

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CITY OF PORTLAND,

Defendant.

Case No. 3:12-cv-2265-SI

ORDER

Billy J. Williams, United States Attorney; Renata A. Gowie, Chief, Civil Division; and Jared D. Hager, Assistant United States Attorney, UNITED STATES ATTORNEY'S OFFICE, DISTRICT OF OREGON, 1000 SW Third Avenue, Suite 600, Portland, OR 97204; Laura Cowall, Special Counsel, R. Jonas Geissler, Trial Attorney, Special Litigation Section; Civil Rights Division, UNITED STATES DEPARTMENT OF JUSTICE, 950 Pennsylvania Avenue, NW, Washington, D.C. 20530. Of Attorneys for Plaintiff.

Tracy Pool Reeve, City Attorney; Mark P. Amberg, Chief Deputy City Attorney, Denis M. Vannier, Senior Deputy City Attorney, OFFICE OF THE CITY ATTORNEY, 1221 SW Fourth Avenue, Room 430, Portland, OR 97204. Of Attorneys for Defendant.

Anil S. Karia, PUBLIC SAFETY LABOR GROUP, 3021 NE Broadway, Portland, OR 97232. Of Attorneys for Intervenor-Defendant Portland Police Association.

Jessica Ashlee Albies, ALBIES & STARK, 210 SW Morrison Street, Suite 400, Portland, OR 97204; Kristen A. Chambers, WYSE KADISH LLP, 900 SW Fifth Avenue, Suite 2000, Portland, OR 97204. Of Attorneys for Enhanced *Amicus Curiae* Albina Ministerial Alliance Coalition for Justice and Police Reform.

Michael H. Simon, District Judge.

On December 26, 2017, Plaintiff United States, Defendant City of Portland, Intervenor-Defendant Portland Police Association, and Enhanced *Amicus Curiae* Albina Ministerial Alliance Coalition for Justice and Police Reform (collectively, the “Stipulators”) filed a Joint Stipulated Motion to Enter Amended Settlement Agreement. ECF 157. On January 22, 2018, the Court ordered a Fairness Hearing on the Motion, declaring that the proposed Amended Settlement Agreement shall not take effect absent express approval by the Court. ECF 163. On April 19, 2018, the Court held the Fairness Hearing and received written and oral submissions from the Stipulators and numerous members of the public, before and during the hearing.

After reviewing the proposed amendments, related pleadings, oral argument, and public comment, the Motion is hereby GRANTED IN PART AND DENIED IN PART as follows:

The Court ORDERS that the following amendments to the Settlement Agreement previously entered in this matter (ECF 4-1) are APPROVED:

1. Addition of subparagraph 69(c) regarding use-of-force reporting;
2. Changes to subparagraph 73(a) and paragraph 117 regarding the employee information system;
3. Changes to paragraph 121 regarding Citizen Review Committee appeals;
4. Addition of subparagraph 131(d) regarding a stipulated discipline process; and
5. Changes to paragraph 159 regarding COCL reporting.

The Court ORDERS that the following amendments are CONDITIONALLY APPROVED, pending the Court’s further evaluation at a Status Conference set for October 4, 2018, at 9:00 am, and final approval:

1. Changes to Sections IX and X regarding community engagement and oversight.

The Court ORDERS that, except for the conditionally approved amendments, the Amended Settlement Agreement attached hereto shall be and is entered as an Order of the Court, superseding the Settlement Agreement previously entered in this matter (ECF 4-1). For the sake of clarity, the conditionally approved amendments are shown in redline, and are subject to the Court's further evaluation before being entered as an Order of the Court; however, the Stipulators may perform under those conditionally approved amendments pending the Court's further evaluation.

The Court DENIES the request to provide the Stipulators with a standing order of reference to the Ninth Circuit Mediation Program, without prejudice to any Stipulator moving the Court for an order of reference to the Ninth Circuit Mediation Program if a future dispute arises.

The Court ORDERS that, except for entering the Amended Settlement Agreement attached hereto, the provisions of this Court's July 30, 2015 Amended Order Entering Settlement Agreement, Conditionally Dismissing Litigation, and Setting First Annual Status Conference (ECF 99) otherwise remain in force.

IT IS SO ORDERED.

DATED this 15th day of May, 2018.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge