

Portland Police Bureau _____

Police Review Board: Summaries and Reports

Released March 2021



**Portland Police Bureau
1111 SW 2nd Ave.
Portland OR 97204**

Police Review Board Case Outcomes and Stipulated Discipline

Publication: March 2021

Police Review Board Performance or Conduct

Board or Finding Date: 9/16/2019 Case # 2019-B-0031

The case was not referred to the PRB by the RU manager. IPR and IA agreed with the RU manager's finding and non-referral. This case was referred to the PRB by the branch assistant chief.

Final Decision LOR Decision made by: Chief Jami Resch

Discipline Guide Category: B (Presumptive)

Recommendation 1 Status: Accepted.

Recommendation 2 Status: N/A.

Recommendation 3 Status: N/A.

Police Review Board Performance or Conduct

Board or Finding Date: 10/30/2019 Case # 2019-B-0038

This case was referred to the PRB by the RU manager. IPR, IA, and the branch assistant chief concurred with the recommendation.

Final Decision Termination Decision made by: Chief Charles Lovell

Discipline Guide Category: F (Presumptive)

Recommendation 1 Status: N/A.

Recommendation 2 Status: N/A.

Recommendation 3 Status: N/A.

Police Review Board Performance or Conduct

Board or Finding Date: 3/25/2020 Case # 2019-B-0070

Final Decision One Workday SWOP Decision made by: Chief Jami Resch

Discipline Guide Category: D (Mitigated);

Recommendation 1 Status: N/A.

Recommendation 2 Status: N/A.

Recommendation 3 Status: N/A.

Police Review Board Case Outcomes and Stipulated Discipline

Publication: March 2021

Police Review Board Performance or Conduct

Board or Finding Date: 3/3/2020 Case # 2019-B-0068

Final Decision One Workday SWOP Decision made by: Chief Charles Lovell

Discipline Guide Category: D (Mitigated)

Recommendation 1 Status: Accepted.

Recommendation 2 Status: N/A.

Recommendation 3 Status: N/A.

Police Review Board Performance or Conduct

Board or Finding Date: 5/20/2020 Case # 2019-B-0073

Allegations found Not Sustained with a Debriefing.

Final Decision None Decision made by: Deputy Chief Davis

Discipline Guide Category: -

Recommendation 1 Status: Accepted.

Recommendation 2 Status: N/A.

Recommendation 3 Status: N/A.

Stipulated Discipline

Board or Finding Date: 7/1/2020 Case # 2020-B-0024

Sustained Allegations: Employee negligently discharged their shotgun in the armory while preparing for their shift (Directive 315.30 - Satisfactory Performance). Employee failed to verify their shotgun had an empty chamber and an unloaded magazine tube at the end of their shift (Directive 1020.00 - Weapons Administration). Employee submitted request for stipulated discipline.

Final Decision One Workday SWOP Decision made by: Chief Lovell and Mayor Wheeler

Discipline Guide Category: C (Presumptive)

Recommendation 1 Status: N/A.

Recommendation 2 Status: N/A.

Recommendation 3 Status: N/A.

Police Review Board Case Outcomes and Stipulated Discipline

Publication: March 2021

Stipulated Discipline

Board or Finding Date: 7/19/2020 Case # 2020-B-0014

Sustained Allegation: Employee negligently discharged their shotgun (Directive 315.30). Employee submitted request for stipulated discipline.

Final Decision One Workday SWOP Decision made by: Chief Lovell and Mayor Wheeler

Discipline Guide Category: C (Presumptive)

Recommendation 1 Status: N/A.

Recommendation 2 Status: N/A.

Recommendation 3 Status: N/A.

DATE: September 23, 2019
TO: Christopher Paille
Police Review Board Coordinator
FROM: Adrienne DeDona, JLA Public Involvement
Police Review Board Facilitator
SUBJ: Police Review Board Recommended Findings



CONFIDENTIAL

The Police Review Board met on September 16, 2019 to review the following case:

IA Case Number: **2019-B-0031**

Employee: **Employee 1**

Summary of Alleged Complaint:

On [REDACTED], 2019, a [REDACTED] deputy called for Code 3 cover as they attempted to take a suspect into custody. Employee 1 arrived and assisted with resistive handcuffing. A **Local P.D.** officer also responded to assist the deputy and documented their response in a police report and a memo to their lieutenant. The officer expressed concern over the lack of force used by Employee 1 to assist in subduing the suspect. The officer's memo was forwarded to a captain of **Precinct**.

The lieutenant followed up on the memo. Employee 1 told the lieutenant that Employee 1 had used force on the suspect and had notified a sergeant of their use of force. Employee 1 claimed that the sergeant instructed Employee 1 to not fill out a FDCR documenting the force event.

Allegation 2: Employee 1 failed to write a police report by the end of shift, after using force on a suspect. (PROCEDURE)

Recommended Finding: Sustained (Unanimous)

Applicable Directives:
1010.00 – Use of Force
315.30 – Satisfactory Performance
315.00 – Laws, Rules, and Orders
900.00 – General Reporting Guidelines

Majority Opinion:

Board members agreed that Employee 1 should have written a report and therefore sustained the allegation. It was clear to the Board Employee 1 failed to complete the required report by the end of Employee 1's shift. Members agreed the use of force was minimal, and Employee 1, during their presentation to the board, recognized and acknowledged they should have written a report.

Recommendations: Corrective Actions/Discipline

Majority Opinion:

Letter of Reprimand – Four members

The majority of the Board agreed that Category B at the presumptive level best described Employee 1's conduct. They noted Employee 1's conduct reflected poorly on the Bureau because it was an unreported use of force violation and had the potential to impact the Bureau's relationship with other agency and other agency.

Board members noted Employee 1 had no history of corrective actions related to report writing and did not consider the failure to write a report to be similar in nature to a prior corrective action. Three board members asserted that the mitigating and aggravating issues cancelled each other out.

Board members considered the facts that Employee 1 was a newer officer at the time of the incident and that Employee 1's supervisor did not direct Employee 1 to write the report as mitigating factors. Board members considered Employee 1's failure to recite all of the details of the incident to their supervisor and their lack of knowledge of the force policy regarding report writing as aggravating factors. One member stated the Bureau takes use of force matters very seriously and has been under a lot of public scrutiny in recent years around uses of force.

Minority Opinion:

Command Counseling – One member

One board member believed that the mitigated level best described Employee 1's conduct. The board member found the fact that the officer was new, received mixed messages from superiors, and the incident was an interjurisdictional aid situation, as mitigating factors. The board member believed the particular low-level use of force was not concerning and agreed that the officer's previous policy violation had no similarity to the failure to write the required report.

Other Recommendations

After a general discussion around use of force, the Board concurred that surveying members of the Bureau about their attitudes regarding use of force would be beneficial to the Bureau. The Bureau will conduct an annual "Climate of the Bureau" survey in future, and the Board recommended including a question on this topic.

DATE: November 6, 2019
TO: Christopher Paillé
Review Board Coordinator
FROM: Tracy M. Smith, Inhance LLC
Police Review Board Facilitator
SUBJ: Police Review Board Recommended Findings



CONFIDENTIAL

The Police Review Board met on October 30, 2019, to review the following case:

IA Case Number: **2019-B-0038**

Employee: **Employee 1**

Summary of Alleged Complaint:

Employee 1 instructed Employee 2 to wait instead of responding to a priority welfare check. After arriving on the scene, Employee 1 took no action when the suspect walked away. Employee 1 again instructed Employee 2 not to do anything and told bystanders "we don't chase known suspects."

Allegation 1: Employee 1 failed to respond immediately to a priority call. (CONDUCT).

Recommended Finding: Sustained – Five Members

Applicable Directive: 315.30 – Satisfactory Performance

Majority Opinion:

Five members recommended a finding of Sustained stating, Employee 1 failed to respond immediately to a priority call. Employee 1 and Employee 2 agreed the call response was deliberately delayed.

By deliberately delaying their response, Employee 1 failed to meet the expectations set forth in Directive 315.30, Satisfactory Performance, specifically under subsection 1.2. states, "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 Portland Police Bureau (Bureau)." Subsection 1.2.1. states, "Sworn members shall prioritize and respond to requests for police assistance."

Minority Opinion:

None.

Allegation 2: Employee 1 took no action when a suspect fled the scene of a call. (CONDUCT)

Recommended Finding: Sustained – Five Members

Applicable Directive: 310.00 – Professional Conduct and Courtesy

Majority Opinion:

Five members recommended a finding of Sustained stating, Employee 1 took no

action when a suspect fled the scene of a call.

Employee 1 made no effort to contact the subject as the subject walked away because they did not think they had probable cause to arrest the subject at the time. Employee 1 stated they also took the Bureau's Start It policy into consideration. By their own statements, they assumed the subject would run. By all witness accounts, including Employee 2's, the subject was described as "briskly walking away."

Employee 1 acted unprofessionally by failing to take action in an attempt to contact a suspect of a crime when it was clearly established the standard of reasonable suspicion did exist. Any reasonable employee with the amount of training and experience as Employee 1 had, would conclude that reasonable suspicion was present based on the information that was known at the time Employee 1 observed the suspect.

During their Internal Affairs (IA) Interview, Employee 1 stated, "since it was family, it didn't seem overly pressing." One member stated Employee 1 should not have assumed the danger was lessened because the subject was a family member. Directive 310.00, subsection 1.1. states, "Members, whether on duty or off duty, shall be governed by the reasonable rules of good conduct and behavior, and shall not commit any act tending to bring reproach or discredit to the Police Bureau or the City of Portland." Additionally, subsection 1.2. states, "Members will conduct themselves in a professional manner in the discharge of their duties and in relations with the public."

By Employee 1 allowing the subject to walk away without attempting to contact them and then telling the victims and witnesses they and Employee 2 would not chase "known suspects," Employee 1 acted unprofessionally and failed to perform their duty as specified in Directive 310.00, thereby eroding the trust of the involved parties, as was commented on by both the witnesses as well as the victims.

Minority Opinion:
None.

Allegation 3: Employee 1 instructed Employee 2 to wait instead of immediately responding to a priority call and also instructed Employee 2 not to take action when the suspect fled the scene. (CONDUCT)

Recommended Finding: **Sustained – Five Members**

Applicable Directives: **315.30 – Satisfactory Performance**
310.00 – Professional Conduct and Courtesy

Majority Opinion:

Five members recommended a finding of Sustained stating, Employee 1 instructed Employee 2 to wait instead of immediately responding to a priority call. Employee 1 pulled over prior to reaching the location of the call for service to deliberately further delay police response to the call. Employee 1 influenced

Employee 2 to not take action prior to arriving on the scene of the call. Employee 1 failed to meet the requirements of 315.30, Satisfactory Performance, specifically under subsections 1.2. states, "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," and 1.2.1. states, "Sworn members shall prioritize and respond to requests for police assistance."

Minority Opinion:
None.

Allegation 4: Employee 1 told witnesses that, due to the Obama administration, police do not chase known suspects as the suspects were leaving the scene. (PROCEDURE)

Recommended Finding: **Sustained – Five Members**

Applicable Directives: **315.00 – Laws, Rules, and Orders**
630.15 – Foot Pursuits

Majority Opinion:

Five members recommended a finding of Sustained stating, Employee 1 told witnesses and victims due to the Obama administration police do not chase known suspects as the suspect was leaving the scene. Directive 315.00 states, "In order to further develop and maintain its legitimacy and to continually build its credibility with the public and within the Bureau, the Bureau recognizes that correct and impartial enforcement of the law demands that Bureau members understand, comply with, and be held accountable to those same laws that apply to members of the community." The statements made by Employee 1 were not factually based on law or policy.

Directive 630.15 states, "The Bureau has the duty and responsibility to pursue and apprehend offenders." It also states, "Foot pursuits must be conducted in such a way as to minimize the risks to sworn members and citizens."

Minority Opinion:
None.

Allegation 5: Employee 1 was untruthful during their Internal Affairs interview. (CONDUCT)

Recommended Finding: **Sustained – Five Members**

Applicable Directive: **310.50 – Truthfulness**

Majority Opinion:

Five members recommended a finding of Sustained stating, Employee 1 was untruthful during their IA interview. They were untruthful or omitted information related to the following:

1. The length of time and why their response to the call for service was delayed.
2. The reason they pulled over while enroute to the call for service.
3. The statements they made to the victims and witnesses at the call for service

scene.

4. The reason they took no action and made no attempt to detain, arrest, or contact the suspect upon arrival at the call for service location.
5. The content of their conversation with Employee 2 while they were pulled over, prior to the arrival at the call for service.

Employee 1 did not meet the expectations of Directive 310.50, stating “Truthfulness is a pillar upon the Bureau’s legitimacy and community credibility are built. The integrity of police service is rooted in honesty and truthfulness.” Section 1 states, “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.”

Employee 1 was asked multiple times about what they said to the witnesses when they were pointing out the suspect. Employee 1 omitted their statements about the Obama administration until they were specifically asked about it. Subsection 1.1. states, “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).” Section 2. states, “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.” Section 3. states, “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.”

Minority Opinion:
None.

Recommendations:

Corrective Actions/Discipline

Termination – Five Members

Majority Opinion:

Five members believed that Allegation #5 was the most serious of the allegations and that the misconduct was defined under Category F, Presumptive, Termination, conduct that was found to be inconsistent and untruthful. One member noted that Employee 1’s responses “evolved” throughout the IA process.

Minority Opinion:
None.

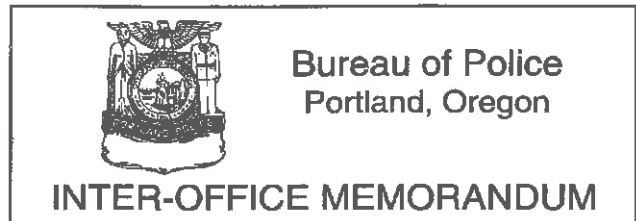
Additional Corrective Action Recommended

None.

Other Recommendations

None.

DATE: March 10, 2020
TO: Christopher Paillé
Review Board Coordinator
FROM: Bridger Wineman
Police Review Board Facilitator
SUBJ: Police Review Board Recommended Findings



CONFIDENTIAL

The Police Review Board met on Tuesday, March 3, 2020 to review the following case:

IA Case Number: **2019-B-0068**

Employee: **Employee #1**

Summary of Alleged Complaint:

Employee #1 was preparing for Employee #1's shift and performed a function check of Employee #1's bureau assigned AR-15 in the [redacted] precinct armory. The AR-15 discharged while Employee #1 performed the function check.

Case referred to the Police Review Board by the RU manager. The branch assistant chief, IPR, and IA captain concurred with the recommendation.

Allegation 1: Employee #1 negligently discharged Employee #1's AR-15. (PROCEDURE)

Recommended Finding: **Sustained – Five members**

Applicable Directive: **315.30 – Satisfactory Performance**

Majority Opinion:

The board unanimously recommended a finding of sustained. The Satisfactory Performance Directive requires 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. Members said there was no question that Employee #1 violated multiple Bureau policies that led to the negligent discharge of Employee #1 AR-15 rifle.

Minority Opinion:

N/A

Allegation 2: Employee #1 failed to insert a yellow safety block in the magazine well after unloading Employee #1's AR-15. (PROCEDURE)

Recommended Finding: **Sustained – Five members**

Applicable Directive: **1020.00 – Weapons Administration**

Majority Opinion:

The board unanimously recommended a finding of sustained. The applicable directive requires that all AR-15s are unloaded with a yellow safety block inserted into the magazine well when not in the carry condition. Employee #1 violated this directive by not inserting a yellow safety block into the magazine well after unloading Employee #1's AR-15.

Minority Opinion:

N/A

Allegation 3: Employee #1 failed to use a clearing barrel while performing a function check on Employee #1's AR-15. (PROCEDURE)

Recommended Finding: **Sustained – Five members**

Applicable Directive: **315.30 – Satisfactory Performance**

Majority Opinion:

The board unanimously recommended a finding of sustained. The applicable directive states that members shall maintain sufficient knowledge of operating practices to properly perform the duties and responsibilities of their positions. Employee #1 failed to use a clearing barrel while performing a function check on Employee #1's AR-15.

Minority Opinion:

N/A

Recommendations:

Corrective Actions/Discipline

Majority Opinion:

Four board members recommended the sustained allegations fall under Category D in the discipline guide for conduct that involves a serious risk to safety. They said Employee #1's actions were a significant deviation from policy as there were several places where Employee #1 could have corrected the problem and avoided causing a negligent discharge. Two of the members said Allegation #1 was the most serious sustained allegation. One said Allegation #2 was the most serious, and one said Allegation #3 was most serious.

The majority of the board said that while the multiple sustained allegations represented an aggravating factor, the corrective action recommendation was also mitigated by Employee #1 losing Employee #1's rifle certification, Employee #1 taking responsibility for Employee #1's actions, and Employee #1's hard work – resulting in the presumptive discipline of a two-day SWOP.

Two Workdays SWOP – Four members

Minority Opinion:

One board member also recommended the sustained allegations fall under

Category D in the discipline guide for the same reasons stated by the majority, but said the severity of the violation was further mitigated because the member did not believe others were in danger due to the angle of the round fired in the negligent discharge. The member said the Allegation #1 was the most serious violation.

One Workday SWOP – One member

Additional Corrective Action Recommended

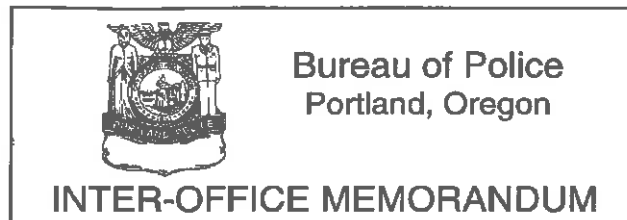
N/A

Other Recommendations

The board unanimously recommended Facilities conduct a review of bureau armories to determine if the walls are in conformance with armory standards.

No other recommendations.

DATE: April 2, 2020
TO: Christopher Paille
Police Review Board Coordinator
FROM: Adrienne DeDona
Police Review Board Facilitator
SUBJ: Police Review Board Recommended Findings



CONFIDENTIAL

The Police Review Board met on March 25, 2020 to review the following case:

IA Case Number: **2019-B-0070**

Employee: **Employee 1**

Summary of Alleged Complaint:

A reporter (Subject 1) placed a public records request for a report. Prior to the report being released by the Records Division, Subject 1 was in possession of the report which contained all the information, including medical details about the subject. The report had been provided to Subject 1 by Employee 1.

Case referred to the Police Review Board by the RU manager. IA, IPR, and the branch assistant agreed with the recommendation.

Allegation 1: Allegation #1: Employee 1 released a police report to the media. (PROCEDURE)

Recommended Finding: **Sustained (Unanimous)**

Applicable Directives: **310.70 - Dissemination of Information
631.35 - Press/Media Relations
315.30 - Satisfactory Performance**

Opinion:

Board members noted that, while they could understand Employee 1's frustration around what had occurred, and with the estimated wait for the public records request, there were other appropriate ways for Employee 1 to address Employee 1's concerns.

Four Board members felt that Employee 1 was clearly in violation of Directives 310.70 - Dissemination of Information and 631.35 - Press/Media Relations, but did not feel Directive 315.30 - Satisfactory Performance was applicable. These board members felt that aside from Employee 1's communication with Subject 1 **E1's** performance on the call was exemplary and showed compassion. One board member felt the allegation was sustained and all directives were applicable, noting that Employee 1 understood that **E1** was violating policy and went against the direction of **E1's** sergeant.

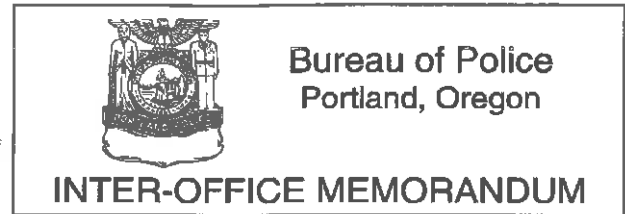
Recommendations: Corrective Actions/Discipline

Opinion:

One Workday SWOP – Unanimous

Board members believed Category D best described Employee 1's misconduct. Based on the facts presented, it was their opinion that Employee 1 intentionally violated Bureau policy with potential impacts to the Bureau's professional image. Board members felt Employee 1's history with the Bureau as well as E1's intention to assist the person in distress were mitigating factors.

DATE: 6/11/2020
TO: Christopher Paille
Police Review Board Coordinator
FROM: Adrienne DeDona, JLA Public Involvement, Inc.
Police Review Board Facilitator
SUBJ: Police Review Board Recommended Findings (Amended)



CONFIDENTIAL

The Police Review Board met on Wednesday, May 20, 2020 to review the following case:

IA Case Number: **2019-B-0073**

Employee: **Employee 1**

Summary of Alleged Complaint:

Employee 2 submitted a Field Training Officer Evaluation to the Training Division. Employee 2's evaluation recounted several incidents where Employee 2's Field Training Officer, Officer Employee 1, made inappropriate and racially biased comments.

Case referred to the Police Review Board under Portland City Code 3.20.140(B)(1)(a). The branch assistant chief controverted the recommended finding of *Sustained* to *Not Sustained* for Allegation #2.

Allegation 1: Employee 1 made several inappropriate and unprofessional comments while coaching Employee 2. (CONDUCT)

Recommended Finding: **Sustained (Unanimous)**

Applicable Directive: **310.00 – Professional Conduct and Courtesy**

Opinion:

Employee 2 was struggling with geography which prevented Employee 2 and FTO, Employee 1, from arriving at a potential burglary in a timely manner. Employee 2 and Employee 1 both recalled Employee 1 being frustrated and responding by hitting the MDT. While Employee 1 did not remember using profanity, Employee 2 did recall the use of profanity.

Board members agreed that both officers seemed to have a fairly detailed memory of the incident and there was no evidence that indicated Employee 2 was being untruthful in Employee 2's recollection, and that the use of profanity by Employee 1 was unprofessional, which is a violation of Directive 310.00 Professional Conduct and Courtesy. Additionally, Employee 1 did not deny Employee 2's recollection, instead stating that Employee 1 did not remember whether Employee 1 used profanity.

Allegation 2: Employee 1 made several biased comments about a group of people based on their

protected class while coaching Employee 2. (DISPARATE TREATMENT)

Recommended Finding: **Not Sustained with Debrief (3)**
Sustained (2)

Applicable Directives: **310.20 – Discrimination, Harassment, and Retaliation Prohibited**
HRAR 2.02 – Prohibition Against Workplace Harassment, Discrimination and Retaliation

Majority Opinion:

Employee 2 recalled two incidents where Employee 2 believed Employee 1 used language that was “unprofessional.” On one occasion Employees 1 and 2 and responded to a call of a young man of color in crisis that became more agitated and began talking about demons while he was being attended to by several firefighters who happened to be Caucasian males. Employee 2 recalled Employee 1 making a comment that implied that the young man of color may be reacting negatively to the presence of a lot of white men, and that they could be the demons he was talking about.

The second incident Employee 1 made a comment during a conversation with Employee 2 while in their police cruiser that “all white people are racist.” Employee 2 did not feel the comment was directed at anyone in particular.

In regards to the first incident, all board members felt Employee 1’s first comments about the man’s view of the group of firefighters was not sustained for a violation of Directive 310.20 based on a preponderance of the evidence, specifically because the comment was not directed at an individual, but rather in regards to the man’s reaction to a group of people.

Three board members felt that the second incident involving Employee 1’s comment that “all white people are racist” did not violate the directive and submitted the finding of Not Sustained for Allegation 2. Board members noted the Bureau needs to recognize the power dynamic that implicitly exists, and that the statement “white people with power are racist” exists under some legitimate definitions of the word racist, and that racism still exists on a national and systemic level. Additionally, board members noted that Employee 2’s definition of “racist” varies from Employee 1’s, where one implies “evil” and the other means “biased and holding power” or “participating in a system that is inherently racist.” Board members pointed out that Employee 2 expressed that Employee 1 showed no prejudice in outward facing roles, and while the comment did have impact, it is helpful for white trainees to understand that people of color may react differently to them based on their past experiences, and being uncomfortable because of this comes with the territory. A board member reasoned that the comment may have been uncomfortable, but that it wasn’t inappropriate.

All three board members with the finding of “Not Sustained” recommended a debrief, and the members that with the finding of “Sustained” contributed to the conversation about what the debrief should entail. Board members felt the debrief

should involve a discussion on how to have conversations with new officers about race that allows for growth, providing a safe space for learning. A board member suggested that the debrief include discussing what's appropriate for an FTO to say and suggested that if Employee 1 wants to make a statement like "all white people are racist" it shouldn't be made without context and seemingly without opening a conversation, but rather as an opportunity for further dialogue and learning. Another board member recommended having a discussion on the different definitions of "racist" and how the term can be perceived. Additionally, a board member felt Employee 1 would benefit from a better understanding of power dynamics between FTO and trainee, and that Employee 1's perspective is valuable, but that Employee 1 could express it more effectively in a way that doesn't offend someone.

Minority Opinion:

Two board members felt that Employee 1's comment that "all white people are racist" violated Directive 310.20 based on how the comment was used and the phrase itself. One board member expressed the belief that it is derogatory to call someone racist from an outside perspective and that given the context that it was said to Employee 2, a trainee and white person, it gave Employee 2 the impression that it was being said about Employee 1 and made Employee 1 uncomfortable. Additionally, this board member noted that the comment could have had negative impacts to Employee 2's ability to talk about race and that the power dynamic of an FTO saying this to a trainee needs to be considered. The board member didn't believe that it was Employee 1's intent to appear hostile towards Employee 2, but that intent did not matter per the directive. The second board member agreed and added that Employee 1 claimed to have attended a training where the trainer used the phrase "all white people are racist," but that this board member has attended those trainings and does not recall a trainer ever having said that. Additionally, this board member felt that Employee 1's history indicates a pattern of expressing Employee 1's beliefs without context, specifically when it comes to race, which this board member felt was closeminded and harms Employee 1's ability as an FTO.

A board member followed up and explained that from their perspective this incident needs to be seen from the context of two people talking in a car and the impact of that conversation, that words have impact and there needs to be a standard for how they are applied.

A board member believed the difference in opinion between the majority voting members and minority voting members largely stemmed from the interpretation and definition of the word "racist." Regardless of the definition, the board member felt it is reasonable to assume that most people, regardless of race or ethnicity, would understand the word "racist" to be derogatory in nature, and to say that "*all* white people are racist" is to make a prejudicial judgment about a group of individuals based on the color of their skin.

The board member noted that, per Directive 310.00, "The Portland Police Bureau recognizes its role within the community and its internal organization to engage and interact with individuals in a professional and courteous manner that

emphasizes a respect for all individuals and cultures. This is regardless of race, gender, nationality, sexual orientation, physical or mental disability, ethnic or religious group, age, or any protected status under applicable law or administrative rules. The Bureau is committed to policing in the most impartial manner possible.”

The board member commented that Police officers, as representatives not only of the Portland Police Bureau, but of the entire profession of law enforcement, swear to a code of ethical conduct and are required to perform their duties in the most impartial manner possible. Doing so requires police officers to recognize and understand the implicit biases in order to maintain neutrality and make decisions based on facts, not on personal beliefs or prejudice. Employee 1 may hold the belief that “all white people are racist,” but the expression of such during the course of her duties as a Portland Police officer and coach is disrespectful and inappropriate.

Recommendations:

Corrective Actions/Discipline

Majority Opinion:

CC – Unanimous

Three board members believed Category A best described Employee 1’s misconduct. Based on the facts presented, it was their opinion that Employee 1’s behavior may have a minimal negative impact on operations or professional image of the Portland Police Bureau and that there were no mitigating or aggravating factors.

Two board members believed Category B best described Employee 1’s misconduct. Based on the facts presented, it was their opinion that E1’s behavior may have negative impact on operations or professional image of the Bureau, or negatively impacted relationships with other officers. These board members felt that Employee 1’s strong work history and no disciplinary history, as well as Employee 1’s work in racial equity and as an FTO were mitigating factors in their decision.

Other Recommendations

The need to resolve tensions during open dialogues around race and protected class was identified. One board member highlighted the current state of race relations in the United States and the imminent need for programmatic practices around dialogue concerning race and ethnicity, as applicable to this case in the context around time and place for such discussions.

Action Item:

Direct the Training Division and the Bureau’s Equity and Inclusion Manager to

review this case and identify ways to redesign and modify existing training practices to resolve this issue.