



Memorandum

TO: PUBLIC SAFETY, FINANCE &
STRATEGIC SUPPORT
COMMITTEE

FROM: Shivaun Nurre, Acting
Independent Police Auditor

SUBJECT: ONE YEAR REPORT ON SJPD
REVISED COMPLAINT PROCESS -
COURTESY DEFINITION

DATE: October 13, 2009

During the past year, much effort has been focused on implementing the revised complaint process. The IPA commends the City Manager's Office and the Police Department for their efforts in working with IPA staff to ensure uniformity in approach and application of the new process.

The IPA also commends the City Manager's Office for its memorandum outlining measures implemented and identifying possible refinements to the process; composing such a document is not easy given the complexity and nuances of the system. Preparing this memorandum created an opportunity for staff from the IPA office, the City Manager's office, and the Police Department to engage in some frank and fruitful discussions about problems and solutions.

Staff is already working to implement some of the solutions identified. As stated in the memorandum, staff will continue to refine the Process in the future to address remaining issues. One of the most important items for such future refinement is the definition of Courtesy in the SJPD Duty Manual and the resulting definition of a Courtesy allegation. Courtesy has been a dominant issue regarding police conduct consistently raised by members of the public. Annually, Courtesy is one of the three most frequently articulated allegations. In calendar year 2008, there were 196 rude conduct/courtesy allegations, 17% of all allegations received.

The memorandum contains a draft definition of a Courtesy allegation and specifies that it will be further evaluated. The IPA suggests the following points for consideration during the future evaluation.

Prior to the implementation of the revised complaint process in July of 2008, the Courtesy allegation included clear direction that Department members would be "courteous to the public and tactful in the performance of duties." Both the definition adopted in the revised process and the definition proposed in the City Manager's One Year Report on the revised process do not include such an affirmative duty. Instead, the proposed definition appears to focus on the appropriate use of profanity. The public's expectation of courteous treatment, however, encompasses more than the absence of profanity; complaints of discourtesy more often include behavior such as name-calling, disrespect, and ridicule.

<u>Former SJPD Duty Manual §C1308 Courtesy</u> (pre 7/1/08)	<u>Revised SJPD Duty Manual §C1308 Courtesy</u> (post 7/1/08)	<u>Proposed SJPD Duty Manual Courtesy</u> (under consideration)
<p>Department members will be courteous to the public and tactful in the performance of duties. Members will not use coarse, violent, profane or insolent language and will not express any prejudice concerning race, religion, politics, national origin, or similar personal characteristics.</p>	<p>Department members will not inappropriately use profane or derogatory language or use obscene gestures during a contact with a member of the public.</p>	<p>Department members will be professional and will not use profane or derogatory language or obscene gestures during a contact with a member of the public. The Department recognizes that there are limited field situations where profane or derogatory language or obscene gestures may be a reasonable tactic or tool (e.g., undercover work, imminent risk, volatile physical and deadly force encounters, control tactic, etc.)</p>

The IPA suggests consideration of a two-fold modification of the proposed SJPD Duty Manual definition of Courtesy: (1) inclusion of a clear affirmative duty to treat the public with courtesy and respect (2) a stronger limitation of profanity to exceptional circumstances. Such an approach would be consistent with the existing vision statement of the SJPD described below. The IPA also suggests that training and tracking mechanisms be put in place to determine whether allowing limited use of profanity turns out to be a prudent decision.

Clear affirmative direction:

Many departments have a clear direction that officers must be professional and courteous; other departments may instead prohibit an officer from engaging in disrespectful conduct. While the proposed definition includes a requirement that members of the Department be professional, it does not require courtesy per se. The SJPD's vision statement, contained in Duty Manual section A1100, clearly defines the expected conduct of a San Jose officer. It states, "The Department is committed to treating all people with dignity, fairness and respect, protecting their rights and providing equal protection under the law." In order to provide a clear directive to members of the Department regarding the expectation of courtesy and to ensure that a proven violation of section A1100 could be disciplined, this directive should be placed into Duty Manual section C1308 Courtesy. Under the existing complaint process and definition, officers are not being held to the standard found in the vision statement, only to the standard expressed in the Duty Manual section on Courtesy.

Use of profanity limited to exceptional circumstances:

Many departments ban outright any use of profanity. Before July 1, 2008, the SJPD Duty Manual barred officers from using profane language. A change from that absolute ban must be done in a measured thoughtful way to ensure that use of profanity is limited to rare circumstances.

If an exception allowing profanity is included in the proposed definition of Courtesy the directive should also define the **limited** circumstances under which profanity would **not** result in discipline.

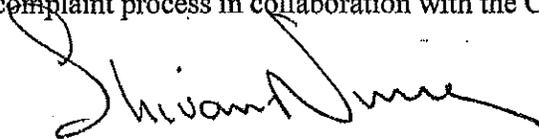
The definition proposed in the City Manager's report states that, "The Department recognizes that there are limited field situations where profane or derogatory language or obscene gestures may be a reasonable tactic or tool (e.g., undercover work, imminent risk, volatile physical and deadly force encounters, control tactic, etc.)" This exception for the use of profane or derogatory language is over-broad. Additional language is required to clarify that such situations are the exception, not the rule. Officers routinely face imminent risk of physical violence; granting an exception for profanity wherever and whenever such a risk arises is ill-advised. It is neither in the best interest of the public that wishes to be treated with respect nor that of officers who expect/deserve realistic and clear directives regarding permissible conduct.

Training and Tracking:

One assumption about the use of profanity is that its use may help avoid the deployment of physical or deadly force. However, it is equally plausible that the use of profanity may escalate police-citizen encounters.¹ If the Department is contemplating allowing profanity under limited circumstances, then the department should also consider training guidelines and tracking mechanisms to ensure that the use of profanity is indeed limited to its intended purpose. The Department may want to consider requiring that officers document their use of profanity in their reports – if profanity is to be considered a control tactic, tracking is warranted to ensure uniformity and to record frequency. The Department may want to consider standardized training so that the limits on profanity are clearly and uniformly communicated by training staff and Field Training Officers.

Conclusion

The City Manager's Office, Police Department, and IPA Office worked together during the reporting period to ensure the uniform implementation of the revised complaint process. Fruitful discussions occurred regarding improvements to the process; additional refinement will be undertaken in the future to further strengthen the process. The IPA supports the City Manager's commitment to include the definition of Courtesy allegations in the future evaluations. In order to address long-standing community concerns and provide clear and realistic direction to officers, an affirmative duty to treat the public with respect into the definition of Courtesy should be considered. The use of profanity should be limited to highly unusual and exceptional circumstances. Training guidelines should be created to reflect any changes to the Courtesy definition and the Department may wish to implement tracking mechanisms to capture the effects of the revised definition. The IPA remains committed to the future work of further refining the revised complaint process in collaboration with the City Manager and SJPD.



Shivaun Nurre
Acting Independent Police Auditor

For additional information on this memorandum, contact Shivaun Nurre, Acting IPA at 794-6226

¹ In November 2003, the Citizen Review Committee in Portland Oregon prepared a report entitled *Officer Use of Profanity* which included a survey of 39 police departments. The report provides a general overview and identifies key issues. A copy is attached as Attachment A.

Officer Use of Profanity

A Policy Review Conducted by
the Citizen Review Committee and
the Independent Police Review Division

November 2003



OFFICE OF THE CITY AUDITOR
PORTLAND, OREGON

ATTACHMENT A

Policy Issue

Portland's predecessor civilian oversight body, the Police Internal Investigations Auditing Committee (PIIAC), recommended in its last four monitoring reports that the Portland Police Bureau (PPB) evaluate and report on its profanity policy. Former PPB Chief Mark Kroeker (in a November 9, 2000, response to PIIAC's recommendations) wrote that staff from the PPB Chief's Office was in the process of re-examining the directive for the purposes of identifying any needed revisions. Since that time, the PPB has not publicly reported on the outcome of its review. However, profanity was one of the top ten complaints filed against Portland Police Bureau officers in 2002.

As a result of the large number of profanity complaints filed with the Independent Police Review Division (IPR), coupled with the history of PIIAC's concern with the Police Bureau's profanity policy, the Citizen Review Committee (CRC) referred the issue to the Policy Work Group for evaluation. Several research questions were formulated to guide research on this issue:

- ◆ First, what PPB policies, procedures, and training practices govern the use of profanity, and how do they compare to the current practices of other police agencies?
- ◆ Second, are officers following the current directives, and if not, what are the causes and consequences?
- ◆ Finally, are there any recommendations, which could (if implemented) potentially reduce the incidence of profanity complaints?

Methodology

To answer these questions, PPB directives, training documents, and bulletins were reviewed. In addition, to fully understand the wider public debate about profanity, the available academic literature, newspaper articles, and PIIAC reports on profanity were examined. The CRC also held a public forum where members of the public were invited to comment on the PPB's profanity policy. Interviews were conducted with PPB staff from Internal Affairs, Training, and Planning and Support divisions.

In order to compare the PPB's profanity policy to current practices in other cities, an email and phone survey was conducted with 39 police departments. Of those, 26 responded and provided information about their profanity policies. In order to make a more detailed comparison, the phone interviews were performed with 10 internal affairs staff members from nine municipal police departments of comparable size to the Portland Police Bureau.

To examine patterns of PPB officer behavior as it relates to profanity, the details of profanity complaints were reviewed and a statistical analysis of complaints was conducted in order to look for patterns among precincts, officers, shifts, and complainant demographics.

Police Bureau Policy and Training

Evolution of the PPB's Profanity Policy

Portland Police Bureau directives relating to officer use of profanity have changed considerably over the last 20 years. Directive 310.40 (Courtesy) governs officer use of language, and early versions of this directive (called General Orders prior to 2000) banned the use of profanity by PPB officers. The March 1, 1976, version of PPB Directive 310.40 stated:

*Members in the performance of their duties shall be diplomatic and courteous. **They shall not use profane, insolent or offensive language when conducting their business with citizens, other members, or their professional associates.** Members will, even in the face of great provocation, maintain command of temper and endeavor to maintain optimum professional relationship with the public (emphasis added).*

All direct reference to profane language was dropped in the June 10, 1989, revision to the Directive 310.40, and was replaced by language that banned the use of offensive epithets that targeted protected classes:

Members shall, on all occasions in the performance of their duties, be respectful, courteous, and considerate toward their supervisors, their subordinates, and all members of the Bureau and general public. No members shall use epithets or terms that tend to denigrate any particular gender, race, nationality, ethnic or religious group except when necessary to quote another person in police reports or in testimony.

Language that directly addressed profanity was re-introduced into Directive 310.40 on July 12, 1999. This version, which remains in effect today, prohibits the use of profanity except in cases where an officer believes that it is necessary to establish control over a subject, or to quote another person.

*Members shall, on all occasions in the performance of their duties, be respectful, courteous, and considerate toward their supervisors, their subordinates, all other members and the public. **No member shall use profanity in the performance of his/her duties, except where necessary to establish control or to quote another person in reports or in testimony.** No members shall use epithets or terms that tend to denigrate any particular gender, race, nationality, ethnic or religious group except when necessary to quote another person in police reports or in testimony (emphasis added).*

Beyond generally stating that profanity is allowed "to establish control," Portland Police Bureau directives do not offer any further guidance on when profanity is appropriate. Based on interviews with PPB Internal Affairs and Training Division staff, it appears that profanity informally resides at the top of the verbal control level of the PPB force continuum, lower than physical control techniques but higher than all other forms of verbal control. We were told that officers have the discretion to use profanity when they believe that its use could potentially eliminate the need for physical force. In a recent bulletin, the PPB Chief further refined the intent of the profanity policy by stating: "Except in rare cases, profanity is not justified."

National Practices

At a symbolic level, the PPB's policy of allowing profanity as a method of control makes it stand out when compared to other municipal police departments. None of the 26 police departments who responded to the survey had policies that specifically allowed for the use of profanity as a control tactic—22 responding agencies explicitly banned profanity while four had no profanity policy. Detailed interviews with a smaller sample indicate, however, that the PPB's policy (while formally different) may mirror the actual practices of other agencies. Even though their policies specifically banned profane language, all nine of agencies with whom we conducted detailed interviews excused officer use of profanity in some special circumstances, such as when an officer fears for his or her safety.

Community Expectations

Whether or not the Portland Police Bureau's policies are out of step with community expectations is difficult to gauge. Over the past several decades, the use of profanity in the community has become more widespread. Indeed, profanity is a relatively common part of the American vernacular and is almost impossible to avoid in the popular media. However, the larger question remains as to whether or not the current PPB profanity policy is consistent with the community's expectations for how the police should conduct themselves.

In a recent public forum, members of the community had a chance to review and comment directly on the PPB's profanity policy. In general, many of the members of the public who participated reacted negatively to the idea that the police would need to use profanity to establish control. In general, most respondents felt that profanity use was "unprofessional" and was likely to increase the hostility of interaction between the police and public. Several participants did mention, however, that they believed that officers should be able to use profanity when appropriate, and that it might aid officers in establishing control in certain limited circumstances.

Directive 310.40 is Not Always Being Followed

Since the Portland Police Bureau does not collect aggregate information on the deployment of control tactics, it is not possible to determine how often profanity is used by officers to help establish control. Citizen complaints, and the rate at which they are sustained, are probably only a conservative measure of profanity use, and it is possible that they significantly underrepresent the actual rates of non-compliance. Not everyone who witnesses misconduct files a complaint, and complaints involving profanity can be difficult to substantiate. In general, such cases lack physical evidence and independent witnesses (who can confirm the facts of the incident) are rarely present. Even so, profanity is one of the most common complaints received by the Independent Police Review Division. From January 2, 2002 through June 11, 2003, the IPR received 63 complaints with 94 allegations of profanity against Portland Police Bureau officers.

In addition to being one of the most commonly received complaints, profanity allegations are one of the most frequently sustained by the Portland Police Bureau. From January 2, 2002 through June 11, 2003, four profanity allegations were sustained, 11 allegations were disposed as service complaints, and 34 were declined. Of the 17 other allegations that resulted in completed investigations, six allegations had findings of insufficient evidence, six were unfounded, one resulted in exoneration, and four had other miscellaneous findings (including mediation and an IPR referral to the PPB for a non-sworn PPB Employee). As of June 11, 2003, 28 allegations were still undergoing investigation.

The results of the statistical review of citizen complaints indicate that profanity use may be more common in some Portland Police Bureau precincts than in others. Central Precinct, and in particular the Central Precinct Afternoon Relief shift, produced a disproportionate number of profanity complaints. Central Precinct officers received 30 of the 94 allegations of profanity, while Central Afternoon Relief shift officers (by themselves) accounted for 19, or roughly 20% of all profanity allegations. In comparison, Northeast Precinct received only 14 allegations for all three shifts.

Four Circumstances Where Profanity is Reportedly Used

1 Profanity as a Control Tactic

Directive 310.40 specifically allows for profanity only when necessary to establish control. During a review of the first 34 profanity complaints received in 2002, it was found that two-thirds of IPR complaints reviewed involved situations where the alleged use of profanity was not associated with an attempt to establish verbal control.

2 Profanity Used to "Establish Rapport"

Though the general order does not specifically indicate this, training personnel told us that officers are expected to use the "normal" language of the area in town in which they are working. Ostensibly, this allows officers to use profanity to establish a rapport with local residents if profanity is part of that community's vernacular. In the review of citizen complaints, no examples were found of situations where a community member complained as the result of this type of profanity use.

3 Profanity Use in Volatile Physical and Deadly Force Encounters

In both surveys with other municipal police departments, as well as with interviews of PPB staff, it was common for deadly force encounters to be used as examples of situations where profanity might be expected and appropriate. In the review of profanity complaints, this appeared to be the case in several instances. For example, two complaints involved profanity use by PPB Special Emergency Reaction Team (SERT) officers during extreme physical and deadly force situations.

4 Profanity Use as an Expression of Officer Frustration, Anger, or Annoyance

The majority of reviewed profanity complaints detailed encounters where the alleged profanity use seemingly occurred as a result of officers expressing frustration, annoyance, or anger with a community member. In these cases, the use of profanity was neither related to any clear need to establish control in a volatile situation, nor part of an attempt to build rapport with a community member.

Unnecessary Profanity Hinders Police Effectiveness

Potential Effect on Community Perceptions of the Police

It is clear that a reasonable person would accept that the use of profanity is a desirable alternative to the use of physical force. However, it is also apparent that adherence to a community policing philosophy would discourage the use of offensive or discourteous language. The Portland Police Bureau has embraced community policing and argues that one of the central goals of the organization is to foster a strong, respectful relationship between the police and the community. On the PPB web site, former Chief Kroeker wrote that one of the cornerstones of their strategic plan is a "service orientation" where the Portland Police Bureau seeks to "provide supportive, professional service to the community and to employees by promoting human rights, mutual respect and courtesy." Indiscriminate or widespread use of profanity could be seen as being at odds with this orientation.

In the interview with staff from the PPB Training Division, we were told that officers are expected to communicate in the community's language to better establish rapport with community members. This expectation could lead officers to employ profanity when dealing with members of the public who they believe commonly use profanity. Of course, if the officer is wrong in that determination, or has little cultural competency with that particular community, then indiscriminate profanity use may damage police-community relations.

Potential Effects on Escalation of Police-Citizen Encounters

Since the Portland Police Bureau does not keep aggregate data on the use of control tactics, it is not possible to determine whether profanity is an effective and necessary tool for establishing control. It is equally plausible that the aggressive use of profanity could potentially escalate police-citizen encounters. And indeed, both arguments may be true, depending upon the circumstances in which profanity is used. Unfortunately, no outside evaluation research was found that measures the effectiveness of profanity versus other non-profane verbal commands. In detailed interviews with staff from other municipal police agencies, nine of the 10 staff interviewed believed that the use of profanity could be effective in some circumstances, particularly in gaining a community member's attention in volatile, extreme circumstances such as those involving the potential use of serious physical or deadly force. However, a number of respondents observed that profanity should be used only in very limited circumstances, and that its use is accompanied by other serious costs, particularly its impact on the public's perception of the police and possible escalation of encounters with citizens.

Officers are Given Inadequate and Inconsistent Guidance About Profanity

There could be multiple explanations for the observed pattern of profanity complaints. One contributing factor may be the difficulty of defining profanity. A common dictionary definition of profanity is "irreverent, abusive, or vulgar language," which may be insufficient for purposes of a police directive. Moreover, the words that get labeled as profane can vary from person to person. This may account for the absence of a definition of profanity in Directive 310.40. However, most officers probably have a reasonable understanding of the spectrum of words that could be considered profane by most segments of the population.

A central cause of the current level of profanity complaints may rest with the overall lack of guidance afforded to PPB officers regarding when and how profanity can be used. In the same way that it is difficult to compile a list of words that would be considered profane, it is difficult to define situations when profanity is appropriate or necessary. Police-citizen encounters are too fluid, varied, and complicated to compose an exhaustive list that specifies all the circumstances when any particular control technique would be appropriate. Thus, it is reasonable to conclude that Directive 310.40 was vaguely worded to allow officers maximum discretion in deciding when to use profanity. Yet, the potential cost of vague wording is that officers may feel that they have license to use profanity in ways that are not consistent with the original intent of the directive.

Beyond the issue of vague directives, the training the PPB provides to probationary officers does not clearly or consistently establish expectations for profanity use. Newly hired officers are given a limited amount of training in the use of verbal control during the defensive tactics portion of their advanced academy. In this training, PPB officers are

schooled in how to use verbal commands to establish control through the use of real-life examples and role-play. However, the use of profanity is not systematically incorporated into this part of the training curriculum. Rather, whether profanity is incorporated at all depends entirely on who is conducting the training. Some PPB training staff will incorporate profanity, while others will not. So the personal attitudes and habits of training personnel impart differing viewpoints on how and when profanity should or could be used.

A large part of a Portland Police Bureau officer's training in verbal communication comes when they are assigned to a Field Training Officer (FTOs) at the beginning of their probationary period. Probationary officers learn how to interact and respond to verbal and non-verbal communication by working in the field under the guidance of their FTO and other patrol officers. However, the Training Division does not issue any specific training guidelines in relation to the use of profanity as a control tactic. So it is likely that the training and guidelines communicated to probationary officers by their FTOs and other patrol officers is inconsistent, and varies depending upon the precinct and shift to which the probationary officer is assigned.

Conclusions and Recommendations

We do not condone the use of profanity, and in particular, are skeptical of the idea that profanity can be used by police officers to build "rapport" with the community. Even so, it is not clear whether profanity can function as a more effective control tool than non-profane language. Currently, there is no evaluation research to answer this question. It is possible, however, that there may be circumstances where the use of profanity is effective. More importantly, the Chief of Police is responsible for ensuring that the PPB officers have the best tools at their disposal for resolving volatile, dangerous encounters. And certainly, if effective, the use of profanity is a desirable alternative to the use of physical force.

It is important to identify areas where police practices function as a source of unnecessary friction in police-community relations. The indiscriminate use of profanity and other abusive language could inflate the number of community complaints and potentially undermine the image of the Portland Police Bureau as an organization that is committed to the basic philosophy of community policing. However, policies should not be created simply for symbolic reasons, particularly if all parties know that the policy will not be consistent with actual policing practices. If the inadvertent use of profanity is expected occasionally in emotionally charged, dangerous force encounters, or, if police officers are going to use profanity as a form of control, then it makes little sense to establish an unconditional ban on the use of profanity. In this sense, the PPB's effort to develop a pragmatic directive on courtesy and profanity should be lauded.

Yet, the use of profanity is of concern to the public. More importantly, if it is used unnecessarily on a widespread basis, it holds the potential to undermine the work that the Portland Police Bureau may be doing to reach out to the public. For these reasons, it is important that Directive 310.40 be worded such that PPB officers are sent a clear and consistent message about how and when they can use profanity to establish control.

As a result of these considerations, three recommendations have been developed.

Recommendation #1:

Add a sentence to 310.40 that clarifies the circumstances under which profanity can be used.

The current wording of Directive 310.40 does not provide enough guidance for PPB officers. Following on the PPB Chief's "Tips and Techniques" memo, which states that profanity should be used only on rare occasions, wording should be added to Directive 310.40 that specifies that profanity may be used to:

"establish control only in the exceptional circumstances where its use may help avoid the deployment of physical or deadly force."

Recommendation #2:

Introduce a reporting requirement for profanity into Directive 310.40.

At this time, when PPB officers use profanity as a control tactic, they are not required to mention its use in their police reports. If profanity is a viable control technique, then officers should uniformly record it in their police reports when it is used in potential physical or deadly force encounters.

Recommendation #3:

Training should be standardized

Currently, the Portland Police Bureau's expectations concerning how officers may use profanity is communicated to probationary officers in an unsystematic fashion that varies according to the values, habits, and verbal skills of training staff and Field Training Officers. Given that profanity allegations are sustained at a fairly high rate, relative to other types of allegations, it is extremely important to the careers of officers that the Portland Police Bureau's expectations concerning language use are communicated in a consistent fashion. Therefore, a training bulletin should be prepared for FTOs that would establish guidelines as to how they can consistently train probationary officers in the appropriate use of profanity. It would be helpful if this training bulletin contained hypothetical examples (based loosely on citizen complaints) that outline the circumstances when profanity use is justified, and when it is not justified. This training bulletin should also be shared with all current patrol officers.

Local Interviews

Darrel Schenck, Captain
Portland Police Bureau Internal Affairs Division

John Tellis, Lieutenant
Portland Police Bureau Training Division

Beverly Bolensky Dean, Affirmative Action Investigator
Portland Bureau of Human Resources

Jane Braaten, Manager
Portland Police Bureau Planning and Support Division

Interviews with Other Cities

David Alexander, Sergeant
Charlotte Police Department Internal Affairs Division

Dan Courtney, Detective
Phoenix Bureau of Professional Standards

Mike Decker, Sergeant
Fort Worth Police Department Internal Affairs Division

Moana Heu, Lieutenant
Honolulu Police Department Internal Affairs Division

Jack Hines, Lieutenant
Austin Police Department Internal Affairs Division

Deb Lance, Sergeant
San Diego Police Department Internal Affairs Division

Mark Osland, Sergeant
Minneapolis Police Department Internal Affairs Division

Natalie Stone, Sergeant
San Diego Police Department Internal Affairs Division

Vic Wall, Lieutenant
Madison Police Department Internal Affairs Division

Jim Werkema, Sergeant
San Jose Police Department Internal Affairs Division

Police Agencies that Responded to the Survey

Albuquerque, New Mexico
Austin, Texas
Charlotte, North Carolina
Cleveland, Ohio
Denver, Colorado
Detroit, Michigan
Fort Worth, Texas
Honolulu, Hawaii
Kansas City, Missouri
Las Vegas, Nevada
Long Beach, California
Los Angeles County Sheriff, Los Angeles, California
Madison, Wisconsin
Miami-Dade, Florida
Minneapolis, Minnesota
Nashville, Tennessee
Milwaukee, Wisconsin
New Orleans, Louisiana
Oklahoma City, Oklahoma
Phoenix, Arizona
Sacramento, California
San Diego, California
San Jose, California
Spokane, Washington
Tucson, Arizona
Virginia Beach, Virginia

Publications and Newspaper Articles

Available for review in the work papers.

**Responses from
Chief of Police Derrick Foxworth
and
Mayor Vera Katz, Commissioner of Police**



CITY OF
PORTLAND, OREGON
BUREAU OF POLICE

VERA KATZ, MAYOR
Derrick Foxworth, Chief of Police
1111 S.W. 2nd Avenue
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Service Compassion Integrity Excellence Respect

MEMORANDUM

November 3, 2003

TO: Gary Blackmer
City Auditor

SUBJ: Response to Citizens Review Committee Report, Profanity Recommendations

In August 2003, the Citizens Review Committee and Independent Police Review Division submitted a draft report through your office to the Portland Police Bureau with recommendations for policy considerations on the use of profanity by Bureau members. I concur with the findings of this report, which has been reviewed by Bureau managers and our Training Division. In September, revisions to our policy on the use of profanity by Bureau members (outlined within the directive on Courtesy, 310.40) have been made that are consistent with the recommendations in this report.

The report makes three recommendations:

Recommendation #1: Add a sentence to Directive 310.40 that clarifies the circumstances under which profanity can be used.

Bureau Response: Revised language has been added to this Directive that reflects the CRC recommendations. The revised Directive states that officers may use profanity to establish control in exceptional circumstances where its use may help avoid the deployment of physical or deadly force. These circumstances are very limited. The report describes four general circumstances where officers reportedly use profanity. In two of these circumstances, profanity may be used (under circumstances outlined above) as a control tactic and may be used in a volatile physical and deadly force encounters. Profanity is not acceptable and will not be permitted as an expression of officer frustration, anger or annoyance. Additionally, it is not acceptable to use profanity to "establish rapport" —as in communicating with persons from a particular area of town or group where use of profanity is thought to be "normal" use of the language.

Recommendation #2: Introduce a reporting requirement for profanity into Directive 310.40.

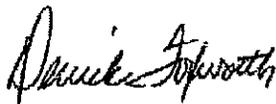
Bureau Response: Directive 310.40, Courtesy, has been revised and now states that circumstances for the use of profanity will be very limited and shall be documented in an appropriate report. Command and supervisory personnel have been briefed on the revised requirements regarding the use of profanity, and have been instructed to brief officers and other Bureau personnel during roll

calls and staff meetings. Through the use of the new A.I.M. software used in IAD and IPR, commanders and supervisors will be able to track and monitor citizen complaints regarding officer use of profanity associated by precinct or division, and by individual officers.

Recommendation #3: Training should be standardized.

Bureau Response: A Chief's memo will be prepared to be read at all roll calls and reinforced by supervisors that communicates the Bureau's Courtesy Directive on use of profanity. Training conducted for Field Training Officers and at annual In-Service will reflect the current Directive on Courtesy. A training bulletin, *Tips and Techniques*, was distributed to all Bureau members in April 2002 containing directions on the use of profanity, essentially stating that profanity is only justified in rare occasions when used in accordance with the Courtesy Directive including the need to document what was said and the reason.

The Bureau will continue to review incidents of the use of profanity and consider input from Bureau advisory groups, community, the Citizens Review Committee and Bureau members in making additional revisions in the future. The CRC's report on Officer Use of Profanity was helpful in our review of this policy and is appreciated.



DERRICK FOXWORTH
Chief of Police

DF/DS

C: Mayor Katz
Commissioner Francesconi
Commissioner Leonard
Commissioner Saltzman
Commissioner Sten



The office of
Vera Katz
Mayor Portland Oregon The City That Works

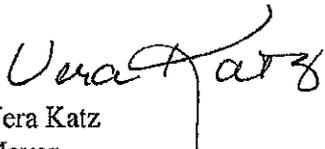
MEMORANDUM

December 3, 2003

TO: Gary Blackmer
City Auditor

SUBJECT: Response to Citizens Review Committee Report on Profanity

I concur completely with Chief Foxworth's response to the CRC Report on the use of profanity by Portland police personnel. Profanity is not an acceptable form of expression in the normal conduct of business by police professionals.


Vera Katz
Mayor



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THE CITY OF PORTLAND

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