



CITY OF PORTLAND, OREGON



Bureau of Police

Ted Wheeler, Mayor

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Directive 010.00, Directives Review and Development Process (formerly, “Directives Manual”) Executive Summary

Introduction

The Portland Police Bureau requires its members to perform their official duties safely, effectively and legally. Moreover, members are expected to conduct themselves with the utmost professionalism and exercise their authority responsibly. Bureau directives serve as instrumental tools for guiding member behavior and mechanisms by which members are held accountable. Currently, there are approximately two hundred policies that direct member behavior. Given the important role of Bureau directives, it is essential that well-structured procedures are in place for the review, revision and development of those policies. The Policy Development Team performed a major overhaul of Directive 010.00, Directives Review and Development Process (formerly, “Directives Manual”), incorporating feedback from members of the public and Bureau members, and with the objective of increasing transparency about the directive review process.

Public Comments

The Bureau sought input from the public during two universal review and public comment periods and received much feedback on the Bureau’s process for reviewing, revising and developing directives. The Policy Development Team reviewed all of the comments and identified common themes. Several responders inquired about the composition of the Policy Development Team, the frequency of the internal and subject matter expert (SME) meetings during the executive reconciliation process, and who serves as SMEs. There was also widespread concern about the details of the public review periods. Most of the feedback garnered in this regard focused on the amount of time that is allocated for each review period, and one commenter recommended that the Bureau allow for extensions upon request. Finally, a commenter questioned the removal of language requiring members to sign and acknowledge revised directives and also recommended that the Bureau adjust the way in which it formats directives.

The Bureau’s Policy Development Team

The Bureau established the Policy Development Team largely in response to the need to revise DOJ-identified directives related to compliance with the 2012 DOJ Settlement Agreement (“the Agreement”). However, due to the volume of policies, the Bureau recognized the need to extend the team’s efforts beyond the nearly 40 DOJ-identified polices to include all Bureau directives.

The Policy Development Team currently operates in the Professional Standards Division (PSD) and is comprised of two non-sworn Bureau members, a lieutenant and a designated City Attorney. The team is responsible for managing the directives review and development process, which includes reviewing public comments; researching best practices; drafting policy;

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interfacing with DOJ and COCL representatives with regard to DOJ-identified directives; and working with stakeholders and SMEs to ensure the final product is accurate and complies with applicable law.

Executive Reconciliation

Several community members inquired about the executive reconciliation phase of the review process, specifically asking about the frequency, subject matter and attendees of the internal meetings referenced in the policy. Although the steps in this phase are fairly consistent across all directives, the duration of the phase varies and typically depends on the issue covered by the directive.

After directives have been identified for review, as described in the policy, the Policy Development Team posts the active version of the policy for the first universal review and public comment period. Following the first universal review, meeting participants (e.g., the Policy Development Team, SMEs, representative(s) from the Training Division, patrol officers, etc.) generally convene to discuss the active directive line by line and to consider relevant comments received during the public comment period. Directives that are more administrative in nature and/or that have minimal operational impact require fewer internal discussions and may not demand the same level of information gathering and analysis. On the other hand, the internal review and policy development process for directives that have a greater operational impact or need extensive changes typically requires the coordination of several meetings and the input of SMEs and other stakeholders, thereby extending the duration of the executive reconciliation phase. The Policy Development Team ruminates on the feedback gathered during the initial meeting and begins the revision process, making certain that best practices and the direction of Bureau leadership are considered and incorporated into the updated policy, when appropriate. From there, the team continues to meet or correspond with the SMEs and/or stakeholders, as needed, until a more polished draft is prepared for the second universal review and public comment period.

More often than not, the draft of the directive that the team posts for second universal garners less feedback than during the first review period. Furthermore, that version of the directive is, from an operational and legal standpoint, close to being a finished product. As a result, the Policy Development Team tends to only revisit the policy for further executive reconciliation if the Bureau receives feedback identifying a significant defect or deficiency in the directive.

Subject Matter Experts and Stakeholder Participation

The Policy Development Team relies on several sources to better inform the revision or development of Bureau directives, often referring to best practice standards, other jurisdictions' policies, and academic research, among other resources. The team also works in partnership with internal and, when appropriate, external stakeholders and SMEs, individuals who are demonstrably knowledgeable in the area of consideration, to gain a better understanding of the issue at hand, relevant practices and appropriate terminology. For example, the Policy Development Team reached out to the Office of Neighborhood Involvement's New Portlanders, a group that advises the mayor and other city officials on policy issues that impact Portland's immigrant and refugee communities, during the review process for the Bureau's recently revised policy on immigration. In other circumstances, the team may consult with Bureau staff who

have received specialized training (e.g., vehicle pursuits) to ensure that the directive guidance and prescribed tactics, when applicable, are legally and operationally sound and also in line with best practices.

Universal Review and Public Comment Period

The Bureau opened up its directives review process to the public as a result of the terms of the Agreement, in which the DOJ directed the Bureau to allow members of the public to comment on directives that are under review prior to enactment; however, the DOJ did not specify a duration for the public review and comment period. The Bureau established a 30-day review period and expanded upon that mandate by instituting a policy of allowing the public to comment on directives under review twice during the review process. Many commenters expressed concern that the allotted timeframes for comment during each universal review and public comment period were insufficient, and requested that the Bureau include information on proposed changes to policies during the first review period. Furthermore, one commenter recommended that the Bureau allow for deadline extensions upon request by members of the public.

The duration of the review and revision process for a directive—from the first universal review and public comment period through enactment, varies across policies and is largely contingent upon the subject matter; the degree to which there have been changes in the law or industry standards, which may require more substantive revisions; and whether the directive pertains to the Agreement, as DOJ-identified directives require DOJ and COCL review, consultation and approval. Generally, the process may take three to six months; however, it is not unusual for the process to exceed that timeline.

Currently, both universal review and public comment periods account for about a quarter to half of the total dedicated time for the comprehensive internal review process. While the Bureau recognizes the importance of public involvement in the process and values community member input, the Policy Development Team must balance the need for external stakeholder participation against its responsibility to ensure the Bureau's policies are relevant, legally sound, align with best practice standards and are updated as expeditiously as possible; therefore, firm timelines for the review periods are necessary.

As one commenter mentioned, the first universal review is “less complex” in nature because no Bureau-recommended changes are included for the review. The internal review of a directive after undergoing the first universal review and public comment period is largely driven by the comments (internal and external) the Bureau receives. It is for this reason that proposed revisions to the directive are not included at that step in the process—few, if any, changes have been considered prior to the first universal review posting. Because the Bureau posts the active policy for the first universal review, the version that is publicly available while in effect, and due to the fact that the Bureau does not include proposed edits during the first review, the Bureau made a slight modification to its procedures to now include a 15-day duration for the first universal review and a 30-day duration for the second universal review. The adjustment offers more time for stakeholders and members of the public to review and provide feedback on the Bureau's proposed changes to a policy, while keeping the overall review timeline intact.

One commenter requested that the Bureau allow (and grant) requests for review deadline extensions. The Bureau aims to ensure that members of the public have ample opportunity to comment on its directives. Again, given that the universal review and public comment periods comprise about half of the time designated for the review and development of a directive, the Bureau maintains that the 45-days allocated for review is sufficient. The Policy Development Team also works closely with the Mayor's staff to ensure that any comments or feedback that office receives are appropriately addressed. Furthermore, the Chief has the authority to alter the overall review timeline, to include universal review durations. It should also be noted that anyone can comment on any directive at any time. The Policy Development Team documents and retains comments that are received outside of the public review and comment period window, and reviews those comments at the time of the next scheduled review of the directive.

Directive Format

Although not addressed in the directive, one commenter recommended that the Bureau alter the way in which directives are formatted, specifically requesting that the Bureau utilize an alphanumeric organizational structure. When the DOJ initially identified Bureau directives in need of review and updating, as related to the Agreement, the Bureau used that opportunity to rework the structure and organization of its directives. The Bureau adopted the current numbering convention in conjunction with the DOJ's direction.

The primary function of Bureau directives is to guide member behavior; therefore, directives must be coherent, well-organized and as succinct as possible. The numbering convention that the Bureau currently utilizes sets forth the intended guidance and practices in a clear and structured manner and, consequently, facilitates members' consumption of the content.

Member Acknowledgement of Directives

The version of the policy posted for the first universal review and public comment period contained language pertaining to Bureau members' acknowledgement of new or revised directives. A commenter expressed some apprehension about the removal of that language in the draft that the Bureau posted during the second universal review and public comment period. Bureau members are still required to read and electronically sign all new and revised directives. The Policy Development Team added that language to Directive 315.00, Laws, Rules, and Orders, as that guidance is more appropriately housed in the directive that informs member compliance with Bureau policy.

We thank every individual who took the time to provide feedback on this directive. All comments received during both review periods are attached at the end of this document. We have removed all personal information to protect the privacy of commenters.

The Bureau's Revised Policy

The revised directive establishes a more measured process for the review and development of Bureau directives and provides greater transparency about the process and involved parties. Historically, there has not been dedicated staff or a consistent process in place to adequately and efficiently review Bureau directives. With the appropriate resources in place, the Bureau is now better positioned to establish and adhere to a more defined process.

The updated directive also reflects a new practice of posting directives for public comment and review on the first and fifteenth of the month, when operationally feasible. This change came at the recommendation of community members and, the Bureau agrees, the scheduled release of directives for review serves as an opportunity to increase community involvement. However, there may be circumstances under which the Bureau must deviate from the prescribed release date. For example, an imminent court decision or pending effective date for a change in the law may impact a directive's review schedule. Outside of such extenuating circumstances that impact Bureau operations, the Bureau will abide by the new posting procedures outlined in the directive.

In order to ensure all Bureau directives are properly vetted (internally and externally), updated and maintained, it is imperative that consistent processes and procedures for the review and development of policies are put in place. The revised directive attempts to address this need by establishing and codifying such procedures; however, any suggestions to further improve the Bureau's directive review and development process and/or the policy itself are welcome during its next review.

Directive 010.00, Directives Review and Development Process, will go into effect on March 30, 2018.

Published 2/28/18

010.00, Directives Review and Development Process

Refer:

- United States v. City of Portland Settlement Agreement
- City of Portland Public Involvement Principles
- Directive 020.00, Mission, Values, and Goals
- Directive 315.00, Laws, Rules, and Orders

Definitions:

- **Directive:** A Portland Police Bureau official document that addresses both the policy and procedural sections for a specific topic.
- **Executive Reconciliation:** A step in the review process that consists of internal meetings, facilitated by the Bureau's Policy Development Team, to discuss universal comments, meet with subject matter experts and draft new or revised policies.
- **Policy:** A course or line of action adopted and pursued by the Portland Police Bureau that provides guidance on the Bureau's philosophy on identified issues.
- **Procedure:** A detailed description of how a directive is carried out in practice, describing the steps to be taken, the frequency of the task, and the persons responsible for completing the tasks.
- **Rules:** Specific direction members are required to follow when faced with certain situations.

Policy:

1. The purpose of this directive is to establish the process for the review and development of Portland Police Bureau directives.
2. The Portland Police Bureau recognizes that community members entrust the Bureau with great authority. As a result, the Bureau has a responsibility to the public to ensure that its members appropriately exercise that authority. Member accountability is paramount. The Bureau must demonstrate responsibility for guiding member action and holding members accountable to established policies and procedures.
3. The Bureau strives to establish policies and procedures that promote professional practices and guide members to be good stewards of public resources. Bureau directives serve as the foundation for all Portland Police Bureau operations. The policies and procedures contained in directives promote professional practices and provide staff with information to act decisively, consistently and legally. When unusual circumstances are encountered, the directives assist members in identifying the best course of action to follow.
4. The Bureau values the input of community members and our working partners. Collaboration and community involvement are essential to ensuring that Bureau policies and procedures reflect the values of the community we serve. For this reason, the Bureau encourages community members and other key stakeholders to participate in the directive

development process by contributing feedback on directives when they are scheduled for review.

Procedure:

1. Process Initiation.
 - 1.1. Any member of the Bureau may contact the Policy Development Team to request the creation of a new directive or the revision or rescission of an existing directive.
 - 1.2. Existing directives shall be reviewed every two years from the time of enactment by the Chief or designee. The review history shall be documented at the bottom of each directive.
 - 1.2.1. The Chief or designee shall have the authority to adjust the review schedule of a directive if an operational need requires that the directive be immediately reviewed and modified or when otherwise deemed necessary.
 - 1.3. New directives shall undergo a one-year review from the time of enactment. Upon completion of the year one review, the Bureau shall adjust the review period to align with the standard two-year review schedule.
 - 1.4. Prior to being approved by the Department of Justice (DOJ), directives that pertain to compliance with the 2012 DOJ Settlement Agreement shall undergo the standard universal review and public comment processes, as established in this policy.
 - 1.4.1. After receiving DOJ approval and pursuant to the terms of the Settlement Agreement, all DOJ-identified directives are subject to an initial semi-annual review, followed by annual reviews thereafter.
 - 1.5. Occasionally, the initiation of the directives review and/or development process may be tied to an administrative, legislative, or legal rationale.
 - 1.5.1. Administrative matters that may create a need to address a directive include, but are not limited to:
 - 1.5.1.1. A shift in organizational philosophy;
 - 1.5.1.2. A specific division need;
 - 1.5.1.3. Trend data;
 - 1.5.1.4. Complaints or discipline outcomes;
 - 1.5.1.5. Contract negotiations;
 - 1.5.1.6. Budget adjustments;
 - 1.5.1.7. Changes to administrative rules; and/or
 - 1.5.1.8. Audit findings.
 - 1.5.2. Legislative matters that may create a need to address a directive include changes in city, county, state, or federal law.
 - 1.5.3. Legal matters that may create a need to address a directive include the publication of a court holding or order issued in binding jurisdictions, or the execution of a term in a settlement agreement.

2. First Universal Review and Public Comment Period - Current Directive.
 - 2.1. When reviewing an existing directive(s), the Policy Development Team shall post the current active version of the directive(s) on the Bureau's website for universal review and public comment for 15 calendar days.
 - 2.1.1. When a directive is scheduled for universal review and public comment, the Bureau shall endeavor to post the directive(s) on the first and/or fifteenth of the month. However, if an operational need requires that the directive(s) be immediately posted, the Bureau may post the directive(s) outside of that timeframe.
 - 2.2. Bureau members and members of the public may submit feedback by using the form provided on the Bureau's website.
 - 2.3. Comments that are received after the closing date of the first universal review and comment period shall be maintained by the Policy Development Team until the next review period for the directive.
3. Executive Reconciliation.
 - 3.1. The Policy Development Team shall compile all comments received during the universal review period and prepare those comments for consideration during executive reconciliation.
 - 3.2. The Policy Development Team shall contact and confer with internal and, when appropriate, external subject matter experts (SMEs) to ensure that as policies are developed, they are accurate, clearly written, consistent with professional practices and that they satisfy legal requirements.
 - 3.2.1. The Policy Development Team shall establish an SME meeting schedule to discuss the directive in detail and assist in the development of the directive.
4. Second Universal Review and Public Comment Period.
 - 4.1. After SME meetings and consideration of initial public comments, the Policy Development Team shall post a draft containing proposed changes to the current active directive, a redline copy, as well as the public comments received during the first universal review and public comment period.
 - 4.1.1. The directive shall be posted on the Bureau's website for 30 calendar days to gather additional feedback from members of the public and other stakeholders.
 - 4.1.1.1. When the directive is scheduled for the second universal review and public comment, the Bureau shall endeavor to post the directive(s) on the first or fifteenth of the month. However, if an operational need requires that the directive(s) be immediately posted, the Bureau may post the directive(s) outside of that timeframe.
 - 4.2. Comments that are received after the closing date of the additional public comment period shall be maintained by the Policy Development Team until the next review of the directive.

- 4.3. The Policy Development Team shall also consider all comments received during the second universal review period and public comment period. If any changes based on the second round of public comments are warranted, the Policy Development Team may make additional revisions without further public comment.
5. Review of and Public Comment on New Directives
 - 5.1. When creating a new directive, the Policy Development Team shall post a draft of the proposed language on the Bureau's website for universal review and public comment for 30 calendar days.
 - 5.1.1. The Bureau shall endeavor to post the directive(s) on the first and/or fifteenth of the month. However, if an operational need requires that the directive(s) be immediately posted, the Bureau may post the directive(s) outside of that timeframe.
 - 5.2. Bureau members and members of the public may submit feedback by using the form provided on the Bureau's website.
 - 5.3. Comments that are received after the closing date of the universal review and comment period shall be maintained by the Policy Development Team until the next review period for the directive.
 - 5.4. The Policy Development Team shall consider all comments received during the universal review period and public comment period. If any changes are warranted, the Policy Development Team may make additional revisions without further public comment.
6. Collective Bargaining Unit ("Union") Review.
 - 6.1. Unions are granted an opportunity to review revised directives prior to enactment to consider any potential labor-related issues and, when deemed necessary, exercise bargaining rights.
 - 6.1.1. The Policy Development Team shall notify all recognized member unions that a new directive has been drafted and is being considered for implementation, and shall issue the proposed directive to the unions for a 15 business-day review period.
 - 6.2. Upon conclusion of the review period, the Policy Development Team shall compile all union comments and consult with the City Attorney's Office to address any union comments and/or concerns that resulted from the review process.
7. Chief's Office Review Period.
 - 7.1. The Chief's Office shall review the final draft of the directive, developed after all public and union input, to ensure that it is reasonable, aligns with the Bureau's philosophy, comports with applicable legal requirements and meets best practice standards.

- 7.1.1. The Assistant Chiefs shall have a period of five business days to review Bureau policies prior to enactment.
 - 7.2. Following the Assistant Chiefs' review, the Chief or designee shall perform a final review of the directive to ensure that it aligns with Bureau strategy and focus.
 - 7.2.1. The Chief and the Police Commissioner have complete discretion regarding the content and implementation of Bureau directives and may either approve the proposed directive, or refer it back to the Policy Development Team for further reconciliation.
8. Executive Summary.
 - 8.1. Upon approval and signature by the Chief or designee, the Policy Development Team shall prepare the directive for internal dissemination and post the portfolio to the Bureau's website.
 - 8.1.1. The portfolio is comprised of a summary of the Bureau's internal review process for the directive(s), all public comments received during the public review periods and an updated and approved version of the directive(s), which reflects changes made throughout the review process. The portfolio shall be posted on the Bureau's website for 30 calendar days.
 - 8.1.1.1. The updated directive(s) shall be posted for review only, as it will be pending enactment at that time. No further public feedback will be sought or accepted.
9. Member Acknowledgment.
 - 9.1. The Policy Development Team shall internally announce (via email) new or revised directive(s) to members prior to enactment.
 - 9.1.1. Pursuant to Directive 315.00, Laws, Rules and Orders, members shall be required to electronically sign a statement acknowledging that they have received, read and had an opportunity to ask questions about the directives within 30 calendar days of the Chief's or designee's signature and prior to enactment.
10. Enactment.
 - 10.1. Directives approved by the Chief, or a designee, shall be effective at midnight exactly 30 days from the signature date to allow sufficient time for members to read and acknowledge the updated or new directive.
 - 10.1.1. The effective date shall be included at the bottom of each directive.
 - 10.1.2. Enactment dates and reconciliation processes may be altered, depending on judicial orders or the interests of opposing parties in litigation or settlements.
 - 10.2. The Chief or designee shall have the authority to adjust the effective date of a directive (i.e., fewer than 30 days) if an operational need requires immediate enactment or when otherwise deemed necessary.
11. Publication.
 - 11.1. At the conclusion of the 30-day member acknowledgement period, or when the Chief or designee has determined that immediate enactment is necessary, the Policy

Development Team shall publish the enacted policy on the Bureau's website. The published copy shall include the updated review schedule for the directive.

11.2. The Policy Development Team shall maintain a record of all current and previous versions of Bureau directives.

12. Temporary Suspension of Directives.

12.1. The Chief or designee shall have the authority to temporarily suspend portions or the entirety of a directive if an operational need requires such action.

12.1.1. In these circumstances, the Chief or designee shall authorize the temporary suspension through a Special Order issued Bureau-wide. The Special Order shall note the date on which the original directive shall be reinstated.

History:

- Originating Directive Effective: 09/06/01
- Last Revision Signed: 02/28/18
 - Effective Date: 03/30/18
- Review Date: 03/30/20

010.00, Directives ~~Manual~~ Review and Development Process

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Refer:

- ~~United States v. City of Portland Settlement Agreement~~ DIR 020.00, Mission, Values, and Goals
- ~~DIR 315.00, Laws, Rules, and Orders~~
- ~~City of Portland Public Involvement Principles~~
- Directive 020.00, Mission, Values, and Goals
- Directive 315.00, Laws, Rules, and Orders
- ~~United States v. City of Portland Settlement Agreement~~

Definitions:

- ~~Directives: The name the Directive: A~~ Portland Police Bureau has given to its collection of official document that addresses both the policy, procedure, and rule-procedural sections for a specific topic.
- ~~Executive Order: A written memorandum signed by the Chief of Police (or designee) that dictates compliance and/or amends a specific directive.~~
- Executive Reconciliation: A step in the review process that consists of internal meetings, facilitated by the Bureau's Policy Development Team, to discuss universal comments, meet with subject matter experts and draft new or revised policies.
- Policy: A course or line of action adopted and pursued by the Portland Police Bureau that provides guidance on the Bureau's philosophy on identified issues.
- Procedure: A detailed description of how a directive is to be accomplished carried out in practice, describing the steps to be taken, the frequency of the task, and the persons responsible for completing the tasks.
- ~~Rule: Procedures that apply each and every time a situation occurs with specific~~ Rules: Specific direction members are required to follow, which may result in members being disciplined for failing to follow the direction provided when faced with certain situations.

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Policy:

1. The purpose of this directive is to establish the process for the review and development of Portland Police Bureau members are entrusted directives.
- 1.2. The Portland Police Bureau recognizes that community members entrust the Bureau with great authority. With great authority comes great responsibility, thus great liability. As a result, the City of Portland and its Police Bureau Bureau has a responsibility to the public to ensure that its members appropriately exercise that authority. Member accountability is paramount. The Bureau must demonstrate due regard in directing responsibility for guiding member action and hold holding members accountable to such direction established policies and procedures.

~~3. Member action is directed through the establishment of policy, procedure, rule, as found within directives. Directives procedures that promote professional practices and guide members to be good stewards of public resources. Bureau directives serve as the foundation for all Portland Police Bureau operations. The policy, procedure, policies and rule reflected within procedures contained in directives promote professional practices and provide staff with information to act decisively, consistently, and legally. When unusual circumstances are encountered, the directives help assist members identify in identifying the best course of action to follow. Therefore, directives promote confidence and professional contact among members; thereby demonstrating~~

~~2.4. The Bureau values the input of community members are good shepherds of public trust and our working partners. Collaboration and community involvement are essential to ensuring that Bureau policies and procedures reflect the values of the community we serve. For this reason, the Bureau encourages community members and other key stakeholders to participate in the directive development process by contributing feedback on directives when they are scheduled for review.~~

~~3. Because collaboration among many people is critical to successful Bureau outcomes, feedback on directives is necessary. First and foremost, the Bureau believes all members should be involved in the development of directives. Secondly, the work of the Bureau could not be accomplished without intergovernmental collaboration, thus our working partners add value and should have consideration in the development of directives. Additionally, the City of Portland prides itself in having active, involved, and informed residents, as reflected in the Council approved Public Involvement Principles. Therefore, community stakeholders may contribute worthy insight into directives. Finally, in accordance with the United States v. City of Portland Settlement Agreement, directives specific to force, training, community-based mental health services, crisis intervention, employee information system, officer accountability, and community engagement require public review and comment prior to a directive being finalized.~~

Procedure:

1. Process Initiation:

~~1.1. Any member of the Portland Police Bureau may make a written request, routed through contact the chain Policy Development Team to request the creation of command, to create a new directive, revise or the revision or rescission of an existing directive, or rescind a~~

~~1.1.1.2. Existing directives shall be reviewed every two years from the time of enactment by the Chief or designee. The review history shall be documented at the bottom of each directive.~~

~~1.2.1. The Chief or designee shall have the authority to adjust the review schedule of a directive if an operational need requires that the directive be immediately reviewed and modified or when otherwise deemed necessary.~~

1.3. New directives shall undergo a one-year review from the time of enactment. Upon completion of the year one review, the Bureau shall adjust the review period to align with the standard two-year review schedule.

1.4. Prior to being approved by the Department of Justice (DOJ), directives that pertain to compliance with the 2012 DOJ Settlement Agreement shall undergo the standard universal review and public comment processes, as established in this policy.

1.4.1. After receiving DOJ approval and pursuant to the terms of the Settlement Agreement, all DOJ-identified directives are subject to an initial semi-annual review, followed by annual reviews thereafter.

~~1.2.1.5.~~ Occasionally, the initiation of the directives ~~procedure will likely~~ review and/or development process may be tied to an administrative, legislative, or legal rationale.

~~1.5.1. Examples of administrative~~ Administrative matters that may create a need to address a directive include, but are not limited to:

1.5.1.1. A shift in organizational philosophy;

1.5.1.2. A specific division need, ~~trend~~;

1.5.1.3. Trend data, ~~complaints~~;

1.5.1.4. Complaints or discipline outcomes, ~~contract~~;

~~1.2.1.0.1.5.1.5.~~ Contract negotiations, ~~budget, administrative rule, audits, and more~~;

1.5.1.6. Example of legislative ~~Budget~~ adjustments;

1.5.1.7. Changes to administrative rules; and/or

1.5.1.8. Audit findings.

~~1.2.2.1.5.2.~~ Legislative matters that may create a need to address a directive ~~includes~~ include changes in city, county, state, or federal law.

~~1.2.3.1.5.3.~~ Examples of legal ~~Legal~~ matters that may create a need to address a directive include the publication of a court holding or order, issued in binding jurisdictions, or the execution of a term in a settlement agreement.

2. Drafting:

Upon approval by the Chief of Police (or designee) of a requested new, revised, or rescinded

2. First Universal Review and Public Comment Period - Current Directive.

~~2.1. When reviewing an existing directive(s), the Policy Development Team shall post the Strategic Services Division will be directed to initiate the directives procedure and commence drafting.~~

~~2.2. The Strategic Service Division will compile a Lead Reviewer Packet regarding the directive before presenting the information to the Lead Reviewer, who is the managing member of the area most impacted by the directive. The packet will contain a copy of the most current active version of the directive and any supporting documentation as applicable.~~

~~2.3. The Lead Reviewer will review all the material in the packet, identify a subject matter expert(s) for the directive topic, solicit and document input from that expert(s), before~~

~~creating a recommended directive draft, complete with tracked changes and an updated reference section.~~

~~2.4. The recommended draft will be returned to the Strategic Services Division.~~

~~3. Universal Review:~~

~~3.1.2.1. The recommended draft will be posted) on the Bureau's website for universal review and public comment for thirty (30)15 calendar days.~~

~~2.1.1. The Strategic Services Division will notify all When a directive is scheduled for universal review and public comment, the Bureau shall endeavor to post the directive(s) on the first and/or fifteenth of the month. However, if an operational need requires that the directive(s) be immediately posted, the Bureau may post the directive(s) outside of that timeframe.~~

~~2.2. Bureau members and interested partiesmembers of the recommended draft being posted topublic may submit feedback by using the Bureau'sform provided on the Bureau's website for.~~

~~3.2.2.3. Comments that are received after the closing date of the first universal review and comment atperiod shall be maintained by the start ofPolicy Development Team until the thirty (30) daynext review period for the directive.~~

~~4.3. Executive Reconciliation:~~

~~4.1.3.1. The recommended draft and The Policy Development Team shall compile all comments submitted via the website will be compiled by the Strategic Services Division for received during the universal review period and prepare those comments for consideration during executive reconciliation.~~

~~4.2. The Strategic Services Division, together with the Lead ReviewerPolicy Development Team shall contact and the Office of the City Attorney, will staff the Bureau's executive members in finalizing the directive for enactment.~~

~~4.3. Focus will be given to ensuring language ultimately reflects Bureau operations, is confer with internal and, when appropriate, external subject matter experts (SMEs) to ensure that as policies are developed, they are accurate, clearly written and easy to understand,, consistent with professional practices and mirrors organizational philosophy,that they satisfy legal requirements, and applicable standards of best practice.~~

~~Enactment:~~

~~Executive members of the Bureau will present the final directive draft to the Chief (or designee) for approval.~~

~~5.2. Upon approval, the directive will be prepared for publication by the Strategic Services Division.~~

~~6.0.3.2. Publication:~~

~~6.1.0.3.2.1. The Strategic Services Division will announce a new directivePolicy Development Team shall establish an SME meeting schedule to members before~~

~~posting~~ discuss the directive ~~on~~ in detail and assist in the ~~Intranet as an Executive Order.~~ development of the directive.

~~6.2. The Strategic Services Division will schedule the directive for routine review, biennially, unless otherwise required by the United States v. City of Portland Settlement Agreement. The Strategic Services Division will record the directive within Bureau archives, enabling a member to retrieve a prior version of a directive.~~

4. Second Universal Review and Public Comment Period.

4.1. After SME meetings and consideration of initial public comments, the Policy Development Team shall post a draft containing proposed changes to the current active directive, a redline copy, as well as the public comments received during the first universal review and public comment period.

4.1.1. The directive shall be posted on the Bureau's website for 30 calendar days to gather additional feedback from members of the public and other stakeholders.

4.1.1.1. When the directive is scheduled for the second universal review and public comment, the Bureau shall endeavor to post the directive(s) on the first or fifteenth of the month. However, if an operational need requires that the directive(s) be immediately posted, the Bureau may post the directive(s) outside of that timeframe.

4.2. Comments that are received after the closing date of the additional public comment period shall be maintained by the Policy Development Team until the next review of the directive.

4.3. The Policy Development Team shall also consider all comments received during the second universal review period and public comment period. If any changes based on the second round of public comments are warranted, the Policy Development Team may make additional revisions without further public comment.

5. Review of and Public Comment on New Directives

5.1. When creating a new directive, the Policy Development Team shall post a draft of the proposed language on the Bureau's website for universal review and public comment for 30 calendar days.

5.1.1. The Bureau shall endeavor to post the directive(s) on the first and/or fifteenth of the month. However, if an operational need requires that the directive(s) be immediately posted, the Bureau may post the directive(s) outside of that timeframe.

Bureau members and

~~6.4. The Strategic Services Division will further coordinate needs with internal divisions as necessary (e.g. Training Division, Professional Standards Division, etc.).~~

7. Acknowledgment:

5.2. In accordance with the United States v. City of Portland Settlement Agreement, members of the public may submit feedback by using the form provided on the Bureau's website.

5.3. Comments that are received after the closing date of the universal review and comment period shall be maintained by the Policy Development Team until the next review period for the directive.

5.4. The Policy Development Team shall consider all comments received during the universal review period and public comment period. If any changes are warranted, the Policy Development Team may make additional revisions without further public comment.

6. Collective Bargaining Unit (“Union”) Review.

6.1. Unions are granted an opportunity to review revised directives prior to enactment to consider any potential labor-related issues and, when deemed necessary, exercise bargaining rights.

6.1.1. The Policy Development Team shall notify all recognized member unions that a new directive has been drafted and is being considered for implementation, and shall issue the proposed directive to the unions for a 15 business-day review period.

6.2. Upon conclusion of the review period, the Policy Development Team shall compile all union comments and consult with the City Attorney’s Office to address any union comments and/or concerns that resulted from the review process.

7. Chief’s Office Review Period.

7.1. The Chief’s Office shall review the final draft of the directive, developed after all public and union input, to ensure that it is reasonable, aligns with the Bureau’s philosophy, comports with applicable legal requirements and meets best practice standards.

7.1.1. The Assistant Chiefs shall have a period of five business days to review Bureau policies prior to enactment.

7.2. Following the Assistant Chiefs’ review, the Chief or designee shall perform a final review of the directive to ensure that it aligns with Bureau strategy and focus.

7.2.1. The Chief and the Police Commissioner have complete discretion regarding the content and implementation of Bureau directives and may either approve the proposed directive, or refer it back to the Policy Development Team for further reconciliation.

8. Executive ~~will~~ Summary.

8.1. Upon approval and signature by the Chief or designee, the Policy Development Team shall prepare the directive for internal dissemination and post the portfolio to the Bureau’s website.

8.1.1. The portfolio is comprised of a summary of the Bureau’s internal review process for the directive(s), all public comments received during the public review periods and an updated and approved version of the directive(s), which reflects changes made throughout the review process. The portfolio shall be posted on the Bureau’s website for 30 calendar days.

8.1.1.1. The updated directive(s) shall be posted for review only, as it will be pending enactment at that time. No further public feedback will be sought or accepted.

9. Member Acknowledgment.

9.1. The Policy Development Team shall internally announce (via email) new or revised directive(s) to members prior to enactment.

~~7.1.0.~~9.1.1. Pursuant to Directive 315.00, Laws, Rules and Orders, members shall be required to electronically sign a statement acknowledging that they have received, read, and had an opportunity to ask questions about the directives within thirty (30) calendar days of its release, the Chief's or designee's signature and prior to enactment.

10. Enactment.

10.1. Directives approved by the Chief, or a designee, shall be effective at midnight exactly 30 days from the signature date to allow sufficient time for members to read and acknowledge the updated or new directive.

10.1.1. The effective date shall be included at the bottom of each directive.

10.1.2. Enactment dates and reconciliation processes may be altered, depending on judicial orders or the interests of opposing parties in litigation or settlements.

10.2. The Chief or designee shall have the authority to adjust the effective date of a directive (i.e., fewer than 30 days) if an operational need requires immediate enactment or when otherwise deemed necessary.

~~7.2. Publication Supervisors will be responsible for ensuring member statements have been electronically signed.~~

11.

11.1. At the conclusion of the 30-day member acknowledgement period, or when the Chief or designee has determined that immediate enactment is necessary, the Policy Development Team shall publish the enacted policy on the Bureau's website. The published copy shall include the updated review schedule for the directive.

11.2. The Policy Development Team shall maintain a record of all current and previous versions of Bureau directives.

12. Temporary Suspension of Directives.

12.1. The Chief or designee shall have the authority to temporarily suspend portions or the entirety of a directive if an operational need requires such action.

12.1.1. In these circumstances, the Chief or designee shall authorize the temporary suspension through a Special Order issued Bureau-wide. The Special Order shall note the date on which the original directive shall be reinstated.

History:

- Originating Directive Effective: 09/06/01

- FirstLast Revision Signed:
 - Effective: 06/01/07 Date:
 - ~~Second Revision Effective: 05/01/14~~
 - ~~Next Review Date: 05/01/16~~
- ~~Review By: Strategic Services Division~~

Directive 10.00 – Website comments 4/5/17-5/6/17 and 8/1/17-8/15/17

Date	Individual	Comment
2 nd UR		
8/15/17		<p>Thank you for the opportunity to provide feedback on the proposed revisions to Directive 010.00, Directives Review and Development Process.</p> <p>It was very helpful to review the materials referenced at the beginning of the draft directive as I prepared my comments and recommendations. My comments and recommendations are listed in no particular order.</p> <p>Policy Item No. 3 indicates that “Bureau directives serve as the foundation for all Portland Police Bureau operations.” This section will be improved with references to police legitimacy and procedural justice. Adding these references would further frame the directive review and development process in terms that speak to the Portland Police Bureau’s continued adoption of 21st century policing principles and practices.</p> <p>I believe that the directive review and development process is intended to be transparent. Portland’s Public Involvement Principles defines transparency as a public decision-making process that is accessible, open, honest and understandable. One way to assess transparency in Directive 010.00 is to ask if the proposed directive leaves the reader with unanswered questions. As an example, does the directive define the persons who are involved in the process? Directive 010.00 refers to a Policy Development team but does not describe the membership of that team. Transparency can be achieved by listing the members, by their roles, of the Policy Development team.</p> <p>Another likely question surrounds the idea of “internal meetings.” Language used to describe these meetings could be more specific such as including frequency of meetings, topics likely to be discussed, how decisions are made, etc. I am not suggesting that the internal meetings become public, open meetings. Details about the meetings can “put someone in the room” while remaining closed meetings.</p> <p>Some reviewers may have questions about “subject-matter experts.” In my experience, subject-matter experts are most often seen in technical, professional, or academic settings. The use of subject-matter experts will be more understandable and increase public trust in the process with</p>

some added detail. If the term ‘subject-matter expert’ is defined, details about the type of information likely to be obtained is listed, such as data analysis and academic research of evidence-based or best practices, and a description of how the information is applied and/or evaluated will be useful.

I understand that ‘building relationships and community capacity’ is listed as one of many public involvement principles adopted in August, 2010. One may ask how an online process, such as directive reviews, is an example of this principle in action. This principle can be demonstrated through the directive review and development process regardless of whether or not the community engagement through the comment process is online vs. in person.

Of particular importance is the timely posting of the history of a directive, the feedback received after the last review process closed, and potential changes or additions to the directive at the 1st Universal Review posting paves the way for a reciprocal discussion or, simply put, a conversation. Although online, there is dialogue taking place, but that conversation is hampered when one side of the conversation does not have the same information as the other side.

A comprehensive and thoughtful Use of Force Suite Bureau Update was published after the review process was completed. The review process would have been significantly improved had some of that update been made available at the 1st Universal Review posting.

An initial report with pre-review details, a narrative history of the directive, the review history of the directive, and a summary of comments that were received after the last review of the directive, will inform the review and development process beginning with the 1st Universal Review posting.

A significant question comes to mind about the length of time a directive is posted for comment. The reasons for a 30-day period for the 1st Universal Review and a 15-day period for the 2nd Universal Review are unclear. This disparity of opportunity for comment is confusing and concerning. Each comment period should have a 30-day period for comments from the community and bureau members.

The recent posting of redline versions of draft directives has been tremendously helpful. It is of concern that there is no mention of a “redline version” being standard practice when the 2nd Universal Review is posted. This leaves the reader with the impression that posting redline drafts

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	<p>is optional rather than expected. This requirement should be specified in the directive.</p> <p>It is of concern that there is no mechanism for comment other than online. This practice is not consistent with the public involvement principle of accessibility. A provision allowing for comment by differently-abled persons is needed.</p> <p>My final recommendation is that the Bureau have an online listing of upcoming directive reviews in order of which review comes next. This would be in addition to those items that are actively being reviewed or pending enactment.</p> <p>Thanks again for the opportunity to be heard.</p>
8/15/17	<p>010.00: Directives Review and Development Process</p> <p>In broad terms, we have concerns about the speed at which directives have churned out of the Bureau in recent months.</p> <p>We are asking for more clarity on Section 4 Second Review and Public Comment Period. This is the PPB's 15-day window for public review when a directive is on "second review." What is unclear is if this includes directives which are "amended," and so would not have an initial 30-day time period for public review. See Section 2.2. "When creating a new directive, the Policy Development team shall post a draft of the proposed language on the Bureau's website for universal review and public comment for 30 calendar days."</p> <p>If an "amended" directive skips the initial 30-day review period, it serves as a loophole in which a directive can be entirely re-written, but because the numbering doesn't change, it's considered "amended" and skips straight to a limited 15-day review timeline. This was a huge problem for the NLG and the community for the use of force suite of directives. Then-Chief Marshman refused to extend the 15-day window for review of Directive 1010.00 Use of Force, which was put out to public comment during the July 4th holiday. As a result, the NLG could not give meaningful feedback on one of the most important issues for police accountability. This is unacceptable.</p> <p>As many have pointed out in their comments, although PPB members, city attorneys and others may be working feverishly to develop these directives, community oversight comes largely from volunteer groups of interested citizens. Such rapid turnaround and high volume has the effect of burying interested citizens in paper as with the Force Suite. We understand that reform has many stakeholders who work hard. The current state of PPB directive review does not allow for the thorough, thoughtful stakeholder engagement that the Bureau purports to want.</p>

	<p>RECOMMENDATIONS.</p> <p>1.) We are concerned that there will not be time for meaningful public participation and would recommend at least a 30-day window for any and all directive review, regardless of whether it is "new" or not. This will address potential problems of PPB "amending" a directive wholesale and then pushing it through with a shorter timeline for review, as was done with 1010.00.</p> <p>2.) The community should be able to request and receive extensions for review, especially when the directive at issue is complicated or of particular importance to the community (i.e., use of deadly force). 010.00 should include a section, which mandates PPB to at least consider requests for an extended review timeline, with the goal to accommodate these requests.</p>
<p>8/15/17</p>	<p>DIRECTIVE 010.00 DIRECTIVES REVIEW AND DEVELOPMENT PROCESS</p> <p>We note here that after the Bureau invited comments on this in April, the Directive was re-named from "Directives Manual." Unless there is a separate Directive which addresses the format for Bureau policies, we repeat our recommendation that all Directives, should put letters on the main sections (Definitions, Policy, Procedure), and Definitions should be numbered.</p> <p>The last draft also involved not just policies and procedures, but also "rules." That term has been struck from the new version. This leads to a question of what happens if officers fail to follow Standard Operating Procedures (most of which are not made public). We repeat our recommendation here that this Directive should cause all Directives to be clear which Procedures would lead to the non-disciplinary complaint process rather than possible corrective action.</p> <p>The Bureau appears to have accepted our suggestion not to mention the US DOJ Agreement as the reasons for reviewing policies (old Policy Section 3, new Policy Section 4 welcoming public input, and old section 7.1/new section 8.1.1 regarding officer acknowledgment of new Directives). As odd as it may seem coming from Portland Copwatch, we wonder why there is no longer language specifically welcoming input from Bureau members. After all, we know that roughly 66% of the Bureau's employees do not live in Portland and thus do not qualify as "community members," plus while we may disagree with their input, it could be valuable. (They are mentioned in Section 2.3, but not previously.)</p> <p>We also acknowledge that the Bureau has begun, and has now memorialized in this Directive, the practice of posting incoming comments (even if de-identified by source, as we suggested). However, the comments are only being shared out at the point where public input is no longer</p>

being considered (Section 7, Executive Summary). We strongly suggest this documentation accompany the "Second Universal Review" (Section 4) to give an idea whether comments were incorporated into the revised proposed Directive, and foster ideas. Furthermore, as we have asked many times, we suggest that the First Universal Review (Section 2) include a cover letter explaining why the Bureau is reviewing the document and what possible changes are already being considered, which will prompt more meaningful input. It is also not clear that the Executive Summary (or the Second Review copy if the Bureau adopts our proposal) requires a cover memo such as the Bureau has been using to explain the changes and why they were/were not made.

The new draft's inclusion of the Second Universal Review was another suggestion we made, but we also noted various reasons to extend that time period from 15 days (Section 4.1.1) to 30 days. For one thing, the First Universal Review is less complex because no proposed changes are attached to that document. So, just to absorb the proposed changes and respond is reason enough to extend the time frame. But we also wrote that groups who only hold monthly meetings should have time to participate in the review, which a 15 day window does not allow. We listed the BHUAC, the Citizen Review Committee, the Community Oversight Advisory Board (or its replacement), the Training Advisory Council--which only meets every two months-- and community organizations in our last comments.

We noted also in April that it is not clear exactly who is reviewing the comments. The old document indicated the Strategic Services Division, the "Lead Reviewer," the City Attorney and the Bureau's "executive members" were involved in review. Now the term "Policy Development team" is used in the Definitions section and Section elsewhere, with no membership defined. (It may also be helpful to give examples of "subject matter experts.")

Now on to new observations about this draft unrelated to our previous comments:

--There is a new Section 5 on "Union review." Without getting into the long political argument on this point, we suggest you use the term "collective bargaining unit" instead of "Union." We also object to the collective bargaining units having a separate time period to comment on the Directive after the public period is over. Unless their comments are being included in the Executive Summary document (which is not clear since comments are de-identified), the bargaining units should weigh in along with everyone else. The backdoor negotiations on matters of public discussion leads to the kind of unrest that happened around the PPA contract last October.

--Old Section 7.2 giving Supervisors the responsibility to ensure officers sign the Directives has been struck. We strongly recommend re-inserting it.

--Interestingly tied to our comments attached to the last Directives, the Bureau does seem to want to post Directives all at once on the first or 15th of the month (Sections 2.1.1 and 4.1.1.1), but allows other timeframes for "operational needs." We reiterate here that if the Bureau believes community input is truly important, the system will be better set up for community involvement.

--Such system improvements should include both a regular timeline, a clearer listing of posted Directives (right now one must go past the Directives home page to three separate areas to see what is posted), and a means for those without access to the web to respond (such as accepting emailed comments). This should also include allowing people to use formats similar to PCW, which include comments on all Directives posted rather than forcing people to go to multiple sites to post comments in one time frame.

--Section 6.2.1 gives complete discretion on policies to the Chief, but does not mention the role of the Police Commissioner, who should ultimately be able to approve or veto Bureau Directives.

--Section 7.1.1.1 very clearly states that if there objections to the Directive posted for implementation, the Bureau will not receive them. This is also poor policy, as the discovery of flawed legal analysis (such as the "ten times 48 hour rule" that PCW and the AMA Coalition and others recently uncovered) can halt the implementation of unsound Directives. We also believe that Section 7 should call for archiving the Executive Summary so people can examine the input and the Bureau's reasoning up to and past when another revision is made. (Archiving old Directives is still wisely required in Section 10.2.)

--As a caveat to that, there is some benefit to new section 9.2 which allows the Chief to implement a policy with less than 30 days' notice if needed; we hope this will be the case with the Council's revised "new 48-hour rule" once it is finalized.

--The requirement for a "biennial" review of all policies (old Section 6.2) has been cut. PCW strongly suggests a routine review of at least the Directives with the most impact (as listed previously: force, training, mental health, crisis intervention, accountability and community engagement). The automatic review dates should be listed as a reason for review in Section 1.2.

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		<p>--That said, listing the enactment date on all Directives is crucial to be sure what is the most current policy (Section 9.1.1).</p> <p>--We wonder whether County law should be added to Section 1.2.2 on legislative matters affecting policy.</p> <p>--Also, Section 2.4 refers to "initial" universal review but for consistency should say "First."</p> <p>One final note: The "redline" version provided by the Bureau is, again, appreciated, but certain sections which are partially or essentially included are not captured by this automated function. We have noted a few examples above where language was moved from one place to another. In addition, for instance, parts of old Section 2.2 are now in 2.1, of 2.3 are in 3.2 and 4.1, of 5.2 are in 7.1. We hope the Bureau can find a way to express these carry-overs to be more clear as to what is being changed or not; this benefits the community and the officers who have to understand what's being modified.</p>
1 st UR		
5/3/17		<p>Directive 010.00, Directives Manual</p> <p>We join the comments and concerns of Copwatch regarding this directive. We also echo the request for a more routine schedule for releasing Directives for review. Many organizations with an interest in reviewing PPB's directives meet monthly, and an unpredictable schedule for Directive release hinders community oversight efforts.</p>
4/28/17		<p>We are excited to be giving direct input into this policy, since it guides so many of the concerns we've raised repeatedly.</p> <p>--This section, and all Directives, should put letters on the main sections (Definitions, Policy, Procedure), and Definitions should be numbered.</p> <p>--The Definition of the word "Rule" is of tremendous help to understand there are some procedures which, if not followed, may result in discipline. However, we do not recall ever seeing the word "rule" in other</p>

Directives. Especially now that "Service Improvement Opportunities" are becoming "Supervisory Investigations," it should be made clear to all officers and the public which Procedures would lead to the non-disciplinary complaint process rather than possible corrective action.

--As the COCL notes repeatedly, the Bureau should own its changes. Thus Policy section 3 should say that Directives about force, training, mental health, accountability and other aspects shall be posted for public review, without mentioning it is mandated in the DOJ Agreement. We hope the Bureau will continue asking for public feedback even when the DOJ case is no longer in court. This also goes for Section 7.1 requiring officers to sign a statement saying they read and had the opportunity to ask questions about new Directives.

--We would like to see a new line in Procedure section 3 requiring that incoming comments be posted publicly on the Bureau's website (even if de-identified by source) so that those making suggestions can build on other ideas.

--We assume that the Bureau will also add a line in section 3 about the second universal review phase, which currently runs for 15 days before finalization-- and we repeat our request for 30 days, or more, to cover bodies which might need to have their comments approved at a monthly meeting. These bodies might include the BHUAC, the Citizen Review Committee, the Community Oversight Advisory Board when it exists, the Training Advisory Council--which only meets every two months-- and community organizations. The second review should include either a red-line version or a cover letter explaining the changes that are made, akin to what was done with 1025.00.

--On a related topic, it's not clear what procedure is used to incorporate the first round of comments, probably similar to Executive Reconciliation in Section 4 involving Strategic Services Division, the "Lead Reviewer," the City Attorney and the Bureau's "executive members" (not sure if this means the Chief and all Assistant Chiefs, as it is not defined).

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		--Policy section 2 uses the singular of "policy, procedure and rule" when they likely should be plural.
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