

*\*Please note: This is a working draft of Directive 310.50. This is proposed language and the Bureau has not implemented any changes to the current policy at this time.*

### **310.50 Truthfulness**

*2<sup>nd</sup> Universal Review: 1/2/19 – 1/31/19 (clean view)*

#### **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 or when necessary to acquire information for a criminal investigation. The use of deception in these circumstances must be for a specific and legitimate law enforcement purpose and must be temporary in nature. Members may also use deception when they have an objectively reasonable belief that it is necessary to protect the member or others from a significant threat.

Provide feedback [here](#).

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### **310.50 Truthfulness**

*2<sup>nd</sup> Universal Review: 1/2/19 – 1/31/19 (redline markup view)*

#### **Policy:**

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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 or, 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 legitimate law enforcement purpose and must be temporary in nature. Members may also use deception when they have an objectively reasonable belief that it is necessary to protect the member or others from a significant threat.

#1

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Tuesday, September 04, 2018 6:36:18 AM  
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**Time Spent:** 00:04:35

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**Q1** Please provide feedback for this directive

Bureau members should be required to testify truthfully in any court proceeding whether on duty or off duty. The pillar of trust extends to bureau members involved in off duty civil cases which require sworn statements made under oath. Under no circumstance should a bureau member provide false testimony in any off duty court proceeding, hearing, affidavit, or declaration.

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**Q2** Contact Information (optional)

**Respondent skipped this question**

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## #2

COMPLETE

**Collector:** Web Link 1 (Web Link)  
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### 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 310.50 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.

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DIRECTIVE 310.50 TRUTHFULNESS ("Truthiness.") (previous comments June 2017)

PCW continues to support changes made to this Directive in 2017.

However, we repeat these comments we made in 2015 and twice in 2017:

--We are disturbed that Section 4 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?"

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### 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

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### Q2 Contact Information (optional)

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