

**Please note: This is a working draft of Directive 215.00. This is proposed language and the Bureau has not implemented any changes to the current policy at this time.*

215.00 Member Performance Evaluations

2nd Universal Review: 1/2/19 – 1/31/19 (clean view)

Refer:

- DIR 315.30 Satisfactory Performance
- DIR 345.00, Employee Information System (EIS)
- DIR 1501.00, Field Training Program
- Performance Evaluation Forms (Intranet)
- BHR Administrative Rule 3.08, Probationary Period
- BHR Administrative Rule 9.02, Performance Management

Definitions:

- Performance Evaluation: A formal assessment conducted between a supervisor and their direct report employee on an annual basis or other specified time period.

Policy:

1. The Portland Police Bureau recognizes the importance of open, meaningful dialogue between members and their supervisor regarding work performance and career development. The performance evaluation is designed to be a professional development tool used by supervisors to identify a member's areas of strengths and areas in need of improvement for a particular period of time.

Procedure:

1. Non-sworn and non-represented sworn members (i.e., those at the rank of Captain and above) shall have yearly performance evaluations conducted by their supervisor in accordance with Bureau of Human Resources Administrative Rule (HRAR) 9.02, Performance Management.
 - 1.1. In addition to the performance standards established in HRAR 9.02, Performance Management, non-represented sworn members shall also be evaluated on the following criteria:
 - 1.1.1. The timely and thorough review of After Action reports, to include modifying findings as appropriate;
 - 1.1.2. The consistency with which they ensure that all subordinate supervisors in the chain of command are held accountable for inadequate After Action reports and analysis, and receive appropriate corrective action, when necessary;
 - 1.1.3. The timely review of Employee Information System (EIS) records for employees under their supervision and new to their command, and timely entries into EIS when required;
 - 1.1.4. The timely and thorough completion of administrative investigation findings; and
 - 1.1.5. The promotion and coordination of community outreach efforts.
2. Performance Evaluation During Probationary Status
 - 2.1. Non-represented non-sworn members shall be given at least one formal performance evaluation during their probationary period in accordance with HRAR 3.08, Probationary Period.

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- 2.2. District Council of Trade Unions (DCTU) represented members shall be given at least one formal performance evaluation during their probationary period, as defined in the DCTU labor contract.
- 2.3. Sworn members at the rank of officer in a probationary status during their first 18 months of employment shall have their performance evaluated in accordance with Directive 1501.00, Field Training Program.
 - 2.3.1. After completing probation, officers shall have yearly performance evaluations conducted as described below, beginning with the anniversary month of their Bureau of Human Resources (BHR) to class date.
- 2.4. Sworn members in a probationary status following promotion shall have evaluations conducted by their supervisors on a bi-monthly basis.
 - 2.4.1. Supervisory probation evaluation forms shall be provided by the Personnel Division and shall be completed and returned to the Personnel Division in a timely fashion.
3. Non-Probationary Sworn Member Evaluations.
 - 3.1. Supervisor Responsibilities.
 - 3.1.1. Schedule an annual performance evaluation on the anniversary of their BHR to class date with each sworn member under their direct supervision.
 - 3.1.2. Complete a Performance Evaluation Form (located on the Intranet) for each scheduled review using the rating factors described within the form.
 - 3.1.2.1. The key rating factors include, but are not limited to, administrative, supervisory, and service functions.
 - 3.1.3. Forward the completed form to a second supervisor of the same rank for review, comment, and signature (if the evaluated employee works in a unit with more than one supervisor).
 - 3.1.4. Conduct the formal evaluation with the member. The formal evaluation should include the supervisor's observations and should include a discussion of each category of the performance evaluation. Topics for discussion during the review may include:
 - Recognizing and commending the member's performance strengths;
 - Identifying areas needing improvement;
 - Providing guidance on correcting areas of concern; and
 - Acknowledging individual accomplishments during the review period.
 - 3.1.4.1. The member being evaluated may provide comments in the designated sections of the evaluation form or attach a written response with additional comments as a supplemental document.
 - 3.1.4.2. If a member transfers to another division in the middle of a review period, the new supervisor will consult with the member's previous supervisor and review the member's previous performance evaluation for information regarding work performance and review employee's EIS performance tracker.

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- 3.1.5. As a component of the performance evaluation, supervisors shall review members' training records at least semi-annually to ensure members have completed necessary training.
 - 3.1.6. Send the original evaluation form with any written response submitted by the member through channels to the Responsibility Unit (RU) Manager or their designee following the evaluation meeting with the member.
 - 3.1.6.1. After review by the chain of command, the RU Manager or designee shall forward an electronic copy of the completed performance evaluation and any written response submitted by the member to the Personnel Division in a non-editable format, e.g., PDF, for inclusion in the employee's personnel file (201 file) and the BHR employee file.
 - 3.1.7. Complete each performance evaluation by the last day of the month in which a member's annual anniversary occurs.
4. RU Manager or Designee Responsibilities.
 - 4.1. Ensure performance evaluations are completed in accordance with this directive.
 - 4.2. Retain one printed copy in the member's Field 201 file at the RU.
 5. Authorized and restricted uses of non-probationary member performance evaluations.
 - 5.1. Performance evaluations are not a disciplinary tool and shall not serve as the basis for discipline, discharge, or demotion.
 - 5.2. For Portland Police Association (PPA) and Portland Police Commanding Officers Association (PPCOA) members, these evaluations will not impact a member's contractual pay increases. For non-represented sworn members and non-sworn members, these evaluations will be considered in determining an annual merit pay increase in accordance with HRAR 9.02, Performance Management.
 - 5.3. For PPA members, performance evaluations may be used as a basis to promote where all other promotional criteria between multiple candidates are basically equal.
 - 5.4. For PPCOA members, performance evaluations may be used as part of a full evaluation of a member's work history for purposes of promotion or specialty assignment.
6. Public Records Requests.
 - 6.1. The Bureau considers performance evaluations generally to be exempt from public disclosure. The Bureau will not release performance evaluations unless required to do so by law.

Provide feedback [here](#).

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215.00 Member Performance Evaluations

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Refer:

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Policy:

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Procedure:

1. Non-sworn and non-represented sworn members (i.e., those at the rank of Captain and above) shall have yearly performance evaluations conducted by their supervisor in accordance with Bureau of Human Resources Administrative Rule (HRAR) 9.02, Performance Management.
 - 1.1. In addition to the performance standards established in HRAR 9.02, Performance Management, non-represented sworn members shall also be evaluated on the following criteria:
 - 1.1.1. The timely and thorough review of After Action reports, to include modifying findings as appropriate;
 - 1.1.2. The consistency with which they ensure that all subordinate supervisors in the chain of command are held accountable for inadequate After Action reports and analysis, and receive appropriate corrective action, when necessary;
 - 1.1.3. The timely review of Employee Information System (EIS) records for employees under their supervision and new to their command, and timely entries into EIS when required;
 - 1.1.4. The timely and thorough completion of administrative investigation findings; and
 - 1.1.5. The promotion and coordination of community outreach efforts.

2. Members Performance Evaluation During Probationary Status

- 2.1. Non-represented non-sworn members shall be given at least one formal performance evaluation during their probationary period in accordance with HRAR 3.08, Probationary Period.

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2.2. District Council of Trade Unions (DCTU) represented members shall be given at least one formal performance evaluation during their probationary period, as defined in the DCTU labor contract.

2.0.2.3. Sworn members at the rank of officer in a probationary status during their first 18 months of employment shall have their performance evaluated in accordance with Directive 1501.00, Field Training Program.

2.1.0.2.3.1. After completing probation, officers shall have yearly performance evaluations conducted as described below, beginning with the anniversary month of their ~~date of hire~~ Bureau of Human Resources (BHR) to class date.

3.0.2.4. Members~~Sworn members~~ in a probationary status following promotion shall have evaluations conducted by their supervisors on a bi-monthly basis.

3.1.0.2.4.1. Supervisory probation evaluation forms shall be provided by the Personnel Division and shall be completed and returned to the Personnel Division in a timely fashion.

4.3. Non-Probationary Sworn Member Evaluations.

4.1.3.1. Supervisor Responsibilities.

4.1.1.3.1.1. Schedule an annual performance evaluation on the anniversary of their BHR to class date with each sworn member under their direct supervision.

4.1.2.3.1.2. Complete a Performance Evaluation Form (located on the Intranet) for each scheduled review using the rating factors described within the form.

4.1.2.1.3.1.2.1. The key rating factors include, but are not limited to, administrative, supervisory, and service functions.

4.1.3.3.1.3. Forward the completed form to a second supervisor of the same rank for review, comment, and signature (if the evaluated employee works in a unit with more than one supervisor).

4.1.4.3.1.4. Conduct the formal evaluation with the member. The formal evaluation should include the supervisor's observations and should include a discussion of each category of the performance evaluation. Topics for discussion during the review may include:

- Recognizing and commending the member's performance strengths;
- Identifying areas needing improvement;
- Providing guidance on correcting areas of concern; and
- Acknowledging individual accomplishments during the review period.

4.1.4.1.3.1.4.1. The member being evaluated may provide comments in the designated sections of the evaluation form or attach a written response with additional comments as a supplemental document.

4.1.4.2.3.1.4.2. If a member transfers to another division in the middle of a review period, the new supervisor will consult with the member's previous supervisor and review the member's previous performance evaluation for information regarding work performance and review employee's EIS performance tracker.

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4.1.5.3.1.5. ___ As a component of the performance evaluation, supervisors shall review members' training records at least semi-annually to ensure members have completed necessary training.

4.1.6.3.1.6. ___ Send the original evaluation form with any written response submitted by the member through channels to the Responsibility Unit (RU) Manager or their designee following the evaluation meeting with the member.

4.1.6.1.3.1.6.1. ___ ~~The supervisor will also~~ After review by the chain of command, the RU Manager or designee shall forward an electronic copy of the completed performance evaluation and any written response submitted by the member to the Personnel Division in a non-editable format, e.g., PDF, for inclusion in the employee's personnel file (201 file) and the ~~Bureau of Human Resources~~ BHR employee file.

4.1.7.3.1.7. ___ Complete each performance evaluation by the last day of the month in which a member's annual anniversary occurs.

5.4. RU Manager or Designee Responsibilities.

5.1.4.1. ___ Ensure performance evaluations are completed in accordance with this directive.

5.2.4.2. ___ Retain one printed copy in the member's Field 201 file at the RU.

6.5. Authorized and restricted uses of non-probationary member performance evaluations.

6.1.5.1. ___ Performance evaluations are not a disciplinary tool and shall not serve as the basis for discipline, discharge, or demotion.

6.2.5.2. ___ For Portland Police Association (PPA) and Portland Police Commanding Officers Association (PPCOA) members, these evaluations will not impact a member's contractual pay increases. For non-represented sworn members and non-sworn members, these evaluations will be considered in determining an annual merit pay increase in accordance with ~~Bureau of Human Resources Administrative Rule~~ HRAR 9.02, Performance Management.

6.3.5.3. ___ For PPA members, performance evaluations may be used as a basis to promote where all other promotional criteria between multiple candidates are basically equal.

6.4.5.4. ___ For PPCOA members, performance evaluations may be used as part of a full evaluation of a member's work history for purposes of promotion or specialty assignment.

7.6. Public Records Requests.

7.1.6.1. ___ The Bureau considers performance evaluations generally to be exempt from public disclosure. The Bureau will not release performance evaluations unless required to do so by law.

#1

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, September 04, 2018 10:42:25 AM
Last Modified: Tuesday, September 04, 2018 10:44:18 AM
Time Spent: 00:01:52

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Q1 Please provide feedback for this directive

Sections 1.1.1 through 1.1.5 should be in an SOP and not in a publicly available directive. These are part of the duties of non-represented sworn members and can change as needed. Much easier to change SOP's vs. directives.

Q2 Contact Information (optional)

Respondent skipped this question

#2

COMPLETE

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Page 1

Q1 Please provide feedback for this directive

COMMENTS ON PROFILING, ACCOUNTABILITY, AND OTHER DIRECTIVES SEPTEMBER 2018

To Chief Outlaw, Capt. Bell, Lieutenant Morgan, PPB Policy Analysts, Compliance Officer/Community Liaison Team, Community Oversight Advisory Board staff, US Dept. of Justice, Independent Police Review, Citizen Review Committee and the Portland Police Bureau:

Below are Portland Copwatch's comments on the Directives posted for review in September . We are very concerned that the PPB released SEVENTEEN Directives for review on the Saturday of Labor Day weekend, expecting meaningful feedback by September 16. Because we have made comments on all of these Directives in the past, this task was somewhat easier for us but still requires checking to see what changes were made in between comment periods. We continue to encourage the Bureau to post comments as they arrive so commenters might be able to build off others' ideas (de-identified is fine with us, though we are fine being identified). We point out that until recently, comments on Body Cameras were posted on the Bureau's website for everyone to read.

We make a few comments about the possible findings on misconduct allegations, below. We are glad that the Bureau moved away from trying to cut down the four possible findings to two, but continue to believe that the same findings should apply to deadly force cases. They should not just be "In Policy/Out of Policy," as there could be room for an "Insufficient Evidence" (aka "Not Sustained") finding in those cases. We did not see any reference to applying this concept to deadly force cases in the Bureau's published Directives memos, rather, Directive 336.00 still only includes the two findings previously being used.

In publishing the finalized 330 series in February, the Bureau claimed they clarified that the "Discipline Coordinator" is the same person as the "Review Board Coordinator." The Discipline Coordinator's role and position at the Professional Standards Division (PSD) is not made clear in Directive 335.00, though there is a brief mention in Section 2.1.1.1 that the person is in PSD. The term "Review Board Coordinator" is still used in Directive 336.00. So it seems no clarification actually happened.

Similarly, in previous comments we noted: "A general point of confusion is that many Directives refer to the Professional Standards Division and/or Captain, while others refer to the Internal Affairs Captain. Our understanding of the structure is that IA is part of PSD and there is a ranking member over all of PSD, not just IA. We hope the Bureau can clarify this point." The two terms are still used interchangeably among the Directives.

We also continue to believe that the review periods should be at least 30 days on both ends of the rewriting process so there is time for organizations who only meet monthly to weigh in. As we noted, this might include the BHU Advisory Committee, though they seem to have special dispensation to make comments and receive feedback above and beyond all other groups, as well as the Training Advisory Council, Citizen Review Committee, and if it ever begins meeting, the Portland Committee on Community Engaged Policing.

Although the Bureau has been putting out "redline" versions of the Directives when they are up for their second round of public comments, the final versions-- which frequently are significantly different from what was posted in round two-- do not indicate where changes were made, making comments on the policies extremely difficult when they come back up again as all of these have.

Directive 215.00 Feedback

The Bureau did make some changes-- some of which are substantive-- based on PCW's comments, as noted below, although in once case the change reversed a policy PCW supported.

We continue to believe the Bureau should add letters to section headings (Definitions, Policy, Procedure) so that there are not multiple sections with the same numbers, and to enumerate the Definitions. Our comments below refer to the Procedure Section unless otherwise noted.

DIRECTIVE 215.00 PERFORMANCE EVALUATIONS (previous comments September 2017)

In September 2017, Performance Evaluations were downgraded from semi-annual to annual reviews. The Bureau's memo with the final release version says the change doesn't affect the Bureau's ability to review its members. While other City employees are only evaluated annually, PCW noted that "no other job has the level of contact with community members as police officers, who often put their hands on, use force against, and sometimes arrest people." That said, the Bureau did insert a new Section (4.1.5) based on PCW's comment that the DOJ Agreement calls for review of an officer's training history semi-annually (paragraph 81). As for our comment that at least one DOJ threshold for examining use of force is based on a six month window (paragraph 118), the Bureau says that regular reviews of the Employee Information System should catch such irregularities. However, anyone who reads the Compliance Officer/Community Liaison's reports knows that the EIS is not being used as envisioned, so that is not much of a reassurance.

In several previous comments we noted that the Evaluations being barred for use as a disciplinary tool (previous Policy Section 2) makes no sense since officers with multiple complaints sustained against them (or one serious complaint) should be demoted or fired. The Directive explicitly says the evaluation will "not serve as the basis for discipline, discharge or demotion" (Section 6.1). The Bureau's memo says this is in line with the restrictions in the Portland Police Association contract-- yet another way in which the City sold out the public for \$9 million and gave nothing back except for a rocky end to the "48-hour rule."

The Bureau also in its memo reaffirms its right to protect the evaluations from public record requests except as required by law (Section 7). We note again here: "information that is in the public interest including sustained misconduct allegations needs to be released. The people who repair Portland's street lights do not have the same kinds of interactions with the public as the police do. Thus their misconduct may be shielded from the public eye without the same potential consequences as officers who are found guilty of serious or repeat misconduct." The Directive should alert officers that such information might be released in the public interest.

CONCLUSION

Once again we thank the Bureau for seeking for community input, and to the extent that some of our comments have been addressed, for taking our advice seriously. We repeat here our deep concern about publishing so many important policies at one time, during a holiday season. We continue our struggle to see a Bureau free from corruption, brutality and racism, which is the basis for our participating in this process. As noted before, while we don't always agree with the Bureau's reasons for rejecting certain recommendations, it is helpful to be receiving them.

Thank you for your time

--Portland Copwatch

Q2 Contact Information (optional)

Name

Portland Copwatch

Email Address

copwatch@portlandcopwatch.org
