

## PCCEP Recommendation

<b>Title of Recommendation</b>	<b>PCCEP recommendations for 2020-2024 Police Union Contract.</b>		
<b>Author(s): (Subcommittee or committee members)</b>	<b>Elliott Young</b>	<b>Date presented</b>	<b>12/17/19</b>
<b>Summary of Recommendation:</b>			
<p>The City of Portland and the Portland Police Association have a unique opportunity to engage the community of Portland on the police union contract. The community of Portland has voiced its strong desire to be informed on the ongoing negotiations and have a voice at the table. Where in the past the community has been left out, there is an opportunity to be inclusive and transparent in this round of negotiations for the 2020-2024 police union contract. Both the City and PPA have already taken steps to do this, with Mayor Wheeler hosting public work sessions for community members and PPA President Turner joining PCCEP for a community listening session. PCCEP has supported this process by creating space for community members to learn about the negotiations and give suggestions along with extensive community engagement efforts by our committee members to hear from the community about what issues are important to them. The following recommendation is a culmination of the feedback we received from our community listening session on November 19, 2019, a presentation from the City Auditor at that same meeting, as well as from community engagement efforts leading up to that meeting including subcommittee meetings. The recommendations focus around strengthening Portland's civilian oversight system, improving the arbitration system, officer accountability and use-of-force policies among other recommendations.</p>			

## **Explanation of recommendation:**

Community members, community organizations and PCCEP have all cited the strengthening of civilian oversight bodies, accountability and the arbitration system as top priorities in the new police union contract. Oversight bodies must be able to investigate key incidents including deadly force. Officers should not be privy to special privileges during investigations that the civilians do not also have, including but not limited to access to recordings of an incident. Accountability is often hard to assert and is inhibited in some cases by binding arbitration clauses in the contract. The following set of recommendations redresses these and other issues. These recommendations align with best practices in policing including oversight, trust, communication and training and lead to outcomes for a more racially-equitable, transparent and just police force.

## **Recommendations**

### **1. Improve Portland's civilian oversight system:**

- **Deadly force:** An independent civilian agency must have explicit jurisdiction in deadly force cases. This redresses contract section 62.1.3. IPR should be able to investigate deadly force incidents
- **Meaningful power:** An independent civilian agency needs the ability to compel testimony and recommend discipline.
- **Equal treatment:** In misconduct investigations, the officer being investigated should not have special privileges the public does not have.

### **2. Accountability and arbitration:** PCCEP believes in upholding the rights of public workers, but given the unique role of police officers, binding arbitration is not appropriate in cases of deadly-use-of-force. PPB needs a stronger accountability structure. The City must be able to fire officers who have used excessive force or exhibited racism or other oppression against targeted communities. Provisions in the current contract severely limit the scope of misconduct investigations and narrowly restrict how discipline is handled. The discipline matrix, reinforced by binding arbitration, has prevented elected officials from holding officers accountable for their actions. As an example, the Portland City Council voted on February 6, 2019, 4-1 in favor of reinstating Sgt. Gregg Lewis with back-pay despite the fact that the entire council was against this decision. Sgt. Lewis had made offensive remarks about killing Black people, but contract language stated the maximum punishment for offensive remarks was a three-week suspension. This is an example of how the discipline guide can obstruct the will of City Council. PCCEP recommends changing article 22.5, which deals with arbitration. The Arbitrator's decision should not be binding in certain cases including the use of deadly force. The integrity of PPB must be upheld and that cannot be done if officers are not held accountable for their words and actions. City Council should have the ability to overrule the arbitrator's decision in cases of discipline and termination which

conflict with the views of the City Council and PPB leadership. In such cases, arbitration should be advisory, not binding.

3. Fix the Public Complaint Process: The public should be able to make complaints without the offending officer having access to their name and information.
4. Institute Comprehensive Mandatory Drug Testing: Require immediate drug testing including steroids after officers use of deadly force.
5. Secondary Employment: Create better management of secondary employment opportunities for police officers, including more rigorous criteria for public-benefit analysis of such employment. Secondary employment should be limited to a set number of hours, and should not be allowed in periods when the PPB finds itself short-staffed for regular operations.

**Other considerations for contract negotiations:**

1. Transparency and Data: Require the PPB to provide quarterly reports to the public on the following data: Traffic Stops, including the underlying investigative reasons for such stops, as noted by the City Auditor in 2018 and 2019. Arrests: by racial and ethnic group, housing status and mental illness.
2. Interactions with mentally ill and houseless people: To the extent possible, interactions with people in crisis on the streets should be handled by unarmed first responders who can provide help to these individuals. The fact that over half of the arrests are houseless individuals is unacceptable.<sup>1</sup>
3. Because of adverse interactions with certain populations and the unique circumstances of these groups, we recommend PPB develop interaction policies specifically for youth and transgender communities. PPB should then train officers to those policies and develop assessment tools to measure effectiveness and community feedback.

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<sup>1</sup> [https://www.oregonlive.com/portland/2018/06/portland\\_homeless\\_accounted\\_fo.html](https://www.oregonlive.com/portland/2018/06/portland_homeless_accounted_fo.html)

<p><b>How does this recommendation redress barriers to racial equity?</b></p>	<p>These recommendations will help provide accountability for police use of deadly force, which disproportionately affects people of color in Portland. The complaint process, accountability structure and the ability of oversight bodies to investigate officer abuses would increase trust and fairness in the system.</p>
<p><b>How does this recommendation improve outcomes for persons with mental illness and or behavioral health?</b></p>	<p>These recommendations will help provide accountability for police use of deadly force, which disproportionately affects people of with mental illness in Portland.</p>
<p><b>How were marginalized and underrepresented communities, including those who will be affected by this recommendation, engaged to shape, write and otherwise develop this recommendation?</b></p>	<p>PCCEP hosted a community listening session on November 19 that was attended by a diverse group of community members from many different parts of the city. Their feedback was used to shape this recommendation. Additionally, PCCEP members carried out extensive community engagement efforts to obtain feedback from community members and hosted discussions within our four subcommittees that generated additional feedback.</p>

**Resources**

*Please list all relevant resources to this recommendation.*

1. Police Union Contract. <https://www.portlandoregon.gov/bhr/article/10857>
2. Sinyangwe, Samuel, "Examining the Role of Use of Force Policies in Ending Police Violence" (September 20, 2016). Available at SSRN: <https://ssrn.com/abstract=2841872> or <http://dx.doi.org/10.2139/ssrn.2841872>
3. See preceding citation, as well as Perez, Douglas, Common Sense About Police Review (April 14<sup>th</sup>, 1994).

4. Portland City Auditor, Gang Enforcement Patrol, March 2018, <https://www.portlandoregon.gov/auditservices/article/677598>.
5. *2019 Follow-Up: Portland Police Bureau Still Needs to Evaluate the Effectiveness of Traffic Stops*, 20 May 2019, <https://www.portlandoregon.gov/auditservices/article/732266>.
6. Portland City Auditor, *Police Overtime*, Oct. 2019, <https://www.portlandoregon.gov/auditservices/article/743069>.
7. [https://www.uniteoregon.org/ppa\\_contract\\_letter#\\_ftnref1](https://www.uniteoregon.org/ppa_contract_letter#_ftnref1)