

Source	Comment	COCL Response
Portland Copwatch	COCL does not examine decreases in IA and IPR caseloads when assessing compliance with Par. 121.	While there is certainly a difference between the total number of cases in 2018 Q2 (56) and the rest of the quarters in our analysis (between 28 and 41 per quarter), the contention by PCW does not take into account the analyses that we have done in prior reports. For instance, in the fourth quarter of 2017, IA and IPR had a total of 29 cases, but only achieved a 44.8% compliance rate. Additionally, in the next quarter, IA and IPR combined for a total of 45 cases and had a 66.7% compliance rate – demonstrating that a larger number of cases does not necessarily relate to a lower compliance rate (or vice versa). Therefore, we continue to believe that the improvement demonstrated by IA and IPR results from improvements in overall case management and improved policies.
Portland Copwatch	COCL does not assess whether administrative cases being referred for supervisor investigations are being appropriately categorized.	While this assessment is not provided in our specific review of Par. 121 (related to 180-day timelines) we have reviewed Supervisor Investigations (SI) in the past and have found them to be appropriately categorized. Additionally, in our upcoming 2019 Q4 report, we will focus on administrative investigations more broadly, including the appropriateness of their categorization and findings.
Community Member at PCCEP Town Hall	COCL should not compare PPB force rates to US cities only and should instead expand comparison to other nations.	We do not believe this would be a fair comparison when considering whether Portland Police Bureau continues to have a pattern or practice of violating the United States Constitution. As this is a Federal suit, we believe our comparison to other US cities is appropriate.
Community Member at PCCEP Town Hall	COCL should identify best practices for agencies who are transitioning from oversight and comment on what agencies should not do in order to avoid regressing after oversight.	Although we did not describe them as such, the systems of review and data collection mechanisms that we have encouraged in Portland and that they have effectively introduced are best practices that increase the probability of these reforms being sustained, in addition to maintaining strong leadership in the Bureau.
Multiple Entities	COCL incorrectly stated that the purpose of the DOJ Agreement is not to provide better outcomes, but rather to create systems for the police to monitor its own behavior.	Without considering the full context of the Settlement Agreement, this statement can be taken as inaccurate. However, the conversation relating to outcomes during the presentation was in reference to particular statistical outcomes. As we noted, however, the Settlement Agreement does not define outcomes based on statistical measurements therefore we do not focus on outcomes in this sense. However, we went on further to note that the Settlement Agreement considers the establishment, operation, and maintenance of systems as the outcomes for the COCL to assess. Here, we have spent considerable time and effort to assess PPB systems (including force review, mental health response, accountability) and have found that the implementation of the Settlement Agreement has led to such systems being developed and implemented well. As this is how Par. 170 directs us to measure outcomes, we must comply with the Settlement Agreement.
Portland Copwatch	COCL does not clearly explain why some paragraphs are not covered in the present report (for example, 99, 105, 115, and 116-117).	We have revised our introduction to more adequately explain which paragraphs were included in this report and the criteria for inclusion.
Portland Copwatch	COCL does not report the level of force used against persons with mental illness, only the overall “force to custody” ratio.	Our reporting of force rates pertained to the Use of Force section and was therefore an overall comment about PPB’s force to arrest ratios. In prior reports, we have noted that force events involving persons living with mental illness that did not rise to the level of an ECIT event were so low that they precluded the ability to perform quantitative analyses. While we did not include additional analyses in the broader Use of Force section for this report, we have (and will continue to) included assessment as to the frequency and reasonableness of force against persons living with mental illness.
Portland Copwatch	COCL could assess whether more serious uses of force went down after 2017 by subtracting the new categories from the current data.	For our analyses performed in 2018 reports, we had in-depth discussions with PPB regarding this very point. However, PPB informed us that some uses of force (particularly takedowns, which makes up a significant portion of all uses of force) could not be separated out in this way. For instance, some applications of takedown would fall into Category IV whereas others would fall into Category III. Additionally, some actions would not be considered a takedown prior to the 1010.00 revisions but now are considered a takedown. Ultimately, a straight subtraction is not an accurate reflection of the data, making some longitudinal comparison impossible.
Portland Copwatch	COCL does not comment on the appropriateness of Sergeants conducting the initial investigation of Use of Force incidents.	While we understand the concern of Sergeants conducting the initial investigation into use of force events, this is the process required by the Settlement Agreement and is common practice in agencies throughout the United States.
Portland Copwatch	COCL did not ask the Training Division to re-do the procedural justice training despite saying they had some concerns about the training.	Our report noted a single minor concern regarding how procedural justice skills were described by the instructors during the debriefing session but that we provided PPB with immediate feedback. We also noted that the single minor concern did not distract from the training’s overall integrity and that the issue was not so egregious that it would require remediation/retraining. Therefore, it is not necessary for PPB re-do the training given all the positive elements of the training we noted in the preceding sections of our assessment of this paragraph.
Portland Copwatch	COCL does not make clear whether PPB is identifying officers who need correction in their performance, as required by Par. 93.	We have revised our report to include ongoing actions by PPB that we reported in our 2018 Q1 report, namely PPB’s process for Training Division and PSD review of all force events involving a mental health component (including officers who are ECIT certified) and auditing BERS referrals.
Portland Copwatch	COCL does not indicate whether the recommendations of BHUAC were adopted or produced meaningful outcomes.	We have revised our report to address PPB responses to BHUAC with regards to adopting their recommendations. As to producing meaningful outcomes, this would be a difficult assessment given that the outcomes are often not included in the recommendation.

Portland Copwatch	COCL does not mention BHUAC's work on policies about custody of people in mental health crisis as required by Par. 111.	We have revised our report to include the fact that BHUAC had provided input on the development of policies and procedures for the transfer of custody or voluntary referral of individuals between PPB, receiving facilities, and local mental health and social service agencies. This information had been contained within our assessment of Par. 111 in our 2018 Q1 report.
Multiple Entities	COCL attributes just 6% of calls where an ECIT officer does not respond to an ECIT call to an ECIT officer not being available but doesn't explain the other 19% of ECIT calls not receiving an ECIT response.	We have revised our report to include other reasons for calls not receiving an ECIT response. We had only included the 6% figure to highlight the fact that ECIT officers not being available is a relatively rare event.
Portland Copwatch	COCL does not determine whether the average person on the street is familiar with ECIT activities, which is one measurement of compliance with Par. 104.	We agree that this would be a valid measure of PPB's success in increasing awareness of the ECIT program and would support this item being included in a city-wide survey. However, the Settlement Agreement is a floor rather than a ceiling – the efforts of PPB we describe in Par. 104 sufficiently reflect substantial compliance with the requirements of the paragraph.
Portland Copwatch	COCL does not provide an example of how the community survey was used to inform PCCEP's recommendations on the Community Engagement Plan.	We have revised our report to clarify the language of this assessment. Par. 146 requires the City to utilize the community survey to inform the development and implementation of the Community Engagement Plan. The PCCEP was briefed on the survey results in July 2019 and discussed the results at length; this occurred in advance of their work to make recommendations for the development of the CEP. However, the requirement of Par. 146 to use the survey for developing the CEP lies with the City and we believe they have substantially complied with this requirement.
PCCEP	COCL should clarify whether all officers received the procedural justice training or whether it was only a subset of officers	We have revised our report to clarify this point. All officers are receiving the procedural justice training.
PCCEP	COCL's assessment of Pars. 89 and 90 do not contain sufficient information to justify substantial compliance (see https://www.portlandoregon.gov/pccep/article/744153).	Both COCL and DOJ have recognized the serious challenges that Unity has faced regarding delivery of mental health services. Many of these challenges are reflected in the recommendation passed by PCCEP in October of 2019, including: OSHA citations, staff complaints, county and state investigations, and lawsuits. Additionally, the recommendation passed by PCCEP references media reports, court submissions, testimony of patients, and arrests of patients as evidence of a walk-in/drop-off center that is an "insufficient response" for persons in mental health crisis. We do not argue the merits of the concerns laid out in recommendation of the PCCEP. However, many of these concerns relate to the administrative operation of the Unity Center, a function that is under the control of entities who are not Parties to the Settlement Agreement and are therefore not under the Settlement Agreement's authority. For entities who are under the authority of the Settlement Agreement (namely PPB and the City), we have evaluated in each of our reports their contributions to the development of the Unity Center and the creation and enforcement of policies and training in concert with the Unity Center. For that evaluation, we have continued to find that the City and PPB have contributed what is expected of them to the Unity Center given that they are one part of a larger whole. For instance, PPB has worked with (and continues to work with) the Transportation Subcommittee. Additionally, PPB has drafted policies related to such transportation and has provided adequate training to officers regarding those policies. Whereas the Unity Center continues to address the above noted challenges, we maintain that PPB and the City have sufficiently contributed (and continue to contribute) what can reasonably be expected of them.