



Use of Force by the Portland Police Bureau Follow-up

Progress Report and Analysis of Recent Data

From the Force Task Force to
Chief of Police Rosie Sizer

July 2009



CITY OF

PORTLAND, OREGON

OFFICE OF THE CITY AUDITOR

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MEMORANDUM

Date: June 30, 2009

To: Mayor Sam Adams
Commissioner Amanda Fritz
Commissioner Randy Leonard
Commissioner Dan Saltzman
Commissioner Nick Fish

cc: Rosanne Sizer, Chief of Police
Mary-Beth Baptista, Independent Police Review Division
Force Task Force Members

From: LaVonne Griffin-Valade, City Auditor

Subject: Follow-up to 2007 report – *Use of Force by the Portland Police Bureau*

The attached follow-up review revisits the April 2007 Force Task Force report on the use of force by the Portland Police Bureau (Bureau), discusses the status of recommendations outlined in the original report, and presents analyses of more recent trends. Like the 2007 report, this follow-up represents the joint efforts of Force Task Force members from the Bureau, the Auditor's Independent Police Review Division, and the Citizen Review Committee.

The work of the Force Task Force brings the City closer to the goal of transparent and accountable governance and contributes to improving the management of police services. I very much appreciate the expertise, diligence, and cooperation of Force Task Force members throughout the process.

The follow-up review shows that the Bureau has been responsive to recommendations made by the Force Task Force and has developed a number of internal processes to strengthen the management and oversight of the use of force. Through these changes, the Bureau has demonstrated its commitment to improving the agency's service to the public.



CITY OF PORTLAND, OREGON



Bureau of Police

Dan Saltzman, Police Commissioner
Rosanne M. Sizer, Chief of Police

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MEMORANDUM

June 24, 2009

TO: Auditor LaVonne Griffin-Valade, City of Portland
Director Mary-Beth Baptista, Independent Police Review Division
Force Task Force Members

SUBJECT: Second Use of Force Report

I would like to thank the members of the Force Task Force for their work on this report. The Portland Police Bureau first undertook a collaboration with the Independent Police Review Division (IPR) and the Citizen's Review Committee (CRC) on the issue of force in November 2006. The collaboration resulted in the first Use of Force Report, an initial analysis of use of force data and 16 recommendations for changes in policy, procedure, and training on the part of the Police Bureau and IPR.

This second Force Task Force assessed the implementation of those recommendations and took another look at the data. I am happy to report that the Portland Police Bureau implemented its 15 recommendations from the first Use of Force Report. I am happy to report that the analysis contained in this report shows that use of force incidents have decreased as have injuries to both officers and suspects. This data shows Portland—like its peer cities—continues to use force in substantially less than 1% of all calls for service and less than 5% of all arrests.

The Portland Police Bureau's work on issues of force shows an organizational maturity for which I am most proud. The Portland Police Bureau is one of few police departments in the country that publicly reports on force. Further, the process of developing and implementing the recommendations was hard and at times unsettling work. However, the organization demonstrated a willingness to examine its policies and training with a critical eye towards providing the best public safety using only the force reasonably necessary to safely and effectively resolve incidents.

I salute the many people inside and outside the Portland Police Bureau who worked so hard on this topic.

Sincerely,

ROSANNE M. SIZER
Chief of Police

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Members of the Force Task Force

Mary-Beth Baptista: Task Force Chairperson, Director, Independent Police Review Division, City of Portland

Michael Bigham: Chair, Citizen Review Committee

Shannon Callahan: Director of Public Safety, Commissioner Saltzman's Office, City of Portland

Vic Dody: Sergeant, Training Division, Portland Police Bureau

Loren Eriksson: Member, Citizen Review Committee and Portland Police Bureau Use of Force and Performance Review Boards

Ed Hamann: Lieutenant, Chief's Office, Portland Police Bureau

Michael Marshman: Sergeant, Chief's Office, Portland Police Bureau

Brian Martinek: Assistant Chief of Police, Operations Branch, Portland Police Bureau

Larry O'Dea: Assistant Chief of Police, Services Branch, Portland Police Bureau

Rachel Philofsky: Public Safety Policy Advisor, Commissioner Saltzman's Office, City of Portland

Pete Sandrock: Assistant Director, Independent Police Review Division, City of Portland

Constantin Severe: Assistant Director, Independent Police Review Division, City of Portland

Leslie Stevens: Director, Office of Accountability and Professional Standards, Portland Police Bureau

John Tellis: Commander, Training Division, Portland Police Bureau

Scott Westerman: President, Portland Police Association

Analysts: **Christy Khalifa:** Office of Accountability and Professional Standards, Portland Police Bureau

Derek Reinke: Independent Police Review Division, City of Portland

Note: Some meetings had additional attendees from the Portland Police Bureau or the City Attorney's Office.

Message from Force Task Force Chair

The original Force Task Force formed in November 2006 to review data collected on use of force reports filed by the Portland Police Bureau (Bureau). The work done by the Task Force was documented in a report released in April of 2007 – which included analysis of the data collected with an eye toward patterns of use of force within the Bureau. This report also included 16 recommendations designed to improve the Bureau’s management of force and reduce the number of complaints involving force. The Chief agreed to implement all of the recommendations and in November of 2008 the Task Force reconvened to evaluate the Bureau’s progress and to analyze more recent use of force data.

I am pleased to have had the opportunity to Chair and participate in the second Force Task Force. I would like to thank the members for their diligence and careful consideration of the efforts made by the Bureau to satisfy each of the recommendations. I also appreciate their thoughtful and insightful analysis of the force data. I especially would like to extend my thanks to Independent Police Review Division Senior Management Analyst Derek Reinke and Bureau Crime Analyst Christy Khalifa for their work on this report. I greatly appreciated their cooperative and positive attitude throughout this process. And a special thanks to the two Citizen Review Committee representatives, Loren Eriksson and Michael Bigham. Their public perspective and dedication were invaluable to this Task Force.

I am encouraged by the work done by the Bureau under the leadership of Chief Rosie Sizer. As you will read on the following pages, each member of the Task Force agreed that the Bureau followed through on its commitment, and fulfilled all of the original recommendations. The Bureau’s work is commendable and demonstrates proactive leadership, a dedicated work force, and increased transparency. Further, by examining the data regarding the use of force within the Bureau included in the analysis portion of this report, the Bureau has shown the community that it is committed to providing the most effective police services to the City of Portland while ensuring the safety of the public and Bureau members.

Sincerely,

A handwritten signature in black ink, appearing to read "MBaptista". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Mary-Beth Baptista
Chair

Table of Contents

Message from Portland City Auditor, LaVonne Griffin-Valade	iii
Message from Portland Police Bureau Chief, Rosanne Sizer	v
Members of the Force Task Force	vii
Message from Task Force Chair, Mary-Beth Baptista	ix
Executive Summary	1
Original Task Force Recommendations (2007).....	3
Introduction	5
Part One: Progress Report on Task Force Recommendations	5
Part Two: Use of Force Data Analysis	12
Methodology	12
Overview and Comparisons	12
Force Complaints	15
Injuries and Use of Force	17
Force by Personal Characteristics of Subjects and Officers	18
Additional Data Reviewed	21
Appendices	25

Executive Summary

- The original Force Task Force formed in November 2006 to review the Portland Police Bureau's use of force data (dating to August 2004). The Task Force report, released in April 2007, made 15 recommendations to the Chief of Police and one to the Independent Police Review Division.
- Each current Task Force member agreed that the Portland Police Bureau (Bureau) and other agencies (i.e., the Independent Police Review Division and TriMet) have successfully met the intent of all of the recommendations made in the original report.
- Force complaints are down substantially and uses of force are down for most categories.
- Reported injuries from force encounters are down for both officers and subjects.
- The Bureau's Transit Division is a major success story in terms of reducing its reliance on force and producing fewer force complaints. Central Precinct has made similar improvements. New strategies were identified for these two service areas in response to the original report.
- Current Task Force members reviewed updates to data that were presented in the previous report and additional areas of public concern. The major trends and comparisons are presented in this report.

Original Task Force Recommendations (2007)

- 1. The Bureau should identify the uses for the Use of Force form and redesign the form to capture all relevant data. Uses should include:**
 - **Providing data for the Bureau’s new Employee Information System (EIS);**
 - **Enabling the Bureau to benchmark and make comparisons to other jurisdictions;**
 - **Supporting intra-bureau comparisons and analyses;**
 - **Permitting the bureau to evaluate and assess training and policy issues; and**
 - **Allowing the bureau to publicly report and demonstrate its commitment to public accountability and transparency.**

- 2. The Bureau should change the name of the required use of force form from “Report” to “Data Collection Form.”**

- 3. The Bureau should deliver clear and direct training about how and when to use the Use of Force form. A tips and techniques memo is not sufficient.**

- 4. The Bureau should require officers to provide a complete and accurate justification for the level of force used during an incident.**

- 5. The Bureau should conduct at least an annual analysis of its data.**

- 6. IPR should track the frequency of force complaints received from eye witnesses and third parties.**

- 7. The Bureau should revise its force policy(s) to:**
 - **Better define the “reasonableness” standard;**
 - **Allow the Bureau to manage its employees toward the goal of using lower force options when appropriate;**
 - **Incorporate in its physical force policy a broader look at force incidents consistent with the requirement in Directive 1010.10 that officers should ensure that their actions do not recklessly create the need to use force;**
 - **Require officers to report possible violations of force policies;**
 - **Require supervisors to review reports for completeness, accuracy and justification for the use of force; and**
 - **Require managers to address all of the requirements of force policies when preparing proposed findings in misconduct investigations, including assessing the amount of force used and considering more than the suspect’s actions at the moment before force was used.**

- 8. The Bureau should amend training practices to incorporate whatever revisions are made to the Bureau's force policy(s) and revise force training curriculum, philosophy, and personnel delivery style in all training components, including but not limited to the Advanced Academy, In-Service training, Sergeants Academy and Field Training Officer levels.**
- 9. The Bureau should require a debriefing with officers in all citizen or bureau-initiated force complaints containing use of force allegations. The Internal Affairs Division (IAD) and Independent Police Review (IPR) should work together to determine the timing and format of the required debriefing documentation.**
- 10. The Bureau should count all numbered misconduct complaints when determining whether an officer should be reviewed under the Bureau's current early warning system and that, as required by Directive 345, reviews are conducted if an officer receives two or more complaints with allegations of use of force or improper control techniques within six months.**
- 11. Consistent with the current considerations for EIS reviews, the Bureau should immediately identify officers whose arrest to force ratios exceed three times that of their relief/unit average and officers who use force in more than 15% of their arrests. The Bureau should initiate EIS reviews of those officers within 90 days.**
- 12. After one year, the Bureau should re-evaluate EIS use of force thresholds for mandatory supervisor reviews.**
- 13. The Bureau should require semi annual performance discussions that include a review of use of force incidents.**
- 14. The Bureau should attempt to reduce forcible encounters, particularly in the Central Precinct and Transit Police Division, by broadening the strategies the Bureau uses to control street level drug dealing, street disorder in the Entertainment District at closing, and public order offenses.**
- 15. The Bureau should partner with TriMet to provide public information on fare missions, enforcement strategies and behavior expectations, making TriMet a more visible partner.**
- 16. IPR, the Assistant Chief of Operations and supervisors of street crime units should meet semi-annually to share and review information, including complaint data and tactics.**

Introduction

The original Force Task Force formed in November 2006 to review data collected since August 2004 on use of force reports filed by Portland Police Bureau (PPB or Bureau) officers. The mission of the original Task Force was to identify any distinct patterns in Portland's use of force data and develop recommendations to the Chief of Police.

The Task Force included two PPB Assistant Chiefs, PPB Training Division and Office of Accountability and Professional Standards personnel, two members of Portland's Citizen Review Committee (CRC), and management of the City Auditor's Independent Police Review (IPR) Division. The Task Force report, released in April 2007, made 16 recommendations in the areas of data collection and analysis, policy and training, supervision and management, and intra-bureau patterns of force. The recommendations were designed to improve the Bureau's management of force and reduce the number of community complaints involving force.

The Chief agreed to implement all of the recommendations and invited the Task Force to follow up. In November 2008, the Force Task Force was reconvened with similar membership and composition (see page vii) to evaluate progress on the recommendations and analyze more recent use of force data. It met eight times through June 2009.

Part One: Progress Report on Task Force Recommendations

The Task Force reviewed the implementation and current status of the recommendations made in the original report. Each member agreed that the Bureau, IPR, and TriMet have successfully met the intent of all 16 recommendations. Detailed efforts and findings are listed under each recommendation.

Recommendation 1: The Bureau should identify the uses for the Use of Force form and redesign the form to capture all relevant data. Uses should include:

- **Providing data for the Bureau's new Employee Information System (EIS);**
- **Enabling the Bureau to benchmark and make comparisons to other jurisdictions;**
- **Supporting intra-bureau comparisons and analyses;**
- **Permitting the bureau to evaluate and assess training and policy issues; and**
- **Allowing the bureau to publicly report and demonstrate its commitment to public accountability and transparency.**

A redesigned Force Data Collection Report has been used exclusively since November 2007 (see Appendix A). The new report form implements this recommendation. Officers now enter case numbers from the Computer-Aided Dispatch (CAD) system, enabling the Bureau to use the report in conjunction with CAD data for more comprehensive analyses – for example, to examine officer call load to use of force ratios. Information from the new report form is loaded into the Portland Police Data System (PPDS) and is available for intra-bureau comparisons.

Benchmark comparisons to other jurisdictions are more valid now as the new form reduces the over-reporting of "handcuffing only" (which is not considered a use of force), tracks only control holds that cause an injury, excludes usage of a Taser if it is only pointed in "light mode", and is accompanied by specific reporting instructions and training (see Recommendation 3). Additional use of force reporting that is still largely unique to Portland (e.g., pointing of a firearm without discharge) can easily be removed from the data for comparison purposes.

Data from the use of force reports have been useful for public reporting, transparency, and accountability. For example, Mayor Tom Potter's Racial Profiling Committee was provided use of force statistics by race and precinct. Data from the first full year of using the redesigned data collection form is analyzed in Part Two of this Task Force report.

Recommendation 2: The Bureau should change the name of the required use of force form from "Report" to "Data Collection Form."

The redesigned document is titled "Force Data Collection Report" rather than "Use of Force Report" in response to the recommendation. The Bureau's Information Technology and Records Divisions advised the term 'report' is more consistent with other Bureau documents that can stand alone. The Force Task Force agreed the change satisfied the spirit of recommendation and supported the reasons for retaining 'Report' in the title.

Recommendation 3: The Bureau should deliver clear and direct training about how and when to use the Use of Force form. A tips and techniques memo is not sufficient.

PPB Accountability and Professional Standards personnel wrote a new tips and techniques memorandum, created a six-minute roll call video explaining the procedure for filling out the new form, and instructed on the topic at the 2008 Sergeant's Academy. At the Task Force's request, the Training Division reloaded the roll call video on the Bureau's intranet and circulated an e-mail requesting that managers remind staff to view the video if they had not done so to date.

Recommendation 4: The Bureau should require officers to provide a complete and accurate justification for the level of force used during an incident.

Directive 1010.20 - Physical Force - was amended in March 2008 to require complete and accurate justification for uses of force (see Appendix B). Training on this amendment was conducted at the Bureau's 2008 in-services for current Bureau members. The training contained information presented by the Chief's Office and the City Attorney's Office, including details of the new use of force policy, and how to document the level of force. The new policy was also presented during Advanced Academy classes for new officers in the summer of 2008.

Recommendation 5: The Bureau should conduct at least an annual analysis of its data.

The Bureau has reviewed force data twice a year with the formation of the new Precinct Use of Force Review teams (see Recommendation 13). Similar force data has been generated and distributed upon request for public bodies such as the Racial Profiling Committee noted in Recommendation 1. Part Two of this report represents the first public comprehensive data analysis since the spring 2007 report, and the first such analysis based on the new Force Data Collection Report. The analysis includes breakdowns on the types of force used, comparisons of uses of force to arrests, intra-bureau comparisons, and officer and subject characteristics.

Recommendation 6: IPR should track the frequency of force complaints received from eye witnesses and third parties.

IPR has incorporated the ability to track this difference (the role of the complainant during force incidents) into the database it shares with the Bureau's Internal Affairs Division (IAD). IPR receives about one witness or third party use of force complaint to every six where the named complainant was the subject of force.

Recommendation 7: The Bureau should revise its force policy(s) to:

- **Better define the "reasonableness" standard;**
- **Allow the Bureau to manage its employees toward the goal of using lower force options when appropriate;**
- **Incorporate in its physical force policy a broader look at force incidents consistent with the requirement in Directive 1010.10 that officers should ensure that their actions do not recklessly create the need to use force;**
- **Require officers to report possible violations of force policies;**
- **Require supervisors to review reports for completeness, accuracy and justification for the use of force; and**
- **Require managers to address all of the requirements of force policies when preparing proposed findings in misconduct investigations, including assessing the amount of force used and considering more than the suspect's actions at the moment before force was used.**

As mentioned in the response to Recommendation 4 above, Directive 1010.20 - Physical Force - was amended in March 2008 and is included as Appendix B to this report. Each of the specific issues raised by the original Task Force recommendation is addressed in the revision.

Recommendation 8: The Bureau should amend training practices to incorporate whatever revisions are made to the Bureau's force policy(s) and revise force training curriculum, philosophy, and personnel delivery style in all training components, including but not limited to the Advanced Academy, In-Service training, Sergeants Academy and Field Training Officer levels.

As mentioned in the response to Recommendation 4 above, officers were instructed on the expectations presented in the new policy (including justification and documentation of force) during in-service training, Advanced Academy, and Sergeant's Academy by the Chief's Office, the City Attorney's Office, and the Bureau's Office of Accountability and Professional Standards. The delivery of tactics and scenario-based instruction stemming from the revised policy was incorporated into the Defensive Tactics curriculum.

Recommendation 9: The Bureau should require a debriefing with officers in all citizen or bureau- initiated force complaints containing use of force allegations. The Internal Affairs Division (IAD) and Independent Police Review (IPR) should work together to determine the timing and format of the required debriefing documentation.

The Bureau now requires debriefing on all force complaints. IAD Standard Operating Procedure (SOP) B-08 was amended to require the commander of the involved member to debrief on all force complaints regardless of disposition. The commander must notify IAD when a debriefing is completed and that date is noted in the IPR/IAD shared database.

IPR originally notified commanders of involved members by copying them on closing letters addressed to complainants with force allegations. In cooperation with IAD, IPR recently initiated a monthly report listing the complaint cases closed naming officers by reporting unit and addressed to the responsible commander or manager. Any force complaints are highlighted on that report with specific instructions about the required officer debriefing and IAD notification.

Recommendation 10: The Bureau should count all numbered misconduct complaints when determining whether an officer should be reviewed under the Bureau's current early warning system and that, as required by Directive 345, reviews are conducted if an officer receives two or more complaints with allegations of use of force or improper control techniques within six months.

The Bureau currently counts all numbered misconduct complaints for purposes of Employee Behavior Reviews (EBR). IAD SOP B-01 details IAD's monitoring procedures for reviewing new complaints, including the requirement that all numbered complaints be considered when determining whether to initiate an EBR.

Recommendation 11: Consistent with the current considerations for EIS reviews, the Bureau should immediately identify officers whose arrest to force ratios exceed three times that of their relief/unit average and officers who use force in more than 15% of their arrests. The Bureau should initiate EIS reviews of those officers within 90 days.

As discussed below in response to Recommendation 12, EIS has not yet been fully deployed. When the Bureau attempted to implement Recommendation 11 using force ratio thresholds of three times the unit average and/or 15% of arrests, it discovered two issues that had not been considered by the Task Force. First, when the Bureau produced a list of officers using these thresholds it discovered that EIS was not programmed to count ‘arrest-like’ civil custodies (e.g., mental health holds and admittance to detoxification centers) when calculating force ratios. Second, the original list included many sergeants and lieutenants who typically participate in few arrests unless they have been called to assist officers in already difficult encounters. For example, a sergeant might be called to assist in eight arrests over six months (while officers average 15-20 arrests). If just two of those arrests required force, the resulting force ratio would be 25%.

In light of the unanticipated circumstances, the Bureau decided to produce a list of officers at the 30% level for the reviews. In February 2008, each PPB commander was provided a list of officers who used force in 30% or more of their arrests during the preceding six months. Lieutenants and sergeants reviewed the listed officers’ reports for training, decision-making, or other performance concerns. By mid-March 2008, these individual officer use of force reviews – including a documented officer debriefing – were complete. Although not yet fully implemented, EIS has since been reprogrammed to account for civil custodies and is currently programmed to include a 15% threshold.

The Task Force agreed that the Bureau’s actions satisfied the intent of the original recommendation.

Recommendation 12: After one year, the Bureau should re-evaluate EIS use of force thresholds for mandatory supervisor reviews.

EIS has not been fully implemented and deployed. Phase I – the integration of relevant data sources (such as personnel and police records, court data, and complaints) into a single, flexible information source – is complete. Phase II includes a supervisory review process with interventions triggered by thresholds in the data. This phase is still being implemented. The Bureau has continued to evaluate thresholds during the planning, testing, and implementation of Phase II. The business plan includes continued review after implementation as well, including a re-evaluation of the use of force ratio threshold (currently programmed at 15%). The Task Force agreed that the current considerations and future planning met the intent of the original recommendation.

Recommendation 13: The Bureau should require semi annual performance discussions that include a review of use of force incidents.

Revised Directive 1010.20 requires these reviews. Review teams were established at all operational units to assist with these reviews. Reviews have been conducted according to schedule since teams were formed in 2007.

In addition, the Bureau recently made two changes to the scope of its Use of Force Review Board that will further enhance the agency's overall review of force incidents. First, the Board will begin reviewing the operational, unit-level reviews on an annual basis looking for Bureau-wide trends. Second, the Board will meet annually to review all cases where force was used and a suspect was transported to a hospital – regardless of the level of injury. In May 2009, the Board reviewed all 28 hospital treatment cases that took place in 2008 even though very few of those met the definition of a serious injury for required review under Directive 335. The Board determined that an annual review of all hospital treatment cases for patterns and trends would also be appropriate.

Recommendation 14: The Bureau should attempt to reduce forcible encounters, particularly in the Central Precinct and Transit Police Division, by broadening the strategies the Bureau uses to control street level drug dealing, street disorder in the Entertainment District at closing, and public order offenses.

Both Transit Division and Central Precinct have addressed the identified issues. Both divisions review all Force Data Collection Reports for proper tactics and potential problem areas, as well as possible personnel issues that might need to be addressed.

Transit Division made changes in its arrest tactics (especially during undercover operations) and began discussing force options with individual officers and at roll calls. Officers are also communicating more with both suspects and bystanders about what occurred and why.

Central Precinct closely reviews the operations of its Street Crimes Unit, including command staff involvement in some missions and search warrants. The precinct management meets on a regular basis with club and bar owners in the Entertainment District to work collaboratively on issues in the area. This proactive approach also allows Central to outline enforcement strategies and open lines of communication during a period of calm, rather than having the only interaction happen while officers are trying to resolve an active problem. The precinct has used its Service Coordination Team to work with non-traditional police partners such as downtown human and mental health service providers.

As evidenced in Part Two of this report, uses of force and force complaints are down for both Transit Division and Central Precinct.

Recommendation 15: The Bureau should partner with TriMet to provide public information on fare missions, enforcement strategies and behavior expectations, making TriMet a more visible partner.

The Bureau worked with TriMet to develop and launch a public awareness campaign around the slogan "Respect the Ride", make code revisions, modify behavior rules, and distribute new information in pamphlet, leaflet, and on-line formats. TriMet has created behavior expectations of its employees to be more visible, engaging, and approachable. Education and training is ongoing and prioritized to provide riders a sense of security and comfort, with a heightened sense of passenger behavioral responsibility and ability to report their concerns. The organization is a much more visible partner.

Transit Division meets regularly to discuss force and complaint statistics, attends security and safety meetings, and regularly partners in sharing information. Fare missions are done in conjunction with police, supervisors, and fare inspectors occur multiple times per week at different and undisclosed locations that are pre-planned. Other enforcement strategies used include a courtesy pass in the event of ticket machine/validation failure, verbal or written warnings, citations and/or exclusions.

Recommendation 16: IPR, the Assistant Chief of Operations and supervisors of street crime units should meet semi-annually to share and review information, including complaint data and tactics.

The previous IPR Director met with Central Precinct and Transit Division (discussing missions, tactics, and complaint data) and went on multiple ride-alongs and undercover missions with both divisions. No formal semi-annual review has occurred, however, and some efforts were sidelined while IPR transitioned to a new director in 2008. The new IPR Director did a recent ride-along in Central Precinct and has attended staff meetings at Northeast, Central, and East Precincts. Both Central Precinct and Transit Division have been actively involved in detailed strategic planning with the Assistant Chief of Operations.

Part Two: Use of Force Data Analysis

METHODOLOGY

Unless otherwise noted, data presented in Part Two are based on the time period of November 5, 2007 to November 4, 2008 – the first 12 months that the Bureau collected force data on the revised forms. A total of 2,438 use of force reports were submitted by PPB officers during the time period.

To maintain consistency with the Force Task Force report released in April 2007, the following were excluded from the primary analysis¹:

- Pointing of either a firearm (1,053)² or impact munitions weapon (19) was the only force reported.

Excluding these reports, data on force reports submitted during the time period cover:

- 1,366 use of force reports (one for each officer-suspect encounter)
- 1,080 incidents (cases which may involve more than one officer and/or suspect)
- 460 officers
- 1,041 suspects

OVERVIEW AND COMPARISONS

Portland Overview: November 5, 2007 to November 4, 2008

Calls for service involving force are down from 2005, going from 0.36% to 0.27%. Arrests involving force declined from 4.18% to 3.07%.

Table 1

Portland Use of Force Data Overview	
Use of Force Incidents	1,080
Calls for Service	395,642
Arrests	35,148
Calls per Force Incident	366
Arrests per Force Incident	33
Percent of Calls Involving Force	0.27%
Percent of Arrests Involving Force	3.07%

¹ The newer Force Data Collection Report does not include an option for officers to indicate the use of handcuffing as a force option, whether a Taser was used in light only mode, or whether a firearm was discharged. Therefore, none of these categories were excluded from analysis using these criteria as they were in the prior analysis for the Force Task Force.

² For additional information on the 1,053 incidents that included only pointing a firearm, see Appendix C.

Benchmarking Portland's Force Levels

The three peer jurisdictions shown in Table 2 were chosen because they report publicly on police use of force and have similar definitions of reportable force.

Table 2

	2007 UOF Incidents	2007 Calls for Service	2007 Arrests	UOF per 10,000 Calls for Service	Ratio of Calls to UOF Incidents	Ratio of Arrests to UOF Incidents	Percent of Calls Involving Force	Percent of Arrests Involving Force
San Jose	1,037	436,624	35,998	24	421	35	0.24%	2.88%
Minneapolis	1,234	422,659	55,645	29	343	45	0.29%	2.22%
Portland	1,095	410,545	36,354	27	375	33	0.27%	3.01%
Seattle	718	440,628	24,252	16	614	34	0.16%	2.96%

Note: Data in Table 2 are for calendar year 2007.

Researchers at Michigan State University and the University of Central Florida will provide additional data by the fall of 2009 that could facilitate other benchmarking comparisons. They are completing a study funded by the National Institute of Justice in which they examined force policies, training, use of force data, and force complaints for Portland and seven other medium-sized cities.

Overall Force Types, Counts, and Trends

The number of reportable use of force incidents has decreased by 40% since the previous reporting period (total reports are down 35%; see Table 3). However, a substantial driver of that reduction was the change in reporting requirements for control holds. Use of force reports are now only required for control holds when they cause injury. Reports are no longer required for physical controls like handcuffing, pressure points, and control holds that do not cause injury.

These changes have substantially reduced the overall number of force reports in Table 3. This overall number is used as the denominator in calculating many of the percentages listed throughout the current and previous Task Force reports. Therefore, readers should exercise care when comparing data to the previous report. Simply comparing current percentages (e.g., the second column in Table 3) to percentages listed in the previous report may be of limited value. It is more accurate to focus on force categories that are similarly defined for both reports and compare annualized counts (or rates per 12-month period; see the two right-hand columns in Table 3). This methodological consideration applies to many of the tables that follow.

The most frequently reported force type during the current time period was physical control (56%) followed by Taser use (36%). The annual rate of non-lethal impact munitions (-72%), baton use (-45%), and pepper spray (-41%) are clearly down from the

Table 3

Types of Force Reported						
	Number of Reports	Percent of Total Reports	Number of Officers Reporting	Number of Reports per Reporting Officer	Annual Rate of Reports (Previous Review)	Percent Change Since Previous Review
	1,366	100%	460	3.0	2,113.4*	-35%*
Physical Control	763	56%	337	2.3	NC*	-
Control Holds Causing Injury	70	5%	54	1.3	NC*	-
Takedowns	675	49%	310	2.2	832.6	-19%
Hobble**	97	7%	77	1.3	109.8	-12%
Taser	495	36%	286	1.7	496*	<1%*
Blunt Impact Strike	298	22%	174	1.7	NC*	-
Hands/Feet	288	21%	171	1.7	269.5	7%
Baton	14	1%	13	1.1	25.4	-45%
Pepper Spray	83	6%	56	1.5	141.7	-41%
Non-Lethal Impact Munitions	14	1%	12	1.2	50.8	-72%

* Changes in reporting requirements greatly affect the overall report and incident counts and several specific force categories. NC = Not Comparable. Taser comparison is based on last 12 months of previous report.

** Also known as a leg restraint. 1" wide, polypropylene belt, with a self-locking alligator clip on one end to lock the restraint tight and a copper snap on the other. Beside a leg restraint, it can be used to strap the arms back so the subject can't slip his cuffs to the front or to restrain a dog.

previous reporting period. Takedowns (-19%) and hobble use (-12%) appear down as well. Strikes with the hands or feet are up slightly (7%).

In comparing Taser counts, only the last 12 months of the previous 26-month reporting period are considered. Before that time only a portion of PPB officers carried Tasers. The annual rate of Taser reports was consistently around 500 from October 2005 to November 2008 (495 in the current reporting period). Taser reports have dropped roughly 20% in Central Precinct and Transit Division, but increased in other service areas.

In three-quarters of the reported force incidents, only one type of force was used:

Table 4

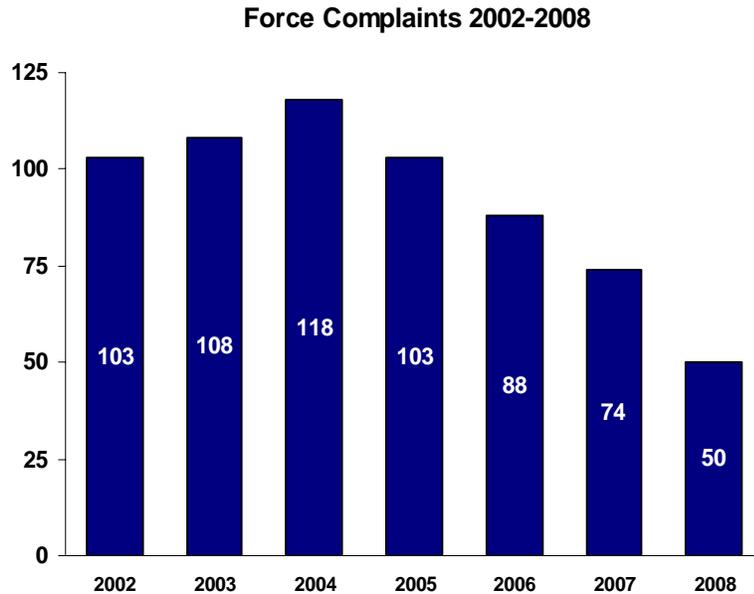
Types of Force Reported	Number of Force Reports	Percentage of Force Reports
One type of force used	1,005	74%
Two types of force used	258	19%
Three types of force used	41	3%
Four or more types of force used	2	<1%

Note: Sixty force reports (about 4%) did not indicate force.

FORCE COMPLAINTS

Force complaints are down 58% since 2004, while citizen-initiated complaints are down 42% overall. (Note: Figure 1 is based on calendar years.)

Figure 1



In the specific reporting period of the Task Force, there were 60 force complaints reported to IPR or IAD. Fifty-three were citizen-initiated, four were bureau-initiated, and three were opened by IPR after reviewing a tort claim filed against the City. There were a total of 91 allegations of force within these 60 complaints.

The previous Task Force report noted that the Bureau appears to sustain fewer force complaints, and exonerate officers more often, than other jurisdictions.³ One bureau-initiated force complaint was sustained in Portland during the current reporting period. After an appeal and challenge by the CRC, a citizen-initiated force allegation was also sustained during the period. Two force complaints have been sustained since November 2008, and a number of force allegations are currently under investigation.

Officers who use force more frequently are more likely to be the subject of force complaints. The officer who filed the most force reports (24) also received the most force complaints (three, plus one tort claim).

The Bureau has been proactive in addressing the situation with this officer. For example, supervisors have since met with the officer in a behavior review and suggested strategies (e.g. waiting for cover officers, considering other tactical options, improved

³ Sustain means to find that an officer's actions were in violation of policy or procedure. Exonerate means to find that actions were within policy.

communication) for reducing the reliance on force to make an arrest. The officer has also recently been reassigned to a new shift with a different operating environment.

Table 5

Force Complaints Compared to Officer Reporting Use of Force Incidents		
Force Complaints	Number of Officers	Average UOF Incidents Reported
None	402	2.7
One or More	76	3.6

Table 6

Force Complaints by Precinct				
Precinct	Number of Calls per Use of Force Reports	Force Complaints	Officers Reporting Use of Force	Number of Complaints per Reporting Officer
Central	200	14	95	0.15
East	322	13	108	0.12
NE	359	6	83	0.07
N	418	7	49	0.14
SE	328	14	95	0.15
Transit	177	1	31	0.03
Other	267	5	58	0.09
Total	---	60	519	---
Overall Ratio	293	---	---	0.12

In the previous Task Force report, Central Precinct and Transit Division showed higher numbers of complaints per reporting officer compared to other precincts. Recommendation 14 mentioned particular strategies for those two divisions. In the current reporting period, Central Precinct is comparable to Southeast and North Precincts, while Transit Division has the smallest ratio.

A similar pattern exists in the overall use of force data by precinct shown in Table 7. While Central Precinct still accounts for the highest percentage (27%) of the total Force Data Collection Reports submitted, its share is down from the previous report and is more comparable to the other precincts. Transit Division had a notable reduction in its share of force reports, from 9% in the previous task force review to 5% in the current reporting period.

Table 7

Precinct	Total Force Reports	Percent of Bureau Total	Percentage of Total Force Reports Involving:				
			Physical Control	Blunt Impact Strikes	Taser	Pepper Spray	Impact Munitions
Central	365	27%	60%	27%	27%	10%	1%
East	301	22%	45%	19%	49%	5%	2%
North	108	8%	56%	13%	42%	1%	1%
Northeast	203	15%	65%	18%	37%	6%	1%
Southeast	243	18%	53%	26%	35%	2%	<1%
Transit	74	5%	64%	16%	34%	12%	1%
Other	72	5%	60%	21%	31%	4%	---
Total	1,366	100%	56%	22%	36%	6%	1%

INJURIES AND USE OF FORCE

The Bureau members of the Task Force were particularly interested in evaluating whether the revised force policy had the unintended effect of increasing the injury rates to officers or subjects. Officer injuries decreased 16% after the force policy was amended in March 2008. Subject injuries decreased 5% after the force policy change, following a 15% decrease the year before.

Table 8

	Officer Injury as Indicated on Use of Force Reports:					
	March 06 – Feb 07		March 07 – Feb 08		March 08 – Feb 09	
	Number	Percent	Number	Percent	Number	Percent
No Injury	3,217	78%	2,710	79%	1,814	84%
Missing	653	16%	527	15%	170	8%
Injury	234	6%	214	6%	180	8%
Bruises	35	1%	28	1%	26	1%
Abrasions	105	3%	96	3%	97	4%
Lacerations	27	1%	38	1%	22	1%
Broken Bones	6	<1%	0	-	1	<1%
Other Injury	61	1%	52	2%	34	2%
Total	4,104	-	3,451	-	2,164	-

Table 9

Subject Injury as Indicated on Use of Force Reports:						
	March 06 – Feb 07		March 07 – Feb 08		March 08 – Feb 09	
	Number	Percent	Number	Percent	Number	Percent
No Injury	2,690	66%	2,318	67%	1,408	65%
Missing	682	17%	507	15%	161	7%
Injury	732	18%	626	18%	595	27%
Bruises	98	2%	72	2%	28	1%
Abrasions	355	9%	304	9%	281	13%
Lacerations	133	3%	123	4%	177	8%
Broken Bones	6	<1%	4	<1%	8	<1%
Other Injury	140	3%	123	4%	101	5%
Total	4,104	-	3,451	-	2,164	-

FORCE BY PERSONAL CHARACTERISTICS OF SUBJECTS AND OFFICERS

Force by Race and Gender of Subjects

The frequency of force used in Portland varies by the race and gender of the subject. The variations differ from precinct to precinct. Types of force (e.g., blunt impact strike, Taser, pepper spray, etc.) show small variations by race but significant variations by gender. These variations are not well understood. Some jurisdictions are beginning to consider the effect that other variables might have on force variations by race and gender. These additional research variables include the time and location of the encounter, the officer’s race and gender, the suspected underlying offense, and the subject’s level of resistance or intoxication. Further study is needed to understand whether and how race and gender influence police use of force.

Table 10

Percentage of Total Force Reports by Race of Subject:								
Precinct	Total Force Reports	Percent of Bureau Total	White	African-American	Hispanic/Latino	Asian	Native American	Missing
Central	365	27%	62%	26%	4%	2%	2%	3%
East	301	22%	63%	24%	7%	4%	1%	1%
North	108	8%	52%	32%	13%	---	2%	1%
Northeast	203	15%	35%	55%	8%	<1%	1%	1%
Southeast	243	18%	74%	16%	6%	1%	1%	1%
Transit	74	5%	45%	45%	8%	---	---	3%
Other	72	5%	61%	19%	15%	1%	1%	1%
Total	1,366	100%	58%	29%	7%	2%	1%	2%

Percent of 2007-08 Arrests:	60%	25%	10%	2%	3%	<1%
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Table 11

Percentage of Reports by Subject Gender:			
Precinct	Male	Female	Missing
Central	90%	7%	3%
East	85%	14%	1%
North	88%	11%	1%
Northeast	91%	8%	1%
Southeast	90%	9%	1%
Transit	85%	12%	3%
Other	83%	15%	1%
Total	88%	10%	2%

Percent of 2007-08 Arrests:	76%	24%	<1%
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During arrests, force is used at moderately different rates across racial groups and at markedly different rates between the genders. African-American subjects accounted for 25% of arrests in Portland during 2007 and 2008 and 29% of the force reports submitted during the Task Force time period. Their higher share of force reports is a statistically significant difference⁴. Hispanics and Native Americans make up statistically lower percentages of force subjects compared to their share of arrests. The differences between arrests and uses of force are not statistically significant for White or Asian subjects.

Males accounted for 76% of arrests and 88% of force reports – a statistically higher percentage. Women are a lower percentage of force report subjects (10%) considering they account for 24% of arrests. Similarly, the types of force used vary less by race (Table 12) than by gender (Table 13).

Table 12

Percentage of Total Force Reports Involving:					
Race	Physical Control	Blunt Impact Strikes	Taser	Pepper Spray	Impact Munitions
White	56%	24%	37%	4%	1%
African-American	57%	17%	36%	9%	1%
Hispanic/ Latino	57%	29%	33%	4%	----
Asian	60%	12%	36%	4%	----
Native American	65%	15%	35%	----	----
Missing	29%	19%	19%	48%	----
Total	56%	22%	36%	6%	1%

⁴ Statistical significance testing was performed using percent of 2007-2008 arrests as a benchmark for Tables 10 and 11. Both the race and gender of the subject were associated with significantly different percentages of force reports than the arrest benchmarks would predict ($p < .01$). Standardized residuals were used to further pinpoint the significant differences in the force data by subject race. Various caveats apply when interpreting these results, including a reminder that a statistical association is not proof of a causal relationship. There is limited evidence of how subject race and gender would perform in a more rigorous study that accounts for additional research variables such as those listed on page 18.

Table 13

Percentage of Total Force Reports Involving:					
Gender	Physical Control	Blunt Impact Strikes	Taser	Pepper Spray	Impact Munitions
Male	55%	23%	38%	5%	1%
Female	69%	10%	20%	6%	1%
Missing	32%	18%	18%	45%	---
Total	56%	22%	36%	6%	1%

Force and Arrests by Officer Gender, Age, and Tenure

Female officers use force somewhat less frequently (in proportion to their average arrest rates) compared with male officers.

Table 14

	Average UOF Reports	Average Arrests	Arrests per UoF
Female	2.2	36.7	16.7
Male	3.2	45.7	14.3

Tables 15 and 16 show that older, more tenured officers generally submit fewer force reports and make fewer arrests. The ratio of arrests to force reports appears fairly consistent regardless of officer age (Table 15). However, some difference is observed by officer tenure (years of service; Table 16).

Table 15

Officer Age	Average UOF Reports	Average Arrests	Arrests per UoF
30 and under	3	34.6	11.5
31 to 35	2.3	27.9	12.1
36 to 40	2.1	24.6	11.7
41 to 50	1.8	19.1	10.6
over 50	1.4	16.6	11.9

Officers with less than five years of service submit a force report for every 15 arrests, while officers with over nine years of service write a force report at a rate greater than one for every 10 arrests. This trend parallels a finding noted in the response to Recommendation 11. Generally, PPB sergeants and lieutenants participate in fewer arrests unless they have been called to assist officers in already difficult encounters – the same encounters that are more likely to require a use of force.

Table 16

Years of Service	Average UOF Reports	Average Arrests	Arrests per UoF
less than 5	2.7	40.7	15.1
5 to 9	2.5	27	10.8
10 to 14	2	18.2	9.1
over 15	1.6	15.4	9.6

ADDITIONAL DATA REVIEWED

The Task Force reviewed additional data (e.g., reported rationale for force used, level of resistance met, associated arrest charges, etc.) that tended to confirm the general pattern of reduced reporting requirements and a decrease in overall force used. For example, the reduction in force reports was far greater for subjects showing no resistance compared to those reported as aggressively physically resistant (Table 18). Given the change in reporting requirements for non-injurious control holds, this outcome is predictable. Only the differences from the overall trend are noted in this final report section.

Reasons for Force**Table 17**

Reported Rationale for Force (more than one may apply)	Number of Force Reports	Percentage of Force Reports	Change in Annual Rate From Previous Reporting Period
Defend Self	661	48%	-11%
Defend Another	449	33%	1%
Make Arrest	1,077	79%	-32%
Prevent Escape	609	45%	-22%
Civil Hold	179	13%	-27%
Other	96	7%	Not Available

Reported Resistance and Number of Types of Force Used**Table 18**

Highest Level of Resistance	Number of Force Reports	Percentage of Force Reports	Average Number of Types of Force Used per Incident (up to 5)	Change in Annual Rate From Previous Reporting Period
No Resistance Indicated	75	5%	0.97	-79%
Failed to Comply	175	13%	1.00	-46%
Physically Resistant*	583	43%	1.16	-32%
Aggressively Physically Resistant*	533	39%	1.38	-8%

* As defined in Directive 635.10: Physically resistant: Actions that prevent or attempt to prevent members' attempts to control a subject, but do not involve attempts to harm the member. Aggressively physically resistant: Physical actions of attack or threat of attack coupled with the ability to carry out the attack which may cause physical injury.

Reported Resistance and Types of Force Used

Table 19

Highest Level of Resistance	Physical Control	Blunt Impact	Other Non-Lethal	Pepper Spray	Taser	Number of Force Reports
No Resistance Indicated	32 (43%)	8 (11%)	---	10 (13%)	18 (24%)	75
Failed to Comply	80 (46%)	18 (10%)	6 (3%)	10 (6%)	61 (35%)	175
Physically Resistant	353 (61%)	106 (18%)	3 (1%)	22 (4%)	141 (33%)	583
Aggressively Physically Resistant	298 (56%)	166 (31%)	5 (1%)	41 (8%)	225 (42%)	533

Note: Reports may contain more than one force type. Sixty reports did not indicate that force was used.

Reported Suspect Characteristics and Average Number of Force Types

Table 20

Suspect Characteristics	Number of Force Reports	Percentage of Force Reports	Average Number of Types of Force Used per Incident (up to 5)	Change in Annual Rate From Previous Reporting Period
Actually Armed	176	13%	1.27	28%
Reportedly Armed	102	7%	1.14	-48%
Assaulted Officer	104	8%	1.39	-6%
Assaulted Citizen	187	14%	1.23	13%
History of Violence	152	11%	1.28	-29%
Under Influence of Alcohol	639	47%	1.23	-18%
Under Influence of Drugs	223	16%	1.34	-45%
Mentally Ill	210	15%	1.31	-26%

Table 20 suggests that officers using force are more often dealing with armed suspects or people suspected of assaulting another citizen (compared to the previous reporting period).

While officers appear to be using force on fewer mentally ill suspects overall, reported Taser use on this population is up (12.5% more incidents and 26.4% more reports compared to the last 12 months of the previous 26-month reporting period; Table 21). Additional analysis would be needed to evaluate the possible causes of data fluctuations in this area. For example, subjects identified as mentally ill were also more likely to be armed, reportedly armed, have a history of violence, and be aggressively physically resistant according to the force reports⁵. Understanding the effects of the reporting requirement changes, Bureau-wide crisis intervention training, and recent partnership agreements with mental health facilities to limit the Bureau's involvement to emergency-level calls would also require further study beyond the scope of the Task Force.

⁵ Of the 210 reports indicating mentally ill subjects, 102 (49%) reported subjects as aggressively physically resistant. That is higher than the percentage across all reports (39%; Table 18). Also, the percentage of reports indicating mentally ill subjects who were actually armed (23% vs 13%), reportedly armed (15% vs 7%), and had a history of violence (23% vs 11%) were higher than for all reports (Table 20).

Reported Suspect Characteristics and Types of Force Used

Table 21

Suspect Characteristics	Physical Control	Blunt Impact	Other Non-Lethal	Pepper Spray	Taser	Number of Force Reports
Actually Armed	75 (43%)	44 (25%)	7 (4%)	7 (4%)	90 (51%)	176
Reportedly Armed	32 (31%)	20 (20%)	9 (9%)	4 (4%)	51 (50%)	102
Assaulted Officer	63 (61%)	45 (43%)	---	5 (5%)	32 (31%)	104
Assaulted Citizen	91 (49%)	36 (19%)	---	30 (16%)	73 (39%)	187
History of Violence	73 (48%)	39 (26%)	1 (1%)	8 (5%)	73 (48%)	152
Under Influence of Alcohol	382 (60%)	155 (24%)	7 (1%)	44 (7%)	195 (31%)	639
Under Influence of Drugs	128 (57%)	60 (27%)	2 (1%)	13 (6%)	95 (43%)	223
Mentally Ill	102 (49%)	46 (22%)	5 (2%)	12 (6%)	110 (52%)	210

Note: Reports may contain more than one force type. Sixty reports did not indicate that force was used.

Officer Reporting Frequency

Table 22 shows that 15% of officers who each submitted more than 5 use of force reports account for 41% of the total incidents reported. Further, just 3% of officers who each submitted more than 10 use of force reports account for 13% of the total incidents reported.

Table 22

Frequency of Use of Force Reporting by Officers				
Number of Reports Submitted	Number of Reporting Officers	Percent of Reporting Officers	Total Reports	Percent of Total Reports
1	185	40%	185	14%
2	87	19%	174	13%
3	56	12%	168	12%
4	47	10%	188	14%
5	18	4%	90	7%
6	24	5%	144	11%
7	14	3%	98	7%
8	7	2%	56	4%
9	5	2%	45	3%
10	4	1%	40	3%
More than 10	13	3%	178	13%
Total	460	100%	1,366	100%

Arrest Charges Associated with Use of Force Incidents

Table 23

Most Serious Arrest Charge	Percentage of Reports
No Charges Filed	29%
Assault IV	35%
Drugs	7%
Disorderly Conduct	8%
Fugitive	2%
Warrant	3%
All other charges	17%

Table 24

Precinct	No Charges Filed	Assault IV	Drugs	Disorderly Conduct	Fugitive	Warrant
Central	31%	39%	10%	7%	1%	1%
East	33%	31%	4%	5%	4%	3%
Northeast	22%	33%	11%	10%	2%	2%
North	29%	26%	7%	8%	4%	5%
Southeast	18%	46%	2%	9%	3%	6%
Transit	27%	31%	4%	22%	---	---
Other	58%	19%	3%	---	1%	1%

APPENDIX A

Original Use of Force Report (used August 1, 2004 to November 4, 2007)

Portland Police Bureau		USE OF FORCE REPORT				PAGE/OF	
Case No.		Refer Case No.		Classification			
Date/Time Reported		Date/Time Occurred		Location of Occurrence			
Case No.	Name of Subject			CRN	Sex	Race	DOB
	Address			Hgt	Wgt	Hair	Eyes
Conditions							
Lighting Conditions: <input type="checkbox"/> 01 DARK <input type="checkbox"/> 02 LOW LIGHT <input type="checkbox"/> 03 BRIGHT							
Applicable Suspect Conditions (Check all that apply) <input type="checkbox"/> 01 Actually armed <input type="checkbox"/> 02 Reported to be armed <input type="checkbox"/> 03 Assaulted officer <input type="checkbox"/> 04 Assaulted citizen <input type="checkbox"/> 05 History of violence <input type="checkbox"/> 06 Failure to comply <input type="checkbox"/> 07 Engaged in or indicated the intent to engage in physical resistance <input type="checkbox"/> 08 Engaged in or indicated the intent to engage in aggressive physical resistance <input type="checkbox"/> 09 Other _____				Under the Influence (Check all that apply) <input type="checkbox"/> 01 Alcohol <input type="checkbox"/> 02 Drugs <input type="checkbox"/> 03 Mental illness <input type="checkbox"/> 04 None apparent <input type="checkbox"/> 05 Other (explain) _____			
Event Conditions: <input type="checkbox"/> 01 High risk incident <input type="checkbox"/> 02 Search warrant <input type="checkbox"/> 03 Other _____							
Use of Force / Control Necessary to:							
<input type="checkbox"/> 01 Defend self <input type="checkbox"/> 02 Defend another <input type="checkbox"/> 03 Make arrest <input type="checkbox"/> 04 Prevent escape <input type="checkbox"/> 05 Civil hold <input type="checkbox"/> 06 Accomplish official purpose (explain) _____ <input type="checkbox"/> 07 Other _____							
Warning Given Before Deployment: <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Not feasible							
Control							
Physical Control: <input type="checkbox"/> 01 Pressure points <input type="checkbox"/> 02 Handcuffing <input type="checkbox"/> 03 Control holds <input type="checkbox"/> 04 Takedowns <input type="checkbox"/> 05 Hobble <input type="checkbox"/> 06 Not applicable							
Effective? <input type="checkbox"/> YES <input type="checkbox"/> NO							
Impact Weapons: <input type="checkbox"/> 01 Hands/Feet <input type="checkbox"/> 02 Baton <input type="checkbox"/> 03 Flashlight <input type="checkbox"/> 04 Not applicable <input type="checkbox"/> 05 Other _____							
Effective? <input type="checkbox"/> YES <input type="checkbox"/> NO							
Pepper Spray: Distance (Feet) <input type="checkbox"/> 01 1-3' <input type="checkbox"/> 02 4-7' <input type="checkbox"/> 03 7'+ <input type="checkbox"/> 04 Not applicable							
Duration (Seconds) 1st _____ 2nd _____ 3rd _____ Effective? <input type="checkbox"/> YES <input type="checkbox"/> NO							
Pointing of Firearm: # of Officers _____ # of Subjects _____							
<input type="checkbox"/> 01 Handgun Distance (feet) _____ <input type="checkbox"/> 02 Shotgun Distance (feet) _____ <input type="checkbox"/> 03 AR-15 Distance (feet) _____ <input type="checkbox"/> 04 Impact Munitions Distance (feet) _____ <input type="checkbox"/> 05 Not applicable							
Discharge of Firearm <input type="checkbox"/> Not applicable							
COMPUTER ENTRY		Weapon		Subject		Result	
Person		<input type="checkbox"/> 01 Handgun (Primary) <input type="checkbox"/> 02 Handgun (Secondary) <input type="checkbox"/> 03 Shotgun <input type="checkbox"/> 04 AR-15		<input type="checkbox"/> 01 Person <input type="checkbox"/> 02 Animal <input type="checkbox"/> 03 Other _____		<input type="checkbox"/> 01 Death <input type="checkbox"/> 02 Injury <input type="checkbox"/> 03 Missed	
Impact Munitions <input type="checkbox"/> Not applicable							
Type/Distance							
<input type="checkbox"/> 01 Bean bag _____ Feet <input type="checkbox"/> 02 Stingers _____ Feet <input type="checkbox"/> 03 Sage _____ Feet <input type="checkbox"/> 04 Other _____ Feet							
Effective? <input type="checkbox"/> YES <input type="checkbox"/> NO If not, why?							
<input type="checkbox"/> 01 Clothing <input type="checkbox"/> 02 Missed <input type="checkbox"/> 03 Malfunction <input type="checkbox"/> 04 No physical effect <input type="checkbox"/> 05 Other _____							
Rounds Fired _____ Hits _____							
Reporting Officer		DPSST	Prec/Div	Rif/Shift	Assn/Dist	Supervisor's Signature	

APPENDIX B

Revised Force Policy (effective March 17, 2008)

1010.20 PHYSICAL FORCE

Index: Title:
Refer: ORS 161.015 (7) Physical Injury, defined
ORS 161.205 – 161.265 Use of Physical Force
DIR 630.45 Emergency Medical Custody Transports
DIR 630.50 Emergency Medical Aid
DIR 910.00 Field Reporting Handbook Instructions
DIR 940.00 After Action Reports

POLICY (1010.20)

The Portland Police Bureau recognizes that duty may require members to use force. The Bureau requires that members be capable of using effective force when appropriate. It is the policy of the Bureau to accomplish its mission as effectively as possible with as little reliance on force as practical.

The Bureau places a high value on resolving confrontations, when practical, with less force than the maximum that may be allowed by law. The Bureau also places a high value on the use of de-escalation tools that minimize the need to use force.

The Bureau is dedicated to providing the training, resources and management that help members safely and effectively resolve confrontations through the application of de-escalation tools and lower levels of force.

It is the policy of the Bureau that members use only the force reasonably necessary under the totality of circumstances to perform their duties and resolve confrontations effectively and safely. The Bureau expects members to develop and display, over the course of their practice of law enforcement, the skills and abilities that allow them to regularly resolve confrontations without resorting to the higher levels of allowable force.

Such force may be used to accomplish the following official purposes:

- a. Prevent or terminate the commission or attempted commission of an offense.
- b. Lawfully take a person into custody, make an arrest, or prevent an escape.
- c. Prevent a suicide or serious self-inflicted injury.
- d. Defend the member or other person from the use of physical force.
- e. Accomplish some official purpose or duty that is authorized by law or judicial decree.

When determining if a member has used only the force reasonably necessary to perform their duties and resolve confrontations effectively and safely, the Bureau will consider the totality of circumstances faced by the member, including the following:

- a. The severity of the crime.
- b. The impact of the person's behavior on the public.
- c. The extent to which the person posed an immediate threat to the safety of officers, self or others.
- d. The extent to which the person actively resisted efforts at control.
- e. Whether the person attempted to avoid control by flight.
- f. The time, tactics and resources available.
- g. Any circumstance that affects the balance of interests between the government and the person.

The Bureau's levels of control model describes a range of effective tactical options and identifies an upper limit on the force that may potentially be used given a particular level of threat. However, authority to use force under this policy is determined by the totality of circumstances at a scene rather than any mechanical model.

PROCEDURE (1010.20)

Directive Specific Definitions

Force: Physical contact that is readily capable of causing physical injury, as well as the pointing of a firearm.

Physical injury: As defined in ORS 161.015 (7), the impairment of physical condition or substantial pain.

Precipitation of Use of Force Prohibited (1010.20)

Members should recognize that their approach to confrontations may influence whether force becomes necessary and the extent to which force must be used.

Members must not precipitate a use of force by placing themselves or others in jeopardy through actions that are inconsistent with the Police Bureau's defensive tactics and tactical training without a substantial justification for variation from recommended practice.

Vehicles (1010.20)

Due to the risks involved, members should not enter an occupied vehicle capable of being driven (i.e., engine running or keys in the ignition) except to address an immediate threat of death or serious physical injury to any person.

Post Use of Force Medical Attention (1010.20)

When a member is involved in the use of force in which physical injury has occurred or there is reason to believe there may be a physical injury, the member, if able, shall:

- a. Continually monitor the subject if tactically appropriate or feasible. The member shall monitor the person for changes in skin or lip color, breathing and levels of consciousness. If any significant changes in any of these areas are observed, the member shall notify EMS immediately. See DIR 630.50 Emergency Medical Aid for further requirements.
- b. Request EMS evaluate and treat those persons involved and injured prior to removal from the scene.
- c. When pepper spray has been applied to a person, make every attempt to provide relief from the pepper spray exposure and move the person into an area of open air.
- d. Contact the immediate supervisor and brief the supervisor on the incident.
- e. Have the person transported to a medical facility for additional treatment if recommended by EMS. See DIR 630.45 Emergency Medical Custody Transports for important additional direction on transporting injured subjects.
- f. When transporting a person from hospital treatment to a correctional facility, notify a corrections staff member of the extent of the person's injuries and medical treatment given and provide the corrections staff with the person's medical release forms from the medical facility.

If a person has been placed in maximum restraints or on the ground for control, members must do the following as soon as practical:

- a. Release pressure/weight from the person's back or upper body.
- b. Check and continue to monitor the person's breathing and pulse until EMS arrives.
- c. Place the person in a seated position or position the person on their side to reduce the possibility of breathing problems by reducing the restriction to the person's diaphragm.
- d. Provide EMS with an update on the person's condition if it appears to worsen.

For important additional guidance on transporting injured persons, see DIR 630.45 Emergency Medical Custody Transports.

Duty to Report and Notification and Reporting (1010.20)

Members have a duty to report any use of force that violates this Directive.

Members shall make a report when they use force to their supervisor or designee. Reports must be complete and accurate and describe the subject's behavior and the justification for the force used including a description of the totality of circumstances that existed.

A member who causes physical injury or who takes a person to the ground by applying force will complete a Force Data Collection Report (FDCR) in addition to any other reports required by Bureau policy. A member who applies a control hold that does not cause physical injury is not required to complete a FDCR for the control hold application. A member who applies a hold to gain control of a person, who follows commands and goes to the ground voluntarily without the application of additional force, is not required to complete a FDCR.

If the primary report and FDCR covering the specific incident are completed by one member, and another member used physical force in the incident, then each member who used physical force will

complete a FDCR. The only exception to this is when the use of force was pointing a weapon at one or more persons (i.e., during a high risk stop). In that case only one FDCR need be completed.

The following circumstances do not require a FDCR:

- a. Bureau approved training exercises (i.e., an in-service patrol tactics class).
- b. A member unknowingly points a weapon at a person during a building search or other high risk situation (i.e., an undiscovered person was hiding behind an object at which a member pointed a weapon).

If a member's use of force results in a person being admitted to an overnight hospital stay for treatment, a supervisor will complete an after action report. The supervisor will forward the after action report, through their chain of command, to the appropriate Branch chief. The member's RU manager will forward a copy of the after action to the Internal Affairs Division and the Training Division.

If the member is injured and unable to submit a report, the report regarding the use of force will be completed by an on-duty supervisor. Supervisors will be notified as soon as possible of the use of physical force which requires any person to receive medical attention.

Supervisors will ensure that members comply with the reporting requirements. Members shall follow DIR 940.00 After Action Reports as it pertains to specific reporting requirements.

Canine (K-9) Bites (1010.20)

Canine handlers shall complete a FDCR for all bites that follow a member's intentional application of a police canine for the purpose of biting. The canine's handler will articulate the justification for the application of the canine and will state whether the bite was directed or not directed by the handler.

All police canine bites will be administratively reported by a supervisor, through channels, to the appropriate Branch chief in an after action report using the Bureau's standard format.

Handcuffing (1010.20)

Although handcuffing is not defined as physical force in this directive, Bureau policy requires that members document each handcuffing in a police report (i.e., Investigation, Custody or Special).

Supervisor Responsibilities (1010.20)

- a. Supervisory Review of Reports
Supervisors shall review all reports of force to determine if the reports are complete and accurate and whether the force was justified under this policy. Supervisors shall address deficiencies in reports promptly.
- b. Discipline Case Review Process
Supervisors are required to address all requirements of force policies when preparing proposed findings in misconduct investigations and must include all available information on the totality of circumstances.

Semi-annual Review of Use of Force (1010.20)

The Police Bureau will provide the training, resources and management necessary to help members comply with this directive.

Each operational unit will identify a unit-based group to review the unit's force practices and assist supervisors in conducting semi-annual reviews of each member's performance in confrontations. The reviews are a training function, and not a part of the discipline process. The goals of the review effort are to:

- a. Ensure consistency and fairness.
- b. Provide feedback to officers on force and confrontation decision making.
- c. Identify training needs based on trends.
- d. Create a positive learning environment.

APPENDIX C

Use of Force Reports Indicating Pointing of a Firearm Only

In response to a 2004 recommendation from the Community Police Organizational Review Team (CPORT), the Bureau included tracking of “gun drawn and pointed” incidents on its original use of force forms adopted that August.

Of the revised force reports submitted during the Task Force time period (November 5, 2007 to November 4, 2008), 1,053 (or 43%) indicated that pointing of a firearm was the only type of force used. These force reports have been excluded from the data analysis tables in the body of the report – primarily to allow for valid comparisons to the previous Task Force report and benchmarks against peer cities. Most jurisdictions do not track pointing of a firearm as a use of force.

Some relevant details (percentages by precinct, race, gender, and charges filed) about the data on pointing of a firearm are presented in the following tables. It should be noted that many of the research variables mentioned on page 18 (e.g., location, level of subject resistance, officer characteristics, etc.) may also have an affect on this data.

Appendix Table 1

Percentage of Reports by Race of Subject:								
Precinct	Total Force Reports	Percent of Bureau Total	White	African-American	Hispanic/Latino	Asian	Native American	Missing
Central	148	14%	50%	32%	9%	5%	3%	1%
East	309	29%	50%	31%	12%	4%	2%	1%
North	103	10%	46%	33%	15%	3%	3%	1%
Northeast	215	20%	33%	56%	7%	2%	1%	<1%
Southeast	223	21%	63%	22%	11%	2%	2%	<1%
Transit	13	1%	31%	62%	8%	---	---	---
Other	42	4%	62%	19%	10%	10%	---	---
Total	1,053	100%	49%	34%	10%	3%	2%	1%

Appendix Table 2

Precinct	Total Force Reports	Percent of Bureau Total	Percentage of Reports by Gender of Subject:		
			Male	Female	Missing
Central	148	14%	88%	11%	1%
East	309	29%	88%	11%	1%
North	103	10%	87%	11%	2%
Northeast	215	20%	83%	16%	---
Southeast	223	21%	87%	12%	---
Transit	13	1%	100%	---	---
Other	42	4%	93%	7%	---
Total	1,053	100%	87%	12%	<1%

Appendix Table 3

Most Serious Arrest Charge	Percentage of Reports
No Charges Filed	48%
Assault IV	9%
Motor Vehicle Theft	7%
Drugs	6%
Weapons	4%
Agg. Assault	3%
Warrant	3%
Fugitive	3%
All other charges	17%

