

**Please note: This is a working draft of Directive 315.30. This is proposed language and the Bureau has not implemented any changes to the current policy at this time.*

315.30 Satisfactory Performance

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

Refer:

- DIR 210.21, Leaves from Service
- DIR 300.00, Statement of Ethical Conduct
- DIR 310.00, Professional Conduct and Courtesy
- DIR 315.00, Laws, Rules, and Orders
- DIR 334.00, Performance Deficiencies
- DIR 1010.00, Use of Force

Policy:

1. The Portland Police Bureau requires its members to understand their job responsibilities along with the knowledge of applicable Bureau directives, city ordinances, and state and federal laws to perform their duties and functions within a law enforcement agency. The Bureau expects its members to meet the requirements of their position and accomplish their functions in a satisfactory and efficient manner that supports the goals and objectives of the Bureau.

Procedure:

1. Member Responsibilities.
 - 1.1. Members shall maintain sufficient competency and knowledge of Bureau directives (including Standard Operating Procedures), applicable City ordinances, rules, and resolutions along with state and federal laws and job-related skills to properly perform the duties and responsibilities of their positions.
 - 1.2. Members shall perform their duties in a manner that meets the following standards of efficiency and service in order to carry out the functions and objectives of the Bureau.
 - 1.2.1. Sworn members shall prioritize and respond to requests for police assistance.
 - 1.2.2. When a community member requests police action or makes a complaint or report (by any means), the receiving Bureau member shall obtain all pertinent information in a professional and courteous manner in accordance with Directive 310.00, Professional Conduct and Courtesy.
 - 1.2.3. Members shall work their designated hours, unless exempt by their RU manager or supervisor. Members assigned to a specific detail or post shall remain on duty until relieved by a supervisor.
 - 1.2.4. Members shall conform to the work standards established for the rank, grade, and position to which they are assigned.
 - 1.2.5. Members shall not feign illness or injury, falsely report themselves ill or injured or otherwise deceive or attempt to deceive the Bureau as to the condition of their physical or mental health.
 - 1.2.6. Members shall not leave their assignments for an excessive amount of time and will manage their time reasonably for breaks and lunch. Supervisors will ensure that sufficient members are available to carry out the assigned duties of the precinct or division. Supervisors are also required to ensure that no more than two uniform patrol vehicles are at the same location while on a lunch or break, unless that supervisor approved a greater number to be present.

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- 1.2.7. Members shall coordinate their efforts with other members to ensure the Bureau's objectives and goals are achieved. Members shall aid, assist and protect other members in times of emergency.
 - 1.2.8. Sworn members shall take appropriate action on the occasion of a crime, disorder, or other condition requiring police action.
 - 1.2.8.1. Non-sworn members encountering a life threatening emergency while working shall immediately summon proper assistance.
 - 1.2.9. Members who come into contact with stranded individuals or motorists in need of assistance (e.g., vehicle towed on freeway) shall offer assistance to the person(s) and make every attempt to facilitate their safe removal from the area without compromising the member's safety.
 - 1.2.10. Members shall report for duty, unless exempt by their supervisor, at the time and place required by assignment or orders. Members are subject to an emergency recall at any time by their supervisor and shall comply when notified to report for duty. (Trial notices processed through the Court Coordinator's office and any work related judicial subpoenas constitute an order to report for duty under this section.)
 - 1.2.11. Members unable to remain awake while on duty shall notify their supervisor, who will determine the appropriate course of action.
 - 1.2.12. Members shall refrain from conducting personal business while on duty. Members will request time off in advance to conduct personal business or seek supervisor approval if it becomes necessary for the member to be out of service for an extended period of time.
- 1.3. Members who do not demonstrate the ability or knowledge necessary to perform their job-related duties shall be evaluated in accordance with Directive 334.00, Performance Deficiencies.
2. Satisfactory performance during confrontation management:
- 2.1. This subsection sets performance standards for decision making during confrontations, and requires that members use sound tactics and good decision making during a confrontation and work diligently toward applying, when practical, less force than the maximum allowed by the constitutional standard and minimizing or avoiding force when possible. This subsection also requires members to develop and display over the course of their practice of law enforcement good confrontation and force management skills.
 - 2.2. The Bureau requires that members be capable of using effective force on behalf of the public, when appropriate, to manage the risks of confrontations.
 - 2.3. It is the intention of the Bureau to accomplish its mission as effectively as possible with as little reliance on force as practical.
 - 2.4. The Bureau places a high value on resolving confrontations, when practical, with less force than the maximum that may be allowed by law.
 - 2.5. When managing a confrontation, members must make confrontation management decisions based on available options reasonably calculated to resolve the confrontation safely and effectively, with as little reliance on force as practical.

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- 2.6. In applying this standard to a member's performance, the Bureau shall evaluate the member's decision making from the perspective of the member at the moment the decisions were made. This confrontation management standard is separate from and does not modify the use-of-force standard in Directive 1010.00, Use of Force. The relevant inquiry for this confrontation management standard is whether the member pursued the Bureau's goal of resolving a confrontation safely and effectively with as little reliance on force as practical and whether there is a valid reasoning in the member's confrontation management decision-making.
 - 2.7. Over the course of their practice of law enforcement, members must develop and display the skills and abilities that allow them to regularly resolve confrontations without resorting to the higher levels of force allowed by the constitutional standard.
3. Supervisor Performance During Critical Incidents
 - 3.1. Supervisors should maintain their supervisory perspective and avoid tactical involvement in incidents to the extent possible, under the totality of the circumstances, if there are other officers available and capable of fulfilling a particular tactical role.
 - 3.1.1. If a supervisor becomes tactically involved in a critical incident, the Commander's Memorandum, Training Analysis and Review Board should all opine on whether such involvement was consistent with Bureau training and policy.

Provide feedback [here](#).

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3.1. Supervisors should maintain their supervisory perspective and avoid tactical involvement in incidents to the extent possible, under the totality of the circumstances, if there are other officers available and capable of fulfilling a particular tactical role.

~~2.6.1.3.1.1.~~ If a supervisor becomes tactically involved in a critical incident, the Commander's Memorandum, Training Analysis and Review Board should all opine on whether such involvement was consistent with Bureau training and policy.

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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 315.30 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 315.30 SATISFACTORY PERFORMANCE (previous comments made September 2017)

As we wrote in 2014, 2015 and twice in 2017, "we continue to believe that Directive 315.30, taken as a whole, will be used by officers (and their bargaining units) to defend any individual incident of excessive force, saying the officer only has to display less reliance on force throughout his or her career." We continue to urge the Bureau to rewrite the Directive to explicitly say that if an officer uses too much force or makes poor decisions in one serious incident, it could lead to discipline, a concept which has been put into Directive 1010.00's Policy Section 2. We recognize that the PPB tried to address this concern in its publication of the finalized Directive in January by saying 315.30 does not over-ride 1010.00; we still believe this Directive should be clear on the matter.

Also in the published Directive, the PPB noted that they agreed to remove the language in Section 2.1 that said the Bureau "requires" officers to "apply effective force when necessary." PCW expressed concern that officers would face discipline if they chose not to use force. The PPB stated they did not want to have a policy that seemed to encourage the use of force. PCW applauds this change and the analysis.

However, Section 2.2 still says force should be applied "when appropriate," which we suggested might be better phrased as "when reasonable and lawful," and would add "and no alternatives are immediately available."

When the Directive was last overhauled, we expressed dismay that the effort to consolidate policies (this Directive absorbed previous policies 630.31, 311.00 and 312.00) may end up trivializing the importance of each individual policy. The Bureau claims these issues all have a common thread. Perhaps a compromise would be to make a section heading for each broad topic ("Assisting Motorists,," "Duty Required," and "Request for Assistance") so that a casual reader can tell there are various concepts covered in the same policy.

Finally we noted that Section 1.2.8 includes the term "disorder" as a reason for officers to take "appropriate action." As with the Directive on Crowd Control, the vague nature of the term "disorder" seems like an invitation for police to act violently against persons exerting their First Amendment Rights.

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

Directive 315.30 Feedback

Q2 Contact Information (optional)

Name

Portland Copwatch

Email Address

copwatch@portlandcopwatch.org
