits police action "solely or primarily" based on someone's status (race, gender, ability, etc.). This language is appropriate but, as we noted in our June 2017 comments on 810.10, the word "primarily" is not currently in 344.05**, but should be.</p> <p>--It may be worth adding the filing of tort claims and/or lawsuits to actions that cannot lead to retaliation, since those processes are technically different from filing complaints (see our comments on 220.40, above).</p>
6/30/17		<p>In 5.1, did you consider adding language that would require the employee to know they are the subject of a complaint? The “in retaliation for the...” implies that the member knows about the complaint, but I think it should be more explicit... It’s probably too late, but that’s my thought.</p>
6/23/17		<p>WE THE PEOPLE, MANDATE the full compliance of Oregon Senate Bill 111 Law Enforcement Use of Deadly Physical Force passed 2007 with the program, Truly Reforming Law Enforcement fully funded and in an emergency status.</p> <p>Failure to do so we will continue to have thousands of people contact the Mayor/Police Commissioner and the Police Chief of the Portland Police Bureau to RESIGN TODAY!</p> <p>Jerry Atlansky Founder/Chairperson United States Police/Oregon State Police- Independent Citizens Review Board</p>
1 st universal review		
5/3/17		<p>Directive 310.20, Retaliation Prohibited</p> <p>We support much of this directive and applaud all attempts to promote a police force free of fear when it comes to whistleblowing or filing complaints against PPB members.</p> <p>Testifying against other PPB members must be grounds for retaliation protection. The further along in a disciplinary or legal process a complaint goes, the more the witnesses’ retaliation concerns will escalate. This is as much a law enforcement and accountability issue as it is a personnel issue. To that end, we suggest that the EEOC definition of retaliation be referenced in this directive. The EEOC defines retaliation with a three pronged test:</p> <ul style="list-style-type: none"> • (1) protected activity: participation in an EEO process or opposition to discrimination;

Directive 310.20 – Website comments 4/5/17-5/6/17 and 6/22/17-7/6/17

	<ul style="list-style-type: none"> • (2) materially adverse action taken by the employer; and • (3) a causal connection between the protected activity and the materially adverse action. <p>We also applaud the inclusion of retaliation against community members as an ill to be addressed by this directive. We suggest that references with links to complaint forms and the IPR website be included here.</p>
4/28/17	<p>--We continue to support examples of retaliation listed including failure to provide backup to fellow officers, employment actions (firing, demoting, giving bad assignments) and "rude, discourteous or disrespectful behavior" (Policy section 1.3). We also support that retaliation is prohibited against people who report misconduct, question a police action, or ask for an officer's name or ID number.</p> <p>--We're not sure why earlier examples of triggers for retaliation against fellow officers from an earlier version are still not in, including testifying against another cop or in a court case.</p> <p>--We thank the Bureau for adding back in a section requiring supervisors to take immediate action (Policy section 3.2).</p> <p>--Although the Directive prohibits retaliation for community members filing complaints (Policy section 2.1.1.2), there is no specific prohibition if a fellow officer files a complaint. It also does not address officers or community members participating in the complaint process. Both of these are required by the DOJ Settlement Agreement (Paragraph 130), and moreover such language is now embedded in the City Code related to the IPR (3.21.110[D], passed on April 19, effective May 18).</p>

Directive 310.40 – Website comments as of 04/30/2016, close of Universal Review

Directive	Date	Individual	Comment
310.40	04/01/2016		Adding something like "when in PPB uniform or other identifying attire" to clarify that one is known to be PPB personnel before identifying oneself, when in uniform/other PPB attire.
	04/01/2016		<p>In #2 I would suggest removing the word "generally"; if it read that "profanity IS prohibited unless or when quoting a report....."</p> <p>I believe it still meets the criteria, but is also more clear of the Bureau's prohibitive conduct in regards to profanity.</p>
	04/01/2016		Good morning. What would be helpful is a list of what the Bureau has identified as "profanity".
	04/01/2016		Courtesy should include making every possible effort to allow pet owners to secure their animals before any force is used, lethal or non-lethal, by LEOs. Violence against animals is serious, as the FBI's new database for animal cruelty indicates. The damage done to all LEOs when one is taped shooting a friendly, tail wagging dog is very serious. Policies and Directives should be clear and powerful to protect LEOs, pets and the public trust from use of lethal force or other needless violence against pets.
	04/02/2016		Your courtesy directive is plain, clear, easy to understand and straight to the point. It is appropriate and applicable.
	04/02/2016		<ol style="list-style-type: none"> 1. A person who is not in control of his mouth is not in control of his body. What comes out of his mouth will indicate fear, anger or arrogance if vulgar and profane language is used. 2. A person who is not in control of his words is not in control of his mind. Why would anybody -- colleague or citizen -- respect a person

			<p>who cannot control his thoughts, his feelings, his actions?</p> <p>3, If a person indicates no self-control, he indicates no self-respect, no self-discipline, no self-criticism, no self-education, no self-correction. Who cannot control self cannot control others.</p> <p>4. Without self-discipline and without professional demeanor at all times, a person will rely upon force instead of common sense, persuasion and leadership.</p> <p>5. What comes out of a person reveals what is within. Once others know that junk words are flowing outward, others know that junk was the best a person had, inwardly, in the moment. The conclusion will be: Out of junk comes junk. That impression of "junkiness" will ultimately prove costly to the Bureau, the City, the taxpayer and the member.</p> <p>6. There is no excuse for discourtesy, not even in a crisis. In a crisis, courtesy streamlines communication so that sharp focus on the process and the desired result are what truly matters.</p> <p>7. Discourtesy and disrespect are actually signs of inner weakness. An intelligent adversary might be tempted to test that personal weakness rather than submit to the requirements of the law. Rudeness is often a challenge to fight. Courtesy is an invitation to cooperate in a transaction.</p>
	04/17/2016		<p>This directive as stated, seems to define "courtesy" in a very narrow fashion. Here, it is focused on verbal courtesy but makes to mention of actions or behavior that is discourteous. Merely not swearing or speaking epithets is common courtesy but we was that PPB be held to a higher standard than this. We</p>

Directive 310.40 – Website comments as of 04/30/2016, close of Universal Review

			<p>ask that the following be added to the definition of courtesy:</p> <ol style="list-style-type: none"> 1) Courtesy also demands officers not engage in activity that violates or denigrates the civil rights of all citizens, such as targeting communities of color or racial profiling. 2) Engage in cross cultural awareness training and anti-racism training to encourage courtesy in nonverbal communication and in policing. 3) Courtesy shall also be applied in analysis of behavior not just speech.
310.40	04/29/2016		<p>Officers appear to be permitted to use profanity as a compliance measure. Granted that, when surprised or alarmed, many people curse reflexively. However, directing profanity at a person who is not compliant does little to actually de-escalate a situation. Given PPB's emphasis on de-escalation and non-lethal interventions, it is unusual that profanity would be an area where officers are permitted to escalate a difficult situation.</p>

Directive 310.50 – Website comments 4/5/17-5/6/17 and 6/22/17-7/6/17

Date	Individual	Comment
2 nd universal review		
7/1/17		<p>SECOND REVIEW 310.50 TRUTHFULNESS ("Truthiness.") (last comments April 2017)</p> <p>--The Policy section has been rewritten to emphasize that legitimacy and credibility of the Bureau rely on honesty and truthfulness. We support the rewrite.</p> <p>--Section 1 outlining ways in which officers might be deceitful adds that providing incomplete information is a form of untruthfulness. We support this addition.</p> <p>--Section 2 listing places officers might be deceitful adds investigations and testimony in legal proceedings. We support these additions.</p> <p>We made these comments in May 2015 and April 2017 and repeat them again.</p> <p>--We are disturbed that Section 4 [previously Section 5] says there are limited exceptions for officers lying, such as when "deception is necessary due to the nature of the assignment, when necessary to acquire information for a criminal investigation or to protect the safety of the member or others."* While the Directive limits such deceit to temporary, specific circumstances, it seems to give a lot of latitude for cops to lie to the community. As opponents of the death penalty ask "why do we kill people to teach that killing people is wrong?", one can also ask, "why do we let those who enforce the laws teach dishonest people to be honest by being dishonest?"</p>
1 st universal review		
5/3/17		<p>Directive 310.50, Truthfulness</p> <p>A section should be added regarding the mandatory reporting of the untruthfulness of fellow officers. If directly asked this directive requires an officer respond about the actions of a fellow officer, but officers should be mandated to report if they know a fellow officer lied, misled, or withheld evidence, especially if it relates to a criminal investigation.</p>

Directive 310.50 – Website comments 4/5/17-5/6/17 and 6/22/17-7/6/17

		<p>In section 5, the exception language for "public safety" should be removed. The relevant areas of concern regarding the public safety is sufficiently covered by "or when necessary to protect physical safety." The notion of public safety is extremely broad and would open too many interpretations and reasons for dishonesty.</p> <p>The "for a criminal investigation" language seen in section 5 should also be narrowed or removed. An express exception is already made for undercover and assignment specific deception. However, this language opens up many possibilities where a member is free to lie simply because they suspect a crime with a totally unspecified quantum of proof. This could be applied to virtually every interaction with any member of the public an officer deems suspicious.</p> <p>We also recommend a reference to relevant entrapment statutes, as officers should be aware of the ramifications of taking deception to a legally indefensible extreme.</p>
4/28/17		<p>Here, again, we repeat one of the comments we made in May 2015:</p> <p>--We are disturbed that Section 5 says there are limited exceptions for officers lying, such as when "deception is necessary due to the nature of the assignment, when necessary to acquire information for a criminal investigation or for public safety, or to protect" safety. While the Directive limits such deceit to temporary, specific circumstances, it seems to give a lot of latitude for cops to lie to the community.</p> <p>Additional note, 2017: As opponents of the death penalty ask "why do we kill people to teach that killing people is wrong?", one can also ask, "why do we let those who enforce the laws teach dishonest people to be honest by being dishonest?"</p>
4/12/17		<p>Members are obligated under this directive to respond fully and truthfully to questions about any action taken that relates to the member's employment or position, or to the employment or position of another member, regardless of whether such information is requested during a formal investigation or during the daily course of business.</p> <p>STRIKE the word "DAILY" AND JUST STATE "DURING THE COURSE OF CONDUCTING BUREAU BUSINESS."</p>

Directive 310.50 – Website comments 4/5/17-5/6/17 and 6/22/17-7/6/17

4/6/17		<p>Truthfulness. "The integrity of police service is based on honesty and truthfulness. No member shall knowingly or willfully be dishonest or untruthful in giving testimony, in rendering a report, in any official oral or written communication, or in giving any statement about actions taken that relate to the member's own or another member's employment or position."</p> <p>What is the definition of "member"? I assume it would be any member employed by the Portland Police Bureau, sworn or non sworn.</p> <p>Recent events, and conversations, indicate that untruthfulness by non sworn members may be tolerated. I was not able to find a definition of "member".</p>
4/5/17		<p>Obi-Wan: So, what I told you was true... from a certain point of view.</p> <p>Luke: A certain point of view?</p> <p>Obi-Wan: Luke, you're going to find that many of the truths we cling to depend greatly on our own point of view.</p>

Directive 315.00, – Website comments as of 5/31/15, close of Universal Review

Directive	Date	Individual	Comment
315.00	5/15/15		<p>Regarding section 8: Does the requirement to notify a supervisor when a member finds out he/she is the subject of a criminal investigation conflict with the communication restriction orders we typically give in internal criminal cases? Maybe it would be a good idea to add some clarifying language here.</p>
315.00	5/28/15		<p>315.00 Laws, Rules and Orders:</p> <p>--The policy only talks about following "applicable laws, rules and orders," removing a more specific list of what regulations officers need to follow. Perhaps adding a definition that says "including but not limited to..." could include portions of this old list, which incorporated ordinances of the city and county, federal laws and laws of all states.</p> <p>--The policy now wisely adds that officers are expected to conform to these rules on and off duty (Policy Section 1).</p> <p>--The old Directive told officers to obey a written or verbal order of a supervisor only if it is lawful, which left open the question of how to know if the order were lawful. Interestingly, this one creates a new section (#7) which tells officers they do not have to obey any order that a "reasonable officer would believe is unlawful." This likely will lead to less confusion than the old order. (But raises issues about police enforcing the "failure to obey a lawful order of a police officer" state law against civilians.)</p> <p>--The new Directive gives the officer's supervisor the responsibility to resolve orders which conflict with one another, specifying the supervisor who overrides an earlier command will be responsible for the officer's actions based on the new order (Section 6).</p> <p>--Officers now have the duty to report not only if they are suspect in a</p>

Directive 315.00, – Website comments as of 5/31/15, close of Universal Review

			criminal investigation, but it they're the subject of a restraining order (Section 8).
315.00	5/29/15		<p>-Subsections 4 and 7 should require that the inquiries and answers be documented and disseminated to the organization or be available for other officers to consult in the future. If one person has a question, it is likely another officer will. Also, each supervisor should not have total discretion in each circumstance or make decisions that might be decided differently by another supervisor</p> <p>-Subection 8 should require documentation for accountability purposes.</p> <p>-There are no consequences mentioned here. They should either be mentioned or the directive(s) with the appropriate consequences should be referenced here.</p> <p>-We also support the recommendations made by Portland Copwatch.</p>

Directive 315.00 – Website comments 5/25/17-6/24/17 and 6/27/17-7/11/17

Date	Individual	Comment
2 nd Universal Review		
7/11/17		<p>315.00 Laws, Rules, and Orders</p> <p>In the Procedure Section, Section 3.1.1, lines 3-5 of the directive states “When appropriate, members shall also be required to successfully complete a knowledge check assessment within that same timeframe.” The directive should give further direction regarding what “when appropriate” means, as the current language is vague and gives little guidance as to the frequency of knowledge checks.</p> <p>Section 3.1.1.1, lines 1-3 state “Members who fail to acknowledge new directives within the prescribed timeline may be subject to corrective action and/or discipline.” In this section, “may” should be replaced with “shall” in order to ensure timely review of new directives by PPB members.</p> <p>Section 3.1.2 should include a way to ensure members are reading all communications issued during their absence, and consequences for failing to do so.</p> <p>Section 4.1.1 lines 1-2 state “...members shall be required to read and electronically acknowledge all critical HRARs, as defined by the Bureau of Human Resources.” “Critical HRARs” should be defined, as the distinction between the HRARs members must read and those they may not are unclear.</p> <p>Section 4.2, lines 1-2 state “If there is a conflict between a citywide HRAR and a collective bargaining agreement, the collective bargaining agreement prevails.” This seems to allow any collective bargaining agreement to invalidate HRARs, regardless of currency. This section is too open to interpretation and should be clarified. Additionally, there is no guidance for any other conflicts between rules, such as a conflict between HRARs and PPB Directives.</p> <p>Section 5.1.2 lines 2-3 state “Members shall not obey any order that a reasonable officer would believe is clearly unlawful.” “Clearly unlawful” is a high standard to meet, leaving very little space for accountability. With the power and responsibility PPB members are given, they should not obey any order that they suspect is unlawful, or that a reasonable officer would suspect is unlawful.</p>

Directive 315.00 – Website comments 5/25/17-6/24/17 and 6/27/17-7/11/17

7/10/17		<p>315.00 LAWS, RULES AND ORDERS</p> <p>PCW appreciates the rewrite of Policy Section 1 which clarifies Bureau members have to follow the same rules as everyone else (even though we could point to numerous examples of laws and Bureau rules that give officers "special rights," including how officers are treated after shooting and killing people). However, in the rewrite, the admonishment to follow these laws both on and off duty has been removed. We hope to see that phrase be re-inserted.</p> <p>It is good that the new Directive incorporates the provision the City agreed to when it signed the US Department of Justice Agreement, a rule that requires officers to sign onto new Directives within 30 days (Section 3.1.1). In addition, the policy now says there could be discipline if they do not (Section 3.1.1.1).</p> <p>We continue to have concerns that the Bureau's / City's position is that the Portland Police Association's Collective Bargaining Agreement can over-ride Human Resources rules (Section 4.2).</p> <p>However, we are glad to see that the new Directive clarifies officers only have to obey "lawful" orders from their superiors (Section 5.1).</p>
1 st Universal Review		
6/24/17		<p>PPB 315.00 Laws, Rules, and Orders</p> <p>“5. Members shall promptly obey any written or verbal order of a supervisor. This will include orders relayed from a supervisor by a member of the same or lesser rank.” This should be clarified to include the exception in 7. That orders must be followed unless they conflict with an existing law, rule, or directive. Especially if the order appears to be unlawful.</p> <p>7. The language should be changed from “clearly unlawful” to simply “unlawful.” Officers should feel safe obeying the law if they think their superiors are not acting in compliance with the law. The “clearly” language makes the standard too strict.</p> <p>8. There is confusing phrasing here, possibly rephrase to clarify who is receiving the citation.</p>
6/13/17		<p>--The policy only talks about following "applicable laws, rules and orders,"</p>

Directive 315.00 – Website comments 5/25/17-6/24/17 and 6/27/17-7/11/17

		<p>removing a more specific list of what regulations officers need to follow. Perhaps adding a definition that says "including but not limited to..." could include portions of this old list, which incorporated ordinances of the city and county, federal laws and laws of all states. We support that the Directive still says officers are expected to conform to these rules on and off duty (Policy Section 1).</p> <p>--New language since the May 2015 version of this Directive adds that officers now must also report to their supervisors when they are cited for violations other than traffic infractions (Section 8). We support this addition. The same section also has new language assuring officers that notifying supervisors about citations or arrests is not a violation of a Communication Restriction Order.</p>
5/25/17		<p>Train officers to diffuse situations as if they're not able to rely on firearms; use your sidearm only when faced with equal force. We shouldn't be shooting suspects that aren't armed with firearms.</p>