

*Please Note: This is a working draft of Directive 0025.00. The PPB has not implemented any portion of this draft. Submit your comments using the “Provide Feedback Here” link located at the end of the directive.

A redline copy is included in this attachment.

1

0025.00, Procedural Justice

Second Universal Review Period: 6/15/22 – 7/15/22

Refer:

- DIR 0310.00, Professional Conduct and Courtesy
- DIR 0310.50, Truthfulness
- DIR 0312.50, Identification Policy
- DIR 0315.30, Satisfactory Performance
- DIR 0344.05, Bias-Based Policing/Profiling Prohibited
- DIR 0900.00, General Reporting Guidelines

Definitions:

- **Police Action:** Any circumstance, on or off duty, in which a sworn member exercises or attempts to exercise police authority. This includes, but is not limited to, stops, searches, arrests, and use of force.
- **Procedural Justice:** The idea of fairness in processes, recognizing that a person’s perception of fairness is strongly impacted by the quality of their experiences and not only the end result of those experiences. The four principles of Procedural Justice are: Voice, Neutrality, Respect, and Trustworthiness.
 - **Voice:** Give people an opportunity to share their perspective and be heard.
 - **Neutrality:** Make un-biased decisions guided by consistent and transparent reasoning.
 - **Respect:** Treat people with dignity and courtesy, and act professionally.
 - **Trustworthiness:** Be sincere and explain your actions with empathy.

Policy:

1. The Portland Police Bureau is committed to practicing procedural justice. Procedural justice and community policing work together to build public trust and increase police legitimacy.
2. It is important for members to recognize that a person’s perception of fairness is critical to practicing procedural justice. Individual perceptions of fairness can either increase or decrease community trust in the police. Procedural justice establishes principles that help police strive for perceived fairness. The principles of procedural justice are Voice, Neutrality, Respect, and Trustworthiness. Embracing these principles is key to the public perceiving police actions as legitimate. Giving people a chance to speak, applying law and policy neutrally, respecting people, and demonstrating trustworthiness are important to building public trust and confidence in policing.
3. Procedural justice is equally important to internal legitimacy. The Bureau is dedicated to treating members with fairness and respect, creating meaningful and transparent paths for

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2

career advancement, maintaining and improving upon a fair accountability system, and seeking member input on policy, procedure, and practice.

Procedure:

1. Procedural Justice Requirements.
 - 1.1. When taking police action, members shall:
 - 1.1.1. Follow Directive 0312.50, Identification, regarding identifying themselves and offering their business card;
 - 1.1.2. Provide their Department of Public Safety Standards and Training (DPSST) number upon request;
 - 1.1.3. When feasible and unless it would compromise an investigation, explain to the person the reason for the contact;
 - 1.1.4. When asked, tell the person whether or not they are free to leave, if feasible;
 - 1.1.5. Attempt to provide clear and intelligible instruction to the person to ensure the safety of all involved; and
2. Procedural Justice Practices.
 - 2.1. Members should strive to practice procedural justice in all interactions with the public. Examples of procedural justice practices include, but are not limited to:
 - 2.1.1. Offering people an opportunity to ask questions.
 - 2.1.2. Explaining laws, policies, actions, etc.
 - 2.1.3. Patient, active listening.
 - 2.1.4. Gathering all facts available.
 - 2.1.5. Listening before forming conclusions.
 - 2.1.6. Showing empathy.
 - 2.1.7. Following up and following through.

Provide Feedback [Here](#).

0025.00, Procedural Justice

Refer:

- DIR 0310.00, Professional Conduct and Courtesy
- DIR 0310.50, Truthfulness
- DIR 0312.50, Identification Policy
- DIR 0315.30, Satisfactory Performance
- DIR 0344.05, Bias-Based Policing/Profiling Prohibited
- DIR 0900.00, General Reporting Guidelines

Definitions:

- ~~Procedural Justice: The practice of engaging people respectfully and policing in a neutral and trustworthy manner, while giving individuals a voice during police encounters.~~
- Police Action: Any circumstance, on or off duty, in which a sworn member exercises or attempts to exercise police authority. This includes, but is not limited to, stops, searches, arrests, and use of force.
- Procedural Justice: The idea of fairness in processes, recognizing that a person's perception of fairness is strongly impacted by the quality of their experiences and not only the end result of those experiences. The four principles of Procedural Justice are: Voice, Neutrality, Respect, and Trustworthiness.
 - Voice: Give people an opportunity to share their perspective and be heard.
 - Neutrality: Make un-biased decisions guided by consistent and transparent reasoning.
 - Respect: Treat people with dignity and courtesy, and act professionally.
 - Trustworthiness: Be sincere and explain your actions with empathy.

Policy:

1. The Portland Police Bureau (PPB) is committed to policing in a procedurally just manner, practicing procedural justice. Procedural justice is a critical principle at the center of and community-based policing and is foundational work together to building build public trust and increasing increase police legitimacy.
2. An individual'sIt is important for members to recognize that a person's perception of fairness during a police interaction comprises the core of is critical to practicing procedural justice and ultimately shapes. Individual perceptions of fairness can either increase or decrease community trust in the police. Fairness is achieved by member's Procedural justice establishes principles that help police strive for perceived fairness. The principles of procedural justice are Voice, Neutrality, Respect, and Trustworthiness. Embracing these principles is key to the public perceiving police actions as legitimate. Giving people a chance to speak, applying law and policy neutrally, respecting people, and demonstrating trustworthiness are important to building public trust and confidence in policing.
- 2.3. Procedural justice is equally important to internal legitimacy. The Bureau is dedicated to treating individualsmembers with dignityfairness and respect; being consistent, creating

~~meaningful and transparent in their actions during interactions with all members of the public; providing an opportunity for individuals to have and use their voice during an encounter; being impartial in their decision making; and conveying truthfulness during the encounter~~ paths for career advancement, maintaining and improving upon a fair accountability system, and seeking member input on policy, procedure, and practice.

Procedure:

Four Principles of

1. Procedural Justice Requirements.

~~1.1. Bureau members shall, when possible, demonstrate the following principles of procedural justice during encounters with members of the public:~~

~~1.1.1. **Respect:** Treat individuals with dignity and act with professionalism and courtesy during the interaction.~~

~~1.1.2. **Voice:** Give individuals an opportunity to ask questions and explain their actions.~~

~~1.1.3. **Impartiality:** Treat individuals fairly and make clear and neutral decisions based on the available relevant information.~~

~~1.1.4. **Trustworthiness:** Provide transparent and reliable information during the interaction.~~

~~2. Procedurally Just Practices When Taking Police Action.~~

~~2.1.1.1. Members shall, whenever reasonable and practicable, engage in the following procedurally just actions when performing a stop or taking other police action: members shall:~~

~~2.1.1.1.1. Act in accordance with Follow Directive ~~3120312~~.50, Identification, with regard to regarding identifying themselves and offering their business card;~~

~~2.1.2.1.1.2. Provide their Department of Public Safety Standards and Training (DPSST) number upon request;~~

~~2.1.3.1.1.3. As soon as practicable, When feasible and unless it would compromise an investigation, explain to the individual person the reason for the contact;~~

~~2.1.4.1.1.4. Inform When asked, tell the individual of their ability (person whether or not) they are free to leave or withdraw from the interaction, if feasible;~~

~~2.1.5. Continue to explain member actions and account for reasonable delays throughout the interaction;~~

~~2.1.6.1.1.5. Endeavor Attempt to provide clear and intelligible instruction to the individual person to ensure the safety of all involved; and~~

~~2.1.7. During a pedestrian or traffic stop, endeavor to limit the duration of the stop to a reasonable amount of time necessary to carry out appropriate police action.~~

2. Procedural Justice Practices.

~~2.2. Members who are unable to perform the aforementioned practices due to exigency, a risk to the safety of the member, the potential for compromising the investigation, or another practicable and articulable reason, shall justify any significant deviations from these principles in any police report they write about the event.~~

~~3. Other Member Actions and Considerations.~~

~~3.1. De-escalation is a useful tool that aligns with the core objectives of should strive to practice procedural justice. Such de-escalation measures as using verbal techniques to introduce calm the interaction; members safely positioning themselves to facilitate communication with the individual; and allowing sufficient time for compliance, can lead to positive outcomes.~~

~~3.1.1. Consistent with Bureau policies and practices, members shall use de-escalation techniques during encounters with members of the public, when time and circumstances reasonably permit.~~

~~3.2.2.1. When practicable, members shall consider that an individual's lack of compliance may be attributed to factors that in all interactions with the public. Examples of procedural justice practices include, but are not limited to:~~

~~3.2.1.1. A medical condition;~~

~~3.2.1.2. Mental impairment;~~

~~3.2.1.3. A developmental disability;~~

~~3.2.1.4. Physical limitation(s);~~

~~3.2.1.5. A language barrier;~~

~~3.2.1.6. Drug or alcohol impairment; and/or~~

~~3.2.1.7. A mental health crisis.~~

~~2.1.1. Provide Feedback Here. Offering people an opportunity to ask questions.~~

~~2.1.2. Explaining laws, policies, actions, etc.~~

~~2.1.3. Patient, active listening.~~

~~2.1.4. Gathering all facts available.~~

~~2.1.5. Listening before forming conclusions.~~

~~2.1.6. Showing empathy.~~

~~2.1.7. Following up and following through.~~

#1

COMPLETE

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Started: Tuesday, March 22, 2022 2:08:05 PM
Last Modified: Tuesday, March 22, 2022 2:12:21 PM
Time Spent: 00:04:15

Page 1

Q1

Please provide feedback for this directive

UK college of Policing teaches the 5 step Appeal to conflict management, it may fit within this.
<https://www.college.police.uk/guidance/conflict-management/conflict-management-skills>

Q2

Respondent skipped this question

Contact Information (optional - your name will be visible on PPB's website)

#2

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, March 22, 2022 8:51:43 PM
Last Modified: Tuesday, March 22, 2022 9:01:58 PM
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Page 1

Q1

Please provide feedback for this directive

I'm so grateful for all PPB officers do in my neighborhood. This seems in alignment with the professionalism that I see PPB display. I like the idea of keeping interactions/ stops brief, we don't have enough police to go around right now.

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name **Erin**

#3

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, March 23, 2022 8:42:23 AM
Last Modified: Wednesday, March 23, 2022 9:00:48 AM
Time Spent: 00:18:25

Page 1

Q1

Please provide feedback for this directive

"Policy" Section #2:

The underpinning of procedural justice is providing a "perception" of a fair process. It seems like it may be worth noting that an individuals "perception" of the process being unfair may not necessarily mean that the process was actually unfair or that the bureau member did not properly implement procedural justice in an encounter.

Police Bureau members have no control over another persons "Perception" of fairness. Certainly there are things that can be done by the member to try to help a persons perception of fairness as are documented in this policy but none of this guarantees a person will perceive an interaction as fair no matter how well this is done.

I also have concerns about the reporting requirement outlined in the policy. The Police Bureau already has a policy requiring reporting when not providing a name or business card. This makes sense because in these circumstances a citizen is requesting and an officer is possibly refusing and thus could require documentation.

But in practicality the requirement to document "any significant deviations from these principles" is overly vague to the point where it will be left completely to a person's interpretation of what "significant" is and also provides no guidance as to what the expectation actually is.

Words like "endeavor" only contribute to the vagueness. Does this mean an officer only has to "try" to do this. What does that mean. How much action is required to "endeavor"?

What is the purpose of writing a report documenting any deviations? Will this be tracked somehow? Are there concerns of civil litigation due to not providing procedurally just policing and the documentation will support the city in this litigation? Is the perception that somehow by having officers document if they don't do these things that it will cause them to do them more if they are already not doing them?

Q2

Respondent skipped this question

Contact Information (optional - your name will be visible on PPB's website)

#4

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, March 23, 2022 11:14:19 AM
Last Modified: Wednesday, March 23, 2022 11:23:28 AM
Time Spent: 00:09:09

Page 1

Q1

Please provide feedback for this directive

Neutrality has been switched to Impartiality. I am not sure if this was purposeful, but it does not align with the initial training given to Officers. Unless there is a specific, significant reason for this change I would suggest keeping it as Neutrality.

"Such de-escalation measures as using verbal techniques to introduce calm the interaction." This sentence is not written correctly.

Although I see how procedural justice is related to de-escalation, it seems redundant to have this discussion within the Procedural Justice directive. De-escalation is discussed elsewhere in directives and including here does not add further illumination to the topic.

Q2

Respondent skipped this question

Contact Information (optional - your name will be visible on PPB's website)

#5

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, March 23, 2022 1:42:15 PM
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Time Spent: 00:03:21

Page 1

Q1

Please provide feedback for this directive

With regard to the "Four Principles of Procedural Justice.

- 1.1. Bureau members shall, when possible, demonstrate the following principles of procedural justice during encounters with members of the public:
 - 1.1.1. Respect: Treat individuals with dignity and act with professionalism and courtesy during the interaction.
 - 1.1.2. Voice: Give individuals an opportunity to ask questions and explain their actions.
 - 1.1.3. Impartiality: Treat individuals fairly and make clear and neutral decisions based on the available relevant information.
 - 1.1.4. Trustworthiness: Provide transparent and reliable information during the interaction."

Instead, list it as it reads in the literature and how the Bureau has been trained.

- 1.1.1 Voice
 - 1.1.2 Neutrality (Impartiality can and should be switched in the descriptive subheader with neutrality)
 - 1.1.3 Respect
 - 1.1.4 Trustworthiness
-

Q2

Respondent skipped this question

Contact Information (optional - your name will be visible on PPB's website)

#6

COMPLETE

Collector: Web Link 1 (Web Link)
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Page 1

Q1

Please provide feedback for this directive

PJ definition- should not have the word "policing" within the definition. PJ speaks to the idea of fair processes, and how people's perception of fairness is strongly impacted by the quality of their experiences and not only the end result of these experiences. Policing should seek to achieve its mission using PJ, not be part of PJ.

Policy:2 incorporate:

Individuals' perceptions of procedurally just encounters are based on four central features of their interactions with legal authorities:

Whether they were given voice;

Whether the decision-maker was neutral and transparent;

Whether they were treated with dignity and respect; and

Whether the decision-maker conveyed trustworthy motives.

Policy 2. Incorporate a combination of the VNRT explanations;

Voice—people need to have the chance to tell their side of the story and to feel that authority figures will listen and sincerely consider this before making a decision.

Neutrality—people need to see authority figures as neutral and principled decision-makers, who apply rules consistently, transparently and do not base their decisions on personal opinion or bias.

Respect—people need to feel respected and treated courteously by authority figures, believe their rights are considered equal to those of others and that their issues will be taken seriously.

Trustworthy—people need to see authority figures as people with trustworthy motives, who are sincere and authentic, who listen and care and who try to do what is right for everyone involved.

Policy 2. could read something like; PPB members will strive, during all interactions with members of our community, to allow individuals a chance to tell their side of the story and to feel that authority figures will listen and sincerely consider this before making a decision...etc.

Procedure:

Align the current draft; Respect, Voice, Impartiality and Trustworthiness. Change to VNRT = Voice, Neutrality, Respect and Trustworthiness. PPB has spent the last few years teaching VNRT and having members become accustomed to using this language.

Procedure:

2.1. Members shall...following procedurally just actions when taking police action. Remove "performing a stop or taking other" and just state, "taking police action".

2.1.3. Change; "as soon as practicable" to "If feasible"

2.1.5. Change; "Continue" to "When reasonable and practicable"

3. De-escalation seems out of place for PJ policy.

3.1.1 possibly include: How can procedural justice be put into practice?

Specific examples are as follows:

-offering people the chance to ask questions and responding appropriately to these questions

-explaining how processes work and why

-explaining how decisions are made before a procedure starts and what is considered

-making sure people have a chance to 'tell their story'

-explaining reasons behind decisions

-making a conscious effort to be approachable

-encouraging people in their efforts to change and succeed

-asking how procedures and treatment could be developed.

Definitions to consider:

Voice: Individuals are given a chance to express their concerns and participate in decision-making processes by telling their side of the story

Neutrality: Decisions are unbiased and guided by consistent and transparent reasoning

Respect: All individuals are treated with dignity and respect

Trustworthiness: Decision-makers convey trustworthy motives and concern about the well-being of those impacted by their decisions

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name

Todd Tackett

#7

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Sunday, March 27, 2022 1:44:52 PM
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Page 1

Q1

Please provide feedback for this directive

- Policy, item 2: "Conveying truthfulness" is interesting, because it is totally possible to be untruthful but "convey" truthfulness. Consider being clear that truthfulness is a base expectation; conveying honesty or truthfulness is a secondary consideration that is in part achieved through being truthful.
 - I wonder if the procedures need to be broadened or expanded with clarification that adhering to Procedural Justice is especially important in cases where individuals are coming from a place of distrust. E.g. an anti-police activist might be using their voice to say disrespectful things. It is important that officers are treating those individuals with a high level of respect and maintaining impartiality.
 - One aspect of voice that could be expanded on is giving individuals an opportunity to easily provide feedback after an encounter has occurred. Individuals won't always be comfortable using their voice in an encounter, or might realize they want to say something later. This could be accomplished with a QR code on a card, URL on a card with an incident ID, or similar. Someday in the future, that feedback could be tied back to the video recording for supervisor review, if needed.
 - I've been impressed with PPB's approach to Procedural Justice, and I'm very glad to see this becoming policy.
-

Q2

Respondent skipped this question

Contact Information (optional - your name will be visible on PPB's website)

#8

COMPLETE

Collector: Web Link 1 (Web Link)
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Page 1

Q1

Please provide feedback for this directive

Definition:

I suggest using a broader definition that reflects the fact that Procedural Justice is not a police-specific theory. Rather, it has been employed in any number of circumstances and professions. This definition could be similar to: "the idea of fair processes, and how people's perception of fairness is strongly impacted by the quality of their experiences and not only the end result of these experiences" which is used by Yale Law School.

Policy:

2

I believe the apostrophe in "member's" should be removed.

Procedure:

1.1

We should replace "Impartiality" with "Neutrality" and reorder the four principles to be: Voice, Neutrality, Respect, Trustworthiness. This will bring the policy in line with training the Bureau has given to members for the past several years and avoids unnecessary confusion.

2.1

Please define: "other police action" as this will help clarify under what circumstances the following actions are required.

2.1.4

I believe this section should be clarified to include when during an interaction the member must make this notification. As soon as the member contacts any person? When contacting the subject of an investigation? When asked? When reasonable suspicion is established? When probable cause is reached?

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name **Jackson Oldham**

#9

COMPLETE

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Page 1

Q1

Please provide feedback for this directive

Section 3.1.2

Mental impairment - This seems redundant and already covered by the other categories. If it is something different, we should define it somewhere.

Mental health crisis - we might want to refer back to the definition in 850.20.

Developmental disability - often times "intellectual and developmental disability are used together. Is this term defined anywhere else? I can't recall at the moment.

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name **Liesbeth Gerritsen**

#10

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Sunday, April 03, 2022 6:04:20 PM
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Page 1

Q1

Please provide feedback for this directive

In section 2.1.4 - Can we add some terminology such as "When requested" prior to "Inform the individual..."

Q2

Respondent skipped this question

Contact Information (optional - your name will be visible on PPB's website)

#11

COMPLETE

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Page 1

Q1

Please provide feedback for this directive

0025.00 Directive Feedback (1UR - NEW)

COMMENTS ON FORCE, MEDICAL AND PROCEDURAL JUSTICE DIRECTIVES, APRIL 2022

To Chief Lovell, Capt. Parman, Lieutenant Morgan, PPB Policy Analysts, Compliance Officer/Community Liaison Team, Portland Committee on Community Engaged Policing, US Dept. of Justice, Citizen Review Committee and the Portland Police Bureau:

Below are comments from Portland Copwatch (PCW) on the Directives posted for review in mid March which focus on force, medical aid and procedural justice < <http://www.portlandoregon.gov/police/59757> >. The Force policy (1010.00) was split up to once again remove "Less Lethal" Weapons (now 1015.00, was 1050.00), after being integrated just five years ago in 2017. Force reporting now has its own policy (910.00). Parts of the Force policy about medical aid were moved into the specific Directive on that topic (630.50). We made comments on the Force policy in January 2021. The procedural justice policy is new.

We note up front that, although we only found it in once place, the Bureau has finally heeded our advice to distinguish between de-escalation prior to using force and lowering the amount of force being used on a person. The latter is now referred to as "reactive de-escalation." However this distinction has not been added to the Definitions section of Directive 1010.00.

We also noticed there are fewer references to weapons as "tools" in these directives, with the exception of the definition of "Less Lethal Weapon" in three policies and one other use in 1015.00. As we have noted before "these items are all designed to kill, harm, wound, or physically coerce people to follow police orders, not items used to open paint cans or build shelters for houseless people."

Unfortunately, the major revisions to 1010.00 almost make the redline version meaningless for purposes of comparison. Entire sections are crossed out but reappear in other places in that Directive, and the parts that were moved to new Directives show no indication where changes were made since those policies are being treated as "new." That said, after laborious line-by-line comparisons, PCW is re-stating many of its previous comments and adding new ones based on significant changes being proposed.

As usual, we ask the Bureau to give different labels to all of the major sections of the Directives, such as the Definitions, Policy and Procedure sections. Our comments refer to the Procedure section unless otherwise noted.

DIRECTIVE 25.00 PROCEDURAL JUSTICE (new)

Portland Copwatch appreciates the Bureau seeking to infuse procedural justice, defined here as "engaging people respectfully and policing in a neutral and trustworthy manner," into all Bureau actions.

Know Your Rights: It is great that the Directive tells officers to inform people whether or not they can leave (2.1.4) so they know if officers are engaging in mere conversation, a stop, a detention or an arrest. There should also be an admonition not to demean people who choose to walk away when allowed, or if the person asks the officer whether they are free to go. Given the Bureau's pledge to advise people of their right to refuse a search, that right should also be added to the Directive.

CONCLUSION

Portland Copwatch appreciates that all of these Directives are being given a full 30 days for review, but still would like to see review periods extended to allow for groups who only meet once a month to give input during the Bureau's time frame. The Bureau would also benefit from holding public meetings to discuss the intent behind proposed changes and to take questions about community ideas for improvements to policies. We wrote previously: "Frequently when there are references to comments made but not acted upon, the answers are unsatisfactory and dismissive; we should be able to engage in a dialogue to help move the Bureau more toward one that is free from brutality, corruption and racism."

--dan handelman and other members of
Portland Copwatch

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name

Portland Copwatch
