

FACT SHEET

In Support of the Requests by the Family of James P. Chasse, Jr., for Immediate, Voluntary Changes by the City and its Police Bureau to Its Written Policies, Official Well-established Practices, and the Corresponding Training Given to Its Police Officers

Starting in 2003, the City of Portland commissioned the Police Assessment Resource Center ("PARC"), a Los Angeles-based non-profit organization with a stated mission of supporting and assisting those responsible for the oversight of police departments in advancing "effective, respectful and publicly accountable policing," to conduct annual reviews of officer-involved shootings and deaths in police custody within the Portland Police Bureau ("PPB"). PARC issued a second report in 2005.

The 2003 PARC report made 89, and the 2005 report made an additional 10, recommendations regarding policies and/or procedures within the PPB that did not constitute best law enforcement practices. Several specific concerns raised by PARC's recommendations have still not been adequately addressed by the PPB, and form the basis for most of the plaintiffs' claim for injunctive relief to protect citizens from excessive force and wrongful death at the hands of law enforcement.

Those six recommendations as they relate to the 2003 and 2005 PARC reports are as follows:

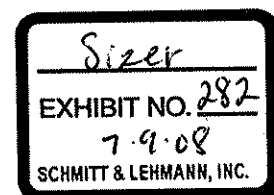
1. **Immediate implementation of an effective early warning or intervention system to identify and take necessary and appropriate action with respect to Portland police officers with high use of force rates to prevent those officers from engaging in or allowing unlawful and unconstitutional conduct.**

The 2005 PARC report expressed grave concern over PPB's failure to have in place an operational early warning system that includes the tracking of use of force reports. The 2005 PARC Report at page 22 notes that "no department in 2005 can claim to be appropriately managing risk without an operational early warning system." PPB's current "Early Warning System" does not constitute an effective early intervention system per the PARC recommendations. *See* PPB Policy Directive # 345.00 (2006).

2. **Immediate implementation and operation of a thorough, independent, and effective review system to investigate deaths of citizens caused by the police use of physical and all in-custody deaths.**

Both the 2003 and 2005 PARC reports are critical of PPB's "Homicide-Only" or "Homicide-Plus" model for investigating deadly force incidents, which has been largely abandoned by other departments in favor of models that focus not only on whether the law and internal policy was followed, but also on whether lesser force alternatives were reasonably available to the involved officers. PARC 2003, at pages 50-55; PARC 2005, at pages 25-29.

Moreover, PARC 2005 notes that as of the date of that report, the City of Portland had



not followed its “important recommendation” from 2003 to create “permanent civilian oversight of PPB administrative investigations and tactical analyses relating to deadly force incidents.” PARC 2005, at page 2.

3. **Change and/or supplementation to Portland Police Bureau written policy, official practice, or training to ensure that those living with mental illness, and others who are perceived by defendants to be mentally ill, are treated fairly and with respect and are not discriminated against because they are or are perceived by officers to be mentally ill.**

As one example of the problem in this area, the current version of PPB Policy Directive # 344.05 on biased-based policing only forbids discrimination on the basis of race, ethnicity, or national origin. This directive inadequately protects the public where the law protects other categories of persons, among them, those with disabilities – including mental illness – and those perceived to be disabled, from discrimination.

4. **PPB’s foot pursuit policy should be changed to prohibit Portland police officers from taking innocent citizens to the ground during foot pursuits unless the officers have probable cause to believe that the person poses an immediate risk of death or serious bodily injury to some other person.**

PARC in both 2003 and 2005 noted the lack of an official written policy and found PPB practice regarding foot pursuits to be overly discretionary on the individual officer. PARC 2005 at 22. PPB’s current, written foot pursuit policy appears to give officers broad discretion to take down citizens being pursued, exposing them to severe injury and death if they are forcibly taken to the ground. *See* PPB Policy Directive # 630.15 (2006)

5. **PPB policy should prohibit Portland police officers from using their hands and feet to make impact strikes to a person’s head and other vital areas such as the chest, ribs or back unless the officers have probable cause to believe that the person poses an immediate risk of death or serious bodily injury to some other person.**

PARC 2005 was strongly critical of PPB’s failure to act on its 2003 recommendation that PPB “policy should make clear that strikes with impact weapons [including body parts] to the head and other vital parts of the body constitute deadly force.” PARC 2005 at 21. PPB policy still authorizes impact strikes with hands and feet to vital body areas in non-deadly force situations. *See* PPB Policy Directive # 1010.10 (2007).

6. **Current PPB policy which allows, encourages, and directs its police officers to use deadly physical force when their police officers have *only* reasonable suspicion to believe that someone poses an immediate risk of death or serious bodily injury to some other person should be changed to prohibit Portland police officers from using deadly physical force unless the officers have *probable cause* to believe that someone poses an immediate risk of death or serious bodily injury to some other person.**

See PPB Policy Directive # 1010.10 (2007).