Independent Police Review
Investigator: Eric Berry
Case Reviewer: Ross Caldwell / Kelsey Lloyd

Confidential Investigative Report

Incident Date: 05/29/20 – 11/16/20
Case #: 2022-B-0024
Complainant: Portland Police Bureau

Involved Members Interviewed:

Officer	DPSST	Assignment	Category	Allegation #
Assistant Chief Jami Resch	#37142	Former member	Procedure	1
Assistant Chief Charles Lovell	#41706	AC of Services	Procedure	2

Witness Members Interviewed:

Officer	DPSST	Assignment
Inspector General Mary Claire Buckley	N/A	OIG
Assistant Chief Craig Dobson	#35609	AC of Operations
Commander Robert Simon	#41758	North Precinct Commander
Captain Christopher Lindsey	#42661	Internal Affairs Captain
Lieutenant Pete Helzer	#41782	Detectives Division

Applicable Directives:

Directive 315.30 – Satisfactory Performance
Directive 635.10 – Crowd Management/Crowd Control
Directive 1010.00 – Use of Force

Allegations:

1. Former Assistant Chief Jami Resch #37142 failed to ensure that FDCRs and After Action Reports arising from crowd control events starting on May 29, 2020, and ending on November 16, 2020, were completed as required by applicable Directive (PROCEDURE) (Directive 315.30 – Satisfactory Performance; Directive 635.10 – Crowd Management/Crowd Control; Directive 1010.00 – Use of Force)

2. Assistant Chief Charles Lovell #41706 failed to ensure that FDCRs and After Action Reports arising from crowd control events starting on May 29, 2020, and ending on November 16, 2020, were completed as required by applicable Directive (PROCEDURE) (Directive 315.30 – Satisfactory Performance; Directive 635.10 – Crowd Management/Crowd Control; Directive 1010.00 – Use of Force)

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Incident Overview:

In 2014, the City of Portland and the United States Department of Justice (DOJ) entered into a Settlement Agreement related to the Portland Police Bureau (PPB). The Settlement Agreement was the conclusion to a DOJ lawsuit alleging PPB engaged in a pattern or practice of using unconstitutional force against people with an actual or perceived mental illness. Under the terms of the Settlement Agreement, the City of Portland agreed to make several changes related to PPB's practices and policies. This Settlement Agreement remains in effect and DOJ continues to monitor Portland's efforts to comply with it.

On 05/25/20, George Floyd was murdered by a police officer in Minneapolis, Minnesota. Shortly after this incident, large protests began taking place in many cities around the United States, including Portland. In Portland these protests continued for several months. PPB and other law enforcement agencies responded to these protests. PPB officers documented using force at least 6,000 times during their responses to the protests. Numerous community members expressed concern about the nature and extent of force used by PPB officers.

On 04/02/21, the DOJ notified Portland it was no longer in compliance with the terms of the Settlement Agreement. The City and DOJ entered into negotiations and mediation related to bringing Portland back into compliance with the terms of the Settlement Agreement. During these talks, the City and DOJ agreed to amend their Settlement Agreement. On 04/15/22, Judge Simon approved the amended Settlement Agreement.

Paragraph 192 of the amended Settlement Agreement describes several aspects of PPB's response to the 2020 protests that the City agreed to investigate. These aspects include the nature of training provided to members of PPB's Rapid Response Team (RRT), inappropriate orders given by PPB command staff to use force, inadequate review by PPB command staff of required documentation of officers' uses of force, and PPB command staff's failure to clarify misunderstandings and misapplications of PPB policies to officers.

Case #2022-B-0024 addresses PPB command staff's review and administration of the Bureau's policies and procedures related to documenting and investigating PPB officers' uses of force during the protests following Mr. Floyd's murder. It seeks to determine whether PPB command staff failed to ensure that Force Data Collection Reports (FDCRs) and After Action Reports (AARs) arising from crowd control events starting on May 29, 2020, and ending on November 16, 2020 were completed as required by applicable Directive. IPR identified Former Assistant Chief Jami Resch #37142, and current Assistant Chief (and former Chief) Charles Lovell #41706 as involved members for this investigation.

Investigation Narrative:

The purpose of this investigation was to determine whether PPB command staff appropriately ensured the completion of FDCRs and AARs

Specifically related to this investigation, paragraph 192 of the City's amended Settlement Agreement with DOJ directs IPR to investigate those PPB Incident Commanders (ICs), of the rank of Lieutenant or above,

"who failed to ensure that FDCRs and After Action Reports arising from the crowd control events starting on May 29, 2020, and ending on November 16, 2020, were completed as required by Section 13.1 of PPB Directive 635.10." (Exhibit 1) Like the rest of paragraph 192, this section is notable for the conclusory manner in which it is written.

Additionally, this section of paragraph 192 appears to misinterpret the role of Incident Commanders (ICs) and Crowd Management Incident Commanders (CMICs) in ensuring protest-related FDCRs and AARs are completed. The second revision of Directive 635.10 – Crowd Management/Crowd Control was in effect at the time of the 2020 protests (Exhibit 2). Section 13.1.4 of this version of Directive 635.10 does indicate that an IC's responsibilities include ensuring officers complete police reports and FDCRs describing their actions and uses of force during a protest, stating the IC will "ensure all other applicable pertinent reports are submitted as required by Directive 900.00, General Reporting Guidelines, and 1010.00, Use of Force." (Exhibit 2)

However, at the time of the 2020 protests, all expectations related to the completion of FDCRs as well as the ensuing AARs were outlined in the third revision of Directive 1010.00 – Use of Force, which was in effect during the 2020 protests. This version of Directive 1010.00 did not describe any role for the IC in reviewing or ensuring the completion of AARs related to force used at a protest. Instead, this version of Directive 1010.00 clarified that supervisors within an officer's direct chain of command have the responsibility to conduct and complete AARs regarding that officer's uses of force.

While this section of paragraph 192 is conclusory and misapprehends important aspects of the Bureau's internal force review processes, it is also abundantly evident that these processes broke down during the protests of 2020. Nearly every witness IPR interviewed for this investigation confirmed AARs were seriously delayed during 2020. IPR also reviewed extensive documentation which confirmed AARs were delayed, despite strenuous effort by Police Bureau personnel.

Because this section of paragraph 192 did not appropriately identify the Police Bureau command staff who were actually responsible for ensuring the timely completion of FDCRs and AARs, IPR sought to identify Police Bureau command staff that had an actual role in ensuring the completion of FDCRs and AARs and hold them accountable if the evidence proved misconduct.

With the assistance of PPB's Internal Affairs (IA) personnel, IPR identified the following Police Bureau Force Inspectors who held that role before, during, and after the 2020 protests (the listed ranks were the PPB members' rank at the time of the 2020 protests and several have changed):

	Name	**Dates of service**
1.	Lt. Jeffrey Niiya #30666 (resigned 04/14/2021)	C. 2019 – 06/19/20
2.	Captain Robert Simon #41758	06/25/20 – 08/19/20
3.	A/Lt. John Sapper #50821 (resigned 11/03/2021)	09/03/20 – 11/16/20
4.	A/Lt. Grant Smith #50653	09/15/20 – 09/23/20
5.	Lt. Christopher Lindsey #42661	01/07/21 – 02/02/22
6.	Lt. Peter Helzer #41782	02/03/22 – int. date

Force Inspectors are responsible for ensuring FDCRs and AARs are completed in an accurate and timely manner. IPR interviewed Lieutenant Helzer on 09/28/22, Captain Lindsey on 10/05/22, and Commander Simon on 02/27/25.

IPR attempted to interview former PPB Lieutenant Jeff Niiya, who was the Bureau's Force Inspector at the beginning of the 2020 protests, but he declined IPR's request. Former Lieutenant Niiya resigned from PPB on 04/14/21, and IPR does not have the authority to compel former PPB members to be interviewed.

IPR considered identifying Lieutenant Niiya, Captain Simon, and Acting Lieutenant Sapper as involved members for this investigation, given their role as force inspectors during the 2020 protests. However, witness interviews and applicable Directive indicate the force inspector's role is to review AARs completed by an officer's chain of command for completeness and sufficiency. Force inspectors do not have a direct role in ensuring AARs are completed.

Deputy Chief Christopher Davis started working for the Police Bureau in 1998 and was employed by PPB for over 22 years. He served as PPB's Deputy Chief from 12/31/19 to 09/02/21, when he retired from PPB. He is currently the Chief of Police for the Green Bay Police Department in Wisconsin. As the Deputy Chief, Davis was responsible for overseeing the Bureau's day-to-day operations and played a large role in directing the Bureau's response to the 2020 protests. IPR attempted to interview former DC Davis, but he also declined IPR's request. Former DC Davis retired from PPB on 09/02/21, and IPR does not have the authority to compel former PPB members to be interviewed.

IPR interviewed Assistant Chief Craig Dobson #35609 as a witness member on 02/07/25. AC Dobson worked frequently as a CMIC during 2020, had frequent contact with Chief's Office staff, and he is one of the Bureau's foremost subject matter experts on public order events. AC Dobson also previously served as a Force Inspector and helped develop the Bureau's FDCR.

IPR considered identifying the Bureau command staff who served as CMICs during the 2020 protests, including AC Dobson, as involved members for this investigation, given the expectation described in the second revision of Directive 635.10 that CMICs ensure officers complete reports and FDCRs, and in light of the language of paragraph 192.

As was the case with force inspectors however, witness interviews and applicable Directive indicate CMICs do not have a role in conducting or reviewing AARs, nor do they have a role in ensuring the sufficiency of reports and FDCRs completed by officers. Although paragraph 192 presumptively identified ICs and their designees as being responsible for the breakdown of PPB's AAR process during 2020, IPR's investigation did not identify a role for CMICs in the AAR process, and IPR therefore did not list CMICs as involved members for this investigation.

IPR also interviewed Police Bureau Inspector General, Mary Claire Buckley on 02/27/25. IG Buckley oversees the Office of the Force Inspector and has regular contact with Chief's Office staff, as well as DOJ, the Monitor and previously the Compliance Officer and Community Oversight Liaison (COCL) team related to the City's compliance with the Settlement Agreement.

During the course of other paragraph 192 related investigations, IPR interviewed many other Bureau members who took part in responding to the events of 2020. Although these interviews related to other investigations, IPR often questioned members regarding their interactions with Bureau command staff and their awareness of the actions command staff took. IPR used this information to better understand the Bureau's overall response to the 2020 protests and to appropriately identify witness and involved members for this and other investigations. For further details, refer to IPR cases #2022-B-0022, #2022-B-0023, #2022-B-0025, #2023-B-0069, and #2023-B-0070.

During this investigation, IPR reviewed extensive documentation related to the Bureau's response to the 2020 protests. IPR found documents prepared by AC Resch, describing actions she directed to attempt to ensure the completion of FDCRs and AARs. Multiple witnesses IPR interviewed indicated that after the FDCR and AAR processes broke down, AC Resch played an important role in trying to ensure FDCRs and AARs were completed as required. Accordingly, IPR identified former AC Resch as an involved member for this investigation.

AC Resch started working for the Police Bureau in 1999 and she worked there over 23 years. AC Resch became PPB's Chief of Police on 12/31/19. She served as Chief until 06/11/20, when she voluntarily resigned from that position and named Chief Lovell as her successor. AC Resch went on to serve as Assistant Chief of Investigations under Chief Lovell. AC Resch retired from PPB on 01/13/23. She is currently Deputy Chief of the Springfield, Oregon Police Department.

IPR briefly interviewed AC Resch on 01/13/23 as a witness member for IPR case #2022-B-0025. The interview took place the day she retired from PPB. Based on information AC Resch provided, IPR advised her it would instead identify her as an involved member. AC Resch's attorney, Nicole Robbins, objected to continuing the interview. AC Resch agreed to be interviewed as an involved member, on a voluntary basis, at a later time, and IPR ended the interview.

When IPR contacted AC Resch to arrange her involved member interview, she eventually declined through Ms. Robbins. IPR does not have the authority to compel former PPB members to be interviewed, and AC Resch was not interviewed for this investigation.

Assistant Chief Charles Lovell #41706 served as PPB's Chief from 06/11/20 until 10/11/23, a span of time that includes the majority of protest activity during 2020. As Chief, he was in charge of the Police Bureau and oversaw the work of his Assistant Chiefs, including AC Resch. Accordingly, IPR identified AC Lovell as an involved member for this investigation. IPR interviewed AC Lovell as an involved member on 02/27/25.

IPR began its paragraph 192 related investigations in January 2022. After these investigations were underway IPR had occasional contact with DOJ staff, and provided updates as they were requested, either directly or as relayed by CAO staff. On 09/08/22, IPR's management briefed DOJ on the status of its paragraph 192 related investigations, including this investigation. During this meeting, DOJ staff indicated they approved of IPR's overall methodology, as well as the scope and nature of this investigation.

On 07/19/23, IPR again met with DOJ staff, as well as COCL, and briefed them on the status of its paragraph 192 related investigations. On 05/14/24, IPR again met with DOJ staff and briefed them on the status of

its paragraph 192 related investigations. During both meetings, DOJ staff again indicated they approved of IPR's overall methodology, as well as the scope and nature of this investigation.

The Police Bureau's FDCR and AAR processes were implemented as part of the Settlement Agreement

Many of the expectations related to FDCRs and AARs described in applicable Directives directly correspond to expectations described in the City's Settlement Agreement with DOJ. Paragraph 69 describes the expectation officers write reports (FDCRS) describing the force they used with "sufficient information to facilitate a thorough review of the incident in question by supervisory officers" and also provide a full account of the incident to their supervisor. Paragraph 70 describes the expectation a supervisor respond to the scene to investigate an officer's use of force, interview officers and witnesses, facilitate medical treatment, complete an AAR report within 72 hours, and forward the AAR to their chain of command. Paragraph 73 describes the expectations regarding the chain of command's review of AAR reports. Paragraph 73 states all supervisors in the chain of command are responsible for the accuracy and completeness of AARs completed by supervisors under their command. Paragraph 73 states supervisors may receive corrective action or discipline if the AARs they complete or review are not complete and accurate. (Exhibit 1, throughout)

The Settlement Agreement also describes some of the duties of the Bureau's Force Inspector. Paragraphs 74 and 75 describes the expectation the Force Inspector, in consultation with COCL, conduct detailed audits of FDCRs and AARs. Paragraph 76 describes the expectation the Force Inspector analyze this information for significant trends and other issues. Paragraph 77 describes the expectation the Force Inspector "shall audit the adequacy of chain of command reviews of After Action Reports" by specific criteria. (Exhibit 1, throughout)

Although the Settlement Agreement makes frequent reference to Directive 940.00 – After Action Reports, this Directive was rescinded on 08/19/17. When this Directive was rescinded, the expectations describing the completion of FDCRs and AARs were moved to Directive 1010.00 – Use of Force.

The third revision of Directive 1010.00 (Exhibit 3) was in effect at the time of the 2020 protests. Section 11 of this directive describes many expectations for an officer who uses force, including completing FDCRs, notifying their supervisors, locating witnesses, and providing a candid account about their use of force.

Section 12 of this version of Directive 1010.00 describes many expectations for the supervisor investigating the use of force, including the expectation they respond to the scene, interview witness and involved officers, interview community member witnesses, facilitate medical treatment if necessary, and complete an AAR. Section 12.3 directs the supervisor to conduct "administrative review and a thorough investigation" of the officer's use of force. Section 12.3.1 states, "If a supervisor is involved in the use of force, they shall contact another supervisor to conduct the administrative review of the incident." (Exhibit 3, throughout)

Section 13 of this version of Directive 1010.00 describes expectations regarding the AAR itself, including that it be completed within 72 hours, as well as subsequent command staff review of the AAR. The directive describes expectations regarding the review of an AAR in great detail. Notable requirements include: The AAR must include involved and witness member statements, a statement from the subject

of the force, documentation of the subject's injuries, a summary of the event, a summary of the investigation, and a summary of the supervisor's critique and recommendations for the involved officer. The supervisor must use decision point analysis to determine whether the officer's use of force was in or out of policy. All supervisors in the chain of command are responsible for the accuracy and completeness of AARs completed by supervisors under their command. Command staff review the AAR for completeness and accuracy, and they may modify the AAR's findings or return it for additional investigation. Command staff evaluate the AAR using the preponderance standard and determine whether the involved officer's conduct was in or out of policy. Responsibility Unit (RU) command staff must complete their review within 21 days. Command staff implement corrective action as appropriate and make appropriate notifications for instances of criminal misconduct or significant misconduct. All supervisors in the chain of command review will be held accountable for the completeness and accuracy of an AAR and they may receive corrective action or discipline if the AARs they complete or review are not complete and accurate.

Section 13 of this version of Directive 1010.00 also described the duties of the Force Inspector. These duties include conducting detailed audits of FDCRs and AARs and analyzing this information for significant trends and other issues.

Witness members IPR interviewed for this investigation confirmed the expectations regarding FDCRs and AARs and the duties of the Force Inspector described in Directive 1010.00 directly reflect expectations described in the Settlement Agreement.

IG Buckley leads the Bureau's Office of the Inspector General (OIG). IG Buckley has served in that role for over 11 years. The OIG is responsible for ensuring the Bureau appropriately investigates the force used by Bureau officers. IG Buckley supervises the Bureau's Force Inspector and analyst team.

During her 02/27/25 interview, IG Buckley indicated: At the time of the 2020 protests, expectations regarding the Bureau's force investigation process were described in Directive 1010.00. These expectations are now described in Directive 910.00. The Bureau's rules regarding how it investigates uses of force reflect expectations described in the Settlement Agreement. Under those rules, the supervisor of an officer who uses force is expected to complete an AAR within 72 hours. The command staff of the officer's RU is expected to complete their review of the AAR within 21 days.

At the time of his interview on 09/28/22, Lieutenant Pete Helzer was the Police Bureau's current force inspector, having served in the role since 02/03/22. Lieutenant Helzer described the responsibilities of the Force Inspector as "To review non-lethal uses of force for policy issues, trends, training issues and advise the Chief of Police on the same." (Helzer interview, lines 73-74)

Lieutenant Helzer indicated the level of review a particular use of force receives depends on its category, with more serious uses of force receiving a higher level of review than less serious uses of force. Describing the Force Inspector's role in the AAR process, Lieutenant Helzer stated:

> *My office is where they come when they're complete through the command review. And then my team conducts audits to ensure compliance with the applicable paragraphs of the Settlement Agreement and generate statistical reports. And then I do a holistic review of*

> *those reports as well. Again, like I said, looking for policy issues, training issues and trends. (Helzer interview, lines 92-95)*

Lieutenant Helzer indicated the Force Inspector's office has analysts, who analyze FDCRs and AARs. Describing this work, Lieutenant Helzer stated, "They have methodologies where they capture the data points associated with the requirements of the Settlement Agreement, warnings, de-escalation, etc., and they create statistical reports from there." (Helzer interview, lines 415-417) Lieutenant Helzer indicated the analysts prepare reports, which they share with the Chief's Office, as well as DOJ and COCL, on a quarterly basis.

At the time of his interview on 10/05/22, Captain Chris Lindsey was Captain of the Bureau's Specialized Resource Division. He was the Bureau's Force Inspector from 01/07/21 to 02/02/22. Captain Lindsey indicated the duties of the Force Inspector are almost completely defined by the Settlement Agreement. Captain Lindsey stated, "If you read those paragraphs it very clearly lays out the Force Inspectors roles and duties," (Lindsey interview, lines 486-487) Captain Lindsey indicated under the terms of the Settlement Agreement, the Force Inspector's office must issue quarterly reports regarding the Bureau's AAR process.

During his interview, Captain Lindsey acknowledged that section 13.11 of Directive 1010.00 requires the Force Inspector to audit AARs, and for the Chief or a designee to review the audits and take appropriate corrective action if FDCRs and AARs are not completed as required.

The Bureau's FDCR and AAR processes during 2020 were data intensive and problematic

The FDCR process the City implemented with DOJ's approval required officers to include a great deal of information in their FDCRs regarding the force they used, even for relatively low-level force like a push or overcoming a person's resistance during handcuffing. The ensuing AAR process the City implemented with DOJ's approval required each use of force to be reviewed and analyzed individually in great detail.

During the AAR process, subsequent reviewers can ask the supervisor that conducted the AAR, referred to in Directive as the authoring supervisor, to conduct additional investigation. Subsequent reviewers can also change the findings of an AAR, regarding whether the force the involved officer used was in or out of policy. However, because of technical limitations, at the time it was difficult to reliably track the status of a particular AAR, or to note which reviewer had made changes to the AAR.

At the time of his interview on 02/07/25, Assistant Chief Craig Dobson was the Assistant Chief of Operations. During the 2020 protests, then-Captain Dobson, was assigned to the Training Division. He worked very frequently as a CMIC during 2020 protest events. AC Dobson had frequent contact with Chief's Office staff, and he is one of the Bureau's foremost subject matter experts on public order events. AC Dobson also previously served as a Force Inspector from June 2017 through April 2019. During that time, he helped develop the Bureau's FDCR.

AC Dobson indicated he is aware the DOJ reviewed and approved the Bureau's FDCR and AAR processes. AC Dobson stated:

> *I built the FDCR, so I know it intimately, unfortunately. It was built for individual interactions with people where you could get very into the weeds on why that occurrence happened. Because on the back side, the reason it was built was from the COCL's perspective, or the academic perspective was, is let's examine this stuff. Let's see if there's data out there to find out why we're using force, and if there are ways that we can avoid using force, based on all of these different data points. And at one point, they wanted 300 data points, and we got it slimmed down to literally, you know, about a 160 different checkmarks, as you could, which is over way into the weeds as it is. (Dobson interview, lines 650-656)*

At the time of his interview on 02/27/25, Commander Robert Simon was the Commander of the Police Bureau's North Precinct. He was the Bureau's Force Inspector from 06/25/20 through 08/19/20, a span that encompassed much of the 2020 protest activity in Portland. Before he became Force Inspector he served as executive officer for AC Resch, when she was Chief. After Resch stepped down, Commander Simon, then a Lieutenant, became the Force Inspector. He took over the role from Lieutenant Niiya, who had been the Force Inspector for over a year.

Commander Simon indicated: An officer documents their uses of force in an FDCR, and their supervisor documents their investigation of that use of force in an AAR. The officer's supervisor is expected to investigate the use of force and complete the AAR within 72 hours. The review of the AAR by the chain of command in the officer's RU must be completed within 21 days. The Chief's office has an additional seven days to review the AAR after the RU completes their review. The level of review a particular use of force receives depends on its category, with more serious uses of force receiving a higher level of review than less serious uses of force.

Captain Lindsey and Lieutenant Helzer were both consistent with Commander Simon and added FDCRs are stored in RegJIN, the same system used to store other police reports. Captain Lindsey and Lieutenant Helzer both indicated: Subsequent reviewers of an AAR can request the authoring supervisor conduct additional investigation of the officer's use of force. Although the authoring supervisor makes an initial determination whether the officer's use of force was in or out of policy, a higher-level reviewer can change that determination. Any requests for additional investigation or changes to the in or out of policy determination are tracked in the body of the AAR itself, in narrative form.

Captain Lindsey and Lieutenant Helzer both indicated: Until recently, all AARs were fillable PDF forms and command staff involved in the RU review process entered information into the PDF form. As each reviewer in an officer's chain of command finished their review of an AAR, they would email the PDF file of the AAR to the next reviewer. Although the authoring supervisor was expected to complete the AAR within 72 hours, the only methods of tracking when the AAR went to the next level of review was via the timestamp on the email and the information in the AAR itself.

Lieutenant Helzer indicated: During 2020, AAR files were stored in a database called HP Content Manager, the document archiving system the City uses. In the Content Manager system, the expectation that an AAR be completed through an officer's RU within 21 days could also only be tracked via email timestamps and the information in the AAR itself. Describing this process, Lieutenant Helzer stated:

> *The Sergeant has a box on their section to indicate the date and the time that they sent it forward. The Lieutenant Review Section has a box on it that says I received this within 72 hours of the force event, and you check it or not depending on whether you did. (Helzer interview, lines 164-166)*

Captain Lindsey also indicated in the system the Bureau used in 2020, the expectation that an AAR be completed through an officer's RU within 21 days could only be tracked via email timestamps and the information in the AAR itself. Describing how command staff kept track of this timeline, Captain Lindsey stated:

> *You just kind of had to make - like as soon as you got it you just had to - whether you created a task in Outlook with a time - like, you know, a date-by completion, you could do that, whether just made a mental note, or whether you just did it right then and there there was never anything official that was like, you know, "You get it, and then you have a clock counting down with reminders." You just had to - it was kind of on your own to make sure you got it within the time period. (Lindsey interview, lines 316-320)*

Captain Lindsey indicated under the previous system; it could be difficult to track the status of a particular AAR during the RU review period. Captain Lindsey stated:

> *The only way it actually would be tracked was through the Force Audit team. So the Force Auditing what they'll get - so once a - was it every other week or once a month, I forget when I was there, they would send me an update saying, "Hey, these FDCRs are in the system. They've been in the system for X amount of days. We don't see an after-action completed." (Lindsey interview, lines 326-329)*

The Police Bureau could not maintain the AAR process and timelines during the 2020 protests

In Portland, protests related to the murder of Mr. Floyd began on 05/29/20. Many of the protests, particularly those taking place at night, were large and some could be violent and disruptive. CMICs frequently declared events to be civil disturbances or riots, and they frequently directed squads of officers to disperse protesters. Officers frequently used force, including physical force, less lethal impact munitions and CS gas, during these dispersals. This meant officers wrote many FDCRs describing the force they used. In turn the officers' supervisors, commonly the sergeants supervising an RRT or MFF squad, had to complete many AARs. Various RU chains of command in turn had to review many AARs at the same time.

This continued on a nightly basis, CMICs continued to authorize dispersals, and officers continued to use force as they dispersed protesters. PPB documented over 6,000 uses of force during the 2020 protests. Each night of police operations created another set of FDCRs and AARs the Bureau was required by the Settlement Agreement and Directive to investigate, review, and analyze. As protests continued for days, then weeks, then months at a time, the Police Bureau's FDCR and AAR processes broke down.

AC Dobson indicated he became aware AARs were delayed several weeks into the Bureau's response to protest activity. AC Dobson stated:

> *That [AAR] process takes up to 28 days to do, and so it was, I want to say towards the end of the 28 days when it should have been started to go through that we started to see problems. And I was made aware of that at that time, that hey, we've basically clogged the toilet at this point in time, because we've put too many of these things on that we're creating this mountain of data and material, and people aren't able to process, go through those as quickly as they need to be done, based on Directive. (Dobson interview, lines 668-672)*

IG Buckley indicated during the 2020 protests, the Bureau did not complete all AARs within the expected timeframe. IG Buckley indicated although the Bureau did complete all AARs related to using force outside of a protest on time, the protest-related AARs were delayed. IG Buckley indicated she first became aware of delayed AARs in mid-June 2020. IG Buckley stated:

> *It started in May, obviously. And so in June, it became clear. And it wasn't directly clear to me, I will say, because those don't come to me. I'm just, I get it here from. But the analysts were able to see that there were FDCRs that were there, but without after actions. (Buckley interview, lines 129-131)*

IG Buckley indicated analysts in the Force Inspector's office began noticing there were FDCRs being sent to the Records unit for transcription for uses of force about which no AAR had been completed. IG Buckley stated:

> *The system's been improved, but at the time of the protests that we're talking about, it was a system where you had to attach your FDCR to an email to your sergeant. We now have a better electronic system, but at the time. And then those would also be copied to records and to the - and to our office so that we had them when the after action came in and we could compare them. Because they look at, you know, the force inspector reads all the reports associated with the case. And so we could see that there were, but there weren't, you know, after actions attached. (Buckley interview, lines 135-140)*

Commander Simon indicated when he became the Force Inspector on 06/25/20, his office was just starting to receive reports from the early days of protest activity. Commander Simon stated, "Reports from the May 31st, the first week of June were just starting to come in. That's when we started to realize that they were outside of timeline or they just weren't as complete as we had thought." (Simon interview, lines 97-98)

Asked what issues he was referring to, Commander Simon stated, "It's the timelines. It's the lumping together of force applications that - I didn't know if that was just the acceptable way to do these 'cause it didn't make sense to me." (Simon interview, lines 148-149)

Asked what kinds of issues led to the June AARs not being completed, Commander Simon stated:

> *Well, the stuff that we've already talked about, the key case number, the lumping of applications of force into one box on the FDCR, the missing after actions having multiple*

> *case numbers on them or one key case number on them for an entire weekend of events. I think one specific thing I can remember which was a challenge was the opening weekend of 2020, the opening weekend of the protest environment in 2020, where you use one key case number for like the entire weekend. And then all the after actions and all the paperwork came in one giant stack with all the same case number. And then I was left to try to, like, pull that apart and figure out what is what, 'cause they'd already gone through the process. (Simon interview, lines 345-351)*

Commander Simon indicated deficiencies in an AAR can delay how quickly it is able to be completed. Describing these issues, Commander Simon stated:

> *If we have to look at each application of force in a review level, but there's five in one box without sufficient articulation as to who they were using the force on and why, it just - it lumps them all in together. So our policy wasn't written to deal with the crowd control environment. It was written to deal with one-on-one encounters or two-on-one encounters on the street level when we have one person. What we were seeing was something that the system was never designed to - we couldn't take it in fast enough. And then the review process just got super bogged down, because people were expected to be running units on the street in the middle of the stuff, and then try to figure out the admin work later on, on top of it, after working for 15 hours straight. (Simon interview, lines 385-393)*

Commander Simon indicated given the extent of protest activity in 2020, and the extent of force officers used while responding to it, he believes the Bureau's AAR processes likely would have been delayed no matter what steps the Bureau took. Commander Simon stated:

> *When you have four squads of RRT members on the street and they're involved in action all night long, days and days and days on end, there's no downtime to get the reports and paperwork done. And so that created, it just kept going. It didn't end. Now, if this would have been a two-day event, we could have got the paperwork done on the third day, within that 72 hours. But this didn't end. This just kept going day after day after day. And as an agency, we put the same people out there in this environment every single day. (Simon interview, lines 505-509)*

Lieutenant Helzer indicated he knows the AAR process was delayed during the 2020 protests, but he has no direct information why the delay occurred. Lieutenant Helzer stated, "All I've heard is that the system that we have was never designed for that volume of reporting." (Helzer interview, line 515)

Captain Lindsey indicated the Bureau's AAR process became severely delayed during the 2020 protests. Captain Lindsey stated:

> *My understanding it was just straight up capacity. I mean, it was sheer volume. I mean, we were - I remember hearing about some after-actions where you would have, oh God, dozens of - you know, 'cause you have to remember each use of force is individually outlined on there, right? So you're talking about dozens and dozens of force events, right,*

> *which means there's dozens upon dozens upon dozens of FDCRs, and not only that you can't just review the FDCRs when you're going through this process. There's other documents you have to look at. Is there video? Are there photos? Right? You have to go through all the general - the GOs. You have to go through all the supplementals as well, and then you have to - somehow with 60 individual uses of force somehow marry up amongst hundreds of documents that everything is good to go. And when you have situations like that occurring on a nightly basis there's gonna be a logjam. Given our limited personnel that we had it's just - it was just sheer, sheer capacity and volume. (Lindsey interview, lines 549-559)*

AC Dobson indicated the FDCR was not built to respond to ongoing protest activity. AC Dobson stated:

> *It was never built for an event where now you're dealing with having to use multiple uses of force across a large period of time, you know, a 10-hour day, and you're pushing crowds or having to deal with multiple events. It was built for, again scalpel, you're taking apart an event, not collecting data on a broad scale. (Dobson interview, lines 656-658)*

AC Dobson indicated the prolonged nature of the protests also contributed to problems arising with the FDCR and AAR processes, stating:

> *We could go a long period of time if we only used one or two uses of force each day. I mean, that's normal operations. We see maybe a dozen uses of force a week. The challenge was is because we were seeing so many uses of force over so long of a period, that that's what got us where things fell apart, in that we couldn't literally get things done in time. (Dobson interview, lines 1204-1207)*

AC Dobson stated he was aware sergeants supervising RRT and MFF squads were "at times" (Dobson interview, line 1210) using force. AC Dobson stated, "They were not supposed to be reviewing their own force. That was part of the Directive, or Directives." (Dobson interview, line 1212)

AC Resch led the Police Bureau's response to problems with FDCRs and AARs

After OIG staff became aware of problems with the Bureau's FDCR and AAR processes, IG Buckley made the Chief's Office aware of the issue. Within the Chief's Office, AC Resch took the lead in directing the Bureau's response to the problem. AC Resch directed that additional personnel be assigned to conduct and review AARs. AC Resch also directed that crowd control supervisors receive additional training related to completing FDCRs and AARs correctly.

IG Buckley indicated the protests started in May 2020, when former AC Resch was still the Chief. IG Buckley indicated after AC Resch became an Assistant Chief, IG Buckley continued to mostly have contact with her about the delayed AARs. IG Buckley stated, "Jami was still the one that I dealt with." (Buckley interview, line 166)

IG Buckley stated she "absolutely" (Buckley interview line 171) had conversations with AC Resch regarding the delayed AARs. Describing these conversations, IG Buckley stated:

> *We approached and tried to figure out, you know, what could be, you know, what changes we could make to help try and move these things. Because, of course, DOJ was interested in this and that's, you know, was part of the push is they wanted these after actions right away and we didn't have them to give them. (Buckley interview, lines 200-201)*

IG Buckley indicated AC Resch directed the Bureau to take action related to the delayed AARs. IG Buckley stated:

> *I was pretty impressed. She [Resch] was the one that, you know, took the action. You know, I didn't have that much authority to do anything. But, you know, she immediately started talking, you know, to us and, you know, to [Force Inspector] Simon about, you know, what could be done. What, you know, what process we could put in place to try and fix it. And that was probably going on in July, you know, end of June and into July. And we were just trying to figure out how they could manage it. (Buckley interview, lines 209-213)*

IG Buckley indicated AC Resch directed additional sergeants and a lieutenant be assigned to work exclusively on AARs related to protests. AC Resch held a meeting with IG Buckley, then-Lieutenant Simon, as well as the sergeants and the lieutenant assigned to review the AARs. Asked if these actions helped, IG Buckley stated, "I think it was certainly helpful." (Buckley interview, line 325) IG Buckley stated, "At least, what happened was at least the ones, the nights once that happened, they were getting done faster. We still had a bit of a backlog." (Buckley interview, lines 330-331) IG Buckley stated:

> *I think her [Resch's] idea of identifying these people and then having a lieutenant, you know, to make sure it was still going. You know, I mean, she not only left the sergeants, but she had the lieutenant. They all went to the lieutenant. The lieutenant made sure that it was getting done. So I think it was an effective system. Yes, it did improve things. But we still, once it was over, had, you know, still had to do the backlog at some point, (Buckley interview, lines 357-362)*

IG Buckley stated, "I think that's what happened is that we were doing the ones that were coming, you know. So, once the thing gets fixed, they weren't working on the old ones. They were just trying to fix the system on the days going forward." (Buckley interview, lines 473-475) IG Buckley stated, "But it didn't resolve the problem with, you know, the ones that hadn't been done." (Buckley interview, line 479)

Commenting on AC Resch's leadership, IG Buckley stated, "I have no issues with Jami. She was communicative, worked with us, you know, supportive. Tried to figure things. I mean, and you're trying to figure out a solution where you didn't even know you had the problem." (Buckley interview, lines 584-586)

IG Buckley indicated Commander Simon held a training for RRT supervisors regarding how members should enter information into FDCRs. IG Buckley stated, "I think he recognized, you know, the need." (Buckley interview, line 398) IG Buckley stated:

> *And so he [Simon] did that, which I think was, you know, straightforward and was very helpful. So, yeah, I think that was, you know, pretty clear. Because, you know, we don't, you know, in my experience, the Bureau doesn't use force that often. So, I mean, you know, everybody thinks all these sergeants are proficient. There is clearly sergeants that are much more proficient than others. (Buckley interview, lines 382-385)*

Commander Simon indicated he spoke to AC Resch about AARs and FDCRs, sometime after he spoke to IG Buckley about them. Commander Simon indicated he described the issues he was encountering. Commander Simon stated AC Resch said something like, "Well, we need to teach our people how to do it more complete." (Simon interview, lines 189-190) Commander Simon indicated AC Resch directed him to put a training together, for RRT supervisors.

IPR reviewed the PowerPoint slide deck Commander Simon prepared for the training AC Resch directed him to conduct (Exhibit 4). Commander Simon's presentation addressed many of the issues Commander Simon described in his interview, including missing or incorrect case numbers, missing FDCRs, officers expressing political commentary, officers using inconsistent language to describe the force they used, and officers describing multiple uses of force at once.

Commander Simon's presentation included a portion of an FDCR in which an officer described deploying 30-50 rounds from an FN303 less lethal launcher as a single use of force. Commander Simon's presentation notes several problems with this, stating:

> *This example is one that is problematic, in reality I am not sure of the solution. There are several of these FDCR's that make an auditor cringe when it comes to reporting force. The officers actions, while most likely justified do not fit into the reporting processes we have. I have talked to Lt Niiya, Capt Dobson, MaryClaire and Chief Resch about how to make this fit into our format and the only way it would is for each of the 30-50 rounds to be in a drop down box. Terms like deploying 30-50 rounds is problematic usage of our weapon systems. We need to have a count of our munitions and justification for each round we are deploying. (Exhibit 4, slide 3)*

Commander Simon's presentation indicated supervisors should document reasons in their AARs if they did not take typically expected actions in the AAR, like responding to the scene to investigate, photographing injuries, interviewing witnesses, or facilitating medical care. Commander Simon's presentation indicated regular expectations, like making EIS entries, remained in effect.

Commander Simon's presentation also addressed the matter of AAR timelines, stating:

> *Timelines – the required timelines are still in place, although grace has been given as the scope of this event has exceeded the capacity of our processes. (Exhibit 4, slide 17)*

Commander Simon indicated the training AC Resch directed him to conduct was meant to address the deficiencies they were encountering in how officers and supervisors were documenting force in FDCRs and AARs. During the interview, Commander Simon reviewed the second bullet point of slide 17 of his training presentation, that states in part "grace has been given." Asked what he meant by the term

"grace," Commander Simon indicated that there were still multiple AARs that had not yet been completed at the time. Commander Simon stated by using the term "grace," he meant "we still need them to be completed." (Simon interview, line 444) Commander Simon stated:

> *Well, typically reports didn't go back after they're to the inspector's office. But we were trying to make them as complete as possible per AC Resch. And so that was my attempt to make them as complete as possible. So this was me saying, yes, I realize these are outside of the timeline, but per Chief Resch, we still wanna make sure these are as complete as possible. So we're gonna work to get these correct. (Simon interview, lines 458-463)*

Asked who had given the "grace" he referred to in his training materials, Commander Simon stated, "Well, Chief Resch's direction was to get the reports as complete as possible to me." (Simon interview, line 484). Commander Simon stated, "In the context of, from my perception, yes, I got it [grace] from AC Resch. If she got it from Chief Lovell or DC Davis, I don' t know sir." (Simon interview, lines 486-488)

AC Dobson indicated: He spoke to AC Resch regarding the delayed AARs. AC Resch made him aware of the problem, and the steps the Bureau was taking to address it, but he does not recall the exact details of what she told him. He also took part in conversations with other previous Force Inspectors, including Lieutenant Niiya, Captain Lindsey, and Commander Simon, about how to address the problem, but he did not develop any of the steps the Bureau implemented. These steps included assigning additional sergeants to review officers' uses of force. AC Dobson stated:

> *So we had - so the concept was is, early on, I'm gonna try to remember here. If they didn't direct the force, sergeants in the field that were on the ground could review the force. Eventually, because of exhaustion, people being tired, the long hours, they were missing things. Officers were missing things, 'cause we were asking them to do something that was just - we shouldn't have been asking them to do that. Things were getting missed. It was recognized that we were either missing it at the officer level, or at the after-action level, and so another layer was put in, where it's like, okay, we're gonna start assigning sergeants that are not involved who have a clear mind and not exhausted to be able to review these and start catching the mistakes and try to fix them. (Dobson interview, lines 692-698)*

COCL and DOJ expressed sympathy but maintained Settlement Agreement expectations

Documents IPR reviewed during this investigation demonstrate that during the summer and fall of 2020, the Police Bureau kept COCL and DOJ informed about the problems it was having with the FDCR and AAR processes. These documents demonstrate the Police Bureau described the actions AC Resch directed to address these problems, and candidly described problems remaining with the process. These documents also demonstrate that, although both COCL and DOJ expressed sympathy regarding the circumstances the Police Bureau was operating under in 2020, both also continued to enforce expectations regarding the FDCR and AAR processes described in the Settlement Agreement.

During this investigation, IPR reviewed an email AC Resch sent IG Buckley on 07/14/20 (Exhibit 5). In the email, AC Resch noted the Bureau was moving into the seventh week of "nightly violent protests." AC Resch wrote, "When the After Action process was designed we had not experienced an ongoing incident such as we are experiencing now." AC Resch indicated during the first several weeks of protests, the Bureau asked sergeants to volunteer to conduct AARs for RRT. AC Resch indicated AARs for RRT operations tended to be lengthy and complex, and "not all of the sergeants who volunteered had sufficient knowledge of RRT and crowd management tactics." (Exhibit 5, throughout)

In the 07/14/20 email, AC Resch described the actions she directed be taken to address problems with the AAR process. These steps included assigning a group of sergeants to review FDCRs and conduct AARs for RRT squads, assigning a lieutenant to review the AARs the sergeants completed, and identifying additional lieutenants and captains to complete the review of the AARs. AC Resch also noted the force inspector at the time, Commander Simon, had provided a training to address problems he identified. (Exhibit 5, throughout)

When interviewed, IG Buckley confirmed AC Resch sent her an email on 07/14/20, which described the steps the Bureau was taking to address the delayed AARs. Asked to describe how AC Resch came to send her the email, IG Buckley stated:

> *My best recollection is that this probably was in response to a DOJ inquiry. You know, what are we, you know, they [DOJ] were hot to trot at that point. And we needed to have a plan to, you know, to share with DOJ as to how we were, you know, gonna manage to come into compliance. Because it is in the Settlement Agreement that these have to be done within 72 hours. We had talked to them, you know, maybe even previously. I'm trying to remember. We had - but we at some point had conversations about maybe that wasn't the fairest, you know, I mean, to have all after actions be due in 72 hours. It wasn't, you know, reasonable with, you know, necessarily with crowd control issues when they would go on this long. But it, you know, there was no change in that, you know, with DOJ. The, you know, the rule was the rule. And so I think that, you know, whether - I may have even solicited this. I'm not quite sure whether I directly asked her [Resch] or told her that, you know, they wanted a plan. And so she put in writing what we were, what the Bureau's response was gonna be. (Buckley interview, lines 294-303)*

Commander Simon indicated he does not believe he had previously seen AC Resch's 07/14/20 email to IG Buckley. Commander Simon confirmed the email describes steps the Bureau took to address the AAR backlog. Asked if those steps were effective, Commander Simon stated:

> *To my recollection, they were. Again, I left on August 20th, August 19th from that position. But they did - we did see some improvement. And I did talk to Acting Lieutenant Sapper [Sergeant John Sapper #50821, resigned 11/03/21] a couple times after that when he - during his role, and he said yes, they were improving. (Simon interview, lines 274-276)*

Other documents IPR reviewed during this investigation demonstrate COCL and DOJ became increasingly concerned about the delayed AARs. In an email dated 07/27/20 sent to then-City Attorney Tracy Reeve, IG Buckley, and DOJ staff (EXHIBIT 6), COCL Compliance Officer Dennis Rosenbaum wrote:

> *At the beginning of the protests spurred by the death of George Floyd, the City and PPB indicated that, due to the ongoing nature of the protests and the person-hours required to respond to the protests (as well as the impact of COVID-19), the COCL should expect a delay in being able to review force reports (FDCRs) and supervisor After Action Reports (AARs) related to crowd-control uses of force. During our regular Monday meetings, we agreed that a reasonable delay in sending us these reports was understandable. However, we are now making a formal request for FDCRs and AARs related to force incidents that occurred during the early weeks of the protests so that we have time to evaluate them using the standards required by the Settlement Agreement. (Exhibit 6)*

In the 07/27/20 email, Mr. Rosenbaum noted that during a telephone call on 07/20/20 with City staff, the COCL had requested FDCRs and AARs from 05/26/20 through 06/09/20. Mr. Rosenbaum wrote, "We were informed that no FDCRs or AARs would be available for our review because of the ongoing protests and limited personnel resources." Mr. Rosenbaum wrote he was now formally requesting the City provide these documents by 08/14/20. Mr. Rosenbaum indicated he was also requesting all police reports, such as general offense and arrest reports, associated with each force incident. (Exhibit 6, throughout)

In the 07/27/20 email, Mr. Rosenbaum noted he was "sympathetic to a point," but the COCL needed the documents in order to evaluate the City's compliance with the Settlement Agreement. Mr. Rosenbaum wrote, "In particular, PPB's ability to provide FDCRs and AARs has implications for our ability to assess compliance with Pars. 69, 70, 73, 74, 75, 76, 77, and 163, among others." (Exhibit 6, throughout)

In the 07/27/20 email, Mr. Rosenbaum also asked the City to provide answers to the following questions by 08/03/20:

- *As of today, how many protest-related force incidents have occurred since May 26th?*
- *As of today, how many of the protest-related force incidents since May 26th have a completed FDCR?*
- *As of today, how many of these protest-related FDCRs since May 26th have not gone through a completed AAR process?*
- *For FDCRs with a completed AAR process, what has been the median time-lag between completing an FDCR and the AAR process being completed?*
- *What steps has PPB taken to ensure that AARs have been completed in a reasonable amount of time?*
- *How has PPB prioritized which FDCRs and AARs should be completed first?*
- *How many protest-related force incidents have occurred to date where the identity of the officers using force was not immediately known?*
- *What steps has PPB taken to identify officers in such situations?*
- *How many of these initially unidentified officers remain unidentified?*
  (Exhibit 6)

DOJ staff replied to Mr. Rosenbaum's email, writing, "Please provide copies of all productions and responses, including all correspondence to COCL regarding its requests to DOJ." (Exhibit 6)

Documents IPR reviewed during this investigation demonstrate the Police Bureau continued to keep COCL and DOJ informed regarding the problems with its FDCR and AAR processes. In an email IG Buckley sent to COCL and DOJ staff on 08/05/20 (Exhibit 7), she indicated the City would be unable to comply with COCL's request or answer the questions Mr. Rosenbaum had asked. IG Buckley attached a memorandum to the 08/05/20 email, which she indicated provided more detail about why the City could not comply with the COCL's requests.

IPR reviewed the 08/05/20 memorandum IG Buckley sent to COCL and DOJ staff (Exhibit 8). In the memorandum, IG Buckley indicated the City would not be able to provide the requested FDCRs and AARs, or fully answer the questions Mr. Rosenbaum had asked. IG Buckley noted the Force Inspector's Office auditing process is "a manual one that involves collecting, cross referencing and reading each individual FDCR, AAR, and narrative reports associated with many different case numbers." (Exhibit 8) IG Buckley noted force incidents might be documented under a key case number or a separate arrest report number. IG Buckley noted there may also be other case numbers linked to a key case number which do not document a force incident. IG Buckley wrote:

> *To provide a count of the number of protest-related force incidents (cases) at this stage would be nearly impossible as all reports have not yet been reviewed. The only certain number we can give is a count of protest key case numbers. However, that would not reflect the number of uses of force. To count the number of related case numbers for each key case number would be extremely complex, laborious, and potentially inaccurate. For example, a very rough estimate of the number of cases related to the key case number for the first four days is 165. That represents unique case numbers, not the number of reports associated with each of those cases, which can be hundreds. Further, that estimate may include cases related to ancillary activities, such as, investigating crimes, documenting reports of vandalism, and documenting the gathering of evidence and not specific crowd control activity. OIG analysts and the Force Inspector must finish their review of all of the reports to provide a count of case numbers that include reports of protest-related force. (Exhibit 8)*

In the 08/05/20 memorandum, IG Buckley also described some of the difficulties of identifying missing force documentation. She wrote:

> *To find force incidents that do not have a completed FDCR, OIG analysts must read through all narratives in a case, all AARs related to that case number and that squad, and all associated FDCRs for other officers' witness statements regarding force. Likewise, to find incidents that have not gone through a complete AAR process, OIG analysts first have to find documentation of these incidents, and then search for and confirm the absence of an AAR. If the OIG analysts are unable to find one they then have to reach out to members of the chain of review, as cases have been found where an AAR was completed but not forwarded to the OIG Auditing team. This, unfortunately, creates additional wait time for complete analysis. (Exhibit 8)*

In the 08/05/20 memorandum IG Buckley indicated the Police Bureau believed it would be able to finish its analyses of the force it used, but the process would take time. IG Buckley wrote, "We also believe it is

essential that the analysis be performed using the same rigorous methodology developed in collaboration with COCL and DOJ." IG Buckley wrote, "We ask that our partners also recognize the unprecedented circumstances we are dealing with as you assess our performance, particularly with reference to timeliness." (Exhibit 8, throughout)

Documents IPR reviewed during this investigation indicate the City eventually provided the records COCL and DOJ requested, albeit in unfinished form. In an email dated 08/26/20 that City Attorney Tracy Reeve sent to COCL and DOJ staff (Exhibit 9), she indicated IG Buckley would shortly provide a drive with all the requested reports. City Attorney Reeve noted the AARs the City was providing were not yet finished. City Attorney Reeve wrote, "This delay is due to the extreme circumstances we have faced and continue to face." (Exhibit 9) City Attorney Reeve wrote:

> *These records should not be used at this time to judge the content of the FDCRs nor the constitutionality of the use of force referenced nor the performance of our accountability system in regard to this extended series of ongoing protest events because these reports are still in process, going up the chain of Command and to the Inspector. These records also would not yet reflect referral to IA, if appropriate. Our provision of these records "mid-stream" so to speak is intended to satisfy COCL's and DOJ's very legitimate inquiry as to whether FDCRs are, in fact, being written in close proximity in time to the use of force. (Exhibit 9)*

When interviewed, IG Buckley indicated the Bureau continued to provide information to DOJ regarding the problems with its FDCR and AAR processes. IG Buckley confirmed AC Resch sent her another written summary of the steps the Bureau took to address the delayed AARs, as well as problems the Bureau encountered. IG Buckley indicated AC Resch likely sent her the summary in September 2020. Asked how AC Resch came to send her the summary, IG Buckley stated, "Probably more DOJ discontent." (Buckley interview, line 433) IG Buckley indicated she in turn provided the information in the summary to DOJ, stating, "It was another summary that I could share." (Buckley interview, line 438)

IPR reviewed the summary AC Resch provided to IG Buckley in September 2020 (Exhibit 10). In the summary, AC Resch noted the Bureau activated its Incident Management Team (IMT) when protests began in 2020, and it was continuing to manage its response using the ICS system. AC Resch described the actions she directed, including assigning additional sergeants to review FDCRs and conduct AARs, assigning a lieutenant to review them, and identifying additional command staff to complete the review. AC Resch described the 07/09/20 FDCR and AAR training Commander Simon provided. AC Resch wrote:

> *I want to be clear the current After Action review process we have in place was not designed for the volume and size of the After Actions these nightly events have created. Every member involved in the review process has done an excellent job of identifying where the issues are and working toward finding solutions to ensure each and every use of force is documented and review appropriately. (Exhibit 10)*

In her summary, AC Resch also alluded to AARs from June 2020 still not being completed. AC Resch wrote, "To ensure the After Actions, particularly for the month of June, are completed I have assigned 2 full time sergeants to assist the Force Inspector in the After Action review process." (Exhibit 10) When interviewed,

IG Buckley confirmed AC Resch's reference to taking steps so AARs from June "are completed" meant they were not finished at the time AC Resch wrote the summary.

Commander Simon indicated he had not previously seen the summary AC Resch prepared in September 2020. Commander Simon confirmed the summary describes actions the Bureau took to address the AAR backlog, as well as some of the problems it encountered. Commander Simon indicated he saw many of the issues with AARs that AC Resch described in the summary when he was Force Inspector.

When asked, Commander Simon indicated he did not know whether there were still AARs from June 2020 that were not completed in September 2020. Commander Simon indicated there were AARs from June that had not been finished when he left the Force Inspector's office in August 2020. Asked what his orders had been, for the AARs that were still not completed, Commander Simon stated, "Try to get them as complete as possible." (Simon interview, line 427)

AC Dobson indicated this investigation's exhibits associated with the actions AC Resch took to address the delayed AARs demonstrate she remained engaged with helping the Bureau manage its response to protest activity, after resigning as Chief and becoming an Assistant Chief. AC Dobson stated, "I think the email that you show, I mean she was involved on the back side of dealing with the FDCR and the After-Action piece." (Dobson interview, lines 1154-1155)

Documents IPR reviewed during this investigation demonstrate DOJ remained focused on and concerned about delayed AARs, as well as the City's overall response to the 2020 protests. In a six-page letter dated 10/08/20 and sent to City Attorney Reeve (Exhibit 11), DOJ staff noted in recent conversations, the City acknowledged the Police Bureau had not yet finished AARs from May 2020 and June 2020. DOJ staff also noted the City was unable to say whether all FDCRs and AARs had been completed since 08/01/20.

DOJ staff wrote, "We are sensitive to the demands placed on the City—and PPB in particular—by the Covid-19 pandemic and frequent crowd control events." DOJ staff wrote, "The Department will assess the reasonableness of any delays in maintaining timely reviews of force in light of the challenges of the pandemic and other demands on PPB, as well as the implementation of any plans to address these delays." (Exhibit 11, throughout)

The remaining five pages of DOJ's 10/08/20 letter consist largely of a 41-item numbered list of documents and other information that the DOJ requested the City provide by 11/09/20. The list is notable for its length, range, and particularity. It should be reviewed in its entirety to understand the breadth and extent of DOJ's concerns and the information it requested the City provide. Among the items DOJ requested the City provide were all FDCRs, AARs, and related reports for any use of force during a crowd control event since 01/10/20. (Exhibit 11, throughout)

DOJ's 10/08/20 extensive records request appears to be one of the first steps in DOJ's review of PPB's response to the 2020 protests. Ultimately, on 04/02/21, DOJ notified the City it was no longer in compliance with the Settlement Agreement.

Chief Lovell and DC Davis were largely not involved with solving problems with FDCR and AAR processes

None of the witnesses IPR interviewed for this investigation could recall a specific conversation with either Chief Lovell or DC Davis regarding problems with the FDCR and AAR processes or describe a specific direction they received from either. Some witnesses IPR interviewed indicated they believed Chief Lovell and DC Davis were likely aware of these problems, as seems likely.

IG Buckley indicated Chief Lovell was also aware of the delayed AARs, but she mostly had contact with AC Resch about how to solve the problem. IG Buckley stated, "I'm sure he [Lovell] knew. I don't think my - the conversations about solving the problem, I believe, were only with Jami." (Buckley interview, lines 239-240) IG Buckley stated, "I can't tell you that I can recall any specific conversation with him [Lovell]." (Buckley interview, line 246) IG Buckley stated, "I don't recall anything specific. I think most of the direction, you know, the memos and everything came from Jami." (Buckley interview, lines 253-254)

Commander Simon indicated he does not remember whether he spoke to Chief Lovell about the delayed AARs. Commander Simon indicated it is possible Chief Lovell was present when he spoke to AC Resch, but he does not remember. Commander Simon indicated he does not remember Chief Lovell ever ordering him to take any action regarding the delayed AARs.

Asked to describe DC Davis' role in addressing the delayed AARs, IG Buckley stated:

> *I can't say for sure what his - I didn't, you know, he too was, I'm sure, aware. You know, as I said, it's a small office, and my office is right in that, you know, in the Chief's office kind of deal. I'm sure he's aware, but I don't recall much direct interaction with him on solving this issue. (Buckley interview, lines 258-160)*

Asked if DC Davis directed any actions be taken, related to the AARs, IG Buckley stated, "I don't have any recollection of anything specific that he did." (Buckley interview, line 272)

Commander Simon indicated he does not remember ever speaking to DC Davis about the delayed AARs. Commander Simon indicated he does not remember DC Davis ever ordering him to take any action regarding the delayed AARs.

AC Dobson indicated he frequently met with DC Davis during the 2020 protests, and they likely discussed the delayed AARs. AC Dobson stated, "I'm sure there was some conversation along the way." (Dobson interview, line 731)

Some problems with the FDCR and AAR processes have been addressed, other challenges remain

Since 2020, the Police Bureau improved how it manages the AAR process, making it easier to track their status. With DOJ's approval, the Bureau changed some of its force reporting and investigation procedures for the types of low-level force officers tend to use while conducting dispersals. Also with DOJ's approval, the Bureau began issuing body worn cameras (BWCs) to its officers. This may provide supervisors conducting AARs in the future access to more information and evidence about a particular incident. At

the same time, recent court rulings suggest law enforcement's access to video footage of protests in Oregon may be strictly limited.

After the 2020 protests, the Bureau changed the way it processes AARs. Rather than supervisors using fillable PDF files that they email to each other, the Bureau now stores all AARs in a system that permits it to track the status of each AAR, as well as the changes various reviewers make.

Lieutenant Helzer indicated in mid-July 2022, the City switched over storing AARs in Microsoft SharePoint. Lieutenant Helzer stated, "The reason for that change, well there were several, but principally in the interest of DOJ Compliance, was tracking the drafts as they went through the process." (Helzer interview, lines 130-131) Lieutenant Helzer indicated it is much easier to track the status of an AAR, as well as the changes made by each person, in the SharePoint system. Lieutenant Helzer stated, "The electronic document as it proceeds through, saves every draft of it, and records the date and time of each time somebody hits save." (Helzer interview, lines 185-186)

Lieutenant Helzer indicated: In the SharePoint system, subsequent reviewers can still request additional investigation or change the AAR's findings. Any requests for additional investigation or changes to the in or out of policy determination are still tracked in the body of the AAR itself. This was true under the Content Manager system and it is still the case under the SharePoint system.

Captain Lindsey indicated the work of moving AARs from Content Manager to SharePoint was already underway when he became Force Inspector. He believes the project was started by Lieutenant Niiya and may have been delayed by the events of 2020. When asked, Captain Lindsey confirmed Lieutenant Niiya played a large role in developing processes at the Force Inspector's office.

The Bureau also implemented a system to provide coaching and feedback about minor issues with FDCRs and AARs, called Feedback Loops. Describing this system, Lieutenant Helzer stated:

> *I have a SharePoint site dedicated to that process that is called Feedback Loops, where if I identify that something is missing or needs to be clarified or a debrief may be required, or sending something outside of the RU, like to the Policy Team or Training or Internal Affairs, where the information gets entered into that SharePoint system and it gets routed to an appropriate manager to handle at that point. (Helzer interview, lines 333-337)*

Lieutenant Helzer indicated: He has not requested additional investigation of an AAR via the Feedback Loops system, and he typically uses it to pass along information about relatively minor issues related to an AAR, like not including photographs of a person's suspected injuries. The Feedback Loops system predates AARs moving from Content Manager to SharePoint and was put in place by Lieutenant Niiya.

Captain Lindsey also indicated he used the Feedback Loop system to report minor issues with AARs. Captain Lindsey stated:

> *I would send what's called a Feedback Loop form, and I would send that form to the people involved and be like, "Hey, I noticed this. This thing's done, but I've noticed this, this and*

> *this. Please make sure in the future to remedy these issues." Again, these are minor. (Lindsey interview, lines 363-366)*

Directive 910.00 – Use of Force Reporting, Review, and Investigation, describes the Bureau's current expectations regarding the reporting and review of force. Under the current rules, officers are no longer required to complete an FDCR if they use low-level, de minimis force like pushing a person. However, officers must still describe any force they use and their reason for using it in a police report. Supervisors must still also review all uses of force, including de minimis ones, though without many of the requirements of an AAR. Supervisors must still respond to the scene if the person police used force on is injured. Supervisors must also elevate their review to an AAR if they identify discrepancies in the officer's account or if they determine the officer used more than de minimis force. DOJ approved these changes to the Bureau's force reporting and review requirements.

Since de minimis force constitutes much of the force officers tend to commonly use in protest settings, like conducting dispersals, it is possible these changes to Bureau rules may greatly ease the administrative burden on Police Bureau supervisors conducting and reviewing AARs in the future.

As part of its efforts regain compliance with the Settlement Agreement, the City agreed to issue BWCs to PPB officers. Expectations regarding BWCs are described in paragraph 194 of the City's amended Settlement Agreement (Exhibit 1). In 2024, the Bureau began issuing BWCs to officers, completing the process in fall of that year. DOJ reviewed and approved all BWC-related Police Bureau policies and SOPs.

Directive 620.00 – Body-Worn Camera Use and Management, describes the Bureau's expectations regarding BWCs. Section 4.2.1.5. states officers should activate their BWCs when "engaging with the public during a public order event, when consistent with the law." Given that expectation, it seems likely that Bureau supervisors conducting and reviewing AARs in the future will often be able to view BWC footage of force incidents. This will greatly improve their ability to complete AARs that meet the expectations of the Settlement Agreement and applicable Directive.

While BWC footage of a force incident during a protest is very useful for anyone reviewing or investigating the incident, Oregon Revised Statute (ORS) 181A.250 limits what sort of information police officers in Oregon may collect or maintain:

> *No law enforcement agency, as defined in ORS 181A.010 (Definitions for ORS 181A.010 to 181A.350), may collect or maintain information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership unless such information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct.*

City Attorney staff provided training material to Police Bureau staff in July 2024, describing the appropriate use of BWCs during public order events, in light of the limits imposed on law enforcement agencies by ORS 181A.250.

Portland has not experienced significant, disruptive, and ongoing protests since the Police Bureau began issuing BWCs. It remains to be seen whether BWC footage that complies with ORS 181A.250 may also be sufficient for Police Bureau supervisors conducting or reviewing AARs.

History suggests the Bureau should be cautious. ORS 181A.250 was already in effect at the time of the 2020 protests. The City had interpreted this statute to mean it could not make video recordings of protests, unless the recordings documented criminal activity. However, PPB had also maintained a livestream feed of protest activity which it broadcast but did not record. The ACLU filed suit against the City to stop the livestreaming practice. During proceedings for the ACLU's suit, Judge Bushong cited ORS 181A.250 when he issued a temporary restraining order (TRO) against the City on 07/30/20 (Exhibit 12). In the TRO, Judge Bushong found the Police Bureau's practice of livestreaming open-source video footage of protest activity may violate ORS 181A.250. Judge Bushong directed the Bureau to cease collecting or maintaining protest video footage unless it related to a criminal investigation and there were reasonable grounds to suspect the subjects of the footage were engaged in criminal conduct. Judge Bushong's TRO effectively ended the Bureau's practice of livestreaming protest activity. During the course of IPR's paragraph 192 related investigations, every witness that IPR questioned about the effects of Judge Bushong's 07/30/20 TRO on PPB operations indicated it great compromised the Bureau's ability to respond to protest activity in 2020.

The Oregon Court of Appeals subsequently affirmed the validity of Judge Bushong's analysis. On 03/12/25, the Court ruled that it is illegal for police in Oregon to record protests, unless the recordings document criminal actions.

Assistant Chief Jami Resch not interviewed for this investigation

IPR briefly interviewed AC Resch on her last day of employment with PPB, 01/13/23, as a witness member for IPR case #2022-B-0025. That investigation addresses PPB command staff's failure to clarify misunderstandings and misapplications of PPB policies to officers. During the interview, it quickly became apparent AC Resch played a significant role in managing the Bureau's response to the 2020 protests, including overseeing RRT and reviewing AARs associated with team members' uses of force. IPR temporarily halted the interview and advised AC Resch it would identify her as an involved member for case #2022-B-0025. IPR then gave AC Resch time to confer with her attorney, Nicole Robbins.

Ms. Robbins, objected to continuing the interview, arguing that AC Resch had not been given sufficient time to prepare to be interviewed as an involved member. IPR agreed to end the interview, provided AC Resch would agree to sit for a voluntary interview in the future. AC Resch agreed to be interviewed on a voluntary basis in the future, and IPR ended the interview.

IPR contacted Ms. Robbins on 12/06/24, in order to arrange AC Resch's interview as an involved member for IPR cases #2022-B-0024 and #2022-B-0025. Ms. Robbins did not respond to IPR. Since it was not clear whether Ms. Robbins still represented AC Resch, IPR contacted AC Resch directly on 01/09/25. AC Resch acknowledged IPR's contact, and indicated she or her attorney would soon reply. Ms. Robbins eventually responded to IPR on 01/31/25 and indicated she represented AC Resch. Ms. Robbins indicated AC Resch was no longer willing to be interviewed on a voluntary basis.

IPR does not have the authority to compel former PPB members to be interviewed. Because AC Resch uphold her earlier commitment to sit for a voluntary interview, IPR was unable to interview her as an involved member for this investigation.

Summary of interview with Assistant Chief Chuck Lovell

At the time of his interview on 02/27/25, AC Lovell was the Assistant Chief of the Services Branch. AC Lovell has worked for PPB for 23 years. He served as PPB's Chief of Police from 06/11/20 to 10/11/23. He was a lieutenant, serving as the Acting Captain of the Community Services Division, when he became Chief. He became chief less than two weeks after protests began in Portland in 2020.

AC Lovell indicated when he was chief, his duties consisted of higher-level responsibilities. AC Lovell stated:

> *It's more the higher-level stuff. A lot of it is, you know, the city level government stuff. You know, currently, a lot of it would be the community stuff. At that time [2020], a lot of it was, you know, dealing with city council, dealing with budget cuts, trying to deal with mutual aid, trying to get support. A lot of things were happening not only in Portland, but in Salem, too. There were a lot of legislative efforts underway related to gas, related to what was happening in Portland. Some of it was with our partners who were coming to help, trying to, you know, arrange that. (Lovell interview, lines 997-1002)*

AC Lovell confirmed Chris Davis served as his Deputy Chief during the 2020 protests. Describing the role of each position when he was chief, AC Lovell stated:

> *We had kind of two roles for the Chief and the Deputy Chief. So the Deputy Chief ran the day-to-day kind of operations. And the Chief was more focused on the political side, community, and some of the more, you know, legislative type things. And that was how Chief [Danielle] Outlaw set it up when she created the Deputy Chief spot. And we maintained that kind of setup. (Lovell interview, lines 100-103)*

AC Lovell indicated generally, in the Chief's office, assistant chiefs are responsible for managing broad aspects of the Bureau, and they provide high-level briefings to the chief. AC Lovell stated, "Or they say, 'Hey, this is an issue. I wanna do this. What do you think?' Or they're like, 'Hey, there's this problem. We've come up with this solution. We'd like to implement it.' That kind of thing." (Lovell interview, lines 428-429)

AC Lovell indicated DC Davis oversaw the Assistant Chiefs of the Investigations and Operations branches of PPB. AC Lovell stated, "So the RRT crowd management team was overseen by him essentially. He had more contact with them than I did." (Lovell interview, lines 115-117)

AC Lovell confirmed AC Resch suggested he replace her as Chief. AC Lovell stated, "When she [Resch] stepped down, initially she became the Captain of the Community Services Division. So we essentially swapped jobs." (Lovell interview, lines 93-94) AC Resch was later promoted to the Assistant Chief of the Investigations Branch. AC Lovell indicated at that time, RRT was part of the Investigations Branch.

AC Lovell indicated: During the AAR process, the authoring supervisor has 72 hours to complete the AAR. Command staff reviewing the AAR must complete the review within 21 or 28 days. At the time of the 2020 protests, these expectations were described in Directive 1010.00. They are now described in Directive 910.00. The expectations described in directive reflect expectations described in the Settlement Agreement.

AC Lovell indicated in the midst of a protest, it is not possible to do many of the expectations described in the AAR process, such as having a supervisor respond to the scene to conduct a "mini-investigation" (Lovell interview, line 231) including locating and interviewing witnesses. AC Lovel indicated the Bureau's AAR process was not intended to address ongoing protest activity, stating:

> *I'll say globally, our after action kind of force reporting was not designed for these types of crowd control incidents. It was really for a use of force on the street that you might encounter on a police call or, you know, even a May Day type of thing or a one-day thing it could work. But it wasn't designed for this level and volume of force over a long period of time. (Lovell interview, lines 221-224)*

Asked whether the Bureau completed all AARs within the 72-hour and 21-day periods described in directive, AC Lovell stated, "I don't believe so." (Lovell interview, line 184) AC Lovell indicated he did not recall how or when he learned AARs were delayed, but it was "further down the road" (Lovell interview, line 187) after the protests started, and after he became Chief. AC Lovell stated, "I did become aware of it, but I don't recall how." (Lovell interview, line 196)

Asked whether, as Chief, he was responsible for staying aware of the timeliness of AARs, AC Lovell stated, "Not to that level of detail. I think it was really how things were going generally. But most of that stuff is contained within the IMT." (Lovell interview, lines 199-200)

Asked whether he took action to address the delayed AARs, AC Lovell stated, "I know there was one point where we assigned additional personnel, probably sergeants, to actually help with their reviews." (Lovell interview, lines 220-221) Asked if he could identify additional actions he took to address the delayed AARs, AC Lovell stated, "Not off the top of my head." (Lovell interview, line 240)

Asked if he had a role in determining Commander Simon would provide a training to RRT supervisors about AARs and FDCRs, AC Lovell stated, "I don't recall if I - if that's something I ordered or requested. It doesn't ring a bell to me." (Lovell interview, line 257) AC Lovell indicated he did not believe he knew ahead of time that Commander Simon would provide this training. Asked if he followed up with anyone after the training to see how it went, AC Lovell stated, "Not that I recall." (Lovell interview, line 263)

AC Lovell indicated it was difficult to describe specific orders he gave or the specific dates he took actions because of the time elapsed between the summer of 2020 and his interview on 02/27/25.

AC Lovell indicated he had not previously seen the 07/14/20 email AC Resch sent to IG Buckley describing the steps the Bureau took to address delayed AARs (Exhibit 5), or the summary AC Resch wrote in September 2020 describing the steps she directed to address AAR timeliness, as well as some of the

problems it encountered (Exhibit 10). Asked if he knew why AC Resch sent the 07/14/20 email, AC Lovell stated, "My thought would be it has a connection to her role overseeing the force inspector." (Lovell interview, line 301) Asked if he knew why AC Resch wrote the September 2020 summary, AC Lovell stated, "Probably to document the actions that were being taken to alleviate the timeline issue." (Lovell interview, line 306) AC Lovell indicated it was possible AC Resch wrote both documents to provide information to the DOJ, but he does not know for certain.

Asked who determined the Bureau would take the steps AC Resch described in her 07/14/20 email, AC Lovell stated:

> *Yeah, I don't know specifically who. There was a lot of conversations going on about ways to address it. Chief Resch was, at the time, I think, involved. Probably the IMT folks, Dobson and others were involved in those discussions too. It's possible Commander Simon was involved too. (Lovell interview, lines 282-286)*

Asked if he himself had a role in determining the Bureau would add additional staff to the AAR process, AC Lovell stated, "Probably not the number, but it's possible Deputy Chief Davis did." (Lovell interview, line 293) AC Lovell indicated either AC Resch or DC Davis would have had the authority to temporarily assign staff to the AAR process.

Asked whether he could describe any additional actions he took or directed others to take regarding the delayed AARs, AC Lovell stated:

> *I mean, these were like ongoing conversations and daily interactions with the DC, the IMT folks and everyone. So I'm sure there's probably, in those discussions, stuff that touched on the AAR timeliness. But it's hard to say this date I directed this action to fix it kind of thing. (Lovell interview, lines 342-344)*

Asked whether AARs continued to not be completed on time over the summer of 2020, AC Lovell stated, "I don't know for sure." (Lovell interview, line 328) Asked whether AC Resch's reference to taking steps so AARs from June "are completed" in her September 2020 summary meant they were not finished at the time AC Resch wrote the document, AC Lovell stated, "it's possible, but I wouldn't know for sure." (Lovell interview, line 324)

AC Lovell indicated the Bureau eventually improved how it managed the AAR process. AC Lovell stated:

> *Afterwards, and this is probably long after, we did revamp the way we collect that. It was usually on, like, fillable forms, and there's no, like, kinda date, time stamp. So, after we put them on like a SharePoint where we could actually kinda track the progress and have date, time stamps and things of that nature. (Lovell interview, lines 244-246)*

Asked to respond to the allegation he failed to ensure that FDCRs and after action reports were completed as required, AC Lovell stated:

> *I feel in terms of that, you know, me as the chief failed to ensure that that was done. One, it's not necessarily in my typical duties or will, like, if an officer left tonight and didn't write reports from a precinct, I would never know about that. And it would, I maybe would know about it later after an investigation or after it came to light somehow. But like typically the completion of reports in the general sense is not something that would ever really rise to my level. So I think that part is very difficult to, like, rationalize. But I will say there were reports that were not completed on time. And, you know, for the reasons stated, as far as our system and just being overwhelmed with the number of uses of force, the system broke basically. (Lovell interview, lines 909-915)*

Investigator Comments and Recommended Findings:

Allegation 1: Former Assistant Chief Jami Resch #37142 failed to ensure that FDCRs and After Action Reports arising from crowd control events starting on May 29, 2020, and ending on November 16, 2020, were completed as required by applicable Directive (PROCEDURE) (Directive 315.30 – Satisfactory Performance; Directive 635.10 – Crowd Management/Crowd Control; Directive 1010.00 – Use of Force)

Recommended Finding: Sustained

Allegation 2: Assistant Chief Charles Lovell #41706 failed to ensure that FDCRs and After Action Reports arising from crowd control events starting on May 29, 2020, and ending on November 16, 2020, were completed as required by applicable Directive (PROCEDURE) (Directive 315.30 – Satisfactory Performance; Directive 635.10 – Crowd Management/Crowd Control; Directive 1010.00 – Use of Force)

Recommended Finding: Sustained

Case #2022-B-0024 addresses PPB command staff's review and administration of the Bureau's policies and procedures related to documenting and investigating PPB officers' uses of force during the protests following Mr. Floyd's murder. The purpose of this investigation is to determine whether PPB command staff took sufficient action to ensure that PPB members completed FDCRs and AARs as required by applicable Directive.

IPR identified Former Assistant Chief Jami Resch #37142, and Assistant Chief Charles Lovell #41706 as involved members for this investigation. AC Resch led the Bureau's efforts to address problems with its FDCR and AAR processes. AC Lovell was PPB's Chief, at the time, and oversaw AC Resch.

Despite paragraph 192's presumptive identification of ICs and their designees as being responsible for the breakdown of PPB's AAR process during 2020, IPR's investigation did not identify a role for CMICs in the AAR process, and therefore did not identify them as involved members for this investigation. IPR likewise did not identify any Bureau force inspectors as involved members for this investigation, because they do not have a direct role in ensuring FDCRs and AARs are completed.

The expectations regarding FDCRs and AARs described in the version of Directive 1010.00 in effect during 2020 directly reflected expectations described in the Settlement Agreement. The Bureau's FDCR and AAR processes were reviewed and approved by DOJ and COCL. These processes were extremely data-intensive,

requiring an officer document all uses of force, including low-level force, in great detail. An officer's supervisor was expected to complete their AAR investigation and report within 72 hours, and an officer's chain of command was expected to review and complete the AAR within 21 days. Because of technical limitations, it was difficult to track a particular AAR's status, or to note which reviewer made changes to the AAR.

In Portland, protests related to the murder of Mr. Floyd began on 05/29/20. Protests lasted for several months and were often violent and disruptive. PPB officers frequently dispersed protesters during 2020, and frequently used force as they did so, with over 6,000 uses of force documented. This in turn led to multiple AARs being initiated following each evening of protest activity. As supervisors struggled to comply with the multiple and detailed expectations for these AARs described in Directive 1010.00, the Bureau's FDCR and AAR processes broke down and the Bureau did not complete AARs within the expected timelines.

The witnesses IPR interviewed and the documents it reviewed during this investigation demonstrate that within the Chief's Office, AC Resch took the lead in directing the Bureau's response to the problem. AC Resch directed that additional personnel be assigned to conduct and review AARs. AC Resch also directed that crowd control supervisors receive additional training related to completing FDCRs and AARs correctly. Documentation from this training noted that AC Resch "gave grace" to those supervisors regarding AAR timelines.

By contrast, no witness IPR interviewed for this investigation described any contact or conversation with AC Lovell regarding the FDCR and AAR processes. No witness described AC Lovell giving them any directions or orders related to FDCRs or AARs. When interviewed, AC Lovell described his awareness of AC Resch's actions but could not identify any steps he himself took regarding solving problems with AAR timelines or assessing the effectiveness of AC Resch's actions. AC Lovell indicated as Chief he was, by design, more focused on the political side of shepherding the Bureau through the summer of 2020. Although AC Resch took this problem on, as Chief, Lovell was ultimately responsible for ensuring that the Bureau complied with the Settlement Agreement and PPB Directive.

Witnesses IPR interviewed and documents IPR reviewed demonstrate that the Police Bureau kept DOJ and COCL informed about problems it was having with the FDCR and AAR processes, described the actions AC Resch directed to address these problems, and candidly described problems remaining with the process. Witness interviews and documents demonstrate that AARs continued to be seriously delayed, and AARs from June 2020 had not been completed by September 2020. Witness interviews and documents demonstrate that although DOJ and COCL both expressed sympathy, both continued to enforce the expectations of the Settlement Agreement regarding FDCRs and AARs, and by extension those of Directive 1010.00.

It very well may not have been possible for PPB to complete the FDCR and AAR processes on time when these processes were so poorly suited to sustained mass protest events. Whether it was reasonable for DOJ and COCL to enforce these expectations, considering the circumstances in 2020, is a question that is outside the scope of this investigation. The FDCR and AAR processes are certainly of great importance to the Bureau's review of force and only become more important when PPB uses more force.

Case #: 2022-B-0024
Independent Police Review Investigative Report

Information IPR obtained during this investigation demonstrates that AC Resch took the initiative in leading the Bureau's attempts to fix problems with the FDCR and AAR processes. Ultimately however, these attempts were not successful, and the Bureau did not complete all AARs as required. Based on the language of paragraph 192, IPR's recommended finding for Allegation 1 is **sustained**.

Information IPR obtained during this investigation demonstrates that AC Lovell delegated management of problems with the FDCR and AAR processes to AC Resch. Ultimately however, AC Lovell was Chief of the Police Bureau at the time, and responsible for overseeing AC Resch. Based on this and the language of paragraph 192, IPR's recommended finding for Allegation 2 is **sustained**.

Exhibits:

NOTE: Because cases #2022-B-0024 and #2022-B-0025 address similar issues, IPR identified many documents as exhibits for both investigations. For the sake of clarity, IPR numbered all exhibits sequentially across both cases, and both cases share a common exhibit list.

1. Portland - DOJ amended Settlement Agreement
2. Directive 635.10 - Crowd Management - Crowd Control - 2nd revision
3. Directive 1010.00 - Use of Force - 3rd revision
4. OIG 07-09-20 FDCR AAR training
5. Resch 07-14-20 AAR email
6. DOJ - COCL 07-27-20 records request
7. OIG 08-05-20 records response email
8. OIG 08-05-20 records response memorandum
9. CAO 08-26-20 email to DOJ - COCL
10. Resch 09 2020 AAR summary
11. DOJ 10-08-20 document request
12. TRO 07-30-20 Bushong - streaming video
13. TRO - 1st Hernandez - CS
14. TRO - 2nd Hernandez - stipulated LL
15. TRO - Simon - media
16. ORS 181A.250
17. Mayor Wheeler 06-06-20 statement
18. Mayor Wheeler 09-10-20 statement
19. 09-10-20 PPB CS rebuttal press release
20. Mayor Wheeler email to Chiefs
21. Mayor Wheeler 09-25-20 CS clarification
22. Lovell, Chuck 11-30-20 Executive Order CS Gas
23. Clark, Jacob 06-17-21 RRT resignation memorandum
24. Critical Assessment phase one report
25. City's response to Critical Assessment
26. Incorrect & Corrected 06-30-20 ICS-214s
27. Less Lethal Munitions memo 09-23-21
28. 06-03-20 ICS-214
29. Davis, Chris interview request emails