

**PORTLAND POLICE BUREAU LEARNING:**  
Improvements needed to strengthen  
existing processes

May 2012

**LaVonne Griffin-Valade**  
City Auditor

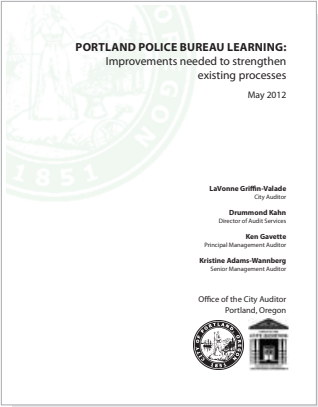
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# CITY OF PORTLAND

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May 15, 2012

TO: Mayor Sam Adams  
Commissioner Nick Fish  
Commissioner Amanda Fritz  
Commissioner Randy Leonard  
Commissioner Dan Saltzman  
Michael Reese, Chief of Police

SUBJECT: Audit Report – Portland Police Bureau Learning: Improvements needed to strengthen existing processes (Report #416)

The attached audit looked at the Police Bureau's efforts to improve operations through the collection, assessment and effective use of information gleaned from experience and external reviews. There can be few organizational goals more important than continually improving service delivery. This is especially critical for the Police Bureau's 1,000 sworn employees who are responsible for enforcing the law, are sometimes in potentially dangerous situations, and are given the authority to use force if appropriate. Mistakes can mean the difference between life and death for an officer or a community member.

We found the Bureau has made determined efforts in the past twenty years to improve its processes for collecting information and making organizational improvements. External experts have also come to this conclusion. However, we found several areas that require increased effort and change, including improving the timeliness of investigations of major incidents, initiating procedures to strengthen officer accountability, and reducing employee turnover in key positions.

We believe these improvements, in concert with the positive changes in the learning processes noted in the report, will enable the Bureau to make substantial progress toward continually improving services to the Portland community.

As a follow-up to our report, we ask the Police Bureau to provide us with a status report in one year detailing steps taken to address the recommendations in this report.

We appreciate the cooperation and assistance we received from Portland Police Bureau staff as we conducted this audit.

LaVonne Griffin-Valade  
City Auditor

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Attachment

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# Summary

Is the Portland Police Bureau a learning organization? Does it learn from its mistakes? With a force of 1,000 sworn officers who must periodically use judgment in life-threatening circumstances some mistakes seem inevitable, and they will sometimes appear to be repeated. We believe the important questions are:

1. Does the Bureau make attempts to improve its operations by collecting and assessing information, accepting outside expertise, and implementing improved polices and procedures?
2. Can the Bureau do better?

Our report finds the answer to both those questions is yes.

We studied the Police Bureau from three key organizational learning perspectives: 1) structural – including the systems and processes used to review incidents; 2) technological – which included an in-depth review of the Bureau’s system for identifying officers who may need help and mentoring; and 3) cultural – including an employee survey about how Bureau leadership values and reinforces learning in the lives of its employees. We focused our work primarily on the Operations Branch, where police and residents come into contact hundreds of thousands of times each year.

We found the Portland Police Bureau exhibits many of the characteristics of organizational learning. In the Operations Branch, the Bureau gathers information from street level events, reviews that information at many different organizational levels, and attempts to incorporate lessons learned into its policies, procedures and training practices.

We found there is no shortage of review processes in place, both internal and external, to review police actions and to recommend improvements. We also found the Bureau has made significant improvements in review and assessment systems over the past few years. The Bureau has been responsive to recommendations of outside experts and to ones made by internal review panels. The Bureau has also recently implemented a system using real-time information to flag employee behavior that may indicate a need for extra supervision and mentoring. This system incorporates industry best practices. However, officers who responded to our survey and in interviews reported that improvements could be made to some aspects of the Bureau's learning process.

We also believe a number of issues negatively affect the Bureau's efforts to collect information and achieve better results from its learning efforts: loss of experience in key positions because of excessive turnover; a lack of timeliness in investigating cases of alleged officer misconduct and in implementing important personnel accountability systems; a need for an easily understood, accepted framework, such as a matrix, to provide guidance to help consistently apply discipline; and a need for regular employee performance reviews. We believe these issues hinder the Bureau from taking full advantage of the learning processes already in place.

We make several recommendations for improvements which, in concert with efforts already underway, will enable the Bureau to make substantial progress towards being a better learning organization. We recommend the Bureau:

- Implement annual individual performance assessments.
- Implement a disciplinary matrix as a guideline for more consistent disciplinary decisions and a means of communicating expectations to employees.
- Produce regular management reports on the effectiveness and use of the Employee Information System.
- Research and implement efforts to reduce turnover in key positions.



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- Strengthen the cultural learning environment by addressing issues identified in our employee survey: providing additional training time for employees as appropriate and as funds become available; fostering a better atmosphere to encourage suggestions from employees; and encouraging upper level managers to spend more time in the field.
  - Explore ways to speed investigations of incidents and at a minimum give explicit, written authority to one person to advocate for the timely and thorough completion of officer conduct investigations.
  - Improve accountability and oversight for the SERT unit by continuing internal reviews, as reported by the Bureau, and by establishing a process to independently review SERT training.



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# Chapter 1 Background

## What is organizational learning?

A high performing organization gathers operational information and uses that information to improve its processes and service delivery. This can be referred to as organizational learning. Different organizations exhibit varying levels of organizational learning. According to a study in the Public Administration Review, the learning organization can be examined along three dimensions:

- Structural – The structural dimension includes policies and processes that promote information sharing regardless of organization hierarchy.
- Technological – Technology supports the organization’s ability to collect and communicate data.
- Social – The social dimension includes participative leadership and empowered employees.

Chapter 2

Chapter 2

Chapter 3

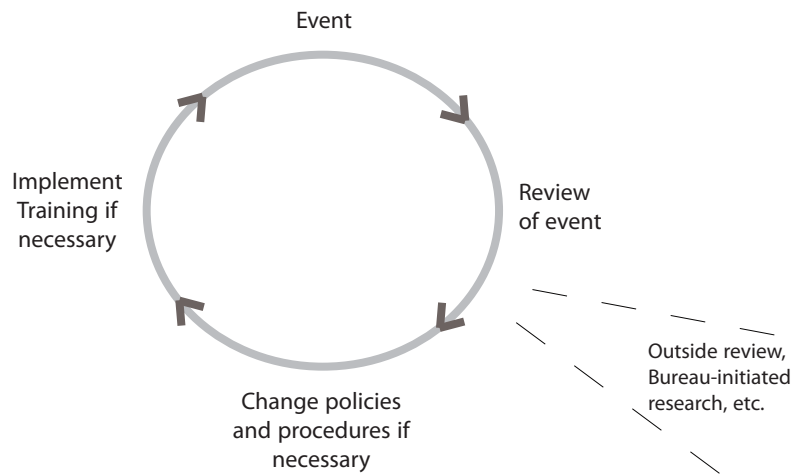
In short, a learning organization has processes in place to enable it to learn from both its failures and its successes. It collects information on how well things are working, assesses that information, empowers employees to suggest new ways of doing things without fear of ridicule or retribution, makes appropriate changes to policies and procedures, and imparts knowledge to employees. It is able to integrate this learning so that mistakes are less likely to be repeated.

**How the Police Bureau learns**

The Portland Police Bureau is a large, complex, multi-faceted organization, with about 1,200 employees. About 1,000 of those employees are sworn officers who are authorized to use appropriate force to enforce laws. Other Bureau employees collect and analyze crime data and provide information to solve crimes. Administrative and financial analysts provide budget expertise, human resource management and information technology resources. Each of these sub-organizations utilizes specialized data sources that collect management information.

This report focuses on the operational, “street level” work of the Bureau that directly affects Portlanders and constitutes the bulk of the Bureau’s service delivery, including over 200,000 calls for service each year.

**Figure 1 PPB Learning Process**



Source: Audit Services Division review of Portland Police Bureau documents

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During our review we found examples of many organizations and people who examine Police Bureau activities. Bureau internal processes include the Review Board, the Tort Review Board, Internal Affairs and the Training Division. City organizations that oversee Bureau activities, but that are independent from the Bureau, include the City Auditor's Independent Police Review division, the City Attorney, Risk Management, and the City Auditor's Audit Services Division. Entities outside City government include the Multnomah County District Attorney, the Citizen Review Committee, the Federal Department of Justice and the news media.

Most officer-resident encounters require some reporting, if only that a contact was made. In more serious cases, a formal, detailed report is required for internal review. Sergeants complete these "After Action" reports detailing what happened, how officers responded, and rendering an opinion as to the effectiveness of the actions. In cases that involve certain types of use of force, or where the potential discipline is a suspension without pay or greater, the review levels include a formal Police Review Board evaluation, which includes members of the community and staff of the City Auditor's Independent Police Review division (IPR). Review Board discussions in use of force cases include assessments by Internal Affairs, the Detective Division, and the Training Division. The formal hearings are facilitated by an independent contractor. The Board makes recommendations for policy changes and discipline to the Chief. A community member or officer involved in the case who disagrees with the Review Board's decision can appeal to the Citizen Review Committee. The Chief and the Commissioner-in-Charge are responsible for final determination of culpability and discipline.

Independent investigations and evaluations may also be conducted by the IPR.

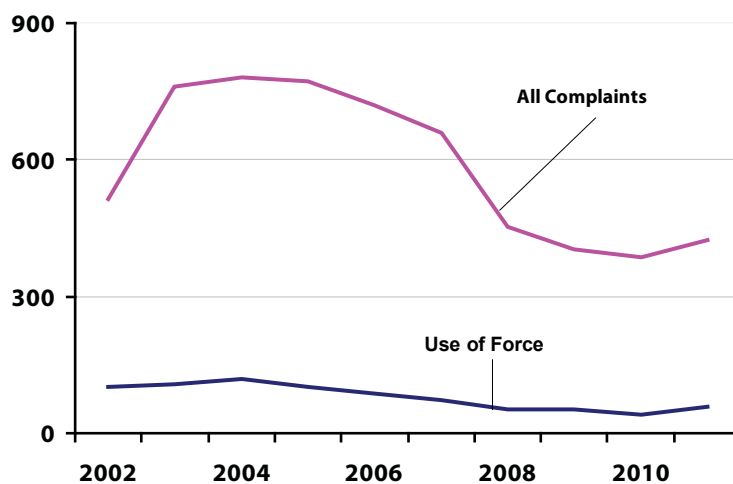
Policy changes and changes to training procedures may result from these recommendations.

**Why do this audit now?**

Despite improvements we cite in this report, public trust in the Police Bureau’s judicious use of its police power needs improvement. Recent Police Chiefs, including the current Chief, have spoken of rebuilding public trust and community relationships. A 2010 survey conducted by a local news agency and a national polling firm reported that about thirty-six percent of residents polled do not trust the Police Bureau, and forty-five percent think the police are too quick to use lethal force. It should be noted this survey followed a high profile officer-involved shooting incident. Since that time, however, there have been more high profile negative incidents widely reported in the media. Recently the United States Department of Justice has opened an investigation into the Bureau’s use of force practices, particularly in confrontations with persons in mental crisis.

But at the same time, there have been important policy improvements to Bureau operations which we cite later in this report, and there have also been improvements in several key result indicators of police-public encounters. For example, changes in the number of overall public complaints, use of force complaints, and even the numbers for the most serious force encounters – officer-involved shootings – have been improving. Complaints are down 17 percent, and use of force complaints in particular, are down 44 percent since 2002 (Figure 2). The Bureau also says that reported uses of force by its officers is down in recent years.

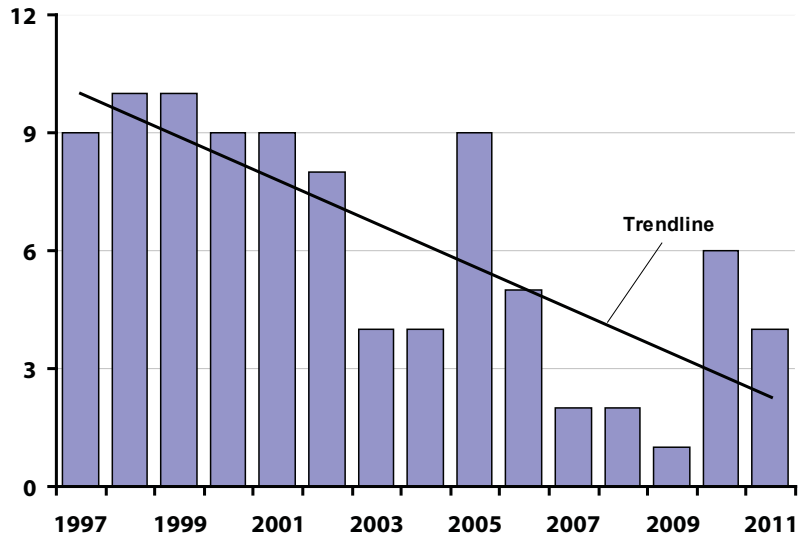
**Figure 2 Complaints to IPR, 2002-2011**



Source: Independent Police Review Division (IPR)

And while there has been a recent increase in the number of officer-involved shootings, the general trend over the past fifteen years has been down.

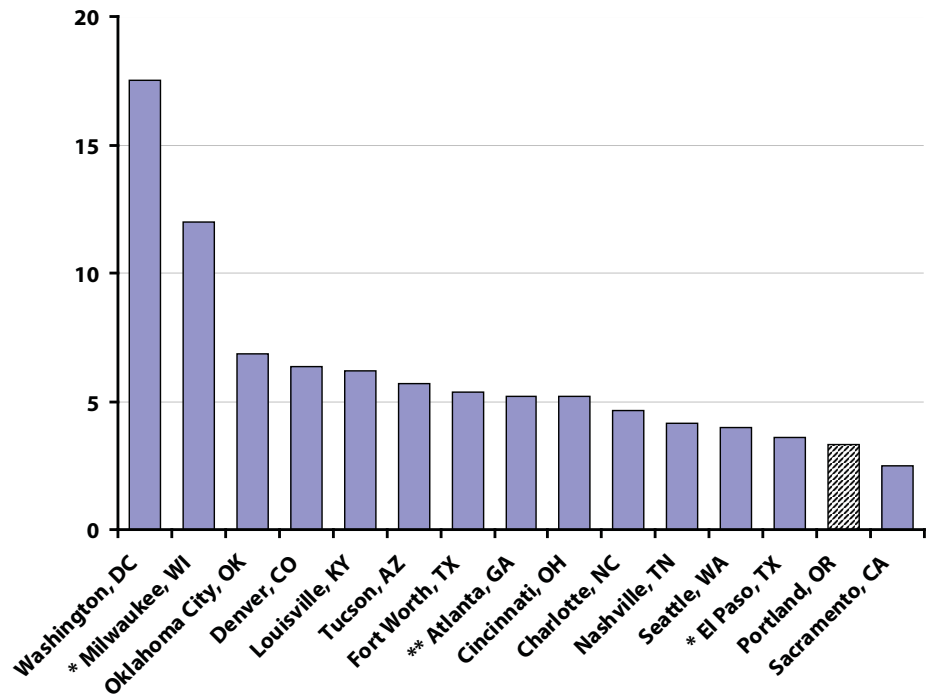
**Figure 3 Officer-involved shootings, 1997-2011**



Source: Independent Police Review Division. Trendline by Audit Services Division

In addition, we contacted representatives from 14 cities of comparable size to Portland (between 500,000 and 750,000 population) and found that Portland's rate of officer-involved shootings was relatively low. Figure 3 shows Portland's average annual rate of officer-involved shootings is second lowest among the group.

**Figure 4 Average number of Officer-involved shootings, 2006-2010**  
(cities 500,000 - 750,000 population)



Source: Audit Services Division survey of other city police agencies

\* 2007-2011

\*\* 2006-2010



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So why the gap in public trust? Perhaps because high profile cases continue to warrant public attention:

- Multiple officers cited for off-duty DUII
- Off duty officers cited in road rage incidents
- Large monetary awards given in use of force cases and to families of persons killed in officer-involved shootings
- Disciplinary decisions overturned
- Technical mistakes made by officers such as an officer wounding someone when mistakenly using live shotgun rounds rather than beanbag rounds

The public rightfully asks why these incidents continue and why, in their view, officers are not held accountable for their actions. And why these incidents happen despite improvements to policies and processes the Bureau has established in recent years. This audit addresses a vital public concern of how well the Bureau attempts to learn from past experience.



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## Chapter 2 **Structural and technological processes are in place to foster organizational learning**

Our review of past officer-involved shooting cases, the Bureau's response to those cases, and the structural processes the Bureau has in place to assess outcomes from those cases, shows that the Bureau has in place many of the necessary elements to learn from experience and improve operations, and that management is generally responsive to recommendations from both external and internal experts. Bureau representatives reported that important initiatives such as the Critical Incident Command system resulted from reviews of incidents.

The Bureau is also attempting to proactively identify officers with potential performance problems by implementing an Employee Information System.

### **Information collection and review systems extensive and improved in recent years**

Since the early 1990's and the introduction of Community Policing as a overarching philosophy, the Bureau has made a series of improvements to service delivery and instituted review processes to collect information and learn from its mistakes. In addition, the strengthening of civilian oversight has added a layer of public, independent accountability.

The major structural systems that collect management information and produce analyses and recommendations include:

- *The Review Board* – The purpose of the Review Board is to review incidents and investigate complaints of alleged officer misconduct, which includes, for example, certain use of force cases and cases where an investigation results in a proposed discipline of “suspension without pay” or greater. Prior to 2010, what was known as the Performance Review Board reviewed cases and recommended policy changes,

but its voting membership consisted only of sworn Bureau employees and one community member chosen by the Chief.

Changes made by City Council in 2010 significantly revised the Review Board's membership and improved transparency. Currently, voting members include one community member recommended by the City Auditor, a peer officer, an Assistant Chief, the Director of IPR or designee, and a Commander or Captain who supervises the involved officer(s). In certain serious cases, such as officer-involved shootings, an additional citizen and peer officer are included to review cases and to vote on recommended findings and discipline.

Advisory members, who provide technical expertise to the proceedings, include representatives from the City's Bureau of Human Resources, the City Attorney's Office, as well as from internal organizations such as Training and Internal Affairs. The Board hears detailed reports from Internal Affairs and the Training Division when appropriate. The Board makes recommendations to the Chief regarding findings and discipline. Findings may include recommended changes to policy as well as discipline. The Chief and Commissioner in Charge make the final decision whether to accept the Review Board's recommendations. Our review of cases, described in a later section of this report, shows that most of the Review Board's recommendations are accepted by the Bureau.

- *Professional Standards Division* – The mission of the Division is to promote organizational accountability by completing fair and complete internal investigations and to evaluate programs and policies to help improve operations. The Division consists of two main units, Internal Affairs, which is staffed by experienced investigators, and Standards and Accountability, which manages systems such as the Police Liability management system (including the tort Review Board), and the Employee Information System (EIS).
- *Employee Information System (EIS)* – EIS was fully implemented in December of 2011. The purpose of EIS is to identify issues or patterns of behavior in Bureau employees that may

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require intervention of some type. EIS regularly downloads data from various sources, such as the City's payroll system and Risk Management Database, Multnomah County's District Attorney Information Management Exchange, the Oregon Judicial Information Network, and the Administrative Investigations Management system, that show complaint and commendations data on officers.

Individual officers who meet thresholds on a variety of criteria are reviewed by supervisors and scheduled for interventions. Thresholds include:

- Three or more complaints of any kind within a six month period
- Two or more of the same specific allegation in a six month period
- An arrest to force ratio of 20 percent or more
- An arrest to force ratio three times over the shift average
- Any criminal complaint
- Any use of deadly force

Our detailed review of the EIS system showed that it mostly complies with best practices in the field of what is more commonly referred to as "early intervention systems." These systems are important to identify officers who may need help and mentoring before serious issues arise. It should be noted that the EIS does not replace a good supervisor. It merely acts as a supervisory tool. Our detailed review, along with recommendations for improvements, is contained in Appendix A.

While daily monitoring is done, no high level annual report is produced that identifies system performance measures and tracks those over time. This information is contained in the database, but there is no pre-designed report for management. To better utilize all features of the system, Bureau managers should receive this information in order to

determine how the system is being used, the efficiency of the process, and the effectiveness of the service.

Although the EIS complies with most best practices, the Bureau has not implemented the system in a timely manner. The Audit Services Division of the City Auditor's Office has long noted deficiencies in the Bureau's early intervention practices. In a 1993 audit we found the Bureau had a warning system which was not fully utilized as there was little evidence that all officers who were flagged for counseling ever received it.

We recommended the system be used as intended, as a tool to help identify problematic behavior and provide counseling and help to officers in need. The Bureau acknowledged the value of such a system, purchasing a computer system to help flag employees needing attention. Design of the more sophisticated EIS system which is currently in place began in 2005. It was delivered to the Bureau by its contracted designer in 2007, but was not fully implemented until December of 2011. More timely action on this item may have assisted the Bureau in avoiding some problems with individual officers over the past several years.

Bureau staff reported some of the barriers to implementing EIS involved labor and technological issues. They also cited the need to "vet out" the system.

- *Independent Police Review division (IPR) and Citizen Review Committee (CRC)* – IPR was established in 2001, along with the CRC, to receive complaints about police misconduct, to review the adequacy of Bureau investigations into resident complaints against officers, and to provide an appeal process for complainants who disagreed with police findings. In March 2010, that authority was expanded to include full investigatory powers of police actions, regardless of whether a community member lodged a complaint. IPR was also given authority to investigate complaints made by other officers and to participate fully in every aspect of administrative investigations, including of officer-involved shootings and in-custody deaths.

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IPR utilizes a database that tracks all complaints received. Staff issues quarterly and annual summary reports for the Chief, Commissioner in Charge, City Council and the public on IPR and Bureau activities, policy recommendations, and the status of recommendations.

IPR has also contracted with outside expert consultants to assist in the review of officer-involved shootings and in-custody deaths, and to produce public reports and recommendations for improvements.

Staff from IPR provides technical support to a panel of citizen volunteers, the CRC, which acts as an appeal body for officers and members of the public who disagree with Bureau findings on complaints. The CRC also has standing and ad hoc committees which review Police Bureau policies and training programs. They sometimes make recommendations directly to the Bureau for improvements.

- *Action Item Database* – Police Bureau managers recognized that they have not done a complete job of tracking the status of recommendations from various sources. As we found in this report, recommendations come from many internal and external sources, and tracking recommended changes is vital to a learning organization. Without a good tracking system, the valuable work that goes into analysis and review of important learning moments is wasted. For example, we found there was no documentation and no institutional memory why certain recommendations from the Review Board were not implemented.

Recognizing this as an organizational weakness prior to our audit work, the Bureau recently instituted an Action Item Database for tracking recommendations from any source and ensuring internal accountability for implementation. Figure 5 shows a screenshot of the database system and how it can be used to track implementation and accountability. The system is currently tracking about 40 open recommendations and contains records on an additional 63 closed recommendations.

Figure 5 Action Item Database screenshots

**Action Item Data Entry Screen**

Record ID # (New) Enter Another Item  
Refer Task # 0

Task Status [dropdown] Classification [dropdown]  
Task Description [text area]  
Task Origin [dropdown] Case # [text]  
Origin Date [text] Assoc. Name [text]  
Task Requirements and Specifications [text area]  
Task Assigned By [text] Assigned Date [text]  
Task Assigned To Task not yet assigned Assigned RU [dropdown]  
Task Due Date [text] Secondary RU (if any) [dropdown]  
Task Reassigned To [text] Reassign Date [text]  
Task Reassigned RU [dropdown]  
Misc Notes [text area]  
Task Outcome [text]  
Task Date Completed [text]

Save Record Info  
Authorization Memo  
Assignment Memo  
[Open/View Supporting Document Files](#)

**Closed / Completed Tasks**

| Task Status  | Task Description   | Classification | Assigned RU     | Assigned Date |
|--------------|--|----------------|-----------------|---------------|
| Closed       | Review selection criteria for AR operators.  | Training       | Training Div.   | 8/26/2010     |
| 13 Completed | Review when a supervisor should fill the role of AR15 rifle operator.                    | Training       | Training Div.   | 8/26/2010     |
| 14 Completed | Review & Amend Handcuffing Downed Subjects Policy  | Training       | Training Div.   | 8/26/2010     |
| 17 Completed | Adopt Protocols for On-Scene/Face-to-Face Civilian Interviews for In-Custody Deaths      | Policy         | Detectives Div. | 7/22/2010     |
| 18 Completed | Initiate Discussions with Union to Reform Interview Protocols                            | Other          | Detectives Div. | 7/22/2010     |
| 19 Completed | Revise Internal Investigative Protocols regarding the Transport of Officers from a Scene | Policy         | Detectives Div. | 7/22/2010     |
| 20 Completed | Initiate Dialogue with AMR to ensure Cooperation during In-Custody Death Investigations  | Other          | Detectives Div. | 7/22/2010     |
| 21 Completed | Consider having IAD Representatives Respond to In-Custody Death Scenes                   | Policy         | IA              | 7/22/2010     |

Source: Portland Police Bureau



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**Bureau responsive to outside experts**

Beginning in 2003, the Police Assessment Resource Center (PARC) issued a series of reports that examined officer-involved shooting and in-custody death cases and made recommendations for Portland Police Bureau improvements. Four reports were issued between 2003 and 2009. PARC was hired by the City Auditor for an independent expert analysis of the cases and to make policy recommendations that could reduce the likelihood of future incidents.

In the first report, PARC reviewed thirty-two PPB cases. The report found serious deficiencies in the investigative and review process that needed to be addressed. Among those were that many of the cases were not even reviewed by the (then) Review Level Committee. And those that were reviewed were not focused on lessons learned, and underemphasized policy and tactical issues. Interviews were not prompt, some witnesses were not interviewed, and officers were “pre-interviewed,” which could, in some circumstances, appear to be an effort to protect a PPB officer.

By the final report in 2009, PARC called PPB an “increasingly excellent” police department, citing “substantial progress.” The report noted improvements to the investigations process itself, including the manner in which the (then) Use of Force Review Board made use of detailed analyses by the Detective, Training and Internal Affairs Divisions, as well as After Action reports. PARC did note, however, that improvements could be made in each of those division’s individual investigations.

In addition, the Bureau was in agreement with all 27 recommendations made by the Los Angeles-based Office of Independent Review, an independent police auditing group, after a detailed review of James Chasse’s death in custody.

**Bureau has made attempts to address common issues identified by internal experts**

We reviewed 14 officer-involved shooting case files and one death-in-custody case from 2004 to 2010. These were cases that had not been reviewed by the PARC staff but which had been through a complete administrative review by the Bureau. We looked for common themes in the analyses and recommendations made by internal experts (primarily the Training Division) and the Review Board.

We found many issues related to field communication and field supervision. There were, of course, many different circumstances in these cases, but we believe that the Bureau should be able to learn from general themes that seem to recur.

Some examples of communication and supervisory issues follow, but it should be noted that we are not concluding that had these issues not been present the outcomes would be substantially different or that any officer or the Bureau is at fault. We are presenting findings by the internal Review Board as examples of communication and supervisory issues that arose from our case review. The Bureau implemented many recommendations by the Review Board in response to these incidents (highlights are listed on page 21 with details in Appendix B).

- Person shot while communicating with the Hostage Negotiating Team (HNT). Officer was basically out of contact with what was happening with HNT. Updates to those in the field were not given. Supervisor did not maintain fixed command center.
- Officer shot person driving a car. Training Division concluded that communication between the officer, 9-1-1, with other district officers, and with two officers on-scene was virtually non-existent.
- Officers shot man who appeared to take a shooter's stance at them. Internal review concluded there were not enough supervisors or officers initially on-scene.
- Man shot at by an officer who was unaware the man was in communication with other officers and was actively engaged in negotiations. Also, there was confusion about who the incident commander on scene was, so three supervisors engaged in negotiations resulted in a breakdown in communication. Officer who shot man had turned down lapel mike in order to not give away their position (officer did not have an earpiece).
- Man shot at during warrant service. One officer did not inform other officers he had previously been on the man's property (the man had seen the officer and was alert to them), and officers were not properly briefed. In addition, the supervisor had been awake for almost twenty-four hours.

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- In a cross-jurisdictional incident with Gresham Police, it was not clear which precinct sergeant was in charge.
  - Man shot by an officer even though the man was in communication with other officers. Three sergeants were on duty, but “none of them appeared to be monitoring the event” according to a Training Division note. The Training Division also noted, “the confusion and lack of coordination resulted in a delayed response...potentially contributed to a lack of situational awareness.”

### **Internal Review Board recommendations from these cases mostly addressed**

We requested a status report from the Bureau on thirty-nine major recommendations made through the Review Board process for the cases we reviewed. According to the Bureau and our review of documentation, of the total, thirty have been implemented, one is in process, and eight were not implemented. Most of the recommendations that were not implemented related to the production of video training. Although current Training Division managers did not know why specific videos were not produced as recommended, they speculated it had to do with not having funds available. Managers told us that training videos are relatively expensive and time consuming to produce.

Some highlights of the implemented recommendations include:

- Comprehensive research on best practices for use of force policy, and roll call video training on revised deadly force policy.
- Community education on understanding police procedures, particular distribution of pamphlets on what to do if you are stopped by police, and “Teens and Laws”.
- Purchase of earpieces for all officers who are authorized to use the AR-15 assault rifle.
- Full training scenarios using actual communication devices, and mandatory attendance by those who may be in charge at the scene of an incident.

- Making a priority of determining who is in charge on scene. This has been improved by training all sergeants in handling large scale events, and by including training in the Sergeant's Academy and Critical Incident management.

One recommendation made by the Review Board which was not implemented, was to establish an independent audit process to review Special Emergency Response Team (SERT) training methods. Based on our review of case files we believe that recommendation has merit and should be implemented.

The Bureau reported they currently review SERT procedures on a continual basis and employed an independent reviewer on at least one occasion. However, we believe this critical function should be reviewed periodically and regularly by an independent entity.

For a full listing of the recommendations we requested information about, please see Appendix B.

In addition to these Review Board-recommended efforts, Bureau managers told us that other important programs such as the Critical Incident Command system and the AR-15 review committee resulted from internally initiated reviews of these incidents.

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## Chapter 3 **Learning aspects of police culture need to be addressed**

In order to take full advantage of the learning systems and processes, Bureau employees must feel free to express their ideas and suggestions for improvements, knowing their efforts will be supported by Bureau leaders. In addition, the success of the learning process may depend on the degree to which learning attributes, such as training and employee input, are demonstrated as being valued by management. Our employee survey found that Bureau managers could do a better job of promoting and demonstrating they value these learning dimensions.

### **Employee perceptions are important to promote learning throughout the organization**

Based on work published in the Harvard Business Review, there are three primary distinguishing characteristics of a learning organization:

1. a supportive environment that encourages employees to share information without fear of harsh judgment
2. concrete learning processes that collect information and then transfers the information to employees
3. leadership that reinforces learning by actively soliciting ideas and viewpoints, and spending time on problem identification, knowledge transfer and reflection

Chapter Two of this report described the Bureau's major processes for collecting information and making improvements to operations. This chapter assesses the degree to which the Bureau provides a supportive learning environment and provides leadership that demonstrates the value of employee input for problem solving.

Employees are a vital component in any learning organization. Their perception of the degree to which the organization values learning attributes, such as information collection and training, impacts their full participation in organizational improvement efforts and will, to a large degree, effect the results of these efforts.

We conducted a Bureau-wide employee survey focusing on the three learning aspects above. Three hundred sixty-six Bureau employees responded (about 31 percent of all Bureau employees), with 246 identifying themselves as sworn employees. Employees rated their responses to statements, and many included narrative comments. In addition, we spoke with about a dozen officers to get more detailed information on several topics.

*A word about our analysis of statement scores – Many scores clustered around neutral on our rating scale. Few scores strayed far from neutral in either direction. One interpretation of a score close to neutral might be as “neither good nor bad.” However, in our judgment, we do not consider this to be a good score. Generally speaking, few organizations claiming to be high functioning would view scores indicating “neither good nor bad” to be the ideal position.*

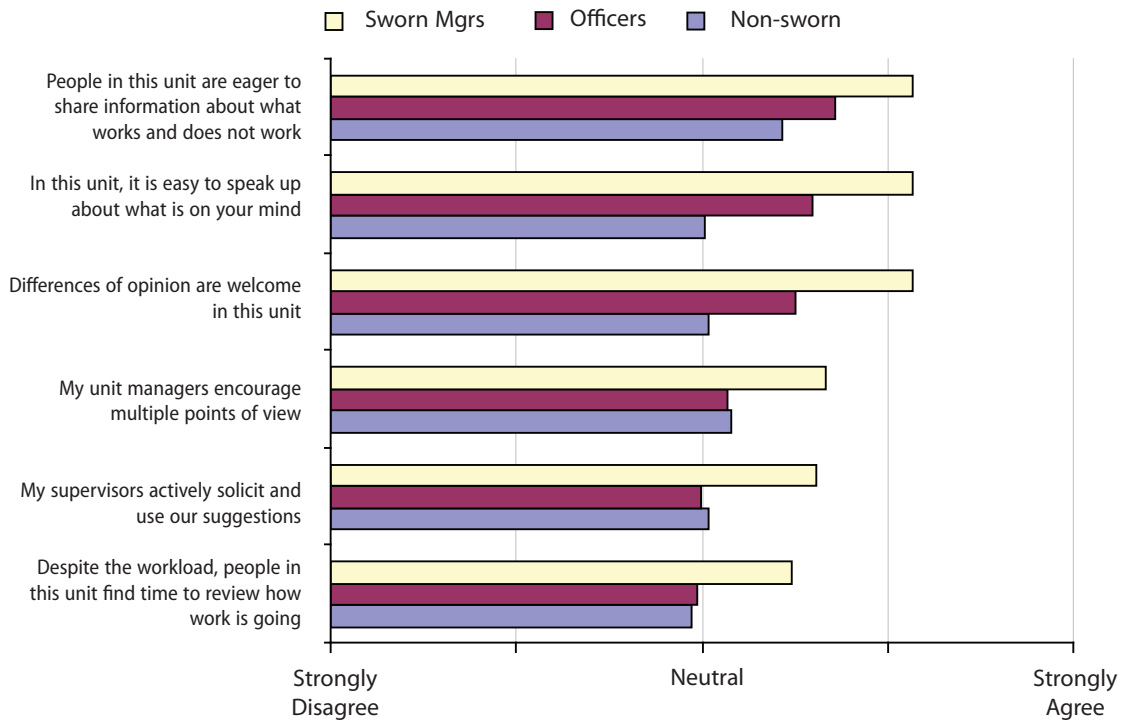
**Officers less positive than managers**

In virtually every survey statement below, responding officers were less positive about the Bureau than their managers. And generally, non-sworn (civilian) employees were less positive than sworn employees. Our discussion mainly focuses on officer opinions, since that is the focal point for information gathering and where changes to policy and tactics yield results for residents.

**Supportive learning environment needs improvement**

A supportive learning environment is one in which employees feel safe disagreeing with others, owning up to mistakes and presenting minority viewpoints. A well functioning learning organization recognizes the value of opposing ideas and takes time to review organizational processes.

**Figure 6 Supportive Learning Environment**



Source: Audit Services Division survey of Portland Police Bureau employees

Even though many officers feel it is easy to speak up about how things are going, many do not feel that enough time is dedicated to actively soliciting input and reviewing work. This can impede improvements, and perhaps contribute to employees who believe their opinions don't count. Survey respondents scored statements moderately highly: that in their units, it's easy to speak up about what's on their minds; that differences of opinion are welcome; and that people are eager to share information about how things are working. However, respondents gave mainly neutral ratings to supervisors actively soliciting and using ideas for improvements, and to managers encouraging multiple points of view. Many respondents also reported that there is not enough time given to reviewing how work is going.

Even though survey respondents gave relatively high marks to statements concerning the freedom to speak up about ideas, we heard

anecdotes from several officers and through survey comments that not everyone feels so positively. Several said that suggestions are usually respectfully listened to but that changes were rare. Several said that they, and others, had given up making suggestions. One officer complained he had been reassigned and retaliated against after raising concerns about another officer. Some said that officers who complained risked being labeled as negative and jeopardizing their career. These comments were also made by several respondents in employee survey comments.

Non-sworn employees responded much more negatively about their freedom to speak up with ideas or differing opinions. They feel about as negatively as officers that managers do not actively seek their input.

**Scores mixed for concrete learning processes**

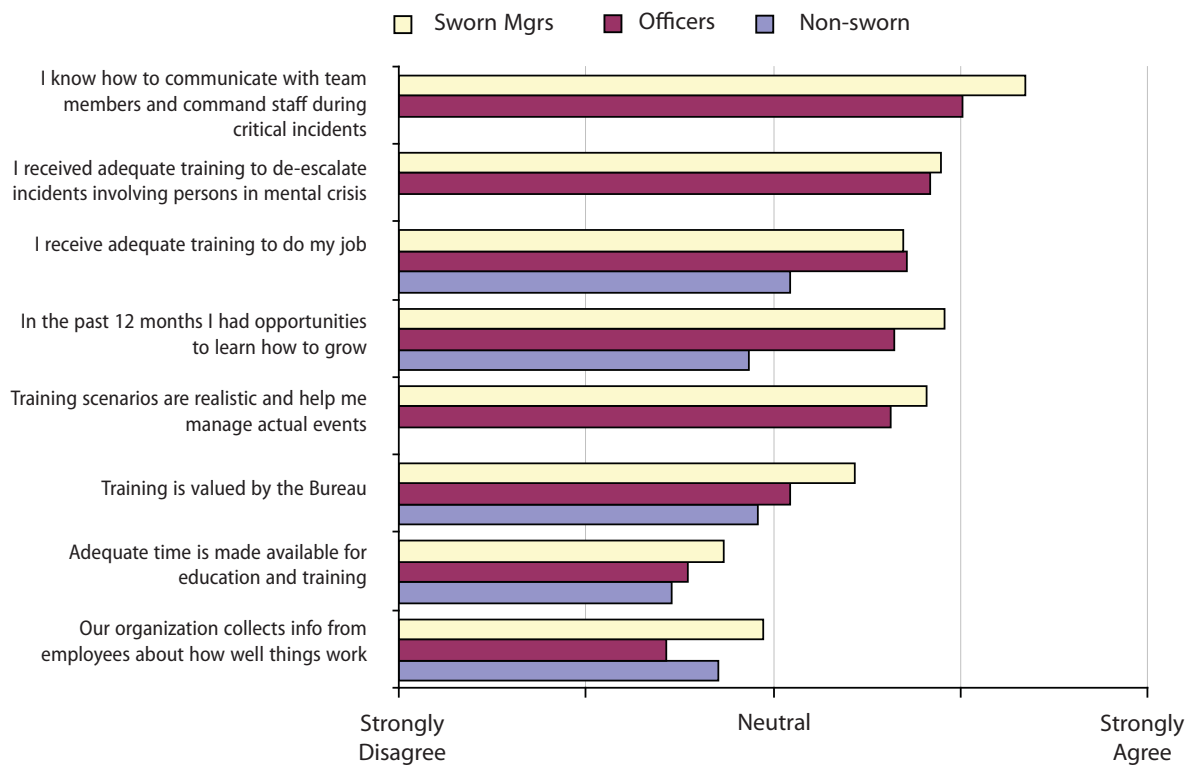
A learning organization has formal processes for collecting and disseminating information, for gathering information on customers and technological trends, identifying problems, and developing employee skills. While Chapter Two of this report identified Bureau processes for collecting and evaluating information, our survey focused on employee perceptions on how well the Bureau implements these aspects of a learning organization.

Employees in general do not think the Bureau does a good job of collecting information. One of the most negatively rated statements was the general statement, "Our organization collects information from employees about how well things work."

Sworn officers seem very satisfied with the quality of the training they receive, but do not think enough time is allocated for it. Sworn officers appear to be very satisfied with the realism of training scenarios, and are confident they know how to communicate information during critical incidents, and in de-escalating incidents with people in mental crisis.



**Figure 7 Information collection and training**



Source: Audit Services Division survey of Portland Police Bureau employees

Officers responded that not enough time is allocated for training. Adequate time for transferring knowledge (training) is a key signal of management’s value of learning. Non-sworn employees are even more negative about their training opportunities and the amount of time allocated for training.

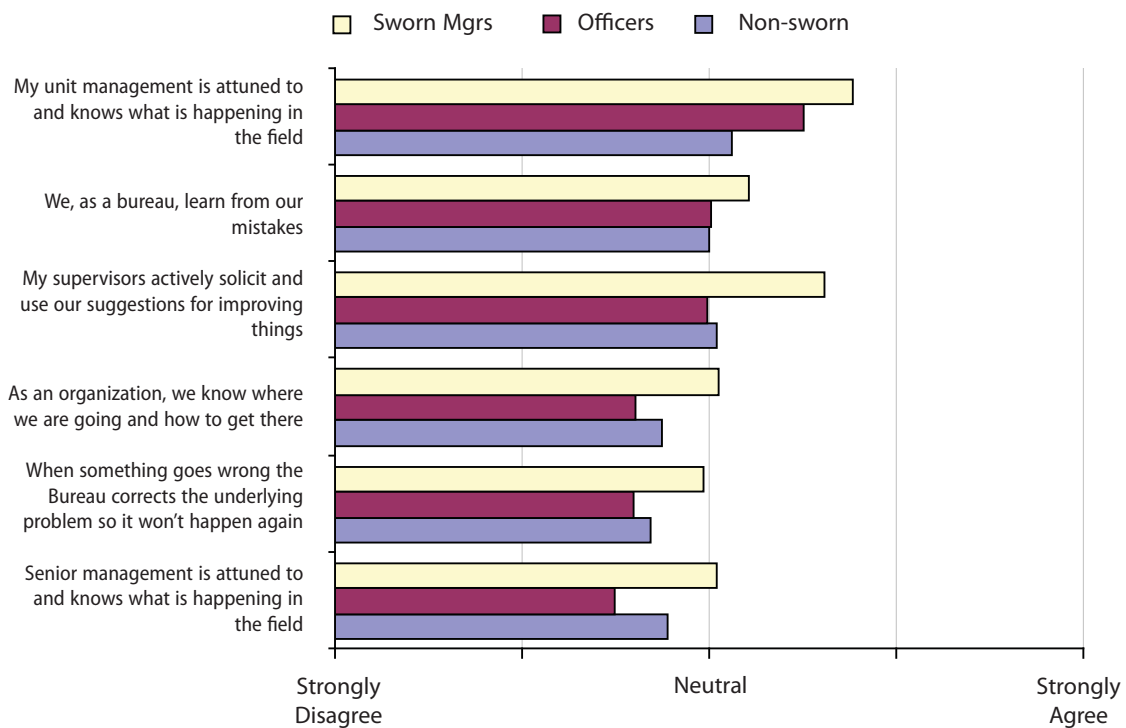
Bureau senior managers told us that the amount of training officer receive exceeds national standards. They also noted that additional training would require the City to provide more resources.

More experienced officers were much more negative on virtually every aspect of this category. For example, officers with more than ten years experience rated the adequacy of time available for training 12 % more negatively than officers with 5 -10 years experience. They rated the degree to which training is valued by the Bureau 13 % worse than officers with 5 – 10 years experience.

**Scores low for leadership reinforcing learning**

A learning organization’s leaders signal the importance of learning by allocating time for problem identification, knowledge transfer and reflection, and actively engaging in questioning and listening.

**Figure 8 Leadership and learning**



Source: Audit Services Division survey of Portland Police Bureau employees

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Respondents gave relatively low scores to statements about supervisors actively soliciting and using their ideas, and whether upper managers are attuned to what is going on in the field. While officers generally think their unit managers are attuned to what is happening, they reported that upper managers are not. This likely contributes to an overall poor view of the Bureau's ability to correct underlying problems and to relatively negative scores for management in general. Respondent opinions on the Bureau's results at correcting problems and for leading the organization in a planned direction are some of the lowest on the entire survey.

Officers we spoke with had concerns about upper management, the decision-makers, being disconnected from what is happening in the field. They wondered how the Bureau could learn from mistakes if the decision-makers had not been in the field to gain a current perspective. This was also mentioned in the employee survey comments.

Despite these perceptions, Bureau senior managers told us they currently spend time in the field working shifts and attending role call.

In addition, more experienced officers are much more negative of the Bureau efforts to correct mistakes and especially efforts to collect information from employees. Those officers with more than ten years experience rated the Bureau's efforts at collecting information 12% more negatively than those with 5 – 10 years experience. They rated the Bureau's general efforts at learning from mistakes 12% worse than those with 5 – 10 years experience.



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## Chapter 4 **Improving the effectiveness of learning processes**

The Bureau has made determined efforts to improve its processes for collecting information and making organizational improvements. Over the past 20 years, the Bureau instituted many new policies and procedures to review its operation and reduce the number of negative police-resident encounters. However, there continues to be a series of high profile cases that undermine public trust and offer learning opportunities for the Bureau.

While there are likely many variables that impact these events and the public perception of them, our review of cases, consultations with outside experts, and experience auditing the Police Bureau illuminate several factors that may help make the Bureau's improvement efforts more permanent and improve results. The following areas are key to improving the learning process and results:

### **Retaining institutional memory and taking advantage of experience by limiting turnover in key positions**

In some instances, employee turnover can be good for an organization. It provides an infusion of new knowledge, sometimes replaces poor performers and enhances the prospects for promotional opportunities for others. The cost of excessive turnover can be very high in tangible and intangible ways which include training costs and the loss of valuable experience that has been learned on the job. Key positions in the Bureau, especially first line supervisors, who are likely the first to spot individual officers who may need special attention and mentoring, are vital links in the learning process chain.

Turnover at the highest levels of the Bureau is common. While Police Chiefs depart for many reasons, turnover is frequent. Between 2000 and 2012, Portland had four Chiefs of Police, ranging in tenure from two to five years. During the same period there were six Assistant Chiefs of Operations, five Assistant Chiefs of Investigation, and five Assistant Chiefs of Support Services. Stability in these positions would likely provide the basis for sustained learning practices with Bureau-wide impact.

Bureau managers told us this is a complex issue which requires work with the Commissioner-in-Charge, the union and the Bureau of Human Resources.

There is also high turnover at lower management levels in the Bureau. We reviewed organization charts from several divisions within the Bureau including Training, Drugs and Vice, Detectives, Tactical Operations, and Central Precinct. The organization charts were from 2007 through 2011.

Two important examples of turnover rates:

- While there were only two Commanders at Central Precinct during the five-year period, we found significant turnover at all other management levels, from Lieutenant through Sergeant. Of the three total shifts, two -- the Afternoon and Night shifts -- had a different Lieutenant every year. The morning shift had three different Lieutenants in the five year period. Turnover within the ranks of Sergeant at Central Precinct ranged from 17 percent to 90 percent every year. This represents a significant loss of experience at the precinct line supervisory level, where officers frequently face challenging situations, use critical judgment, and need mentoring from those with more experience.
- The Training Division plays a critical role in the learning process by assessing incidents, determining compliance with existing policies and training practices, and making recommendations for improvements. While the turnover in the officer ranks in Training was relatively low, managers

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turned over at a high rate. In the five year period from 2007 through 2011, there were three different Commanders of the Training Division. Likewise, turnover in the lower management ranks of Lieutenant and Sergeant was high, and in one year all four sergeants left the Division.

**Improving timeliness  
in implementing  
important procedures  
and systems, and in  
completing internal  
reviews of incidents**

The timely review, development of recommendations and implementation of policy and training improvements is important to ensure that mistakes don't happen repeatedly and are corrected as soon as possible.

Our current review and past experience conducting audits of the Bureau shows that the Bureau could improve the timeliness of action to improve operations. For example:

- Our 1993 audit of the community complaint process found that the Bureau was not fully utilizing the system for identifying problematic officers with multiple complaints, and that increased supervisory attention would improve its function and results. Several years later, in 2005, the Bureau hired a contractor to develop the extensive system which is the current Employee Information System. The developer turned the system over to the Bureau in 2007, but it was not fully implemented until December of 2011. While this system does meet most best practices, timelier implementation of the system and better utilization of prior systems may have helped identify officers needing intervention over the past several years (see Appendix A).
- In the same 1993 audit, we noted that complaint investigations were not prompt. Timeliness is again an issue in the current audit, where we examined the time to complete administrative reviews of fourteen officer-involved shootings between 2004 and 2010. During that time period, on average, it took almost one and one-half years to complete administrative reviews and all investigations, and finalize recommendations from the Chief. Timeliness was cited as an issue by the employee union in several of these cases. A lack of timeliness may impede the learning process, delay needed changes, and erode public confidence in the entire review system.

Staff from the IPR has conducted studies of the timeliness of the Bureau's investigations of officer conduct and made recommendations for improvements. According to IPR staff, some improvements have been made to processes, notably the implementation of a case tracking system. However, IPR staff reported to us that in their opinion there is a barrier to pushing investigations to completion when many different PPB reporting units are involved. It is difficult, for instance, for a manager in one Branch, like Investigations, to insist that staff in another Branch, like Operations, complete their piece of an investigation. More coordination, or a single manager given cross-division authority to shepherd investigations through the process could ensure both speed and completeness.

**Initiating consistent approaches to officer accountability**

Identifying officers who need mentoring, additional training and perhaps even professional counseling is critical in a learning organization. As a key component in resident-police interaction, the officer must know what is expected of him or her and the potential consequences of their actions. One important tool that organizations, including much of the rest of the City of Portland use to gain this information and provide employee feedback, is the annual performance appraisal. In addition, determinations of fault and recommendations for discipline for poor performance are sometimes overturned in arbitration if disciplinary decisions are not consistent. In some cases, as shown above, over a year of work by many people in the Bureau could be wasted, and changes to policy effectively blocked.

**More consistent discipline**

While there have been few arbitration awards since 2000 that overturned Bureau-imposed discipline, some have been high profile cases and illustrate weaknesses in the Bureau's application of discipline. There have also been many cases that have fallen short of full arbitration, but where officers' final discipline was reduced following the submission of a formal grievance.

Bureau managers said they do have in place a process by which similar cases are reviewed before a disciplinary decision is made.



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*Grievances* – When Bureau employees submit union grievances about discipline, a typical claim is that the discipline was inconsistent and more harsh than similar past cases. In many cases, this results in reduced discipline for the officer. Of the twenty completed cases since 2006 where officers disagreed with their discipline and filed initial grievances with the union, eleven were ultimately settled or arbitrated for less discipline than originally imposed by the Bureau. Although specific reasons for settling for lesser discipline are not always stated in documentation, City Attorneys told us that grievances almost always include a claim that the proposed discipline is harsher than in past similar cases.

*Arbitration* – Cases are arbitrated by a neutral third party when the Bureau and the grievant and the union don't agree on a settlement. We found several cases in which the arbitrator specifically determined that the discipline did not align to past practice or the seriousness of the offense.

In one case where the officer was discharged and re-instated, the arbitrator agreed there was unsatisfactory performance by the officer, but "did not rise to the level of conduct that demands immediate termination." It was noted that there was substantial disagreement among the command staff that the discipline was too harsh before it was imposed. A second officer's discharge was overturned because it too did not "rise to the level sufficient for permanent separation from the police force."

In another case, the arbitrator wrote that a demotion was inappropriate and excessive considering the nature of the offense, and not consistent with past disciplinary actions. The arbitrator was "troubled" by the Bureau's choice of discipline.

In yet another case, a substantial suspension without pay in a high profile officer-involved shooting was overturned because no internal investigation had been done, so the Chief was not in possession of all the facts in the case before the officer was suspended.

According to records we obtained from the City Attorney's Office, of 20 settled or arbitrated cases where officers filed formal grievances

disputing their discipline since 2006, 11 cases had discipline reduced from the original determination by the Chief of Police. While it is not clear how many were reduced primarily due to an inconsistent level of discipline, City Attorney representatives said that inconsistency is virtually always an issue in these grievances.

The frequency with which disciplinary decisions are reduced or overturned is a frustration for police agencies nationally, not just in the City of Portland. In response to this problem, some police agencies (including the Washington State Patrol, Tucson, Arizona, Multnomah County, and others) have adopted a discipline matrix which is designed specifically to improve the consistency of discipline imposition and officer accountability. Union officials in some cases have also endorsed the idea. More consistent guidelines for making disciplinary determinations may help officers understand the consequences of their actions and improve accountability and performance. We have provided three examples of discipline matrices and guidelines in Appendix D.

#### **Using annual performance appraisals to improve officer performance and career mentoring**

Identifying officers who may need help on specific problems and additional training on policy and tactics could be aided by instituting a system of annual performance appraisals. These appraisals also offer an opportunity for employees to request feedback on their performance, request specific training, and obtain career guidance. Results of performance appraisals can also be useful in the Bureau-wide learning process by allowing the Bureau to tailor and focus training efforts on areas of demonstrated need. Existing reward systems are reinforced when accompanied by a performance appraisal system reflecting consistent values.

BHR's Manager/Supervisor Toolkit says that annual performance reviews provide both supervisors and employees with the opportunity to review the employee's successes and challenges of the previous year. They also provide a formal structure for delivering two-way feedback and discussing mutual expectations, identifying any issues

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that are preventing the employee from achieving optimal performance. They also are used to determine a course of corrective action if needed.

In the City of Portland, all non-represented employees are required to have a performance review annually. In addition, one of the City's largest employee unions, the City of Portland Professional Employees Association (COPPEA), with about 700 members, includes annual performance reviews in its collective bargaining agreement. Although Bureau officers do not currently receive annual performance reviews, these reviews are allowed under provisions of the union contract, but will likely need to be negotiated.

In concert with the Employee Information System cited earlier in this report, an annual performance appraisal system would give the Bureau a comprehensive system for employee evaluation and an opportunity for extensive employee feedback and performance improvement.



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## Chapter 5 **Recommendations**

The following recommended Bureau improvements, in concert with the positive changes in learning processes we noted in this report, will enable to the Bureau to make substantial progress in both collecting information from the field and its employees, and in using that information to learn from its failures and successes.

We recommend the Commissioner-in-Charge of the Portland Police Bureau instruct the Chief of Police to implement the following recommendations:

### **1. Implement annual individual performance assessments**

With guidance from the Bureau of Human Resources, the Bureau should institute a system of annual individual performance appraisals for all employees. These appraisals would offer an opportunity for employees to request feedback on their performance, request specific training, and obtain career guidance. Results of performance appraisals can also be useful in the Bureau-wide learning process by allowing the Bureau to tailor and focus training efforts on areas of demonstrated need. This is permitted under the current PPA agreement, but will require additional discussions with union representatives.

### **2. Implement discipline matrix**

With guidance from the City Attorney's Office and the Bureau of Human Resources, the Bureau should adopt disciplinary guidelines in the form of a matrix. Such guidelines will

help officers understand the consequences of their actions, improve accountability and performance, and may decrease the frequency of reduced or overturned disciplinary decisions. Please see Appendix D for examples from other police jurisdictions.

**3. Explore ways to speed investigations of incidents and at a minimum give explicit, written authority from the Chief to one person to advocate for the timely and thorough completion of officer conduct investigations.**

Recent improvements to tracking the progress of investigations are important, but more could be done to ensure that timelines are adhered to across Bureau divisional boundaries. Authority and accountability should be assigned to one person who has explicit, written authority from the Chief to coordinate and push investigations across the Bureau's divisional boundaries while assuring both speed and completeness. That person should provide periodic updates directly to the Chief. The Chief must make it clear that timeliness in these cases is a Bureau priority.

Bureau managers told us they recognize timeliness is an important issue but are limited to some degree by review processes that are outside their control. Some are dictated by State law.

**4. Improve accountability and oversight for the SERT unit by establishing an independent process to review SERT training.**

This recommendation was originally made in 2007 by the Police Review Board as part of the review of the Raymond Gwerder fatal shooting.

The Bureau reported they currently review SERT procedures on a continual basis and employed an independent reviewer on at least one occasion. However, we believe this critical function should be reviewed periodically and regularly by an independent entity.

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**5. Produce regular management reports on the effectiveness and use of the Employee Information System**

- a. To better utilize all features of the system, Bureau managers should receive regular management information to determine how the system is being used, the efficiency of the process, and the effectiveness of the service.
- b. The Bureau should implement a system to ensure that each individual employee intervention is carried out to completion as proposed.

**6. Research and implement efforts to reduce turnover in key positions.**

These efforts could be focused on recognizing and rewarding technical expertise gained by staff members who stay in certain key positions. Tenure in these key positions could be encouraged by expanding pay grades within certain classifications, granting bonuses for tenure in those classifications, offering additional specialized training and professional certifications, and de-coupling promotional opportunities from management.

This may require the Bureau to work closely with the Commissioner-in-Charge, the union and the Bureau of Human Resources.

**7. Strengthen the cultural learning environment by addressing issues identified in our employee survey.**

- a. Providing additional training time for employees as appropriate and as funds become available, making this an organizational priority.
- b. Fostering a better atmosphere to encourage suggestions from employees by completing the feedback loop to those who make substantive suggestions for improvement, and by ensuring that first line supervisors know that Bureau leaders value employee opinions.

- c. Encouraging upper level managers to spend more time in the field. That helps ensure policy changes, equipment purchases, and tactical improvements reflect the most current field conditions and incorporate lessons learned. Bureau managers told us they regularly spend time in the field.

As discussed in Chapter 3 employee perceptions are important to fully implementing broad based improvement efforts. Because these perceptions trump reality in some cases, the Bureau may need to do a better job of communicating goals, objectives, organizational efforts and limitations.



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## Chapter 6 **Objectives, scope and methodology**

The overall objective of this audit was to assess the degree to which the Portland Police Bureau exhibits the characteristics of a learning organization. Those characteristics focus on the systems and processes in place to collect, review and evaluate information from the field, and the way that information is incorporated into policy and tactical changes to improve the Bureau's service delivery. We focused our work on the Operations Branch of the Bureau where the majority of the Bureau's contact with the public takes place and where the public has a compelling interest in organizational improvement.

In addition to interviews of Bureau staff and community members, our initial audit program design was based on a review of literature in the field of organizational learning. It included literature from academic sources such as the Public Administration Review and the Harvard Business Review, as well as literature from practitioners. From those sources we developed a work plan that incorporated a review of several main areas of the Bureau learning process:

- We identified and reviewed the bureau structural learning processes. We assessed the effectiveness of those processes by examining how the Bureau conducted investigations and implemented recommendations from both internal experts (such as the Review Board) and external experts (such as the Police Assessment Resource Center -- PARC). To assess the effectiveness of the Review Board in making changes based on experience, we reviewed fourteen cases of officer-involved shootings, noted common themes and requested a status report of recommendations made by the Board. To assess the degree to which the Bureau accepts outside expert

recommendations for change we reviewed four PARC reports and the Office of Independent Review (OIR of Los Angeles, California) Group's report on the James Chasse incident.

- We compared the Employee Information System to best practices for early intervention systems and assessed compliance with technology internal controls.
- We assessed the cultural learning environment by conducting a Bureau-wide employee survey. The survey was sent to all approximately 1200 employees and asked questions concerning important learning organization aspects such as: how employees view their ability to freely express ideas for change; how well Bureau managers accept input about how work is going; how the Bureau does at providing training opportunities; and how well they believe the Bureau collects and uses information to make positive changes to policies, tactics, and the work environment. The return rate for the survey was about 30 percent.

We also collected statistics from the City Auditor's Independent Police Review division and from other cities concerning trends in the use of force and the number of officer-involved shootings.

Although we focused our work on the Operations Branch it should be noted that there are many different sub-units within the Bureau that rely on information gathering and transfer. Many are complex (like the Administrative Investigative Management system and the Portland Police Data System) and some even overlap jurisdictions (the national DNA database and 9-1-1 for just two examples). It would not be practical for one report to cover them all. Future audit work should examine these and other systems for efficiency and effectiveness.

While we did interview IPR staff and rely on data produced by their office, the objectives of this audit were not dependent on their information. Therefore, although both the Audit Services Division and the IPR report to the City Auditor, there is no organizational impairment to independence.

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We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.



# APPENDIX A

## **Employee Information System shows potential but management should review annual performance information**

One aspect of a learning organization is whether the entity has a system in place to collect information about employee performance. An organization should use that information to acknowledge good performance as well as to identify employees with potential performance problems. One way the Portland Police Bureau does this is by using a supervisory tool called the Employee Information System (EIS).

The EIS is a database that electronically links to other systems the Police Bureau already uses. EIS takes performance information and, use pre-programmed criteria, identifies when officers receive commendations or whether an officer may need assistance or non-disciplinary intervention. Some of these performance thresholds include having three or more complaints within a six month period and any use of deadly force. The Police Bureau's policy is to provide appropriate support, mentorship, and review where behavior and/or performance problems are present.

The system and review process is overseen by the EIS Administrator, who is a sworn sergeant. The system alerts the EIS Administrator when an officer's performance threshold is broken. The Administrator, as well as command staff, evaluates the alert before the case is assigned for a supervisor to review it. There are various options a supervisor may select if they feel the officer needs an intervention, such as counseling and additional training. Interventions are approved by command staff. It is important to note that the process is not a disciplinary one, and the interventions are not meant to be punitive. In addition, not all cases are assigned to a supervisor. For example, some officers might have higher force ratios compared to others, due to the type of work they perform in the bureau. A threshold breakage for some types of positions may not indicate a performance problem.

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The EIS system was delivered by the Bureau's independent contractor in 2007. It was officially put into place in the summer of 2011 with the Chief of Police adopting an executive order on the system. The executive order outlined the purpose of the system, as well as the policies and procedures governing its work-flow process. The Bureau indicated that it was fully implemented in mid-December 2011, when users were fully engaged.

EIS aligns with best practices, emphasizing broad measures and several intervention options

We identified four best practices that contribute to a good early warning system:

**Best Practice #1: Have broad performance indicators**

Early intervention programs should utilize a broad range of performance indicators and not rely on just one indicator. Using a broader range is more likely to identify officers whose behavior requires departmental intervention

**Best Practice #2: Identification and selection procedures should be in place**

A strategy should be in place to identify officers for performance review and to select officers for referral to intervention. There is no consensus on the best set of thresholds. Selection comes from review of that officer as determined by command staff.

**Best Practice #3: There should be a number of intervention options available**

Intervention consists of some type of counseling or retraining for officers who have been selected. The Commission on Accreditation for Law Enforcement Agencies (CALEA) Standards state that a departmental Personal Early Warning System should have a menu of corrective actions for officers selected for intervention.

**Best Practice #4: Officer performance after an intervention should be monitored**

Following an official intervention, supervisors need to follow-up by monitoring the performance of an officer for a specified period of time. Approaches vary by their degree of formality and record-keeping. Some jurisdictions, for example, may keep an officer on a list for a specified period of time following the intervention and continue to monitor their performance.

We compared the recent Executive Order on the EIS (DIR 345.000) and the EIS Administrators Standard Operating Procedures against these best practices and found the following (see Figure 10).

The system appears to meet established best practices for early intervention systems for three of the four areas. The lack of post-intervention monitoring could be a weakness since it is not required, but since the interventions chosen are approved by higher-levels of management and not just the immediate supervisor, controls on the intervention selection are built in. In addition, the EIS would display additional threshold breakages if the problem continued.

**IT controls are sufficient but EIS does not replace good supervisors**

We performed a high level review of the EIS's technological controls and found that they appear to be reasonable overall. The system is backed up daily, access is sound, and there is a sufficient separation of duties. Since the EIS is heavily dependent on other sources for its information, however, accuracy and timeliness could be hindered if those original sources have technical issues or data entry delays. These issues could present a delayed opportunity to a manager in assistance an officer. It is important to remember, however, that the EIS is only a tool. It does not replace good supervisors who know their staff and can determine when an officer needs help. Ideally, those would be in process before and EIS thresholds would be triggered.



**Figure 10 Summary of EIS policies and procedures against best practices**

| Best Practice                               | Current Condition   | Follows Best Practice |
|---|---|-----------------------|
| Broad performance indicators                | <ul style="list-style-type: none"> <li>• Indicators range from simple ones, such as deadly force to more complex ones, such as a ratio of arrest to force as compared to the shift average.</li> <li>• Positive indicators are also included, such as two or more written commendations within six months.</li> </ul> | Yes                   |
| Intervention and selection process in place | <ul style="list-style-type: none"> <li>• Thresholds are programmed in the EIS and are determined by the Chief of Police and his panel.</li> <li>• There are a number of checks by different levels of managers in the process before and after an employee is selected for intervention.</li> </ul>                   | Yes                   |
| Multiple intervention options               | <ul style="list-style-type: none"> <li>• Several intervention options available. These range from re-assignment to counseling and varying lengths of monitoring.</li> <li>• Interventions are determined by an officer's supervisor and command staff.</li> </ul>   | Yes                   |
| Post intervention monitoring                | <ul style="list-style-type: none"> <li>• Post-intervention monitoring is optional in EIS. Some interventions involve 30, 60, or 90 day monitoring, while others do not.</li> <li>• The reason why it is not required is to provide the supervisor flexibility in selecting an appropriate intervention.</li> </ul>    | No                    |

Source: Audit Services Division analysis of Portland Police Bureau documents and best practices literature

**An annual performance report and periodic EIS testing would enhance management controls**

While daily monitoring is done, no high level annual report is produced that identifies system performance measures and tracks those over time. While the information is in the database, there is no set report produced for management. The EIS Administrator would have to gather the information in the system. Management should receive this information to determine how the system is used, the efficiency of the process, and the effectiveness of the service. According to the Administrator, the EIS only became official in the summer of 2011, and an assessment would not be helpful until the system has been in place for at least a year. We make several recommendations in Chapter 5.

# APPENDIX B

## **Status of select recommendations from internal PPB review processes**

During our audit we reviewed case files for fourteen officer-involved shooting incidents and one death in custody. In each of those cases the Bureau conducted an administrative review and an assessment by the Police Review Board. Many cases contained recommendations by the Training Division or from Precinct Commanders for changes to policy or tactics. Not all cases contained such recommendations. We identified thirty-nine recommendations in thirteen of those reports as being appropriate for follow-up. These were recommendations that suggested some new action take place, not just a recommendation to continue something the Bureau was already doing.

The following pages contain a case-by-case listing of the recommendations we identified and the status as reported by the Bureau. In many cases we requested documentary evidence of status.

**Status of select recommendations from internal PPB review processes**

Internal Affairs Case #                    2004-B-0013  
 Subject:                                        James Jahar Perez  
 Incident Date:                                3/28/2004

| <b>Source of recommendation</b> | <b>Date</b> | <b>Recommendation</b>  | <b>Status</b> |
|---------------------------------|-------------|--|---------------|
| Training Division               | 6/2/04      | Remove witness officers from post-shooting responsibilities.                             | Implemented   |
| After Action Report             | 8/24/04     | Conduct comprehensive research on best practices for physical force policy               | Implemented   |
|                                 |             | Strengthen community relationships by improving communication and community training.    | Implemented   |
|                                 |             | More citizen education on how to respond to officers during a traffic stop.              | Implemented   |
| Mayor's report                  | 5/5/05      | Creation of Performance Review Board and Use of Force Review Boards                      | Implemented   |
|                                 |             | Reinstating 40 hours in-service training.  | Implemented   |
|                                 |             | Hired full time recruiting officer to ensure officers "reflect the make-up of the City." | Implemented   |

**Status of select recommendations from internal PPB review processes**

Internal Affairs Case # 2005-B-0036  
 Subject: Raymond Gwerder  
 Incident Date: 11/4/2005

| Source of recommendation | Date        | Recommendation   | Status          |
|--------------------------|-------------|--|-----------------|
| Training Division        | Not on file | Full training scenarios using actual HNT communication devices   | Implemented     |
|                          |             | Mandatory participation in scenarios by Precinct Commanders and others who may be an Incident Commander      | Implemented     |
| After Action Report      | 3/19/07     | Same as Training Division  | Implemented     |
| Review Board             | 4/25/07     | Review and revise SERT and HNT policies and procedures   | Not Implemented |
|                          |             | Implement SERT Training audit system   | Not Implemented |
|                          |             | Review and revise deadly force policy to clarify immediate threat vs. imminent threat. Clarify "significant" | Implemented     |
|                          |             | Train on deadly force policy changes and create roll call DVD  | Implemented     |

Internal Affairs Case # 2006-B-0004  
 Subject: Dennis Young  
 Incident Date: 1/4/2006

| Source of recommendation | Date        | Recommendation   | Status          |
|--------------------------|-------------|--|-----------------|
| Training Division        | Not on file | Conduct training exercises that include analysis of pro-con decisions about shooting at moving vehicle | Not Implemented |

### Status of select recommendations from internal PPB review processes

Internal Affairs Case #            2006-B-0022  
 Subject:                                Scott Suran  
 Incident Date:                        8/28/2006

| Source of recommendation | Date    | Recommendation  | Status      |
|--------------------------|---------|---|-------------|
| Review Board             | 4/16/08 | Training Division develop a roll call video of this event | Implemented |

Internal Affairs Case #            2007-B-0009  
 Subject:                                David Hughes  
 Incident Date:                        11/12/2006

| Source of recommendation | Date        | Recommendation  | Status      |
|--------------------------|-------------|---|-------------|
| Training Division        | Not on file | Provide training to officers on dealing with entire scene at a tactical incident (containment, clear backdrop of officers and suspect, checking for other threats). | Implemented |
| After Action Report      | 8/25/08     | Resources should be managed irrespective of precinct boundaries, especially in critical incidents where assistance is needed.                                       | Implemented |
| Review Board             | 10/15/08    | Use incident as table top exercise in Sgt's Academy   | Implemented |

Internal Affairs Case #            2007-B-0016  
 Subject:                                Stephen Bolen  
 Incident Date:                        5/22/2007

| Source of recommendation | Date     | Recommendation  | Status          |
|--------------------------|----------|---|-----------------|
| Training Division        | 11/29/07 | Make roll call video of this incident (I assume because it was mostly handled correctly.) | Not Implemented |
| Review Board             | 9/19/09  | Create Roll Call video  | Not Implemented |

**Status of select recommendations from internal PPB review processes**

Internal Affairs Case # 2007-B-0027  
 Subject: Leslie Paul Stewart  
 Incident Date: 8/20/2007

| Source of recommendation | Date        | Recommendation                            | Status      |
|--------------------------|-------------|---|-------------|
| Training Division        | Not on file | Provide earpieces to all patrol officers. | Implemented |

Internal Affairs Case # 2008-B-0014  
 Subject: Jason Spoor  
 Incident Date: 5/13/2008

| Source of recommendation | Date     | Recommendation   | Status          |
|--------------------------|----------|--|-----------------|
| Training Division        | 4/9/09   | Make a roll call video on radio discipline                               | Not Implemented |
| Review Board             | 10/21/09 | Detective Division should always investigate whether a warning was given | Implemented     |

Internal Affairs Case # 2008-B-0016  
 Subject: Derek J. Coady  
 Incident Date: 5/15/2008

| Source of recommendation | Date        | Recommendation   | Status          |
|--------------------------|-------------|--|-----------------|
| Training Division        | Not on file | Make a roll call video on radio usage, specifically on pros and cons of changing nets during a tactical incident   | Not Implemented |
| After Action Report      | 4/10/09     | IAD should try to find out why SERT was not involved in the warrant service when they should have been. Related- Sgt. said not serving the warrant was not an option for him because his relationship with his supervisor was not going well. He felt pressured to serve warrant to live up to expectations. | Implemented     |
| Review Board             | 7/1/09      | A performance review be conducted related to the actions of the officers in the planning and service of the warrant  | Implemented     |



**Status of select recommendations from internal PPB review processes**

Internal Affairs Case #                    2009-B-0035  
 Subject:                                        Lovaina Bermudez  
 Incident Date:                                8/24/2009

| <b>Source of recommendation</b> | <b>Date</b> | <b>Recommendation</b>   | <b>Status</b> |
|---------------------------------|-------------|---|---------------|
| Training Division               | Not on file | Make it a priority to establish clearly and communicate which supervisor is in charge                               | Implemented   |
|                                 |             | Train all sergeants in complex/large scale events   | Implemented   |
| Review Board                    | 4/21/10     | PPB SERT and Gresham SWAT should train 1-2 times per year   | Implemented   |
|                                 |             | Develop a regional sergeants academy for metro area to train on critical incident management and large scale events | Implemented   |
|                                 |             | Regional incident command training and exercises should be held at least once per year                              | Implemented   |

**Status of select recommendations from internal PPB review processes**

Internal Affairs Case #                    2010-B-004  
 Subject:                                        Aaron Campbel  
 Incident Date:                                1/29/2010

| Source of recommendation | Date    | Recommendation  | Status          |
|--------------------------|---------|---|-----------------|
| Training Division        | 7/14/10 | Develop annual Critical Incident Management Training for Supervisors                | Implemented     |
|                          |         | Comprehensive review of response to "suicide by cop" calls                          | Implemented     |
|                          |         | Develop response protocols for Command Personnel for tactical incidents             | Implemented     |
|                          |         | Develop and implement annual less lethal in-service                                 | Implemented     |
| After Action Report      | 7/30/10 | Review and amend handcuffing policy about why and when to handcuff a downed subject | In Process      |
|                          |         | Develop post mortem on case to present at annual in-service                         | Not Implemented |
| Review Board             | 8/26/10 | Develop scenario based training as part of AR-15 curriculum                         | Implemented     |

# APPENDIX C

### Full Portland Police Bureau Survey Results

| 1. Please rate your feelings on information collection and feedback                              |                |             |             |             |                   | Create Chart   | Download       |
|--|----------------|-------------|-------------|-------------|-------------------|----------------|----------------|
|  | Agree strongly | Agree       | Neutral     | Disagree    | Disagree strongly | Rating Average | Response Count |
| Our organization collects information from employees about how well things work                  | 2.2% (8)       | 20.3% (74)  | 31.3% (114) | 33.8% (123) | 12.4% (45)        | 3.34           | 364            |
| Senior management is attuned to and knows what is happening in the field                         | 4.4% (16)      | 23.6% (86)  | 26.1% (95)  | 30.2% (110) | 15.7% (57)        | 3.29           | 364            |
| My unit management is attuned to and knows what is happening in the field                        | 12.7% (46)     | 45.2% (163) | 22.4% (81)  | 13.0% (47)  | 6.6% (24)         | 2.56           | 361            |
| My direct supervisor regularly talks to me about my progress                                     | 17.9% (65)     | 31.4% (114) | 23.4% (85)  | 16.5% (60)  | 10.7% (39)        | 2.71           | 363            |
| When something goes wrong the Bureau corrects the underlying problem so it will not happen again | 4.4% (16)      | 23.0% (83)  | 28.8% (104) | 29.1% (105) | 14.7% (53)        | 3.27           | 361            |
| My supervisors actively solicit and use our suggestions for improving things at work             | 14.3% (52)     | 30.6% (111) | 23.4% (85)  | 20.9% (76)  | 10.7% (39)        | 2.83           | 363            |
| We, as a Bureau learn from our mistakes  | 9.5% (34)      | 30.9% (111) | 27.9% (100) | 20.6% (74)  | 11.1% (40)        | 2.93           | 359            |
| Despite the workload, people in this unit find time to review how the work is going              | 8.0% (29)      | 30.6% (111) | 30.9% (112) | 22.6% (82)  | 8.0% (29)         | 2.92           | 363            |
| As an organization, we know where we are going and how to get there                              | 3.0% (11)      | 20.7% (75)  | 38.3% (139) | 27.0% (98)  | 11.0% (40)        | 3.22           | 363            |
| answered question  |                |             |             |             |                   |                | 364            |
| skipped question   |                |             |             |             |                   |                | 2              |

## Full Portland Police Bureau Survey Results

| <b>2. Please rate your feelings on training and equipment:</b>  |                |             |            |             |                   | <a href="#">Create Chart</a> | <a href="#">Download</a> |
|---|----------------|-------------|------------|-------------|-------------------|------------------------------|--------------------------|
|   | Agree strongly | Agree       | Neutral    | Disagree    | Disagree strongly | Rating Average               | Response Count           |
| Adequate time is made available for education and training  | 2.6% (9)       | 23.4% (82)  | 21.9% (77) | 34.8% (122) | 17.4% (61)        | 3.41                         | 351                      |
| Training is valued in the Bureau  | 9.4% (33)      | 35.1% (123) | 24.0% (84) | 20.6% (72)  | 10.9% (38)        | 2.88                         | 350                      |
| I have materials and equipment I need to do my job right  | 11.0% (38)     | 42.7% (148) | 22.5% (78) | 18.7% (65)  | 5.2% (18)         | 2.65                         | 347                      |
| (If Sworn) I received adequate training to safely de-escalate situations involving people in a mental health crisis | 18.0% (47)     | 52.5% (137) | 23.0% (60) | 5.0% (13)   | 1.5% (4)          | 2.20                         | 261                      |
| (If Sworn) I feel confident to safely de-escalate situations involving people in a mental health crisis             | 23.6% (61)     | 51.9% (134) | 20.2% (52) | 3.9% (10)   | 0.4% (1)          | 2.05                         | 258                      |
| In the past twelve months, I had opportunities to learn and grow  | 17.2% (59)     | 43.6% (150) | 19.2% (66) | 11.3% (39)  | 8.7% (30)         | 2.51                         | 344                      |
| (If Sworn) I know how to communicate with team members and command staff during critical incidents                  | 25.0% (65)     | 58.5% (152) | 14.6% (38) | 1.2% (3)    | 0.8% (2)          | 1.94                         | 260                      |
| I receive adequate training to do my job  | 12.5% (43)     | 49.3% (169) | 21.9% (75) | 10.5% (36)  | 5.8% (20)         | 2.48                         | 343                      |
| (If Sworn) Training scenarios are realistic and help me effectively manage actual incidents                         | 15.1% (39)     | 46.5% (120) | 29.1% (75) | 6.6% (17)   | 2.7% (7)          | 2.35                         | 258                      |
|   |                |             |            |             |                   | <b>answered question</b>     | <b>352</b>               |
|   |                |             |            |             |                   | <b>skipped question</b>      | <b>14</b>                |

### Full Portland Police Bureau Survey Results

| 3. Please rate your feelings on teamwork:   |                |             |            |            |                   | Create Chart      | Download       |
|---|----------------|-------------|------------|------------|-------------------|-------------------|----------------|
|   | Agree strongly | Agree       | Neutral    | Disagree   | Disagree strongly | Rating Average    | Response Count |
| Overall, people in my unit work together as a team  | 35.3% (124)    | 45.0% (158) | 9.4% (33)  | 7.7% (27)  | 2.6% (9)          | 1.97              | 351            |
| Overall, my co-workers appreciate my work   | 27.2% (95)     | 49.0% (171) | 16.0% (56) | 6.0% (21)  | 1.7% (6)          | 2.06              | 349            |
| I feel I can trust my co-workers to do their job well   | 28.5% (99)     | 51.9% (180) | 12.7% (44) | 3.7% (13)  | 3.2% (11)         | 2.01              | 347            |
| (If Sworn) during critical incidents, our team members and commanders communicate vital information effectively | 14.7% (38)     | 49.4% (128) | 24.7% (64) | 8.9% (23)  | 2.3% (6)          | 2.35              | 259            |
| People in this unit are eager to share information about what works and does not work                           | 22.6% (79)     | 47.1% (165) | 16.6% (58) | 9.4% (33)  | 4.3% (15)         | 2.26              | 350            |
| My co-workers are committed to doing quality work   | 33.5% (117)    | 46.7% (163) | 12.6% (44) | 4.9% (17)  | 2.3% (8)          | 1.96              | 349            |
| Differences of opinion are welcome in this unit   | 19.6% (69)     | 40.3% (142) | 20.7% (73) | 11.9% (42) | 7.4% (26)         | 2.47              | 352            |
| In this unit, it is easy to speak up about what is on your mind   | 22.2% (78)     | 38.9% (137) | 18.8% (66) | 11.9% (42) | 8.2% (29)         | 2.45              | 352            |
|   |                |             |            |            |                   | answered question | 352            |
|   |                |             |            |            |                   | skipped question  | 14             |

## Full Portland Police Bureau Survey Results

| 4. Please rate your feelings on these overall job attributes:                          |                |             |             |            |                   | Create Chart      | Download       |
|--|----------------|-------------|-------------|------------|-------------------|-------------------|----------------|
|  | Agree strongly | Agree       | Neutral     | Disagree   | Disagree strongly | Rating Average    | Response Count |
| The Bureau appreciates a job well done   | 10.1% (35)     | 35.9% (125) | 27.6% (96)  | 19.0% (66) | 7.5% (26)         | 2.78              | 348            |
| At work, my opinions seem to count   | 10.9% (38)     | 31.8% (111) | 30.1% (105) | 18.9% (66) | 8.3% (29)         | 2.82              | 349            |
| The general public appreciates the work I do   | 7.5% (26)      | 37.1% (129) | 23.9% (83)  | 18.7% (65) | 12.9% (45)        | 2.93              | 348            |
| The Bureau has strong leadership   | 8.9% (31)      | 36.0% (126) | 30.0% (105) | 16.6% (58) | 8.6% (30)         | 2.80              | 350            |
| My unit managers encourage multiple points of view                                     | 12.0% (41)     | 32.9% (113) | 31.8% (109) | 16.6% (57) | 6.7% (23)         | 2.73              | 343            |
| The work we do is important  | 68.9% (241)    | 27.1% (95)  | 2.6% (9)    | 0.6% (2)   | 0.9% (3)          | 1.37              | 350            |
| My unit managers acknowledge their limitations on knowledge, information and expertise | 14.4% (50)     | 38.6% (134) | 22.8% (79)  | 14.1% (49) | 10.1% (35)        | 2.67              | 347            |
| I know what is expected of me at work  | 27.2% (94)     | 55.2% (191) | 12.1% (42)  | 3.8% (13)  | 1.7% (6)          | 1.98              | 346            |
| I am proud of the work I do in the Bureau  | 57.2% (199)    | 34.2% (119) | 6.3% (22)   | 1.7% (6)   | 0.6% (2)          | 1.54              | 348            |
| The general public understands the pressures of my job                                 | 2.0% (7)       | 14.4% (50)  | 27.7% (96)  | 27.4% (95) | 28.5% (99)        | 3.66              | 347            |
|  |                |             |             |            |                   | answered question | 350            |
|  |                |             |             |            |                   | skipped question  | 16             |

### Full Portland Police Bureau Survey Results

| 5. How long have you worked for the Portland Police Bureau? |                   |                |
|---|-------------------|----------------|
|   | Create Chart      | Download       |
|   | Response Percent  | Response Count |
| Less than one year  | 1.4%              | 5              |
| one to five years   | 13.8%             | 48             |
| five to ten years   | 17.9%             | 62             |
| more than ten years   | 66.9%             | 232            |
|   | answered question | 347            |
|   | skipped question  | 19             |
| 6. I am:  |                   |                |
|   | Create Chart      | Download       |
|   | Response Percent  | Response Count |
| Sworn   | 70.5%             | 246            |
| Non-sworn   | 29.5%             | 103            |
|   | answered question | 349            |
|   | skipped question  | 17             |



## Full Portland Police Bureau Survey Results

| 7. If you are sworn, your job class is:  | Create Chart      | Download       |
|--|-------------------|----------------|
|  | Response Percent  | Response Count |
| Patrol Officer   | 64.9%             | 146            |
| Sergeant   | 24.9%             | 56             |
| Lieutenant   | 5.8%              | 13             |
| Captain  | 3.1%              | 7              |
| Commander  | 0.4%              | 1              |
| Chief  | 0.9%              | 2              |
|  | answered question | 225            |
|  | skipped question  | 141            |
| <b>8. (Optional) What suggestions would you like to make to improve the Bureau's collection and use of information to improve practices? Please write in your comments in blank space.</b> |                   | Download       |
|  |                   | Response Count |
|  | Show Responses    | 125            |
|  | answered question | 125            |
|  | skipped question  | 241            |



# APPENDIX D

## **Discipline matrix examples from other police jurisdictions**

Tucson, Arizona

Austin, Texas

Denver, Colorado



Tucson Police Department

# DISCIPLINE MATRIX

All discipline is the ultimate prerogative of the Chief of Police who may deviate from this matrix as conditions and circumstances warrant. Refer to *General Orders* Chapter 4400 for complete information.


| VIOLATION TYPE   | 1 <sup>ST</sup> OFFENSE IN 1 YEAR LEVEL  | 2 <sup>ND</sup> OFFENSE IN 1 YEAR LEVEL  | 3 <sup>RD</sup> OFFENSE IN 1 YEAR LEVEL*  |
|--|--|--|---|
| <p style="text-align: center;"><b>A</b></p> <p>A VIOLATION OF POLICY THAT DOES NOT INVOLVE A MISUSE OF AUTHORITY OR AN ETHICAL OFFENSE, AND HAS NO IMPACT ON PUBLIC SAFETY OR THE PROFESSIONAL IMAGE OF THE DEPARTMENT.</p> <p><i>Offenses MIGHT include BUT ARE NOT LIMITED TO: Loss or damage of citizen property with an estimated value of less than \$500 or minor damage to Department property; preventable vehicle accidents with no or minor injury and/or minor damage; improper application of procedures not resulting in civil rights issues; tardiness; missed court. Misdemeanor violations (AZ statute standard) associated with recreation activities, minor animal related offenses, etc. (Restitution available for Department property under \$250 twice during 24-month period. Refer to GO 4413.5)</i></p> | <b>1</b>                                 | <b>2</b>                                 | <b>3</b>                                  |
| VIOLATION TYPE   | 1 <sup>ST</sup> OFFENSE IN 3 YEARS LEVEL | 2 <sup>ND</sup> OFFENSE IN 3 YEARS LEVEL | 3 <sup>RD</sup> OFFENSE IN 3 YEARS LEVEL* |
| <p style="text-align: center;"><b>B</b></p> <p>A VIOLATION OF POLICY THAT DOES NOT INVOLVE A MISUSE OF AUTHORITY OR AN ETHICAL OFFENSE AND HAS A MINIMAL ADVERSE IMPACT ON PUBLIC SAFETY OR THE PROFESSIONAL IMAGE OF THE DEPARTMENT.</p> <p><i>Offenses MIGHT include BUT ARE NOT LIMITED TO: Loss or damage of citizen property with an estimated value of \$500+ or high dollar damage to Department property or loss of secure Department property; preventable vehicle accidents with significant injuries and/or significant property damage; improper application of less lethal force with no or minor injury; insubordination; unauthorized leave. NOTE: There is no minimum sanction for a first offense of Violation B.</i></p>   | <b>2</b>                                 | <b>3</b>                                 | <b>4</b>                                  |
| VIOLATION TYPE   | 1 <sup>ST</sup> OFFENSE IN 5 YEARS LEVEL | 2 <sup>ND</sup> OFFENSE IN 5 YEARS LEVEL | 3 <sup>RD</sup> OFFENSE IN 5 YEARS LEVEL* |
| <p style="text-align: center;"><b>C</b></p> <p>A VIOLATION OF POLICY THAT INVOLVES A MISUSE OF AUTHORITY OR ETHICAL OFFENSE AND/OR THAT CREATES OR POSES THE POTENTIAL FOR A CLEAR SERIOUS ADVERSE IMPACT ON PUBLIC SAFETY OR THE PROFESSIONAL IMAGE OF THE DEPARTMENT.</p> <p><i>Offenses MIGHT include BUT ARE NOT LIMITED TO: unreasonable force with no or minor injury; misdemeanor criminal conduct on or off duty <u>not</u> involving physical injury, violence, sexual offenses or ethical misconduct (e.g., theft); failure to obey an order under normal circumstances; prisoner escape due to dereliction. Refer to GO 4145.3 for off-duty DUI arrests.</i></p>  | <b>4</b>                                 | <b>5</b>                                 | <b>6</b>                                  |
| <p style="text-align: center;"><b>D</b></p> <p>A VIOLATION OF POLICY THAT INVOLVES A MISUSE OR ABUSE OF AUTHORITY OR AN ETHICAL OFFENSE, OR THAT CREATES OR POSES THE POTENTIAL FOR A MAJOR ADVERSE IMPACT ON PUBLIC SAFETY OR THE PROFESSIONAL IMAGE OF THE DEPARTMENT.</p> <p><i>Offenses MIGHT include BUT ARE NOT LIMITED TO: excessive force with injury; misdemeanor criminal conduct involving physical injury, violence, sexual offenses or ethical misconduct; failure to obey an order under exigent circumstances.</i></p>  | <b>6</b>                                 | <b>7</b>                                 | <b>8</b>                                  |
| <p style="text-align: center;"><b>E</b></p> <p>A VIOLATION OF POLICY THAT INVOLVES UNTRUTHFULNESS OR OTHER ETHICAL OFFENSES, ANY FELONIOUS CONDUCT, OR OFFENSES THAT CREATE OR POSE THE POTENTIAL FOR CRITICAL ADVERSE IMPACT ON PUBLIC SAFETY OR THE PROFESSIONAL IMAGE OF THE DEPARTMENT.</p> <p><i>Offenses MIGHT include BUT ARE NOT LIMITED TO: untruthfulness; excessive force with serious injury or against a restrained or incapacitated person; felonious acts on or off duty; loss of AZPOST certification; other mandated discharges.</i></p>  | <b>8</b>                                 |  |   |

\* A fourth or subsequent offense for a Type within the identified time frame causes the Level to progress to the next higher sanction (e.g., from Level 3 to 4, Level 4 to 5, etc.). Time frames start upon discovery of incident.

## DISCIPLINE LEVELS

When assigning discipline, always begin with the **PRESUMPTIVE SANCTION**. Minimum or maximum sanctions require specific justification.

| DISCIPLINE LEVEL | MINIMUM SANCTION  | PRESUMPTIVE SANCTION                   | MAXIMUM SANCTION    |
|------------------|---|--|---------------------|
| <b>1</b>         |   | <b>CORRECTIVE ACTION</b>               | WRITTEN REPRIMAND   |
| <b>2</b>         | CORRECTIVE ACTION<br><small>(Not available for Violation Type B Offenses)</small> | <b>WRITTEN REPRIMAND</b>               | 10 HOUR SUSPENSION  |
| <b>3</b>         | WRITTEN REPRIMAND   | <b>10 HOUR SUSPENSION</b>              | 20 HOUR SUSPENSION  |
| <b>4</b>         | 10 HOUR SUSPENSION  | <b>20 HOUR SUSPENSION</b>              | 30 HOUR SUSPENSION  |
| <b>5</b>         | 30 HOUR SUSPENSION  | <b>40 HOUR SUSPENSION</b>              | 60 HOUR SUSPENSION  |
| <b>6</b>         | 60 HOUR SUSPENSION  | <b>80 HOUR SUSPENSION</b>              | 160 HOUR SUSPENSION |
| <b>7</b>         | 200 HOUR SUSPENSION OR DEMOTION   | <b>240 HOUR SUSPENSION OR DEMOTION</b> | TERMINATION         |
| <b>8</b>         |   | <b>TERMINATION</b>                     |                     |

|   |  |              |
|---|--|--------------|
|  | <b>AUSTIN POLICE DEPARTMENT</b><br><b>GENERAL ORDERS, POLICIES, AND PROCEDURES</b> | <b>A109d</b> |
|   | <b>Part A – General Policies</b>   |              |
|   | <b>Chapter 1 - Organization, Administration and Management</b>                     |              |
|   |  |              |

### A109d – Discipline Matrix

This Matrix is designed as a guide to be used in conjunction with the APD Discipline Process policy and Internal Investigative Process policy. This matrix is not an all-encompassing document but should provide some guidance for the vast majority of investigations involving discipline. As a general rule, those violations below that are listed as “IS (indefinite suspension) and “Fact Specific” or those that may include discipline greater than a 15-day suspension will be investigated by IA.

| <b>Discipline Matrix</b>   |                               |                     |                     |
|--|-------------------------------|---------------------|---------------------|
| Violation General Category/Sub Category<br>(APD General Orders)                            | 1st Occurrence                | 2nd Occurrence      | 3rd Occurrence      |
| <b>CODE OF CONDUCT A201</b>  |                               |                     |                     |
| A. Dishonesty – False Official Statements  | IS                            |                     |                     |
| B. Criminal Violation while on duty or related to job duties                               | IS                            |                     |                     |
| C. Other Criminal Violations   | Fact Specific                 |                     |                     |
| D. Reporting Responsibilities (Also See <b>B206 Incident Reporting and Documentation</b> ) | Oral Reprimand to 1-3 days    | Increased one level | Increased one level |
| <b>E. Individual Responsibilities</b>  |                               |                     |                     |
| • Associating with those of ill repute   | Fact Specific                 |                     |                     |
| • Improper use of City resources not involving personal gain                               | Written Reprimand to 1-3 days | Increased one level | Increased one level |
| • Improper use of City resources involving personal gain.                                  | 4-15 days                     | IS                  |                     |
| <b>F. Responsibility to the Community</b>  |                               |                     |                     |
| • Duty to identify   | Oral Reprimand to 1-3 days    | Increased one level | Increased one level |
| • Courtesy (Rudeness Complaints)   | Fact Specific                 |                     |                     |
| • Impartial Attitude   | Fact Specific                 |                     |                     |
| <b>G. Responsibility to the Department</b>   |                               |                     |                     |
| • Requirements of duty   | Oral Reprimand to 1-3 days    | Increased one level | Increased one level |
| • Time and attention to duty   |                               |                     |                     |
| • Unprofessional or abusive behavior--co-workers   |                               |                     |                     |
| • Neglect of Duty - Misleading Statements  | Fact Specific                 |                     |                     |
| • Neglect of Duty  | Fact Specific                 |                     |                     |
| • Insubordination  | 4-15 days                     | IS                  |                     |
| • Duty to take action  | Fact Specific                 |                     |                     |
| • Dereliction of Duty  | 4-15 days to Demotion         | Demotion to IS      |                     |
| • Unauthorized Release of Information  | 4-15 days                     | IS                  |                     |

**DOCUMENT TITLE: Discipline Matrix**

**DOCUMENT #: A109d**

| <b>RADIO AND TELECOMMUNICATIONS B201</b>                                   |                               |                     |                     |
|--|-------------------------------|---------------------|---------------------|
| A. Inappropriate Electronic Messages *1                                    | Written Reprimand             | 1-3 days            | 4-15 days           |
| <b>INTERNET/NETWORKED COMPUTER USE A312</b>                                |                               |                     |                     |
| A. Internet/Computer Violations  | Written Reprimand to 1-3 days | Increased one level | Increased one level |
| <b>RESPONSE TO RESISTANCE B101a</b>  |                               |                     |                     |
| A. Objectively Unreasonable Use of Deadly Force                            | IS                            |                     |                     |
| B. Objectively Unreasonable Use of Force                                   | Fact Specific                 |                     |                     |
| C. Negligent Discharge involving serious bodily injury or death            | Fact Specific                 |                     |                     |
| D. Accidental Discharge not involving serious bodily injury or death       | 1-3 days                      | 4-15 days           | 4-15 days up to IS  |
| <b>DUTY WEAPONS B101b</b>  |                               |                     |                     |
| A. Violations of duty weapons policy                                       | Written Reprimand to 1-3 days | Increased one level | Increased one level |
| <b>OTHER</b>   |                               |                     |                     |
| A. Negligent/Reckless Conduct Resulting in SBI or Death                    | IS                            |                     |                     |
| B. Violation of tactics, other than above "A".                             | Fact Specific                 |                     |                     |
| <b>BIASED BASED PROFILING B205</b>   |                               |                     |                     |
| A. Biased based profiling  | Fact Specific                 |                     |                     |
| B. Failure to document contacts  | Written Reprimand to 1-3 days | Increased one level | Increased one level |
| <b>DRUG AND ALCOHOL FREE WORKPLACE A408a</b>                               |                               |                     |                     |
| A. Failure of random drug test or test resulting from Reasonable Suspicion | IS                            |                     |                     |
| <b>THE WORKPLACE ENVIRONMENT A201c</b>                                     |                               |                     |                     |
| A. Quid Pro Quo Sexual Harassment  | IS                            |                     |                     |
| <b>INTERNAL AFFAIRS A109a</b>  |                               |                     |                     |
| A. Refusing to cooperate with Internal Affairs                             | IS                            |                     |                     |
| <b>SECONDARY EMPLOYMENT A307</b>   |                               |                     |                     |
| A. Secondary employment violations   | Written Reprimand to 1-3 days | Increased one level | Increased one level |
| <b>MOBILE VIDEO RECORDER OPERATION A306b</b>                               |                               |                     |                     |
| A. Mobile video recording violations                                       | Written Reprimand to 1-3 days | Increased one level | Increased one level |
| B. Intentional Mobile video recording violations                           | 4-15 days                     | IS                  |                     |
| C. Intentional MVR violation in a critical incident                        | IS                            |                     |                     |
| <b>COURT APPEARANCES A304</b>  |                               |                     |                     |
| A. Missed court appearance   | Oral Reprimand to 1-3 days    | Increased one level | Increased one level |



**DOCUMENT TITLE: Discipline Matrix****DOCUMENT #: A109d**

| <b>FOLLOW-UP INVESTIGATIONS B203a</b>                                   |                                   |                     |                     |
|---|-----------------------------------|---------------------|---------------------|
| <b>PRELIMINARY FIELD INVESTIGATIONS B202a</b>                           |                                   |                     |                     |
| A. Failure to properly investigate                                      | Oral Reprimand to<br>1-3 days     | Increased one level | Increased one level |
| <b>PROPERTY AND EVIDENCE B208</b>                                       |                                   |                     |                     |
| A. Improper handling of evidence (not related to criminal conduct)      | Oral Reprimand to<br>1-3 days     | Increased one level | Increased one level |
| B. Improper destruction of evidence                                     | Written Reprimand<br>to 4-15 days | Increased one level | Increased one level |
| <b>ATTENDANCE AND LEAVE A401a</b>                                       |                                   |                     |                     |
| A. Abuse of sick leave  | Oral Reprimand to<br>1-3 days     | Increased one level | Increased one level |
| <b>EMERGENCY OPERATION OF POLICE VEHICLES B102</b>                      |                                   |                     |                     |
| <b>POLICE VEHICLES A306a</b>  |                                   |                     |                     |
| <b>PURSUIT POLICY B103a</b>   |                                   |                     |                     |
| A. Violations of pursuit policy   | Written Reprimand<br>to 1-3 days  | Increased one level | Increased one level |
| B. Pursuit policy, Aggravated   | 1-15 days                         | 4-15 days           | 4-15 days to IS     |
| C. Operation of Police Vehicles (non-collision)                         | Oral Reprimand to<br>1-3 days     | Increased one level | Increased one level |
| D. At-Fault collision (Not involving serious bodily injury or death) *2 | Oral Reprimand to<br>1-3 days     | Increased one level | Increased one level |

**Notes:**

- \*1 If inappropriate Electronic Messages bring discredit to the Department, increase one level.
- \*2 A written reprimand will normally be administered for violations under this heading as a first occurrence. Supervisors will take into account the employees previous driving history, the severity of the collision and other contributing factors involve in the negligent collision. (See Discipline Process sections #5 and #8)

**Penalty Table and Discipline Matrix**

**Penalty Table**

| <b>Discipline Level</b> | <b>Mitigated Penalty</b>                | <b>Presumptive Penalty</b> | <b>Aggravated Penalty</b>    |
|-------------------------|---|----------------------------|------------------------------|
| <b>1</b>                |   | <b>Oral Reprimand</b>      | <b>Written Reprimand</b>     |
| <b>2</b>                | <b>Oral Reprimand</b>                   | <b>Written Reprimand</b>   | <b>1-3 Fined Days</b>        |
| <b>3</b>                | <b>Written Reprimand To 1 Fined Day</b> | <b>2 Fined Days</b>        | <b>4-6 Fined Days</b>        |
| <b>4</b>                | <b>2-4 Fined Days</b>                   | <b>3 Days Suspension</b>   | <b>5-7 Days Suspension</b>   |
| <b>5</b>                | <b>4-6 Days Suspension</b>              | <b>10 Days Suspension</b>  | <b>14-16 Days Suspension</b> |
| <b>6</b>                | <b>18-22 Days Suspension</b>            | <b>30 Days Suspension</b>  | <b>38-42 Days Suspension</b> |
| <b>7</b>                | <b>43-47 Days Suspension</b>            | <b>60 Days Suspension</b>  | <b>Termination</b>           |
| <b>8</b>                | <b>90 Days Suspension</b>               | <b>Termination</b>         |                              |



# DENVER POLICE DEPARTMENT - DISCIPLINE MATRIX



## Categories, Violations and Level Assignments Table

### CATEGORY A

CONDUCT THAT HAS A MINIMAL NEGATIVE IMPACT ON THE OPERATIONS OR PROFESSIONAL IMAGE OF THE DEPARTMENT

| <u>EXAMPLES INCLUDE BUT ARE NOT LIMITED TO:</u> |  | 1st Violation | 2nd Violation | 3rd** Violation |
|---|--|---------------|---------------|-----------------|
| RR-102.1  | Duty to Obey Departmental Rules and Mayoral Executive Orders (A-F)*  | in 3 Years    | in 3 Years    | in 3 Years      |
| RR-102.2  | Requirement for Former Officers to Obey Laws, Denver Police Department Rules and Regulations, and Certain Orders during the Pendency of Appeals (A-F)* | -Level-       | -Level-       | -Level-         |
| RR-103  | Aid Another to Violate Rule (A-F)*   |               |               |                 |
| RR-105  | Conduct Prejudicial (A-F)*   |               |               |                 |
| RR-108.1  | Plainclothes Officers - Identification   |               |               |                 |
| RR-115.1  | Conduct Prohibited by Law (A-F)*   |               |               |                 |
| RR-116  | Conspiracy to Commit Conduct Prohibited by Law or Aggravated Conduct Prohibited by Law (A-F)*  | 1             | 2             | 3               |
| RR-121  | Off Duty in Uniform (A-F)*   |               |               |                 |
| RR-129  | Giving Name and Badge Number   |               |               |                 |
| RR-136  | Use of Tobacco Products in Police Facilities   |               |               |                 |
| RR-205  | Giving Testimonials, Seeking Publicity   |               |               |                 |
| RR-314  | Providing Assistance Outside the City  |               |               |                 |
| RR-501  | Personal Appearance in Court   |               |               |                 |
| RR-612  | Answer to Official Communications  |               |               |                 |
| RR-614  | Publication of Articles  |               |               |                 |
| RR-616  | Police Bulletin  |               |               |                 |
| RR-802  | Uniform Restrictions While Off Duty  |               |               |                 |
| RR-805  | Equipment Carried on Person  |               |               |                 |
| RR-1001   | Testifying in Civil Cases  |               |               |                 |
| RR-1002   | Service of Civil Processes   |               |               |                 |
| RR-1003   | Initiation of Civil Cases  |               |               |                 |
| RR-1104   | Location When Ill  |               |               |                 |
| RR-1105   | Reporting During Illness or Injury   |               |               |                 |

• Any prior sustained violation in a category greater than or equal to the current violation shall increase the penalty level by 1. The prior violation must be within the specified time frame of the current violation.  
 • Any prior sustained violation within the specified time frame, in a category lower than the current violation, may be considered as an aggravating factor.  
 \*Violations that appear in multiple categories will require the Department to compare the underlying conduct to the definitions contained in each category in order to identify the appropriate category for the violation.  
 \*\*The 4<sup>th</sup> or subsequent sustained violation of the same R&R, within the specified time frame, may result in more severe disciplinary recommendations.



## DENVER POLICE DEPARTMENT - DISCIPLINE MATRIX



### Categories, Violations and Level Assignments Table

#### CATEGORY B

CONDUCT THAT HAS MORE THAN A MINIMAL NEGATIVE IMPACT ON THE OPERATIONS OR PROFESSIONAL IMAGE OF THE DEPARTMENT; OR THAT NEGATIVELY IMPACTS RELATIONSHIPS WITH OTHER OFFICERS, AGENCIES OR THE PUBLIC.

| <u>EXAMPLES INCLUDE BUT ARE NOT LIMITED TO:</u> |  | 1st Violation | 2nd Violation | 3rd** Violation |
|---|--|---------------|---------------|-----------------|
| RR-102.1  | Duty to Obey Departmental Rules and Mayoral Executive Orders (A-F)*  | in 4 Years    | in 4 Years    | in 4 Years      |
| RR-102.2  | Requirement for Former Officers to Obey Laws, Denver Police Department Rules and Regulations, and Certain Orders during the Pendency of Appeals (A-F)* | -Level-       | -Level-       | -Level-         |
| RR-103  | Aid Another to Violate Rule (A-F)*   |               |               |                 |
| RR-105  | Conduct Prejudicial (A-F)*   |               |               |                 |
| RR-108.2  | Protecting Identity of Undercover Officers   |               |               |                 |
| RR-115.1  | Conduct Prohibited by Law (A-F)*   |               |               |                 |
| RR-116  | Conspiracy to Commit Conduct Prohibited by Law or Aggravated Conduct Prohibited by Law (A-F)*  | 2             | 3             | 4               |
| RR-121  | Off Duty in Uniform (A-F)*   |               |               |                 |
| RR-122.1  | Respect for Fellow Officer   |               |               |                 |
| RR-126  | Amusement Places Restrictions  |               |               |                 |
| RR-127  | Responsibilities to Serve Public   |               |               |                 |
| RR-128.1  | Impartial Attitude   |               |               |                 |
| RR-132  | Purchase of Forfeited Property   |               |               |                 |
| RR-140  | Discourtesy  |               |               |                 |
| RR-206  | Soliciting Business  |               |               |                 |
| RR-303  | Trivial Offenses   |               |               |                 |
| RR-304  | Traffic Enforcement When Not in Uniform  |               |               |                 |
| RR-309.1  | Suggesting Bondsmen or Attorneys   |               |               |                 |
| RR-605  | Removal of Reports and Records   |               |               |                 |
| RR-607  | Failure to Make, File or Complete Official Reports   |               |               |                 |
| RR-613  | Unauthorized Use of Department Letterheads   |               |               |                 |
| RR-703  | Soliciting Money for Political Purposes  |               |               |                 |
| RR-704  | Soliciting for Promotion, Appointment  |               |               |                 |
| RR-806.1  | Alteration or Exchange of Badge Prohibited   |               |               |                 |
| RR-807  | Loss or Damage to Badge  |               |               |                 |
| RR-808  | Equipment and Property Restrictions on Use   |               |               |                 |
| RR-809  | Rough or Careless Handling of City or Departmental Property  |               |               |                 |
| RR-902  | Department Vehicle Operation   |               |               |                 |
| RR-1101   | Reporting Absence Prior to Roll Call   |               |               |                 |
| RR-1102   | Reporting for Duty   |               |               |                 |

- Any prior sustained violation in a category greater than or equal to the current violation shall increase the penalty level by 1. The prior violation must be within the specified time frame of the current violation.
  - Any prior sustained violation within the specified time frame, in a category lower than the current violation, may be considered as an aggravating factor.
- \*Violations that appear in multiple categories will require the Department to compare the underlying conduct to the definitions contained in each category in order to identify the appropriate category for the violation.
- \*\*The 4<sup>th</sup> or subsequent sustained violation of the same R&R, within the specified time frame, may result in more severe disciplinary recommendations.



# DENVER POLICE DEPARTMENT - DISCIPLINE MATRIX



## Categories, Violations and Level Assignments Table

### CATEGORY C

CONDUCT THAT HAS A PRONOUNCED NEGATIVE IMPACT ON THE OPERATIONS OR PROFESSIONAL IMAGE OF THE DEPARTMENT, OR ON RELATIONSHIPS WITH OTHER OFFICERS, AGENCIES OR THE PUBLIC.

| <u>EXAMPLES INCLUDE BUT ARE NOT LIMITED TO:</u>   | 1st Violation | 2nd Violation | 3rd** Violation |
|---|---------------|---------------|-----------------|
| RR-102.1 Duty to Obey Departmental Rules and Mayoral Executive Orders (A-F)*  | in 5 Years    | in 5 Years    | in 5 Years      |
| RR-102.2 Requirement for Former Officers to Obey Laws, Denver Police Department Rules and Regulations, and Certain Orders during the Pendency of Appeals (A-F)* | -Level-       | -Level-       | -Level-         |
| RR-103 Aid Another to Violate Rule (A-F)*   | 3             | 4             | 5               |
| RR-104 Contacting of Supervisor   |               |               |                 |
| RR-105 Conduct Prejudicial (A-F)*   |               |               |                 |
| RR-107 Always on Duty   |               |               |                 |
| RR-109.1 Drinking to Excess   |               |               |                 |
| RR-115.1 Conduct Prohibited by Law (A-F)*   |               |               |                 |
| RR-116 Conspiracy to Commit Conduct Prohibited by Law or Aggravated Conduct Prohibited by Law (A-F)*  |               |               |                 |
| RR-117 Disobedience of an Order (C-F)*  |               |               |                 |
| RR-119 Sleeping on Duty   |               |               |                 |
| RR-121 Off Duty in Uniform (A-F)*   |               |               |                 |
| RR-122.2 Abuse of Fellow Officers   |               |               |                 |
| RR-138 Discrimination, Harassment and Retaliation (C-F)*  |               |               |                 |
| RR-141.2 Reporting of Prohibited Associations   |               |               |                 |
| RR-204 Soliciting, Accepting Gifts, Gratuities  |               |               |                 |
| RR-307 Posting Bail   |               |               |                 |
| RR-310 Mistreatment of Prisoners/Suspects   |               |               |                 |
| RR-401 Display of Firearms  |               |               |                 |
| RR-402 Careless Handling of Firearms (C-F)*   |               |               |                 |
| RR-403 Restrictions on Auxiliary Weapons  |               |               |                 |
| RR-702 Using Police Position to Gain Political Office   |               |               |                 |
| RR-1004 Testifying for Defendant  |               |               |                 |

- Any prior sustained violation in a category greater than or equal to the current violation shall increase the penalty level by 1. The prior violation must be within the specified time frame of the current violation.
- Any prior sustained violation within the specified time frame, in a category lower than the current violation, may be considered as an aggravating factor.

\*Violations that appear in multiple categories will require the Department to compare the underlying conduct to the definitions contained in each category in order to identify the appropriate category for the violation.

\*\*The 4<sup>th</sup> or subsequent sustained violation of the same R&R, within the specified time frame, may result in more severe disciplinary recommendations.





**DENVER POLICE DEPARTMENT - DISCIPLINE MATRIX**



**Categories,  
Violations and Level Assignments Table**

**CATEGORY E**

CONDUCT THAT INVOLVES THE SERIOUS ABUSE OR MISUSE OF AUTHORITY, UNETHICAL BEHAVIOR, OR AN ACT THAT RESULTS IN AN ACTUAL SERIOUS AND ADVERSE IMPACT ON OFFICER OR PUBLIC SAFETY OR TO THE PROFESSIONALISM OF THE DEPARTMENT.

| <u>EXAMPLES INCLUDE BUT ARE NOT LIMITED TO:</u>   | 1st Violation | 2nd Violation | 3rd** Violation |
|---|---------------|---------------|-----------------|
| RR-102.1 Duty to Obey Departmental Rules and Mayoral Executive Orders (A-F)*  | No Time Limit | No Time Limit | No Time Limit   |
| RR-102.2 Requirement for Former Officers to Obey Laws, Denver Police Department Rules and Regulations, and Certain Orders during the Pendency of Appeals (A-F)* | -Level-       | -Level-       | -Level-         |
| RR-103 Aid Another to Violate Rule (A-F)*   |               |               |                 |
| RR-105 Conduct Prejudicial (A-F)*   |               |               |                 |
| RR-109.3 Drinking on Duty   |               |               |                 |
| RR-114 Intimidation of Persons  |               |               |                 |
| RR-115.1 Conduct Prohibited by Law (A-F)*   | 6             | 7             | 8               |
| RR-116 Conspiracy to Commit Conduct Prohibited by Law or Aggravated Conduct Prohibited by Law (A-F)*  |               |               |                 |
| RR-117 Disobedience of an Order (C-F)*  |               |               |                 |
| RR-120 Appropriating Property   |               |               |                 |
| RR-121 Off Duty in Uniform (A-F)*   |               |               |                 |
| RR-123 Assault of Fellow Officer  |               |               |                 |
| RR-138 Discrimination, Harassment and Retaliation (C-F)*  |               |               |                 |
| RR-141.1 Prohibited Associations (D-F)*   |               |               |                 |
| RR-203 Accepting Gifts from Persons of Bad Character  |               |               |                 |
| RR-302 Personal Family Disputes   |               |               |                 |
| RR-305 Duty to Protect Prisoner   |               |               |                 |
| RR-306 Inappropriate Force (D-F)*   |               |               |                 |
| RR-309.2 Suggesting Bondsmen or Attorneys for Profit  |               |               |                 |
| RR-402 Careless Handling of Firearms (C-F)*   |               |               |                 |
| RR-601.2 Communication of Confidential Information that Jeopardizes a Police Action   |               |               |                 |
| RR-606 Destruction of Reports or Records  |               |               |                 |
| RR-609 Altering Information on Official Documents   |               |               |                 |
| RR-1107 Physical or Mental Examination  |               |               |                 |
| RR-1108 Release of Medical Information  |               |               |                 |

- Any prior sustained violation in a category greater than or equal to the current violation shall increase the penalty level by 1. The prior violation must be within the specified time frame of the current violation.
- Any prior sustained violation within the specified time frame, in a category lower than the current violation, may be considered as an aggravating factor.

\*Violations that appear in multiple categories will require the Department to compare the underlying conduct to the definitions contained in each category in order to identify the appropriate category for the violation.  
 \*\*The 4<sup>th</sup> or subsequent sustained violation of the same R&R, within the specified time frame, may result in more severe disciplinary recommendations.



## DENVER POLICE DEPARTMENT - DISCIPLINE MATRIX



### Categories, Violations and Level Assignments Table

#### CATEGORY F

ANY VIOLATION OF LAW, RULE OR POLICY WHICH: FORESEEABLY RESULTS IN DEATH OR SERIOUS BODILY INJURY; OR CONSTITUTES A WILLFUL AND WANTON DISREGARD OF DEPARTMENT VALUES; OR INVOLVES ANY ACT WHICH DEMONSTRATES A SERIOUS LACK OF THE INTEGRITY, ETHICS OR CHARACTER RELATED TO AN OFFICER'S FITNESS TO HOLD THE POSITION OF POLICE OFFICER; OR INVOLVES EGREGIOUS MISCONDUCT SUBSTANTIALLY CONTRARY TO THE STANDARDS OF CONDUCT REASONABLY EXPECTED OF ONE WHOSE SWORN DUTY IS TO UPHOLD THE LAW; OR INVOLVES ANY CONDUCT WHICH CONSTITUTES THE FAILURE TO ADHERE TO ANY CONTRACTUAL CONDITION OF EMPLOYMENT OR REQUIREMENT OF CERTIFICATION MANDATED BY LAW.

EXAMPLES INCLUDE BUT ARE NOT LIMITED TO:

- RR-102.1 Duty to Obey Departmental Rules and Mayoral Executive Orders (A-F)\*
- RR-102.2 Requirement for Former Officers to Obey Laws, Denver Police Department Rules and Regulations, and Certain Orders during the Pendency of Appeals (A-F)\*
- RR-103 Aid Another to Violate Rule (A-F)\*
- RR-105 Conduct Prejudicial (A-F)\*
- RR-106.2 Sexual Misconduct
- RR-109.4 Under the Influence
- RR-111 Controlled Substances
- RR-112.2 Commission of a Deceptive Act
- RR-115.1 Conduct Prohibited by Law (A-F)\*
- RR-115.2 Aggravated Conduct Prohibited by Law
- RR-116 Conspiracy to Commit Conduct Prohibited by Law or Aggravated Conduct Prohibited by Law (A-F)\*
- RR-117 Disobedience of an Order (C-F)\*
- RR-121 Off Duty in Uniform (A-F)\*
- RR-130.2 Aiding and Protecting Fellow Officers – Intentional
- RR-137 Collective Bargaining Fair Share Fee
- RR-138 Discrimination, Harassment and Retaliation (C-F)\*
- RR-141.1 Prohibited Associations (D-F)\*
- RR-202 Soliciting or Accepting a Bribe
- RR-306 Inappropriate Force (D-F)\*
- RR-308 Aiding an Escapee
- RR-311.2 Interference with Prosecution
- RR-312.2 Interfering with Internal Investigation/Questioning
- RR-312.3 Failure to Provide a Statement
- RR-402 Careless Handling of a Firearm (C-F)\*
- RR-803 Uniform Restrictions for Officers Under Suspension
- RR-804 Exercise of Authority While Under Suspension
- RR-1103 Constructive Resignation
- RR-1201 POST Certification

1st  
Violation  
-Level-

8

\*Violations that appear in multiple categories will require the Department to compare the underlying conduct to the definitions contained in each category in order to identify the appropriate category for the violation.



### Scheduled Discipline

The following violations are subject to Scheduled Discipline as set forth in the Denver Police Department Operations Manual, rather than the Disciplinary Matrix set forth above.

- 1) OMS 116.11(1)(a)(2) - Required Minimum Annual Continuing Education
  - 1<sup>st</sup> Offense – 8 Fined Hours
  - 2<sup>nd</sup> Offense (in subsequent calendar years) – 24 Fined Hours
  - 3<sup>rd</sup> Offense – “Subsequent violations may be dealt with more severely”
  
- 2) OMS 116.11(1)(b)(2) - CEP Cancellation / CEP Failure to Attend
  - 1<sup>st</sup> Offense – Written Reprimand
  - 2<sup>nd</sup> Offense (within 1 year) – 8 Fined Hours
  - 3<sup>rd</sup> Offense – “May be dealt with more severely”
  
- 3) OMS 105.07(5)(a) - Failure to Shoot for Efficiency
  - 1<sup>st</sup> Offense – 1 Fined Day
  - 2<sup>nd</sup> Offense – (within 12 months) - 3 Fined Days
  - 3<sup>rd</sup> Offense – (within 5 consecutive years) – Chronic Offender
  
- 4) OMS 103.01 - Failure to Appear in Court (*filed under RR-502*)
  - 1<sup>st</sup> Offense – Oral Reprimand
  - 2<sup>nd</sup> Offense – Written Reprimand
  - 3<sup>rd</sup> Offense – (within 12 months) – 8 Fined Hours
  - 4<sup>th</sup> Offense – (within 12 months) – 40 Fined Hours
  
- 5) OMS 203.09(2)(a)(5)(d) - Preventable Accidents (*filed under RR-809*)
  - 1-4 Points – Oral Reprimand
  - 5-9 Points – Written Reprimand
  - 10-15 Points – A fine of one to five days
  - 16-20 Points – Suspension from three to ten days without pay
  - 21+ points – Minimum 5 day suspension without pay or more stringent action as appropriate.
  
- 6) OMS 112.09 - Photo Radar
  - 1<sup>st</sup> Offense – Oral Reprimand
  - 2<sup>nd</sup> Offense – (within 12 months) – Written Reprimand
  - 3<sup>rd</sup> Offense – (within 12 months) – 8 Fined Hours
    - Subsequent, or flagrant violations may result in more severe disciplinary recommendations

- 7) OMS 502.01(3) - Punctuality (filed under RR-125)
- 1<sup>st</sup> Offense – Oral Admonition
  - 2<sup>nd</sup> Offense - Oral Reprimand
  - 3<sup>rd</sup> Offense – Written Reprimand
  - 4<sup>th</sup> Offense – 8 Fined Hours
    - “Subsequent violations may be dealt with more severely.”
    - 6 offenses within 12 months or 9 offenses within 3 years = Chronic Offender.
- 8) OMS 112.12 - Safety Restraining Devices
- 1<sup>st</sup> Offense – Oral Reprimand
  - 2<sup>nd</sup> Offense (within 12 months) – Written Reprimand
  - 3<sup>rd</sup> Offense (within 12 months) – 1 day suspension
    - “Subsequent violations will be dealt with more severely.”

# RESPONSES TO THE AUDIT





OFFICE OF MAYOR SAM ADAMS  
CITY OF PORTLAND

May 10, 2012

LaVonne Griffin-Valade  
City Auditor  
1221 SW 4<sup>th</sup> Avenue Room 140  
Portland, OR 97204

Re: City Auditor Report: Portland Police Bureau Learning: Improvements needed  
to strengthen existing processes

As the Commissioner-in-charge of the Portland Police Bureau (PPB), I appreciate the opportunity to respond to the Audit Report on the Police Bureau as a Learning Organization. Chief Reese and I are committed to continuous improvement of the PPB. I would like to thank you and your staff for contributing to that effort.

As is acknowledged in the audit, the PPB has recently instituted many changes in response to community feedback, lessons learned from incidents in the field, and direct oversight and involvement from the Independent Police Review. The recommendations made in this audit complement these changes. In fact, a number of them are directives that we have already begun to implement, including annual performance assessments and the use of a disciplinary matrix.

I also appreciate the report's examination of the discrepancy between the demonstrable improvements in how the PPB interacts with Portlanders and a perceived or real lack of community trust in our police. This is a concern for all of us, since strong community relationships are vital to our police bureau's success in enhancing safety and the perception of safety in Portland.

Thank you, again, for your attention to this important aspect of the Portland Police Bureau's organizational growth.

Sincerely,

Sam Adams, Mayor





## CITY OF PORTLAND, OREGON



### Bureau of Police

Sam Adams, Mayor

Michael Reese, Chief of Police

1111 S.W. 2nd Avenue • Portland, OR 97204 • Phone: 503-823-0000 • Fax: 503-823-0342

Integrity • Compassion • Accountability • Respect • Excellence • Service

May 10, 2012

LaVonne Griffin-Valade  
City Auditor  
1221 SW 4<sup>th</sup> Avenue Room 140  
Portland, OR 97204

SUBJ: City Auditor Report: Portland Police Bureau Learning: Improvements needed  
to strengthen existing processes

I appreciate the opportunity to respond to the Audit Report on the Police Bureau as a Learning Organization. I would like to thank the staff of the City Auditor's Office for their time spent in preparing this report. They have appropriately taken into account and acknowledged many of the changes we have made over the past few years. I believe the Police Bureau is a progressive organization and we welcome input from many sources to achieve our goal to improve our work environments and processes while applying the practices that will work best in the City of Portland.

The Portland Police Bureau is dedicated to delivering public safety services in a professional, respectful, and fair manner. The recommendations contained in this audit will be reviewed and considered accordingly. I will share your report with my command staff.

Sincerely,

MICHAEL REESE  
Chief of Police

MWR/mp

## **Police Bureau Responses to Auditor Report: Portland Police Bureau Learning: Improvements needed to strengthen existing processes**

### **1. Implement annual individual performance assessments**

**Agree – this has been developed.** The bureau, along with assistance from the Mayor's office and BHR, has developed a performance evaluation process for all sworn PPA members (which includes police officers, Criminalists, Detectives, and Sergeants), with a subsequent evaluation process for all PPCOA members (i.e., Lieutenants, Captains and Commanders).

The proposed performance evaluation process consists of quarterly performance reviews with the final evaluation placed in the officer's personnel file. The first three reviews are intended to provide the officer with input regarding their performance and give an opportunity for correction, if needed. Additionally, the first three reviews are part of the supervisor's file and used to note deficiencies and/or accomplishments. Officers have the ability to attach rebuttal information to the final evaluation, if they so choose.

In accordance with the labor contract, the bureau is in the process of placing the union on notice of the bureau's intent to conduct performance evaluations on its members, and bargain any impacts raised by the union as a result of implementing performance evaluations.

### **2. Implement discipline matrix**

**Agree -** The Professional Standards Division (PSD) will convene a workgroup to develop a discipline guide (matrix). The project will be managed by the Police Bureau's Discipline and Review Board Coordinator (RBC). The RBC will solicit workgroup members (stakeholders), including union representatives, a representative from the Independent Police Review Division (IPR), the Operations Branch Executive Lieutenant, a representative from the City Attorney's Office, a sworn staff member, a member of the Training Division, a member of the Police Personnel Division and/or the Bureau of Human Resources, and the Professional Standards Division Standards & Accountability Unit Lieutenant. These stakeholders will develop a mission statement and identify the project's goals and objectives during an initial organizational meeting. Subsequent meetings will occur over time, during which the various matrices will be drafted and developed. The final draft Discipline Guide will be presented through channels via the Director of Services, the Chief of Police, and the BHR Director, to the Commissioner In-Charge for review and approval.

### **3. Explore ways to speed investigations of incidents and, at a minimum, give explicit, written authority from the Chief to one person to advocate for the timely and thorough completion of officer conduct investigations.**

**Agree – this is our current practice.** The Professional Standards Division has implemented a case tracking system that tracks each investigation weekly; identifying for bureau management exactly where the investigation is in the process, which it is assigned to, and the length of time it is being reviewed during each stage of the investigative/review process.



By position, the Director of Services has been given explicit written authority to advocate for the timely and thorough completion of officer conduct investigations. The Director of Services has cross-division authority to shepherd investigations through the process. The Director of Services reports directly to the Chief of Police. This authority is outlined in the City of Portland Class Specification for the position of Director of Police Services.

“As part of the Police Bureau executive team, the Director of Services develops Police Bureau policies, procedures, and regulations, and contributes to the development and implementation of the strategic direction for the Police Bureau. The Director *manages and directs* the development, implementation and evaluation of work programs, plans, work processes, systems and procedures to achieve City and bureau goals, objectives and performance measures consistent with the City’s quality and citizen service expectations.”

**4. Improve accountability and oversight for the SERT unit by establishing an independent process to review SERT training.**

**Agree.** The Assistant Chief of Operations and the Assistant Chief of Investigations meet quarterly with the Critical Incident Commanders and the SERT supervisors to review and critique past incidents, discuss improvements and research best practices for resolving critical incidents. Additionally, the Bureau has been meeting with police executives from several major departments around the state to discuss the feasibility of conducting independent reviews of each department's SWAT or SERT team.

**5. Produce regular management reports on the effectiveness and use of the Employee Information System.**

- a. To better use all features of the system, Bureau managers should receive regular management information to determine how the system is being used, the efficiency of the process, and the effectiveness of the service.

**Agree.** The EIS Administrator will complete an annual review of the EIS system to evaluate its usage by Bureau members, and the performance of the system over time. This report will address the Bureau’s use and effectiveness of the EIS system, and will make any recommendations for improvement. The Captain of the Professional Standards Division will forward this report directly to the Director of Services for distribution to Bureau managers throughout the Portland Police Bureau. This practice is now outlined in the EIS Standard Operating Procedure.

- b. The Bureau should implement a system to ensure that each individual employee intervention is carried out to completion as proposed.

**Agree - this is our current practice.**

All interventions are carried out to completion and are approved through the employee’s chain of command. The resolution, final outcome and/or monitoring must be approved by the Captain of the Professional Standards Division prior to completion as outlined in the EIS Standard Operating Procedure.

Not all EIS reviews lead to a formal intervention. For example, should an officer make a clerical error when completing a Use of Force Data Collection Report, an EIS review may be sent to that employee’s supervisor to review the issue and

circumstances surrounding the error made in the report. This may be a minor issue which would not require a formal intervention and monitoring for 30-90 days thereafter. The flexibility given to supervisors in monitoring their employee's, allows supervisors to address patterns of behavior versus onetime events. The decision to continually monitor an employee is a thoughtful process made and approved at each level of the officer's chain of command. This decision is based upon specific employee knowledge with consideration given to the specific threshold break. This decision must ultimately be approved by the Professional Standards Division Captain.

**6. Research and implement efforts to reduce turnover in key positions:**

The Chief's Office is committed to maintaining lieutenants and other command staff in place for 18-24 months. From previous research and practice, guaranteeing individuals will remain in place for a certain amount of time is difficult to manage and implement when the Bureau needs to account for union contracts, bargaining, promotions, organizational issues and requests for transfers (Command positions were cut when we reduced the number of precincts because of budget considerations so that we could expand the number of officers and supervisors at the precinct level). During this difficult economic climate, it may not be in the interest of the bureau or the City to expand pay grades for any positions, sworn or non sworn.

**7. Strengthen the cultural learning environment by addressing issues identified in our employee survey.**

a. Providing additional training time for employees as appropriate and as funds become available, making this an organizational priority.

**Mandatory training is a priority.** The State and DPSST mandate training for sworn employees. We offer internal training courses to sworn and non sworn employees. As additional funding becomes available, all employees will be able to attend training classes and courses that are voluntary.

b. Fostering a better atmosphere to encourage suggestions from employees by completing the feedback loop to those who make substantive suggestions for improvement, and by ensuring that first line supervisors know that bureau leaders value employee opinions:

**Implemented.** During the past 18 months, the bureau has created several new internal committees; the Innovations Council was established to encourage bureau members to submit ideas and suggestions that improved or benefited employees and the bureau in their work environment. Stipends would seed each project initiated. Some of the ideas concerned new efficiencies, new work practices. The Business Optimization Task Force is an internal group of bureau members who convened to study how to improve the way the bureau does business and to be good stewards of public dollars. The BOTF reviews how we conduct all aspects of our work and to research ideas on how to save money by doing our jobs more efficiently. The Diversity and Inclusion Leadership Council consists of bureau members interested in building equity and unity for all bureau members.

c. Encouraging upper level managers to spend more time in the field. That helps ensure policy changes, equipment purchases, and tactical improvements reflect the most

current field conditions and incorporate lessons learned. Bureau managers told us they regularly spend time in the field:

**Implemented.** This administration (current Chief and Assistant Chiefs) are dedicated to remaining in touch and in the field as much as possible. Currently, the Chief and Assistant Chiefs spend one shift per month at a precinct, rotating their shifts and precincts, and attend frequent roll calls to hear from the sworn officers and supervisors. There is a one hour in-service hour set aside for the Chiefs to hear from sworn personnel about any issue or concern or to inform sworn about upcoming changes. Precinct commanders and captains frequently attend roll calls at their precincts or divisions for issues raised at the precinct level. In addition, commanders walk or ride along in neighborhoods with district officers and community leaders to gather or share information about that district.





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*Portland Police Bureau Learning: Improvements needed  
to strengthen existing process*

Report #416, May 2012

Audit Team Members: Ken Gavette  
Kristine Adams-Wannberg

This report is intended to promote the best possible management of public resources. This and other audit reports produced by the Audit Services Division are available for viewing on the web at: [www.portlandoregon.gov/auditor/auditservices](http://www.portlandoregon.gov/auditor/auditservices). Printed copies can be obtained by contacting the Audit Services Division.

LaVonne Griffin-Valade, City Auditor  
Drummond Kahn, Director of Audit Services

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