



CITY OF PORTLAND, OREGON



Bureau of Police

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Integrity • Compassion • Accountability • Respect • Excellence • Service

Executive Summary Directive 0650.00, Search, Seizures, and Inventories

Introduction

The Portland Police Bureau initiated its review of Directive 0650.00, Search, Seizures, and Inventories, in August 2020. The review was prompted by Mayor Ted Wheeler's Police Reform Action Plan, which included direction to reform the use of consent searches in traffic stops. During its review, the Bureau comprehensively revised the directive to expand and clarify guidance on search warrant exceptions, better address the spectrum of gender identity, and implement a new procedure for conducting consent searches during all stops. The new consent search procedure aims to increase racial equity as measured by Bureau stops data, collect better evidence for criminal prosecutions, and promote procedural justice.

Public Comments

The Bureau received several comments during both of the universal review and public comment periods for the directive. Some commenters expressed concern regarding member accountability, and recommended that the directive provide clearer guidelines regarding how and when members can conduct searches. The revised directive provides significantly more guidance than the former directive, and updates our policy to better reflect relevant Oregon Revised Statutes and case law.

Expanded Guidance on Search Warrant Exceptions

The revised directive provides greater detail regarding several search warrant exceptions, and now reflects current legal standards. Furthermore, the updated directive offers clearer guidance on the following topics: automobile exception, community caretaking and emergency aid, consent searches, inventory searches, open and plain view, weapons frisks, and other search warrant exceptions. The revised directive provides better guidance for members to conduct searches, seizures, and inventories in a way that meets relevant requirements under local, state, and federal law, and in some cases imposes even higher standards of practice.

Gender Identity Inclusivity

Multiple commenters expressed concern regarding references to gender during searches. The revised directive now recognizes a broader spectrum of gender, and aims to be more inclusive of people who identify as transgender, gender non-conforming, or non-binary.

Consent Search Procedure

The revised directive implements a new procedure for members conducting consent searches during stops. The Bureau developed the new procedure in cooperation with Mayor Wheeler's Policy Team, and now requires members to do the following: 1) tell stopped individuals that they have the right to refuse, or revoke, consent to a search, 2) audio record the member's request for consent and the individual's response, and 3) provide a paper information card regarding consent searches and the stopped individual's rights.

The Bureau received both positive and negative comments regarding the new consent search procedure. After extensive discussion with multiple internal and external stakeholders, and considering various alternatives and policies in similarly situated jurisdictions, the Bureau adopted the procedure in the revised directive. The new consent search procedure allows Bureau members to continue to use this valuable investigatory tool, while reforming its use in an effort to increase equity and procedural justice in its application.

Documentation of Searches

The Bureau received feedback that members should not have the option of documenting searches in duty notebooks, and should be required to document searches in an electronic format for data analysis and oversight purposes.

While the former directive allowed members to document searches in notebooks, the revised directive requires that members document all searches electronically in a police report. This change makes the directive consistent with DIR 0900, Report Writing, which states in Section 1.2.1.1.: "Members taking any official police action, on or off duty, shall write and submit an appropriate report to cover the incident, except in cases where the coded disposition sufficiently captures the resolution of the event."

Police action encompasses searches, and searches cannot be captured with a coded disposition in the Computer Aided Dispatch (CAD) system. Accordingly, members are to document police searches in the Bureau-approved electronic platform for report writing, where they can be subject to supervisory review and potentially enhance data analysis.

The Bureau's Revised Policy

The Bureau made significant revisions to Directive 0650.00, Search, Seizures, and Inventories, that provide more information to both members and the community, clarify the Bureau's expectations for members, conform with state law, and align with Mayor Wheeler's objective to reform consent search use. The revised directive brings the Bureau more in line with national best practices, is more inclusive of the spectrum of gender identity, and introduces a new procedure regarding consent searches during stops that increases Bureau accountability and procedural justice.

The Bureau welcomes further feedback on this policy during its next review.

This directive goes into effect on August 4, 2022. Published on July 5, 2022.

0650.00, Search, Seizures, and Inventories

Refer:

- ORS 131.005, General definitions
- ORS 131.605, Definitions for ORS 131.605 to 131.625
- ORS 131.615, Stopping of persons
- ORS 133.033, Peace officer community caretaking functions
- ORS 133.525, Definitions for ORS 133.525 to 133.703
- ORS 133.535, Permissible objects of search and seizure
- ORS 133.537, Protection of things seized
- ORS 153.039, Stop and detention for violation
- ORS 810.410, Arrest and citation
- City Code Chapter 14C.10, Police Duties to Inventory Property
- DIR 0631.60, Premises Entry
- DIR 0640.02, Photography and Digital Imaging
- DIR 0652.00, Search Warrants
- DIR 0660.10, Property and Evidence Procedures
- DIR 0740.00, Explosive Device Incidents and EDU
- DIR 0850.21, Peace Officer Custody (Civil)
- DIR 0870.20, Custody and Transportation of Subjects

Definitions:

- Body cavity search: Any visual or physical inspection of a person's internal genital or anal region with or without physical contact or intrusion into a body cavity.
- Frisk: An external patting of a person's outer clothing.
- Inventory: An administrative, non-discretionary search made for the purposes of safety and documentation of a person's personal property.
- Probable cause: Probable cause means that there is a substantial objective basis for believing that more likely than not an offense has been committed and a person to be arrested has committed it.
- Reasonable suspicion: An objective test measured at the time and place the member acts and based on the totality of the circumstances, which requires a member to point to specific, articulable facts giving rise to a reasonable inference that a subject has engaged or is engaging in criminal activity.
- Search: When an officer intrudes upon a person's protected privacy interests.
- Seizure of a person: When an officer significantly interferes with a person's liberty of movement, including but not limited to pedestrian stops, traffic stops, and arrests.
- Seizure of property: When an officer significantly interferes with a person's possession or ownership interests in their property.
- Strip Search: A search of a person that includes the removal of clothing to permit visual inspection of the person's groin/genital area, buttocks, breasts, or undergarments covering those areas.

Policy:

1. Both federal and state Constitutions protect every person against unreasonable governmental searches and seizures. This policy provides guidance for members to act in accordance with the law and respect the constitutional rights of individuals during searches and seizures.
2. Case law regarding search and seizure issues changes frequently. The Bureau is responsible, with the assistance of the City Attorney's Office, for training members regarding updates to the law. Members are responsible for acting in accordance with current training.

Procedure:

1. General Requirements for Searches and Seizures.
 - 1.1. Members shall not use any class protected by law, City, or Bureau policy in exercising discretion to conduct a search or seizure, except as part of an actual and apparently credible description of a specific suspect or suspects in any criminal investigation.
 - 1.2. Members shall strive to conduct searches and seizures with dignity and courtesy.
 - 1.3. Members shall conduct property searches in a manner that leaves property in a condition as close as reasonably practicable to its pre-search condition.
 - 1.4. When safe and feasible, members shall explain the reason for the search or seizure to the person being searched or seized.
 - 1.5. Members are responsible for searching persons they transport as an arrestee, regardless of whether another officer previously searched the person.
 - 1.6. When safe and feasible, members shall conduct searches with another member present.
 - 1.7. When safe and feasible, women members shall conduct searches of women.
 - 1.8. When a member is unsure of a person's gender identity for the purpose of a search, the member shall respectfully ask the person how they identify in terms of gender.
 - 1.8.1. Members shall respect the gender identity expressed or presented by the person being searched.
 - 1.8.2. Members shall not frisk or search any person to determine that person's gender, sex, or to view or touch the person's genitals, or for any demeaning or harassing purpose.
 - 1.8.3. If any person to be searched requests that a member of a particular gender conduct the search, the member should accommodate the request if safe and feasible.
 - 1.8.4. Members shall not perform a more or less invasive search or frisk of a person based on that person's gender identity.
 - 1.9. Members shall document all searches in a police report. Documentation shall include the reason for the search, the circumstances and results of the search, and any departures from this directive for safety or feasibility reasons (e.g., situations that could jeopardize an investigation).
 - 1.10. Members are to be aware that this Directive is more restrictive than state or federal laws.
2. Searches.
 - 2.1. Search Warrants.
 - 2.1.1. The United States and Oregon Constitutions both require police to obtain a warrant before conducting a search, unless there is a lawful exception.
 - 2.1.2. Members shall comply with Directive 0652.00 regarding search warrants.

2.1.3. Lawful exceptions to the requirement for a search warrant may include but are not limited to the following: abandoned/lost property, incident to arrest, community caretaking and emergency aid, consent, exigent circumstances, inventory, and open and/or plain view.

2.2. Abandoned and/or Lost Property.

- 2.2.1. Searching abandoned property does not require a warrant for a lawful search because the search does not invade any privacy interest.
- 2.2.2. Abandonment may occur when a person physically discards and/or verbally denies ownership of property.
- 2.2.3. Members may inspect property in an effort to identify the owner. When the sole purpose for a search is to identify the owner, members must stop the search once they identify the owner.

2.3. Incident to Arrest.

- 2.3.1. Members shall conduct a search of an arrestee if justified as:
 - 2.3.1.1. Necessary to protect the arresting officer;
 - 2.3.1.2. A precaution to avoid the destruction of evidence or escape of the arrestee; or
 - 2.3.1.3. Reasonably related to the crime for which the person is arrested.
- 2.3.2. Members shall comply with Portland City Code Chapter 14C.10, Police Duties to Inventory Property.

2.4. Community Caretaking and Emergency Aid.

2.4.1. Community Caretaking.

- 2.4.1.1. Members may enter or remain upon a premises if it reasonably appears necessary to:
 - 2.4.1.1.1. Prevent serious harm to any person or property; or
 - 2.4.1.1.2. Render aid to injured or ill persons; or
 - 2.4.1.1.3. Locate missing persons;
- 2.4.1.2. The circumstances under 2.5.1.1. do not create an independent exception to the warrant requirement. Searches justified as community caretaking must also fall under a lawful exception to the warrant requirement, such as consent or emergency aid.

2.4.2. Emergency Aid.

- 2.4.2.1. The emergency aid doctrine provides an exception to the warrant requirement when the following conditions are met:
 - 2.4.2.1.1. The member has a subjective belief;
 - 2.4.2.1.2. that is objectively reasonable and based on articulable facts;
 - 2.4.2.1.3. that a warrantless entry is necessary;
 - 2.4.2.1.4. to either render immediate aid or assist those who have suffered or who are imminently threatened with suffering, serious physical injury, or harm.
- 2.4.2.2. Members conducting searches under this doctrine shall document the circumstances and their actions in a police report.

2.5. Consent Searches.

- 2.5.1. Both federal and state law allow police to conduct a valid search of a person, personal property, vehicle, or location, if the person being searched or the person in control of the property gives voluntary consent for the search.
- 2.5.2. Members may request consent to search a person, personal property, vehicle, or location for any lawful purpose, unless restricted pursuant to section 2.5.4. below.
- 2.5.3. Members should be aware that overuse of the consent search can negatively impact the Bureau's relationships with the community and should focus on obtaining consent in circumstances reasonably believed to be relevant to any investigation.

2.5.4. Procedure for Investigative Consent Searches During Pedestrian or Vehicle Stops (excluding Field Sobriety Tests (see Directive 0860.10, Traffic Citations and Arrests) and Weapons Frisks (see Section 3.2 below)).

2.5.4.1. Members shall only request consent to search a person, personal property, or vehicle *during a stop* if they have reasonable suspicion or probable cause regarding a crime.

2.5.4.2. Investigative Consent Searches During Stops require the following:

2.5.4.2.1. Consent is clear, specific, and unequivocal.

2.5.4.2.2. Consent is voluntary and obtained without coercion.

2.5.4.2.3. The person consenting has actual authority to give consent.

2.5.4.2.3.1. Members are not expected to determine whether a person has actual authority to consent to a search, as that is a question of law to be determined by courts. Members should inquire into a person's authority to consent whenever the circumstances raise a question on that issue.

2.5.4.2.4. If another person with authority to the property, vehicle, or location is present and refuses consent, then no search shall occur without probable cause and a warrant or a valid warrant exception.

2.5.4.2.5. The search does not exceed the scope of the consent given.

2.5.4.3. Documentation and Notice Requirements for Investigative Consent Searches During Stops:

2.5.4.3.1. Members shall inform the person of their right to refuse, and revoke, their consent.

2.5.4.3.1.1. If a person refuses to consent to a search, members shall not conduct the search, unless the search is otherwise constitutionally permissible (i.e., the member has/obtains a warrant or there is a valid lawful exception).

2.5.4.3.1.2. If a person revokes their consent to a search, members shall immediately terminate the search, unless the search is otherwise constitutionally permissible (i.e., the member has/obtains a warrant or there is a valid lawful exception).

2.5.4.3.2. Members shall provide the consenting person with a Bureau issued information card regarding consent searches.

2.5.4.3.3. Members shall document the entire search, including the request for consent, the person's response, and any revocation, if applicable, via digital audio recording on their Bureau issued smart phone or Bureau approved recording device.

2.5.4.3.4. Members shall inform the person of their intent to record the interaction before starting the audio recording.

2.5.4.3.5. Members shall submit the audio recordings documenting the consent search procedure to DIMS before the end of their shift.

2.5.4.3.6. Members shall not take police action against any person for refusing or revoking their consent to a search.

2.5.4.3.7. Members shall document their reasonable suspicion or probable cause regarding a crime, and the results of the consent search, in a police report.

2.6. Exigent Circumstances.

2.6.1. Exigent circumstances sometimes allow for a warrantless search or seizure. Exigent circumstances exist when there is probable cause for a search or seizure, and police need to act swiftly to prevent danger to life, the imminent destruction of evidence, or a suspect's escape.

2.6.2. Members shall not create exigent circumstances by their own conduct in order to avoid seeking a warrant.

2.7. Inventory Searches.

2.7.1. Generally.

2.7.1.1. Members shall conduct inventory searches pursuant to Portland City Code Chapter 14C.10, Police Duties to Inventory Property.

2.7.1.2. Members shall process property and evidence according to Directive 0660.10, Property and Evidence Procedures.

2.7.2. Vehicles.

2.7.2.1. Members shall inventory the contents of any vehicle the member impounds, other than vehicles towed at private request.

2.7.2.2. Members shall consult with a Sergeant before impounding a vehicle that is part of a felony crime scene or known or suspected to contain evidence of a felony.

2.7.3. Persons.

2.7.3.1. Members shall inventory personal property in possession of any person taken into police custody whenever:

2.7.3.1.1. Such person will be placed in a secure police holding room or transported in the secure portion of a police vehicle; or

2.7.3.1.2. Custody of the person will be transferred to another law enforcement agency, correctional facility, or treatment facility.

2.7.3.2. The inventory shall include opening closed containers designed for holding money and/or small valuables, including but not limited to purses, coin purses, wallets, fanny backs, backpacks, briefcases, and jewelry pouches.

2.8. Open and Plain View.

2.8.1. Open view and plain view are two separate doctrines that, in different ways, remove the need for a warrant.

2.8.2. Plain View.

2.8.2.1. Members in a place where they have a lawful right to be may seize evidence in plain view without a search warrant.

2.8.2.2. Plain-View Seizure requires:

2.8.2.2.1. A justifiable intrusion onto the premises by the member;

2.8.2.2.2. The member observes the object in plain view from a lawful vantage point; and

2.8.2.2.3. The member has probable cause to seize the item observed.

2.8.3. Open View.

2.8.3.1. A member's observation, while lawfully outside but looking into a private space, does not require a warrant.

2.8.3.2. However, a warrant, or a lawful exception, is required to enter the private space or to seize evidence seen inside the private space.

3. Seizures.

3.1. The following are subject to seizure:

3.1.1. Evidence of or information concerning the commission of a criminal offense.

3.1.2. Contraband, the fruits of crime, or things otherwise criminally possessed.

3.1.3. Property that has been used, or is possessed for the purpose of being used, to commit or conceal the commission of an offense.

3.1.4. A person for whose arrest there is probable cause or who is unlawfully held in concealment.

3.2. Weapons Frisks and Officer Safety.

- 3.2.1. Members may frisk a stopped person for dangerous or deadly weapons if the member reasonably suspects that the person is armed and dangerous to the member or other persons present.
- 3.2.2. If, during the frisk, the member feels an object which they reasonably suspect is a dangerous or deadly weapon, the member may take action as reasonably necessary to take possession of the weapon.
- 3.2.3. Weapons frisks do not require consent, however, members are encouraged (but not obligated) to ask for consent as a courtesy. Requesting consent for a weapons frisk does not trigger the procedure outlined in section 2.5.4.

4. Strip Searches and Body Cavity Searches.

- 4.1. Members shall obtain a supervisor's permission to conduct a strip search.
- 4.2. Strip searches shall be conducted by members of the same gender as the person being searched, and witnessed by a second member of the same gender as the person being searched.
- 4.3. If any person to be searched requests that a member of a particular gender conduct the search, the member should accommodate the request if safe and feasible.
- 4.4. No person may be subject to a body cavity search without a search warrant or lawful exception.
- 4.5. A body cavity search shall only be conducted by authorized medical personnel in a medical facility.

History:

- Established: 3/1976
- Effective: 8/4/2022
- Next Review: 8/4/2024

0650.00, Search, Seizures, and Inventories

Refer:

- ORS 131.005, General definitions
- ORS 131.605, Definitions for ORS 131.605 -to 131.625
- ORS 131.615, Stopping of persons
- ORS 133.033, Peace officer community caretaking functions
- ORS 133.525—133.537, Definitions for ORS 133.525 to 133.703
- ORS 133.535, Permissible objects of search and seizure
- ORS 133.537, Protection of things seized
- ORS 153.039, Stop and detention for violation
- ORS 810.410, Arrest and citation
- City Code Chapter 14C.10, Police Duties to Inventory Property
- DIR 6340631.60, Premises Entry
- DIR 6520640.02, Photography and Digital Imaging
- DIR 0652.00, Search Warrants
- DIR 6600660.10, Property and Evidence ProcedureProcedures
- DIR 0740.00, Explosive Device Incidents and EDU
- DIR 0850.21, Peace Officer Custody (Civil)
- DIR 0870.20, Custody and Transportation of Subjects

Definitions:

- ~~Frisk: A cursory pat-down type physical search of a person.~~
- Body cavity search: Any visual or physical inspection of a person's internal genital or anal region with or without physical contact or intrusion into a body cavity.
- Frisk: An external patting of a person's outer clothing.
- Inventory: A mandated examination of a person or personal property, subsequent to arrest or seizure, An administrative, non-discretionary search made for the purposes of safety and documentation of a person's personal property.
- ~~Search: When a person's privacy interests are invaded. Unaided observation from a lawful vantage point is not a search in Oregon.~~
- ~~Seizure of property: When there is a significant interference with a person's possession or ownership interests in the property.~~
- ~~Strip search: A thorough search wherein the detainee's clothing is removed or rearranged so as to expose genitals, buttocks or breasts (when female).~~

Procedure:

~~1. Probable cause:~~

- ~~1.1. With certain exceptions (i.e., consent search, emergency aid, incident to arrest, parole/probation searches, and protective sweeps), most types of searches require probable cause to be valid. In general, probable cause to search Probable cause means that there is a substantial objective basis to believefor believing that more likely than not:~~
- ~~A criminal an offense is being, or has been committed and a person to be arrested has committed it.~~

- Reasonable suspicion: An objective test measured at the time and place the member acts and based on the totality of the circumstances, which requires a member to point to specific, articulable facts giving rise to a reasonable inference that a subject has engaged or is engaging in criminal activity.
- Search: When an officer intrudes upon a person's protected privacy interests.
- Seizure of a person: When an officer significantly interferes with a person's liberty of movement, including but not limited to pedestrian stops, traffic stops, and arrests.

~~1.1.1. Seizure of property: When Items of evidence pertaining to that criminal offense are in a specific place sought to be searched.~~

~~2. Search Warrants and Exceptions:~~

- ~~As a general rule, an officer significantly interferes with a person's possession or ownership interests in their property.~~
- ~~Strip Search: A search of a person that includes the removal of clothing to permit visual inspection of the person's groin/genital area, buttocks, breasts, or undergarments covering those areas.~~

Policy:

- ~~1. Both federal and state Constitutions protect every person against unreasonable governmental searches require a search warrant (see Directive 652.00). There are exceptions to this general rule, wherein a search warrant is not required as a prerequisite to and seizures. This policy provides guidance for members to act in accordance with the law and respect the constitutional rights of individuals during searches and seizures.~~
- ~~2. Case law regarding search and seizure issues changes frequently. The Bureau is responsible, with the assistance of the City Attorney's Office, for training members regarding updates to the law. Members are responsible for acting in accordance with current training.~~

Procedure:

- ~~1. General Requirements for Searches and Seizures.~~
 - ~~1.1. Members shall not use any class protected by law, City, or Bureau policy in exercising discretion to conduct a search or seizure, except as part of an actual and apparently credible description of a specific suspect or suspects in any criminal investigation.~~
 - ~~1.2. Members shall strive to conduct searches and seizures with dignity and courtesy.~~
 - ~~1.3. Members shall conduct property searches in a manner that leaves property in a condition as close as reasonably practicable to its pre-search condition.~~
 - ~~1.4. When safe and feasible, members shall explain the reason for the search or seizure to the person being searched or seized.~~
 - ~~1.5. Members are responsible for searching persons they transport as an arrestee, regardless of whether another officer previously searched the person.~~
 - ~~1.6. When safe and feasible, members shall conduct searches with another member present.~~

1.7. When safe and feasible, women members shall conduct searches of women.

1.8. When a member is unsure of a person's gender identity for the purpose of a search, the member shall respectfully ask the person how they identify in terms of gender.

1.8.1. Members shall respect the gender identity expressed or presented by the person being searched.

1.8.2. Members shall not frisk or search any person to determine that person's gender, sex, or to view or touch the person's genitals, or for any demeaning or harassing purpose.

1.8.3. If any person to be searched requests that a member of a particular gender conduct the search, the member should accommodate the request if safe and feasible.

1.8.4. Members shall not perform a more or less invasive search or frisk of a person based on that person's gender identity.

1.9. Members shall document all searches in a police report. Documentation shall include the reason for the search, the circumstances and results of the search, and any departures from this directive for safety or feasibility reasons (e.g., situations that could jeopardize an investigation).

1.10. Members are to be aware that this Directive is more restrictive than state or federal laws.

2. Searches.

2.1. Search Warrants.

2.1.1. The United States and Oregon Constitutions both require police to obtain a warrant before conducting a search (i.e., administrative, automobile, unless there is a lawful exception).

2.1.2. Members shall comply with Directive 0652.00 regarding search warrants.

2.1.3. Lawful exceptions to the requirement for a search warrant may include but are not limited to the following: abandoned/lost property, incident to arrest, community caretaking, ~~consent, and~~ emergency aid, ~~consent, exigent circumstances, hot pursuit, incident to arrest, parole/probation searches, protective sweeps, and stop & frisk~~. In order to search without inventory, and open and/or plain view.

2.2. Abandoned and/or Lost Property.

2.2.1. Searching abandoned property does not require a warrant for a lawful search because the search does not invade any privacy interest.

2.2.2. Abandonment may occur when a person physically discards and/or verbally denies ownership of property.

2.2.3. Members may inspect property in an effort to identify the owner. When the sole purpose for a search is to identify the owner, members must ~~comply with the requirements for an~~ stop the search once they identify the owner.

2.3. Incident to Arrest.

2.3.1. Members shall conduct a search of an arrestee if justified as:

2.3.1.1. Necessary to protect the arresting officer;

2.3.1.2. A precaution to avoid the destruction of evidence or escape of the arrestee; or

2.3.1.3. Reasonably related to the crime for which the person is arrested.

2.3.2. Members shall comply with Portland City Code Chapter 14C.10, Police Duties to Inventory Property.

2.4. Community Caretaking and Emergency Aid.

2.4.1. Community Caretaking.

2.4.1.1. Members may enter or remain upon a premises if it reasonably appears necessary to:

2.4.1.1.1. Prevent serious harm to any person or property; or

2.4.1.1.2. Render aid to injured or ill persons; or

2.4.1.1.3. Locate missing persons;

2.4.1.2. The circumstances under 2.5.1.1. do not create an independent exception as currently set down by the to the warrant requirement. Searches justified as community caretaking must also fall under a lawful exception to the warrant requirement, such as consent or emergency aid.

2.4.2. Emergency Aid.

2.4.2.1. The emergency aid doctrine provides an exception to the warrant requirement when the following conditions are met:

2.4.2.1.1. The member has a subjective belief;

2.4.2.1.2. that is objectively reasonable and based on articulable facts;

2.4.2.1.3. that a warrantless entry is necessary;

2.4.2.1.4. to either render immediate aid or assist those who have suffered or who are imminently threatened with suffering, serious physical injury, or harm.

2.4.2.2. Members conducting searches under this doctrine shall document the circumstances and their actions in a police report.

2.5. Consent Searches.

2.5.1. Both federal and state law allow police to conduct a valid search of a person, personal property, vehicle, or location, if the person being searched or the person in control of the property gives voluntary consent for the search.

2.5.2. Members may request consent to search a person, personal property, vehicle, or location for any lawful purpose, unless restricted pursuant to section 2.5.4. below.

2.5.3. Members should be aware that overuse of the consent search can negatively impact the Bureau's relationships with the community and should focus on obtaining consent in circumstances reasonably believed to be relevant to any investigation.

2.5.4. Procedure for Investigative Consent Searches During Pedestrian or Vehicle Stops (excluding Field Sobriety Tests (see Directive 0860.10, Traffic Citations and Arrests) and Weapons Frisks (see Section 3.2 below)).

2.5.4.1. Members shall only request consent to search a person, personal property, or vehicle during a stop if they have reasonable suspicion or probable cause regarding a crime.

2.5.4.2. Investigative Consent Searches During Stops require the following:

2.5.4.2.1. Consent is clear, specific, and unequivocal.

2.5.4.2.2. Consent is voluntary and obtained without coercion.

2.5.4.2.3. The person consenting has actual authority to give consent.

2.1.1.1.1.2.5.4.2.3.1. Members are not expected to determine whether a person has actual authority to consent to a search, as that is a question of law to be determined by courts. Members should inquire into a person's authority to consent whenever the circumstances raise a question on that issue.

2.5.4.2.4. If another person with authority to the property, vehicle, or location is present and refuses consent, then no search shall occur without probable cause and a warrant or a valid warrant exception.

2.5.4.2.5. The search does not exceed the scope of the consent given.

2.5.4.3. Documentation and Notice Requirements for Investigative Consent Searches During Stops:

2.5.4.3.1. Members shall inform the person of their right to refuse, and revoke, their consent.

2.5.4.3.1.1. If a person refuses to consent to a search, members shall not conduct the search, unless the search is otherwise constitutionally permissible (i.e., the member has/obtains a warrant or there is a valid lawful exception).

2.5.4.3.1.2. If a person revokes their consent to a search, members shall immediately terminate the search, unless the search is otherwise constitutionally

permissible (i.e., the member has/obtains a warrant or there is a valid lawful exception).

- 2.5.4.3.2. Members shall provide the consenting person with a Bureau issued information card regarding consent searches.
- 2.5.4.3.3. Members shall document the entire search, including the request for consent, the person's response, and any revocation, if applicable, via digital audio recording on their Bureau issued smart phone or Bureau approved recording device.
- 2.5.4.3.4. Members shall inform the person of their intent to record the interaction before starting the audio recording.
- 2.5.4.3.5. Members shall submit the audio recordings documenting the consent search procedure to DIMS before the end of their shift.
- 2.5.4.3.6. Members shall not take police action against any person for refusing or revoking their consent to a search.
- 2.5.4.3.7. Members shall document their reasonable suspicion or probable cause regarding a crime, and the results of the consent search, in a police report.

2.6. Exigent Circumstances.

- 2.6.1. Exigent circumstances sometimes allow for a warrantless search or seizure. Exigent circumstances exist when there is probable cause for a search or seizure, and police need to act swiftly to prevent danger to life, the imminent destruction of evidence, or a suspect's escape.
- 2.6.2. Members shall not create exigent circumstances by their own conduct in order to avoid seeking a warrant.

2.7. Inventory Searches.

2.7.1. Generally.

- 2.7.1.1. Members shall conduct inventory searches pursuant to Portland City Code Chapter 14C.10, Police Duties to Inventory Property.
- 2.7.1.2. Members shall process property and evidence according to Directive 0660.10, Property and Evidence Procedures.

2.7.2. Vehicles.

- 2.7.2.1. Members shall inventory the contents of any vehicle the member impounds, other than vehicles towed at private request.
- 2.7.2.2. Members shall consult with a Sergeant before impounding a vehicle that is part of a felony crime scene or known or suspected to contain evidence of a felony.

2.7.3. Persons.

- 2.7.3.1. Members shall inventory personal property in possession of any person taken into police custody whenever:
 - 2.7.3.1.1. Such person will be placed in a secure police holding room or transported in the secure portion of a police vehicle; or
 - 2.7.3.1.2. Custody of the person will be transferred to another law enforcement agency, correctional facility, or treatment facility.
- 2.7.3.2. The inventory shall include opening closed containers designed for holding money and/or small valuables, including but not limited to purses, coin purses, wallets, fanny backs, backpacks, briefcases, and jewelry pouches.

2.8. Open and Plain View.

2.8.1. Open view and plain view are two separate doctrines that, in different ways, remove the need for a warrant.

2.8.2. Plain View.

2.8.2.1. Members in a place where they have a lawful right to be may seize evidence in plain view without a search warrant.

2.8.2.2. Plain-View Seizure requires:

2.8.2.2.1. A justifiable intrusion onto the premises by the member;

2.8.2.2.2. The member observes the object in plain view from a lawful vantage point; and

2.8.2.2.3. The member has probable cause to seize the item observed.

2.8.3. Open View.

2.8.3.1. A member's observation, while lawfully outside but looking into a private space, does not require a warrant.

2.8.3.2. However, a warrant, or a lawful exception, is required to enter the private space or to seize evidence seen inside the private space.

3. Seizures.

3.1. The following are subject to seizure:

3.1.1. Evidence of or information concerning the commission of a criminal offense.

3.1.2. Contraband, the fruits of crime, or things otherwise criminally possessed.

3.1.3. Property that has been used, or is possessed for the purpose of being used, to commit or conceal the commission of an offense.

3.1.4. A person for whose arrest there is probable cause or who is unlawfully held in concealment ~~(i.e., children held in violation of a custody order and held in concealment from the court).~~

~~4. Member Responsibilities:~~

~~4.1. As this area of law is constantly changing, it is all members' responsibility to remain aware of current law (via Tips and Techniques, in-service training, etc.).~~

~~3.2. Generally, Weapons Frisks and Officer Safety.~~

~~3.2.1. Members may frisk a stopped person for dangerous or deadly weapons if the member reasonably suspects that the person is armed and dangerous to the member or other persons present.~~

~~3.2.2. If, during the frisk, the member feels an object which they reasonably suspect is a dangerous or deadly weapon, the member may take action as reasonably necessary to take possession of the weapon.~~

~~3.2.3. Weapons frisks do not require consent, however, members are encouraged (but not obligated) to ask for consent as a courtesy. Requesting consent for a weapons frisk does not trigger the procedure outlined in section 2.5.4.~~

4. Strip Searches and Body Cavity Searches.

4.1. Members shall obtain a supervisor's permission to conduct a strip search.

4.2. ~~Strip searches and inventories of a detainee may shall~~ be conducted by ~~a member of the opposite gender from that of the detainee.~~ When safety and other tactical considerations permit, in the judgment of the member(s) at the scene, the Bureau recommends that a member of members of the same gender as the person being searched, and witnessed by a second member of the same gender as the detainee conduct the search.

4.3. ~~When a strip search is conducted, the search will~~ If any person to be done by searched requests that a member of the same particular gender as that of ~~conduct the detainee. A second~~ search, the member,

~~preferably of the same gender as the detainee, will monitor the search (for safety should accommodate the request if safe and witnessing); feasible.~~

~~4.4. A probing search into the vagina or anus of a detainee will not be done except under the authority of No person may be subject to a body cavity search without a search warrant and will or lawful exception.~~

~~4.4.4.5. A body cavity search shall only be performed conducted by authorized medical personnel at a medical facility.~~

~~4.5. Members should document all searches in their notebook or an appropriate report. This documentation should include reasons for, nature of and results of the search.~~

~~4.6. Unreasonable searches can result in discipline, suppression of evidence in criminal court or an award of damages in civil court.~~

~~5. Inventories:~~

~~5.1. Vehicles: Every vehicle towed (except private request tows) will be inventoried (City Code 14.10). A Property Receipt must be completed accounting for all items seized. If the vehicle's owner or custodian is not available, a copy of the Property Receipt will be placed in a conspicuous place in the vehicle or given to the tow operator. When a vehicle is part of a felony crime scene, or known (or suspected) to contain evidence of a felony, members should consult with an investigative sergeant prior to towing the vehicle.~~

~~5.2. Detainees' Personal Property: Per City Code 14.10, members will inventory all property of detainees.~~

~~5.2.1. Prior to detention in a secure facility (i.e., police vehicle) or transport, members will remove all toxic, flammable, or explosive substances; contraband; articles or potential articles of escape; weapons and objects that are potential weapons.~~

~~5.2.2. Once a detainee is accepted at a detention facility (i.e., MCDC), members will handle the detainee's personal property in accordance with the detention facility's policies and DIR 660.10 (i.e., placed in MCDC with the detainee, placed in the Property Room as evidence or safekeeping).~~

~~Large items of personal property (i.e., backpacks) are not accepted by MCDC. Members will issue a Property Receipt for such items, and place those items in the Property Room. This property inventory is mandatory.~~

~~Inadvertent discovery of evidence of a crime does not preclude charging the detainee with the discovered crime.~~

#1

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, October 15, 2020 10:10:14 AM
Last Modified: Thursday, October 15, 2020 10:12:27 AM
Time Spent: 00:02:12

Page 1

Q1

Please provide feedback for this directive

Adding "Sworn members" will be helpful. Are PS3's allowed to inventory vehicles? If they are towing recovered vehicles, this would require they inventory the vehicle.

Q2

Contact Information (optional)

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Phone Number	503-764-6531

#2

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, October 15, 2020 10:15:32 AM
Last Modified: Thursday, October 15, 2020 10:18:08 AM
Time Spent: 00:02:35

Page 1

Q1

Please provide feedback for this directive

Remove "stop and frisk" and cease any such or similar activities.

Q2

Respondent skipped this question

Contact Information (optional)

#3

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, October 15, 2020 11:01:33 AM
Last Modified: Thursday, October 15, 2020 11:04:17 AM
Time Spent: 00:02:44

Page 1

Q1

Please provide feedback for this directive

Please provide definition of protective sweeps and a piece of verbiage that gives the person searching a little latitude for discretion of "protective".

Q2

Contact Information (optional)

Name	James Goleman
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#4

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, October 15, 2020 11:17:29 AM
Last Modified: Thursday, October 15, 2020 11:47:24 AM
Time Spent: 00:29:55

Page 1

Q1

Please provide feedback for this directive

This definition mentions gender specific to a body part which is inappropriate since people who are not female also have breasts: "Strip search: A thorough search wherein the detainee's clothing is removed or rearranged so as to expose genitals, buttocks or breasts (when female)."

Under Procedure; probable cause - protective sweeps should not be excluded from this requirement as the people subject to sweeps are the most vulnerable in our community and leave them in worse conditions afterwards; Police should absolutely have probable cause and encampment areas should be treated like the personal property that they are; Police should have to follow the same procedures as if entering a home as that is what they are doing.

Under Search Warrants & Exceptions: these exceptions need to be reined in: what constitutes an exigent circumstances? The hot pursuit exception should be done away with as it only means an officer needs to scare a subject into running to be validated for a search. Protective sweeps exception needs to be removed for the same reasons listed above under probable cause. Why is stop & frisk still listed as an exception? Why are we allowing any stop & frisk activity by police in our city when it is known to be harmful to vulnerable communities?

2.2.3. Property thatis possessed for the purpose of being used, to commit or conceal the commission of an offense. - This is an extremely broad statement that allows any creative officer to find justification for seizing property through their own determination of what it's use might be.

3.2. Generally, searches and inventories of a detainee may be conducted by a member of the opposite gender from that of the detainee. When safety and other tactical considerations permit, in the judgment of the member(s) at the scene, the Bureau recommends that a member of the same gender as the detainee conduct the search.

3.3. When a strip search is conducted, the search will be done by a member of the same gender as that of the detainee. A second member, preferably of the same gender as the detainee, will monitor the search (for safety and witnessing). - - This whole section needs a rewrite as there are more than 2 genders; our state driver's licenses include a non-binary designation and the directives followed by our police need to take that into consideration. People should be consulted as to what gender(s) they are comfortable with conducting searches of their person. They should also be given the option to not choose by gender and request an officer who is a member of the LGBTQ+ community to do the search. There needs to be better education around gender for police officers as this current procedure leads to misgendering and damaging assumptions and questions about genitalia which are inappropriate. It also may make some people more comfortable to have two people who identify as different genders present for their search; especially when nonbinary officers are unavailable. The person being searched should dictate all these things.

Q2

Respondent skipped this question

Contact Information (optional)

#5

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, October 15, 2020 4:33:28 PM
Last Modified: Thursday, October 15, 2020 4:35:11 PM
Time Spent: 00:01:43

Page 1

Q1

Please provide feedback for this directive

The language regarding genders being binary is incorrect. There is no such thing as an “opposite” gender. Best practice would be to ask detainees which gendered Officer they’d be most comfortable with.

Q2

Respondent skipped this question

Contact Information (optional)

#6

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Friday, October 16, 2020 10:32:09 AM
Last Modified: Friday, October 16, 2020 10:36:06 AM
Time Spent: 00:03:57

Page 1

Q1

Please provide feedback for this directive

The section about exceptions to search warrant requirements seems excessively broad. The number of exceptions is alarming and the reference to "stop and frisk" is particularly concerning.

Q2

Contact Information (optional)

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#7

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Sunday, October 18, 2020 8:53:20 AM
Last Modified: Sunday, October 18, 2020 9:32:22 AM
Time Spent: 00:39:01

Page 1

Q1

Please provide feedback for this directive

In now way, under absolutely no circumstances can ANY woman trust PPB to act respectfully toward woman within or outside of detention (3.2). Nor can we trust an accountability system you might think is available. This seems to give procedural support for existing intolerable misbehavior.

Q2

Contact Information (optional)

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#8

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, October 19, 2020 7:22:40 PM
Last Modified: Monday, October 19, 2020 7:58:25 PM
Time Spent: 00:35:45

Page 1

Q1

Please provide feedback for this directive

Sections 3.2 and 3.3: The term "gender" does not mean "male" and "female" to a fairly vocal group. To avoid all the complications associated with having someone "pick a side" perhaps the word GENDER needs to have a definition or an explanation that for the purposes of this directive, GENDER MEANS HAVING MALE PHYSICAL CHARACTERISTICS (I.E, A PENIS) OR FEMALE REPRODUCTIVE CHARACTERISTICS (I.E, A VAGINA).

Or there needs to be wording such as:

3.2. Generally, searches and inventories of a detainee may be conducted by a member of A DIFFERENT gender... the Bureau recommends that a member of the same gender OR SIMILAR GENDER as the detainee...

3.3. When a strip search is conducted, the search will be done by a member of the same gender or SIMILAR GENDER OR GENDER DETAINEE IDENTIFIES AS, AS LONG AS THE MALE OR FEMALE CHARACTERISTICS ARE THE SAME OR SIMILAR TO THE OFFICER... This is a can of worms.

The issue here is that if someone is non-binary or bi-gender or agender... then who is doing the searching, assuming the officer is none of these? Perhaps there needs to be verbage describing that if a male identifies as a woman, but has male reproductive parts, then that person is strip searched by a male officer. It is obvious that if a person has transitioned to another gender, post-op, then their current physical characteristics/identity should be respected.

But a person who identifies as a female with male genitalia should not be strip searched by a female officer. Similarly, a female that identifies as a male, but still has female genitalia should not be strip searched by a male officer.

While there is no way to please everyone and, as officers, we all know what is expected of us, where is the line drawn? We are already required to use THEY, THEM, in place of him or her (regardless of the person's physical characteristics) which creates a whole different set of problems for officers trying to speak about a group of people vs one person, especially when the subject matter includes both a single person and a group of people. Precedent has already been set by the City of Portland and the expectation will be that all genders are reference.

Regarding 4.1 and 4.2:

This directive makes no mention of closed containers. Portland City Code 14C.10.030 has very clear verbage regarding the opening of closed containers. This should probably be mentioned.

Q2

Contact Information (optional)

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Phone Number	503-545-3847

#9

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, October 19, 2020 8:26:39 PM
Last Modified: Monday, October 19, 2020 8:27:11 PM
Time Spent: 00:00:31

Page 1

Q1

Please provide feedback for this directive

appears reasonable and appropriate

Q2

Respondent skipped this question

Contact Information (optional)

#10

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Saturday, October 24, 2020 6:10:35 PM
Last Modified: Saturday, October 24, 2020 6:13:13 PM
Time Spent: 00:02:37

Page 1

Q1

Please provide feedback for this directive

search and inventory should not make reference to gender of individual. It should just be done the same every time.

If explosives are found, this directive should instruct officers to contact EDU. Explosive materials should not be handled by officers.

Q2

Contact Information (optional)

Name	Michael Hall
Phone Number	5035727582

#11

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, October 26, 2020 12:27:10 PM
Last Modified: Monday, October 26, 2020 12:28:42 PM
Time Spent: 00:01:32

Page 1

Q1

Please provide feedback for this directive

COMMENTS ON CRITICAL INCIDENT DUTY, SEARCH AND COLLISION BOARD DIRECTIVES, OCTOBER 2020

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

Below are Portland Copwatch's comments on the Critical Incident Altered Duty (416.00), Search/Seizure/Inventory and Collision Review Board Directives posted for review in October . Portland Copwatch (PCW) sent in comments on 416.00 in February and on 650.00 in May, 2018 (and we sent a link to those comments in August 2019). Most of the comments here are the same as our previous ones with a few updates. We did not previously comment on 640.52 but have done so here.

We would still like to see the policies include letters to identify 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 650.00 SEARCH, SEIZURES AND INVENTORIES

We commented on this Directive in October, 2014 and May 2018 (and provided a link to those comments in August 2019). It still appears that none of our comments led to changes in the policy. In fact, no changes were made at all to the policy, which is currently being considered as an extended comment period retroactive to 14 months ago.

We repeat our previous comments here with some fine-tuning and updates:

--One term that jumps out in the directive is the exception to searches needing warrants called "stop and frisk" (Section 2.1). While the term "frisk" is defined ("a cursory pat-down type physical search of a person"), the action of a police "stop and frisk" is not. Such behavior by police has generated serious mistrust in this community and across the nation (especially in New York), so a narrow definition of when/whether "stop and frisk" is lawful and appropriate would go a long way to build trust. We have repeatedly expressed concern that Portland officers will engage in what is actually "mere conversation" but preface it by conducting a pat-down, which seems inappropriate and possibly illegal.

--We asked for the Directive to be reviewed for its impact on transgender individuals, including the definition of "Strip Search" which refers to a person "when female." Also, we asked the PPB to clarify the provisions for officers who are of the "opposite gender" to perform searches based on the officers' judgment (Section 3.2). We recommend asking the suspect what they would prefer before performing a search. It's also troubling that the witness to a strip search, which is required to be done by an officer of the same gender as the suspect, can be witnessed by an opposite gender officer (Section 3.3). We hope the Bureau will reach out to LGBTQ organizations for input.

--While the definition may meet legal standards, defining "seizure of property" as "significant interference with a person's possession or ownership interests" doesn't quite cover "taking someone's stuff" for the layperson.

--Again, the law may be on the Bureau's side, but it seems very questionable for officers to use a property inventory to "inadvertently" discover evidence of a crime, then charge the suspect with that crime (Section 4.2.3).

Our recommendation to require officers to advise people being searched without a warrant that they have the right to refuse such a search appears to be part of Mayor Wheeler's plan for police accountability (per the Compliance Officer's October 2020 report, p. 54), albeit specifically tied to traffic stops. Wheeler proposed having people sign a waiver if they agree to a consent search, which is an idea we support. Perhaps, though, there should also be a checkbox for "I do not consent to a search" so the form itself is not seen as

650.00 Directive Feedback

coercive. Since many people either do not know their rights or are afraid to contradict an officer because they fear the consequences, we hope this Directive will incorporate a broad requirement for proof of consent for all discretionary searches. As we've noted before, the Directive should remind officers that it is ok for the community member to refuse the search without repercussion.

CONCLUSION

PCW recognizes that the Portland Committee on Community Engaged Policing have begun making recommendations on policies. It should be clear to the PPB that a group like PCCEP which meets monthly will be unable to meet 15 day deadlines. The policy team met with the PCCEP's Settlement Agreement and Policy Subcommittee on October 14. It is not clear whether the Bureau addressed how PCCEP will be looped in to future discussions. We hope that the PPB is taking note that hundreds of people have been pushing for change by taking to the streets, even under a pandemic, and that in some people's eyes PCW's common-sense proposals do not go far enough. Our philosophy remains that so long as there are police, we must have ways to hold them accountable. Should the Bureau be dismantled or replaced with other agencies, watchdog groups will likely have to keep an eye on policies of those groups as well.

Thank you for your time

--dan handelman and other members of
--Portland Copwatch

Q2

Contact Information (optional)

Name

Portland Copwatch

Email Address

copwatch@portlandcopwatch.org

#12

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, October 27, 2020 8:05:09 AM
Last Modified: Tuesday, October 27, 2020 8:06:59 AM
Time Spent: 00:01:50

Page 1

Q1

Please provide feedback for this directive

Section 3.5:

"Members should document all searches in their notebook or an appropriate report. This documentation should include reasons for, nature of and results of the search."

Feedback:

Using a notebook for record keeping is incongruent with the 21st Century Policing goals of Technology and Oversight . Additionally, it does not facilitate meaningful analysis and reporting on one of policing's most "high-profile" data points. By giving sworn personnel the OPTION to maintain written records OR make an electronic report, PPB's ability to perform the necessary analytical and administrative functions are undermined.

As stated in section 1.2 of PPB Directive 900.00:

"Members taking any official police action, on or off duty, shall write and submit an appropriate report to cover the incident, except in cases where the coded disposition sufficiently captures the resolution of the event."

...

"Members shall submit reports through the current Bureau-approved electronic platform."

Q2**Respondent skipped this question**Contact Information (optional)

#13

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, October 28, 2020 10:25:35 AM
Last Modified: Wednesday, October 28, 2020 10:26:00 AM
Time Spent: 00:00:25

Page 1

Q1

Please provide feedback for this directive

To Whom This May Concern:

After reviewing directive 0650.00 Search, Seizures, and Inventories I would like to offer a few suggestions to improve this directive.

Definitions:

(Inventory: A mandated examination of a person or personal property, subsequent to arrest or seizure, for purposes of safety and documentation.)

- The definition of inventory is too broad and can be interpreted by officers and even the public in different ways. To define it for the purpose of safety and documentation could mean anything. An example of this could be when an officer is conducting a mental health hold which is different than an actual arrest. This definition could mean that the officer has the authority to inventory what he/she/they had seized from that person all for the purpose of "safety and documentation." The term safety and documentation in this statement could also be interpreted in different ways. An officer could inventory someone personal property even though they have no reason to for the "purpose of safety and documentation to him/her." Thus, what initially would be a mental health hold, could turn criminal when it shouldn't if that officer had found something that might be incriminating all for the purpose of "safety and documentation."

(Seizure of property: When there is a significant interference with a person's possession or ownership interest in the property.)

- The definition of Seizure of property is too broad and the interpretation of this can mean many things. When an officer is "seizing" someone's property, what does this exactly mean? Are they seizing this as the owner/person is unable to care for their own personal belonging, is it due to something an officer considers that property to be unlawful; what does seizure of property entail? This definition needs to be a bit more clarified as the average public will not understand this definition and it could be interpreted in many different ways.

(Strip Search: A through search wherein the detainee's clothing is removed or rearranged so as to expose genital, buttocks or breasts (when female)).

- As we as a society advance in understand the biology and psychology of people, people have evolved and can associate in various genders especially the trans community. When reading this definition of "strip search," there appears to be a gender bias. Breast can also apply to an identified male. Thus, I would recommend removing (when female) to address a larger population.

(Member) Please add a definition of what this means. Does this mean member of the police bureau, member of the community, etc.?

Procedure:

2. Search Warrants and Exceptions

In the section that states: "In order to search without a warrant, members must comply with the requirements for an exception as currently set down by the courts" this language is vague and can be interpreted in different ways. The first paragraph provided what the exceptions were such as "(i.e. administrative, automobile exception, community caretaking, consent, emergency aid, exigent circumstances, hot pursuit, incident to arrest, parole/probation searches, protective sweeps and stop & frisk)." Since the bureau provided clear examples here, are there any other exceptions that should be listed? My suggestion is to provide the public with a clear understanding of what these exceptions are that are not needed without a warrant. The general public will not understand what this means, nor do they understand the requirements that is required by them. This portion of the procedure is vague and could be interpreted in many different ways. I would recommend cleaning up the language that provides clarity to what this means for the "member" to understand.

3. Member Responsibilities

As this is written, members of the community will not know where to look for this information on a "constantly" changing aspects. If the police bureau wants members to understand changes to a directive, it's in the best interest of the bureau to include some kind of accountability of publishing these changes so members of the community are aware of these changes. When navigating on the Portland Police Bureau website, this information is not readily accessible to the public. Instead, one has to search a couple of different times in various outlets, (i.e. google and Facebook posting), in order to read about current directives or input to directives that the bureau is plan on making. My suggestion is to please include some sort of link on the beginning page of the website for the community to read, conduct feedback and input to these directives instead of having to dig through and search before stumbling upon these directives.

Additional Feedback:

The information provided in this directive was very informative but could use some clarity as I highlighted above. It would be in the best interest of the bureau to please clarify as much of the definition, meanings, and examples that is provided in this directive in order for the public to understand and comprehend with clarity what this directive means. Additionally, a follow up publication of this directive

650.00 Directive Feedback

would be beneficial for the public to review before the directive is finalized. As this bureau know, it's been challenging times for all law enforcement agencies. It would be in the best interest to provide as much communication, time, and clarity to the public for them to read over directives such as these. Additionally, it would be beneficial if these directives could be found in an easily accessible place, rather than having to google search or scouring Facebook to find these directives. Thank you for your time.

Sincerely,

Levin Manabat, BSW

Q2

Contact Information (optional)

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Phone Number	5039959273

#1

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, November 16, 2020 11:41:59 AM
Last Modified: Monday, November 16, 2020 11:42:46 AM
Time Spent: 00:00:46

Page 1

Q1

Please provide feedback for this directive

Policy is very well explained.

Q2

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

Name	Chris Fassel
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Phone Number	8323306932

#2

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, November 16, 2020 2:06:54 PM
Last Modified: Monday, November 16, 2020 2:14:54 PM
Time Spent: 00:07:59

Page 1

Q1

Please provide feedback for this directive

2.6.3.3.1. Members shall clearly inform the person of their right to refuse, and revoke, their consent.

2.6.3.3.2. Members shall document the request for consent, and the person's response, via digital audio recording on their Bureau issued smart phone.

2.6.3.3.3. Members shall notify a person before audio recording them.

2.6.3.3.4. Members shall store the audio recording evidence in accordance with their specific RU's SOPs. If no SOP or RU database exists, then members shall submit the audio recordings documenting the consent search procedure to DIMS prior to the end of their shift.

2.6.3.3.5. Members shall provide the consenting person with written notice of their right to refuse, and revoke, their consent.

It unrealistic to require an officer on the side of the freeway, in inclement weather, etc. to give the required verbal requests/disclaimers, set-up and initiate an audio recording with their iPhone, and provide printed admonishments to a person. I cannot see how that is feasible.

Q2

Respondent skipped this question

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

#3

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, November 17, 2020 9:59:39 AM
Last Modified: Tuesday, November 17, 2020 10:08:27 AM
Time Spent: 00:08:47

Page 1

Q1

Please provide feedback for this directive

Consider adding a definition to define exactly what "member's good faith" means as disqualification for Emergency Aid mentioned in 2.5.2.1.2 under 2.5 Community Caretaking and Emergency Aid of 650.00 Search, Seizures, and Inventories.

Q2

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

Name **Deena Clark**
Phone Number **5038230721**

#4

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, November 17, 2020 5:11:38 PM
Last Modified: Tuesday, November 17, 2020 6:31:20 PM
Time Spent: 01:19:42

Page 1

Q1

Please provide feedback for this directive

Section 2.4-Automobile Exception

I believe that this could be explained better to the members and public. My understanding of current case law is that there is more to the third line; vehicle must be attended and operable at the time of the search.

Specifically, this can still apply after the driver has been taken into custody, for instance, there are other occupants in the car, or the driver has called a friend to come get their car at the scene. The keys do not necessarily need to be in the car, and this search can apply to closed containers, trailers, or other attached compartments to the vehicle that probable cause exists to search. I think it would also be good to add definitions to Contraband, and Fruits of the Crime. This is clearly different than Evidence itself and I think this can be confusing to members and the public.

Section 2.6.2.1-Consent Searches

Members may request consent to search a person, personal property, vehicle, or location when they have an articulable reason to protect themselves or others.

Under case law if a member has reasonable suspicion that a person is armed or poses a threat to them or others, officers do not need consent to perform a weapons pat down. The standard for a pat down is explained correctly in 3.2.1. Adding this line under consent is confusing to the members. It should be clear that Consent is always nice, but a member should not mix this with the reasonableness of a weapons pat down. Maybe explain the legal standard for a weapons pat-down prior to this and then explain that under the circumstance of a courtesy transport it could also be reasonable to ask for consent to pat down for weapons.

With the standard that the member is able to articulate why they are concerned about weapons in that circumstance.

2.6.3-Investigative Consent Searches

This is obviously the hot button issue of recent case law and some public opinions. I do appreciate that officers can record the consent simply with their bureau cell phone and that will assist in proving such consent in court at a later time. There will be a need for bureau training and development of how to do this correctly for the membership. This will protect individual's rights, and help officers understand an ever changing policy.

These are the things that I have an issue with in this specific section. In Oregon Vs. Botell the State Supreme Court held that officers may not ask questions during a traffic stop that are not "reasonably related" to the reason for the stop. They were specific about Traffic Stops and talk openly about concerns related to racial disparities and consent searches of cars during traffic stops. The Mayor also brought up this point in his 19 point program to improve PPB. For some reason the policy writers have decided to go ABOVE the Mayor and Courts rulings and decided to apply this to ALL stops. If this was not the intent of the new policy this needs to be changed. The real issue here is the use of basic traffic violations to forward proactive investigative stops. While federal case law and the majority of states have found case after case saying this is proper the Oregon State Supreme Court changed our states case law in the specific law enforcement traffic stop violation encounter.

Our policy should reflect this, and not apply to all stops. As we know, a stop is simply a lawful seizure of a person's movement. I think your policy is too general in using the term Stops, and should be changed to Traffic Stops to reflect current case law. The PPB has a history of making policies more restrictive to their members than case law or statute requires. This negatively effects members' abilities to provide good law enforcement services to the public and prevent future crimes.

An example of this is when the Miranda vs. Cornelius case law came out; the courts said that it was unreasonable to tow the suspended/uninsured driver's car from his own driveway. PPB then revised their Impound policy saying that we would not tow any car, from anywhere, including public street etc. for DWS, DUII or Driving Uninsured. The only exception being if the car was stopped as a Hazard to traffic or towed for Safekeeping. This results in PPB routinely stopping drivers with suspended licenses or no insurance and at most they receive a cite and then can drive away in the same car. This was a ridiculous over-reaction to a narrow case law decision that results in many suspended drivers without insurance driving all over Portland. This policy has not been changed despite many accidents, including fatal crashes, involving suspended, uninsured drivers in Portland.

650.00 Directive Feedback (2UR)

I have no faith that once this new consent search policy goes into effect that it will be critically revisited down the road and that it will become the new status quo. It will be another far-reaching policy change that effects members' abilities to do their jobs properly. I don't know why our leadership would want that, and I don't think this is what the public wants either. Officers certainly have to understand new case law, as in this fairly new case specific to traffic stops. It should not affect all stops, but this is how this policy is written. In the long run this will result in officers doing even less proactive work, and violent crime will continue to rise. As we know we have had a record number of shootings, robberies, stolen cars and burglaries in 2020 while also dealing with a pandemic and at times nightly riots. Crime will continue to rise if our leadership keeps taking away lawful work, supported by case law, which is necessary in stopping crime.

Q2

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

Name

Charles Asheim

Email Address

charles.asheim@portlandoregon.gov

#5

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, November 19, 2020 12:31:43 AM
Last Modified: Thursday, November 19, 2020 12:33:10 AM
Time Spent: 00:01:27

Page 1

Q1

Please provide feedback for this directive

2.7. Exigent Circumstances.

2.7.1. Exigent circumstances sometimes allow for a warrantless search or seizure. Exigent circumstances exist when there is probable cause for a seizure or seizure, and police need to act swiftly to prevent danger to life, the imminent destruction of evidence, or a suspect's escape.

I believe that line with "seziure or seziure" is a typo...probably intended to be "search or seziure"

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)
Started: Tuesday, November 24, 2020 9:17:50 PM
Last Modified: Tuesday, November 24, 2020 11:22:59 PM
Time Spent: 02:05:08

Page 1

Q1

Please provide feedback for this directive

This policy is an over-the-top burden on police officers who engage in proactive policework. Policework is predominantly reactive. They respond to crimes where individuals or businesses have already been victimized. Proactive police work gives the ability of law enforcement officers to prevent crime before it happens. This should be responsibly encouraged.

Section 1.9 tells officers they shall write a police report after any search. This does not seem to take into account the extra time the current report writing system takes to document even simple encounters. If 1.9 were to say that members shall document all searches in a police report, notebook or call notes instead of limiting it to just police reports, I think that would be less of a burden, less time consuming and still accomplish the documentation and reasoning sought. It is much easier to write notes associated to the call or write notebook notes than to use the current report writing system.

1.9 is also burdensome in it's likely unintended consequences. This section says all searches are to be documented in a police report. Section 2.6.2 (Protective Consent Searches) gives an example of a search of this kind as "requesting consent to frisk a person prior to providing a courtesy transport." Does this policy require the officer to write a police report for giving someone a courtesy transport off the freeway? To the max stop? I know officers always request a consent pat down or purse check before allowing someone into the back of their police car. This now requires a police report? Also, consent frisks and officers safety pat-downs are conducted by officers multiple times a shift throughout the city as they are responding to calls possibly involving weapons, domestic violence and/or mental health. Many of these calls are deescalated, victims are not located or it is determined no crime occurred. However, in the beginning of these calls these "protective consent searches" and/or officer safety pat-downs were reasonably done. It seems that under this policy, calls that result in no report being required due to how things ultimately unfolded, now require a report simply to document a pat down. This report then requires you to give all the circumstances about the call to justify the pat down. Reports are what eat up the time of patrol officers, lengthen response times, make the public less safe and officers less safe. In my opinion, section 1.9 is not well thought out.

2.6.2.1 says that members may request consent to search a person, etc., when they have an articulable reason to protect themselves or others, etc., This section confuses me because case law states that if an officer has reasonable suspicion (articulable reasons) that someone poses a threat to them or other people they can conduct that pat-down without consent. In a way I understand what this section is going for by the examples provided. Another example, if I'm understanding this, would be if you detained an individual and they asked to get cigarettes outside of their purse. You could ask them if you could search their purse first because the officers knows the purse is big enough to hold weapons. All that being said, I think if this section remains it should clear up confusion by saying something similar to: This is not to be confused with officer safety actions covered in Section 3.2 (Frisks and Officer Safety). I could see a new officer reading that and thinking they have to ask consent to pat someone down who they could articulate an immediate safety concern.

Section 2.6.3.1 takes an Oregon Supreme Court ruling regarding asking questions unrelated to traffic stops, changes it to all stops and then adds strict burdens on top of it. Instead of creating a policy in line with current case law this policy creates something so strict as to make a consent search impractical or useless. The audio recording of an officer requesting consent and the person responding is unsafe. If an officer has reasonable suspicion this person has committed a crime, they should not have to further draw out the interaction longer by reading them different admonishments, holding a phones up to their mouth, giving them paperwork, etc. all while hoping this potential criminal either does not run or work up the courage to act on an instinct to avoid incarceration. If an officer has reasonable suspicion and they can articulate that, then they should be able to ask for consent to search. I am fine with a requirement in 2.6.3.3.1.

Also, what if the subject does not want to be recorded but still gives consent? The policy does not clearly state what an officer can and cannot do in this circumstance.

I realize that this policy comes from concern over racial disparities in traffic stops. This was mainly driven by GVRT.

What I do not think is being taken into account is that consent searches by GVRT were both a way to maintain pressure on individuals at high-risk of gun crime while also avoiding punitive measures such as arrests for low-level drug crimes, low level

650.00 Directive Feedback (2UR)

warrants, low-level probation violations, traffic crimes such as driving while suspended and the towing of vehicles. I think the perception is that officers are pulling over your Average Joe or Jane all the time. Many of the individuals stopped in these instances were suspended, could have legally had their cars towed, were in possession of low amounts of drugs, had low level warrants and had any number of probation violations that could have brought them into police custody. Officers all over the city come into contact with individuals of all races who they suspect may be involved or about to be involved in criminal activity. If the obstacles to simply obtain a consent search are so great, then officers will rely on the legal path of least resistance. This path will involve utilizing low level crimes, towing of vehicles and arresting for probation violations as a means to investigate their suspicions. This, in my opinion, is not the intent of this policy and I believe if given the choice between going to jail or consenting to a search, most people who choose the latter.

I believe with the Oregon Supreme Court case law limiting the questioning by officers, a clear communication to the individual of their right to decline consent or revoke it and documentation of the search via call notes, notebook or report, you have a reasonable policy that does not make a consent search useless or obsolete.

However, with this policy as it is, you will see proactive policework plummet even further and, as a result, crime will increase.

Q2

Respondent skipped this question

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

#7

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Sunday, December 06, 2020 12:35:11 PM
Last Modified: Sunday, December 06, 2020 12:43:15 PM
Time Spent: 00:08:04

Page 1

Q1

Please provide feedback for this directive

Section 2.4-Automobile Exception

I believe that this could be explained better to the members and public. As I understand the current case there is more to the third line; vehicle must be attended and operable at the time of the search.

, this can still apply after the driver has been taken into custody, for instance, there are other occupants in the car, or the driver has called a friend to come get their car at the scene. The keys do not necessarily need to be in the car, and this search can apply to closed containers, trailers, or other attached compartments to the vehicle that probable cause exists to search. I think it would also be good to add definitions to Contraband, and Fruits of the Crime. This is clearly different than Evidence itself and I think this can be confusing to members and the public.

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With the standard that the member is able to articulate why they are concerned about weapons in that circumstance.

2.6.3-Investigative Consent Searches

This is obviously the hot button issue of recent case law and some public opinions. I do appreciate that officers can record the consent simply with their bureau cell phone and that will assist in proving such consent in court at a later time. There will be a need for bureau training and development of how to do this correctly for the membership. This will protect individual's rights, and help officers understand an ever changing policy.

These are the things that I have an issue with in this specific section. In Oregon Vs. Botell the State Supreme Court held that officers may not ask questions during a traffic stop that are not "reasonably related" to the reason for the stop. They were specific about Traffic Stops and talk openly about concerns related to racial disparities and consent searches of cars during traffic stops. The Mayor also brought up this point in his 19 point program to improve PPB. For some reason the policy writers have decided to go ABOVE the Mayor and Courts rulings and decided to apply this to ALL stops. If this was not the intent of the new policy this needs to be changed. The real issue here is the use of basic traffic violations to forward proactive investigative stops. While federal case law and the majority of states have found case after case saying this is proper the Oregon State Supreme Court changed our states case law in the specific law enforcement traffic stop violation encounter.

Our policy should reflect this, and not apply to all stops. As we know, a stop is simply a lawful seizure of a person's movement. I think your policy is too general in using the term Stops, and should be changed to Traffic Stops to reflect current case law. The PPB has a history of making policies more restrictive to their members than case law or statute requires. This negatively effects members' abilities to provide good law enforcement services to the public and prevent future crimes.

An example of this is when the Miranda vs. Cornelius case law came out; the courts said that it was unreasonable to tow the suspended/uninsured driver's car from his own driveway. PPB then revised their Impound policy saying that we would not tow any car, from anywhere, including public street etc. for DWS, DUII or Driving Uninsured. The only exception being if the car was stopped as a Hazard to traffic or towed for Safekeeping. This results in PPB routinely stopping drivers with suspended licenses or no insurance and at most they receive a cite and then can drive away in the same car. This was a ridiculous over-reaction to a narrow case law decision that results in many suspended drivers without insurance driving all over Portland. This policy has not been changed despite many accidents, including fatal crashes, involving suspended, uninsured drivers in Portland.

I have no faith that once this new consent search policy goes into effect that it will be critically revisited down the road and that it will become the new status quo. It will be another far-reaching policy change that effects members' abilities to do their jobs properly. I

650.00 Directive Feedback (2UR)

don't know why our leadership would want that, and I don't think this is what the public wants either. Officers certainly have to understand new case law, as in this fairly new case specific to traffic stops. It should not affect all stops, but this is how this policy is written. In the long run this will result in officers doing even less proactive work, and violent crime will continue to rise. As we know we have had a record number of shootings, robberies, stolen cars and burglaries in 2020 while also dealing with a pandemic and at times nightly riots. Crime will continue to rise if our leadership keeps taking away lawful work, supported by case law, which is necessary in stopping crime.

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)
Started: Monday, December 07, 2020 5:18:49 PM
Last Modified: Monday, December 07, 2020 5:22:04 PM
Time Spent: 00:03:15

Page 1

Q1

Please provide feedback for this directive

I appreciate the use of recording audio regarding consent of searches. I do not believe the directive is as clear as it should be regarding which device the officer can use (personal vs. department issued), length of time that the recording is kept, accessibility for the public to access the recording, and the ability for a law enforcement officer to interact, edit, or otherwise change the audio file.

If audio recordings are to occur in lieu of body cameras, the audio recording should be saved to a database immediately upon completion of the recording. It should not be on an officer's personal device. It should not be accessible to the officer to adjust, edit, or manipulate.

Q2

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

Name **Kyle Kemenyes**

#9

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, December 07, 2020 8:00:53 PM
Last Modified: Monday, December 07, 2020 8:05:44 PM
Time Spent: 00:04:51

Page 1

Q1

Please provide feedback for this directive

This is a good directive. These changes are very good and will hopefully one day extend to the state and federal level. The recent ruling that the Portland Police Department violated the restraining order to limit use of crowd control munitions, tear gas and more is no surprise. PPB needs more restrictions and real consequences for violating them.

Q2

Respondent skipped this question

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

#10

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, December 07, 2020 9:59:03 PM
Last Modified: Monday, December 07, 2020 10:00:58 PM
Time Spent: 00:01:55

Page 1

Q1

Please provide feedback for this directive

Fuck the police. Strip searches at all are inhumane and bullshit. Leave people alone, any search or seizure done by anyone in the PPB should be outlawed. The PPB should be abolished. No one in the city should trust anyone in the PPB to do any searches ever. Fuck You, Fuck Ted Wheeler, and i hope you all quit your jobs and find another career before we make you.

Q2

Respondent skipped this question

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

#11

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, December 09, 2020 10:11:06 AM
Last Modified: Wednesday, December 09, 2020 10:12:46 AM
Time Spent: 00:01:40

Page 1

Q1

Please provide feedback for this directive

Too open to police discretion. If they are the sole arbiters of when they can deem the conditions not safe for a search then they will abuse that power. Does nothing to address the problem that police don't follow directives. Need a much stronger standard.

Q2

Respondent skipped this question

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

#12

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, December 09, 2020 10:15:30 AM
Last Modified: Wednesday, December 09, 2020 10:15:47 AM
Time Spent: 00:00:16

Page 1

Q1

Please provide feedback for this directive

ACAB

Q2

Respondent skipped this question

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

#13

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, December 09, 2020 10:14:58 AM
Last Modified: Wednesday, December 09, 2020 10:17:15 AM
Time Spent: 00:02:17

Page 1

Q1

Please provide feedback for this directive

This was incredibly hard to find. This is how systems work to disenfranchise people. There is plenty of case law about how to manage search and seizure most of it dealing with it being illegal to seize property in the assumption of guilt. I don't have faith in your bureau or their interest in actually improving policing for the majority of residents in Portland.

Q2

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

Name **Doomscroller**

#14

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, December 09, 2020 10:17:32 AM
Last Modified: Wednesday, December 09, 2020 10:17:47 AM
Time Spent: 00:00:15

Page 1

Q1

Please provide feedback for this directive

It sucks.

Q2

Respondent skipped this question

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

#15

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, December 09, 2020 10:11:52 AM
Last Modified: Wednesday, December 09, 2020 10:26:38 AM
Time Spent: 00:14:46

Page 1

Q1

Please provide feedback for this directive

First of all, hiding the link for this feedback as much as possible is an incredibly childish move for people who are ostensibly adults and professionals. Making the feedback less than anonymous is asking for police retaliation against normal people, but I assume that's by design.

Second, what's the point of increasing accountability if there are no actual consequences to the behavior? We all know they're just going to ignore and abuse this directive so they can hurt more Portlanders, and city council will continue to ignore it. You'll rubber stamp anything PPB wants and then they'll use these tools as photo ops while allowing violent white supremacists to terrorize our city. This has been the cycle for years, long before this summer. You all must think the rest of us are as blind as you're paid to be.

Thanks for doing the bare minimum. You're all disgraceful. None of us average citizens will forget the roles you've all played during this time, and the city has a long memory. If you all didn't believe that, you'd actually live here.

Q2

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

Name **Sarah**

#16

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, December 09, 2020 10:25:26 AM
Last Modified: Wednesday, December 09, 2020 10:27:28 AM
Time Spent: 00:02:02

Page 1

Q1

Please provide feedback for this directive

Why? It is winter and we are in the middle of a pandemic. Are you heartless? Did you have terrible mothers? How can you be so mean?

Q2

Respondent skipped this question

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

#17

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, December 09, 2020 10:27:36 AM
Last Modified: Wednesday, December 09, 2020 10:31:08 AM
Time Spent: 00:03:32

Page 1

Q1

Please provide feedback for this directive

Did you guys suggest these changes because one of your officers was feeling up teenage girls during the riot arrests? Everybody saw that video her aunt sobbing about it. You guys must be proud. If police can't stop touching girls inappropriately maybe they should be fired? Do you really need a review process to know that?

Q2

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

Name **Eric**

#18

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, December 09, 2020 10:30:55 AM
Last Modified: Wednesday, December 09, 2020 10:33:36 AM
Time Spent: 00:02:41

Page 1

Q1

Please provide feedback for this directive

It is stated that non coerced consent is needed for a search to begin. When the police are involved, there is an implicit coercion as they are armed with both weapons and largely a legal immunity to consequence for their actions. Thusly, if you wish to follow the letter of your own law, the police should be completely barred from committing to the search or seizure of a person or property.

Q2

Respondent skipped this question

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

#19

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, December 09, 2020 10:39:34 AM
Last Modified: Wednesday, December 09, 2020 10:40:15 AM
Time Spent: 00:00:40

Page 1

Q1

Please provide feedback for this directive

Defund the fucking police and put my tax dollars towards infrastructure, education and healthcare.

Q2

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

Name **Geoffrey**

#20

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, December 09, 2020 10:26:18 AM
Last Modified: Wednesday, December 09, 2020 10:42:19 AM
Time Spent: 00:16:01

Page 1

Q1

Please provide feedback for this directive

- * The phrase "When safe and feasible" is used often. But safe and feasible is never defined.
 - * 1.2 Please define "dignity and courtesy" with regards to how a search should be done. The fact that you have to include things such as 1.8.4. demonstrates that members do not know how to search with dignity and courtesy. A search done with dignity and courtesy would not be more invasive because of someone's identity.
 - * 1.2 Further, "Members shall strive" means that the rest of the line is meaningless. I can strive to have a hot body but fail every time I want some sugar or do not want to exercise. What justification would a member need for failing to search with dignity and courtesy, if they said they were "striving to."
 - * Stop stealing from people.
-

Q2

Respondent skipped this question

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

#21

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, December 09, 2020 10:43:48 AM
Last Modified: Wednesday, December 09, 2020 10:44:19 AM
Time Spent: 00:00:30

Page 1

Q1

Please provide feedback for this directive

It adds nothing in terms of civilian protection to say that police needs higher ranking police to conduct a strip search (4.1). This is just a basic "ask your buddy if you can do something" clause. 4.3 states a body cavity search can be performed if there is lawful exception (i.e. if anyone breaks the law they are at the officers discretion for the use of a body cavity search). This language circumvents the addition of any level of police oversight or accountability, which is not ultimately what we the people want - we want you to be replaced with public servants who care for the well being of citizens whether they are criminals or not.

It is my belief that handcuffs of a responsible and deescalatory officer already offer all protection that a strip search would, without the shame or risk of sexual assault. Strip searches and body cavity searches are archaic and disproportionately used on BIPOC. This directive is disgusting.

Oh, and medical professionals are not meant to be cops. They should not be acting on your behalf to perform "peacekeeper's work." They are there to support wellbeing and health of civilians, not to stick their hands inside anyone you bring to them.

Q2

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

Name **Ted Wheeler**

#22

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, December 09, 2020 10:38:17 AM
Last Modified: Wednesday, December 09, 2020 10:49:34 AM
Time Spent: 00:11:16

Page 1

Q1

Please provide feedback for this directive

Our city has spent day after day giving you all feedback on how to make police accountable, and still you have a worthless mayor who is so ready to shut his eyes and ears and to use HIS police as hounds to sick on those who do not appeal to his ideal white wealthy quiet Portland.

Abolish the Portland police bureau and do not replace them with any similar entities, they are built and designed to bring pain and suffering to the people who actually LIVE HERE unlike themselves.

Dash cams and body cams, revising procedures that police DON'T FOLLOW ANYWAY and are not held accountable when they do not, any other reform will continue to result in the death of citizens especially Black and indigenous, at the hands of racist police and will continue to be upheld by our elected officials and police unions. You will not be doing an atoms worth of good for the people of this city until you abolish the police and redirect the mass funding to healthcare, housing, and emergency services. It's not really all that hard to comprehend and yet here you are, needing help from the citizens you have proven you don't care about.

Q2

Respondent skipped this question

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

#23

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, December 09, 2020 11:11:21 AM
Last Modified: Wednesday, December 09, 2020 11:12:39 AM
Time Spent: 00:01:18

Page 1

Q1

Please provide feedback for this directive

It sucks. Stop attacking the people. Take your evictions and shove it

Q2

Respondent skipped this question

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

#24

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, December 09, 2020 11:37:41 AM
Last Modified: Wednesday, December 09, 2020 11:38:25 AM
Time Spent: 00:00:44

Page 1

Q1

Please provide feedback for this directive

Your directives are oppressive and you need to quit your job, Ted

Q2

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

Name **Fuck12**

#25

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, December 09, 2020 12:11:54 PM
Last Modified: Wednesday, December 09, 2020 12:13:24 PM
Time Spent: 00:01:30

Page 1

Q1

Please provide feedback for this directive

Defund the Portland Police Bureau.

Q2

Respondent skipped this question

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

#26

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, December 09, 2020 11:18:54 AM
Last Modified: Wednesday, December 09, 2020 12:57:34 PM
Time Spent: 01:38:39

Page 1

Q1

Please provide feedback for this directive

Thank you for the opportunity to provide feedback as a member of the Portland community.

Please define what a "member" is. Sworn officer? Someone deputized? This is open for abuse.

Probable cause: "an offense" is too vague. Define. A misdemeanor? A felony? What kind of legal charge?

1.4: "if safe and feasible" should be struck. This is an ethical and rights requirement.

1.8.3: "if safe and feasible" should be struck. This is an ethical and rights requirement.

My biggest problem with all of this: what happens if your members DON'T follow these rules? What are the consequences? Because this reads like a suggested guide for action, not actual structured restrictions. I want to know what you will do when your members break these rules as they have and will likely continue to do. Until then, I have zero faith in the PPB because they will continue to abuse power.

Q2

Respondent skipped this question

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

#27

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, December 09, 2020 1:53:48 PM
Last Modified: Wednesday, December 09, 2020 1:54:58 PM
Time Spent: 00:01:09

Page 1

Q1

Please provide feedback for this directive

No, this is awful. In 2014 police used civil forfeiture to steal more property from the public than burglars.

Q2

Respondent skipped this question

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

#28

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, December 09, 2020 10:48:57 PM
Last Modified: Wednesday, December 09, 2020 10:55:04 PM
Time Spent: 00:06:07

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Q1

Please provide feedback for this directive

Feedback

Q2

Respondent skipped this question

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

#29

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, December 10, 2020 12:13:08 AM
Last Modified: Thursday, December 10, 2020 12:15:20 AM
Time Spent: 00:02:12

Page 1

Q1

Please provide feedback for this directive

The wording is to vague and does nothing to restrain officers from their already hostile tactics. Thanks for being sensitive about gender but this has a long way to go

Q2

Respondent skipped this question

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

#30

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, December 10, 2020 12:36:06 AM
Last Modified: Thursday, December 10, 2020 12:36:20 AM
Time Spent: 00:00:13

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Q1

Please provide feedback for this directive

ok

Q2

Respondent skipped this question

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

#31

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, December 10, 2020 8:44:29 AM
Last Modified: Thursday, December 10, 2020 8:45:02 AM
Time Spent: 00:00:33

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Q1

Please provide feedback for this directive

Fuck Ted Wheeler

Q2

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

Name **Fuckted Wheeler**

#32

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, December 15, 2020 5:29:17 PM
Last Modified: Tuesday, December 15, 2020 5:29:50 PM
Time Spent: 00:00:33

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Q1

Please provide feedback for this directive

COMMENTS ON SEARCH, "BRADY LIST" AND SUBSTANCE USE DIRECTIVES, DECEMBER 2020

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

Below are Portland Copwatch's comments on the Search, "Brady List," and substance use Directives posted for review in November/December . Portland Copwatch (PCW) sent in comments on previous drafts of the Search policy (650.00) in October, the "Brady List" (320.00) in August and the Alcohol Use policy (316.00) in February. The other substance use Directives (316.10 Drug/Controlled Substance Use, 316.20 Tobacco Use, and 316.30 Drug and Alcohol Testing) were not previously posted. The PPB says it is considering consolidating all four substance policies; PCW has no objection to this so long as the content is clear. We have no comments on 316.20.

As with our previous comments on the Brady List policy, (now called "Police Bureau Reporting of Potential Exculpatory or Impeachment Information"), we used the term "Brady List" as it is the common term for the roster of officers subject to disclosure for their possible lack of credibility in court proceedings in reference to a Supreme Court case.

We continue to urge the Bureau to add letters to identify 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 650.00 SEARCH, SEIZURES AND INVENTORIES

The posted draft for this policy is substantially different from the ones we commented on October, 2014, May 2018 (/August 2019) and in October this year. While some improvements have been made-- and reflect responsiveness to some of our previous concerns, other issues remain and/or are raised by newly proposed text.

First, though, we need to express extreme concern that the Bureau has cut the Section saying that "unreasonable searches can result in discipline, suppression of evidence in a criminal court or an award of damages in civil court." It should be included in the new version.

Next, some noticeable improvements:

--the term "stop and frisk" has been removed from the Directive, a PCW suggestion.

--new procedures have been introduced for officers to inform people of their right to refuse to consent to a search and to record the person's consent or refusal (Section 2.6.3.3), also a PCW suggestion. We still suggest, though, that officers be reminded that a community member refusing a search should not provoke the officer to become angry or try to change the person's mind.

--Definitions of "reasonable suspicion" and "seizure of a person" have been added.

--Several references to gender have been removed or clarified. PCW previously raised the question about the Directive's impact on transgender individuals without noting (as some other commenters) that Oregon recognizes people who do not declare a specific gender. The Bureau recognized the broader spectrum of gender in Section 1.8.3 where officers are asked to ask a person who identifies as transgender or non-conforming/non-binary what their preference is in terms of being searched. However the terms in Section 4 on "Strip Searches" should also find a better way to express the idea of officers of "the same gender" with that in mind.

Also:

650.00 Directive Feedback (2UR)

---There's a requirement for female members to search female suspects (Section 1.7); female as we understand it is a biological term and may exclude some people meant to be included in this policy;

---That said, there is are requirements to ask a person's gender identity (Section 1.8) and respect the person's expression of gender identity (Section 1.8.1), and restrictions against doing a search to determine gender (1.8.2) or conducting searches on people differently based on their gender expression (1.8.4).

--Related to strip searches, we appreciate the new sections requiring a supervisor's permission, a search warrant and/or a "lawful exception" for these overly invasive actions (Sections 4.1 and 4.3).

--Cautions to ensure officers have valid reasons to search are added in, including:

----a reminder about constitutional rights in Policy Section 1;

----restricting searches of a person fitting a "credible description" based solely on a "protected class" (Section 1.1);

----a reminder of the constitutional obligation to have a warrant with limited exceptions (Section 2.1.1); and

----Limiting officers from declaring an "emergency" to invoke an Emergency Aid exception (2.5.2.1.2), which is followed by a warning not to use such a declaration just because the officer wants to conduct a search (2.5.2.1.3), with similar restrictions put on the "exigent circumstances" exception (2.7.1&2).

--Other improvements include

----Urging that searches be conducted with "dignity and courtesy" (Section 1.2);

----Explaining the reason for the search (Section 1.4);

----Requiring a vehicle to have been in motion before an officer can invoke the right to search without a warrant (Section 2.4.1.2); and

----Recognizing the rights of people with equal property interest to refuse a search (2.6.3.2.4).

Then there are areas PCW found problematic, including:

--Officers are told to leave property "in a condition as close as reasonably practicable to its pre-search condition" (Section 1.3). We have been to houses after police searches where walls and doors were damaged and items were thrown about carelessly. The requirement should be more restrictive against property damage.

--Officers are required to search a person even if another officer already searched them (Section 1.5). Recognizing how intrusive searches are in the first place, this should only be done if a more thorough search is allowed/required and/or the suspect has had the ability to obtain new objects between handoffs.

--Officers documenting searches now have to include the "circumstances and the results" but not the reasons for the search (Section 1.9).

--Officers are allowed to search property that is considered "abandoned" or "lost," defining abandonment as a person "physically discarding" or verbally denying ownership (Section 2.2). This does not account for situations where officers believe a houseless person, for instance, has abandoned their property when they leave a site to use a restroom, nor does it require officers to ask other people in the vicinity whether they own the items.

--The ability of officers to conduct a search to "protect" themselves needs better definition in Section 2.3.1.1, or else it can easily be

650.00 Directive Feedback (2UR)

abused by overstating a perceived threat.

--Officers are allowed to view into a private space while lawfully outside (Section 2.9.3.1), but there is no caution against using intrusive technology such as binoculars, zoom lenses or infrared devices.

Finally there are places we believe more clarifications would help.

--Our previous comment on the definition of "seizure of property" is that most ordinary community members will not understand that "significant interference with a person's possession or ownership interests" means "taking someone's stuff."

--We previously raised the concern that the PPB allowed officers to "inadvertently" discover evidence of a crime during an inventory search; now the Directive is silent on the issue. It's of concern that inventories now allow opening closed containers (Section 2.8.3.2) without guidelines of finding "poison fruit," that is to say, evidence obtained without a warrant or reasonable suspicion.

--Under "consent searches" it may be helpful to explain that more details follow Section 2.6.1 explaining various types of consent searches.

--Where officers are allowed to frisk people for weapons (Section 3.2.1), it should be clear this can only happen during a lawful stop, not during "mere conversation."

CONCLUSION

We continue to appreciate that the community has an opportunity to give input into Bureau policy as long as Portland continues to have police. While the Bureau has made efforts to create a more user-friendly process for commenting on these policies, the redline versions, particularly of both nearly fully-rewritten Directives posted in November, leaves a lot to be desired. The automated redlining resulted in renumbering of existing Sections, sentences strung out among several pages, and enough confusion that we had to re-print the original and compare it line by line to figure out what was changed.

We thank the Directives project administrator for recognizing that our August comments on the Brady list Directive had been left out of the review packet, and adding them in to a revised packet. It's likely that the omission may have been in part because we sent those comments by email and not via the website's online submission process, but we hope the PPB will compile comments regardless of how they arrive. It's not clear, for instance, whether the Portland Committee on Community Engaged Policing (PCCEP) is being required to post their recommendations using that web portal. (To be clear, we do not think that should be necessary.)

We continue to urge that all response periods last at least 30 days to allow groups like the PCCEP-- which only meets once a month-- to be able to adequately discuss and respond to the policy proposals, especially when they are as important and complex as the Brady and Search Directives.

Thank you for your time

--dan handelman
--Portland Copwatch

Q2

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

Name

copwatch@portlandcopwatch.org