

**THE PORTLAND COMMITTEE ON
COMMUNITY ENGAGED POLICING**

525 NE Oregon St., Suite 110
Portland, OR 97232

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 3:12-cv-02265-SI

v.

THE CITY OF PORTLAND,

Defendant.

**PORTLAND COMMITTEE ON
COMMUNITY ENGAGED POLICING
INTERIM COMPLIANCE ASSESSMENT
REPORT**

The Portland Committee on Community Engaged Policing (PCCEP) submits this Interim Compliance Assessment Report in advance of the Interim Status Conference the Court scheduled for February 25, 2020, at 9:00 a.m. in Portland, Oregon. This Report covers the period of April 12, 2019, through January 10, 2020,¹ and addresses only the Community Engagement and Creation of Portland Committee on Community Engaged Policing (PCCEP) (Section IX).

Section IX, Paragraph 141: To leverage the ideas, talent, experience, and expertise of the community, the City, in consultation with DOJ, shall establish a Portland Committee on Community Engaged-Policing(PCCEP), within 90 days of the Effective Date of the relevant amendments to this Agreement.

The City established the PCCEP on August 24, 2017. The Mayor's Office selected Committee membership on September 11, 2018, and membership has been sufficient for the Committee to perform its functions. The PCCEP has held monthly meetings since October 2018.

The PCCEP believes that the City is in substantial compliance with Paragraph 141 of the DOJ Settlement Agreement.

Section IX, Paragraph 142: The PCCEP shall be authorized to: (a) solicit information from the community and the PPB about PPB's performance, particularly with regard to constitutional policing; (b) make recommendations to the Chief, Police Commissioner, the Director of the Office of Equity and Human Rights, and community and, during the effective period of this Agreement, to the DOJ; (c) advise the Chief and the Police Commissioner on strategies to improve community relations; (d) contribute to the development and implementation of a PPB Community Engagement Plan; and (e) receive public comments and concerns. The composition, selection/replacement process and specific duties of the PCCEP shall be set forth in a separate Plan for Portland Committee on Community-Engaged Policing ("the PCCEP Plan") which shall be substantially similar to Exhibit 1 to this Agreement. Amicus AMAC and Intervenor PPA shall be consulted regarding and DOJ shall review and approve any amendments to the PCCEP Plan proposed to occur during the effective period of this Agreement.

The PCCEP has solicited information from the community and the PPB. This information has allowed PCCEP to set its own agenda based on topics important to the community.

The PCCEP has made several recommendations based on community feedback received during its regular meetings and town halls. Unfortunately, City staff did not transmit several of these recommendations to the Chief and Police Commissioner until January 17, 2020. Further, while the Director of the Office of Equity and Human Rights has spoken at one PCCEP meeting and observed a second meeting, the Director's office only recently scheduled a meeting with the Steering Committee as required quarterly by the PCCEP Plan.

The PCCEP has met with the Chief and Police Commissioner to discuss strategies to improve community relations.

The PCCEP has contributed to the development and implementation of a PPB Community Engagement Plan. After a presentation by PPB and PCCEP members, the City adopted the Community Engagement Plan, which incorporated several PCCEP recommendations, including the creation of a task force to examine a possible Truth and Reconciliation Commission model. The PPB Community Engagement Plan is a broad blueprint for further action, and the PCCEP is tasked with monitoring steps taken to effectuate the Plan.

During the PCCEP general and subcommittee meetings, the public has provided comments and concerns. The PCCEP has been working with the City, PPB, and community partners to further develop and address these concerns.

The PCCEP, in consultation with Amicus AMAC and Intervenor PPA, has composed a PCCEP Plan outlining the composition, selection/replacement process and specific duties. In accordance with the PCCEP Plan, the PCCEP has held town halls,

reviewed PPB directives, developed recommendations for PPB systems to engage meaningfully with Portland's diverse communities, and made recommendations to the Mayor and PPB. As noted above, several recommendations were only recently forwarded to the Mayor and PPB. The PCCEP Steering Committee has asked to City staff to provide a better tracking mechanism for recommendations made by the PCCEP.

The City has provided training to new PCCEP members in accordance with the PCCEP Plan.

The PCCEP Plan tasks PPB to meet with the PCCEP during a universal review period to brief members on directives related to the DOJ Settlement Agreement, provide information as needed, and solicit PCCEP member feedback. This has not occurred.

In accordance with the PCCEP Plan, the City has provided adequate staffing for the Committee. The PCCEP Plan calls for community funding/outreach. If there is such funding, PCCEP members have not been made aware. However, during a recent retreat, there was a brainstorming session on what the PCCEP would do if such funding were made available.

The PCCEP Plan recommends that the Mayor or the Mayor's delegate, and the PPB Chief or the Chief's delegate, endeavor to attend the PCCEP meetings. Either the Mayor and the Chief, or their delegates, have attended all PCCEP meetings. The PCCEP Plan encourages other Commissioners or their delegates to attend. It is commendable that Commissioner Jo Ann Hardesty has attended several PCCEP meetings. Other current Commissioners have not attended the meetings.

For the above reasons, the City is in substantial compliance with Paragraph 142.

Section IX, Paragraph 143: PCCEP's membership will come from a reasonably broad spectrum of the community. PCCEP members shall not have an actual or perceived conflict of interest with the City of Portland.

PCCEP members come from a reasonable broad spectrum of the community. The PCCEP has encouraged and welcomed members of the public to sit on subcommittees. All members have been trained on City conflict of interest rules. The PCCEP believes that the City is in substantial compliance with Paragraph 143 of the DOJ Settlement Agreement.

Section IX, Paragraph 144: The City shall provide administrative support so that the PCCEP can perform the duties and responsibilities identified in this Agreement and in the PCCEP Plan.

The City has provided two full time positions to support the PCCEP in its duties. The PCCEP has found the City staff to be open, receptive, and capable of helping PCCEP in furtherance of its mission. The PCCEP believes that the City is in substantial compliance with Paragraph 144 of the DOJ Settlement Agreement.

Section IX, Paragraph 145: To ensure constitutional policing, to closely interact with the community to resolve neighborhood problems, and to increase community confidence, PPB shall work with City resources knowledgeable about public outreach processes and the PCCEP to improve its engagement with the community.

The PPB has formed and staffed the Office of Community Engagement. The Office and other PPB members have worked with the City and the PCCEP to improve engagement with the community. The PCCEP is tasked with regularly reviewing and improving PPB's efforts under the Community Engagement Plan. The PCCEP looks forward to a productive dialogue as initial efforts stemming from the Community Engagement Plan are reviewed and discussed in the coming months.

The PCCEP believes that the City is in substantial compliance with Paragraph 145 of the DOJ Settlement Agreement.

Section IX, Paragraph 146: Within 120 days of the effective date of the relevant Amendments to this Agreement, the City, in consultation with the PCCEP, will conduct another reliable, comprehensive and representative survey of members of the Portland community regarding their experiences with and perceptions of PPB's community outreach efforts and accountability efforts and where those efforts could be improved, to inform the work of the PCCEP and the development and implementation of the Community Engagement Plan.

DHM Research completed the most recent community survey in May 2019, following feedback from the PCCEP. The survey was discussed during the July 2019 PCCEP Meeting. The PCCEP is considering recommending other surveys to target specific demographics.

The PCCEP believes that the City is in substantial compliance with Paragraph 146 of the DOJ Settlement Agreement.

Section IX, Paragraph 147: PPB shall continue to collect appropriate demographic data for each precinct so that the Precinct Commander, considering any input from the PCCEP, may develop outreach and policing programs specifically tailored to the residents of the precincts. The data shall also be provided to PCCEP to inform its work.

PPB has provided demographic data to the PCCEP on December 2018 and March 2019. Some PCCEP members have requested that data be collected in a more relevant way for certain demographic groups, and also that the data be provided on a more regular basis. The PCCEP is still waiting to see whether such recommendations will be accepted

and acted upon. Subject to this caveat, the PCCEP believes that the City is in substantial compliance with Paragraph 147 of the DOJ Settlement Agreement.

Section IX, Paragraph 148: PPB shall continue to require that officers document appropriate demographic data regarding the subjects of police encounters, including the race, age, sex and perceived mental health status of the subject, and shall provide such information to the PCCEP and make such information publicly available to contribute to the analysis of community concerns regarding discriminatory policing. PPB shall consider enhancements to its data collection efforts, and report on its efforts to enhance data collection to the DOJ by no later than December 31, 2013, and quarterly thereafter.

It is PCCEP's understanding that PPB collects the type of data required in this paragraph. PPB has informed PCCEP that such data is available on public portals and in yearly reports. However, PCCEP members have reported that their requests for data that is specific and drills down into the vast information provided online, PPB has not been responsive. The PCCEP believes that to be in full compliance with this paragraph, PPB data analysts should work with the PCCEP to create specific reports which could inform PCCEP's community efforts. Subject to this caveat, the PCCEP believes that the City is in substantial compliance with Paragraph 148 of the DOJ Settlement Agreement.

Section IX, Paragraph 149: The COCL, PPB, and DOJ will jointly develop metrics to evaluate community engagement and outreach. PCCEP may review these metrics and may suggest additional metrics to DOJ and PPB.

The COCL, PPB and DOJ have developed metrics to evaluate community engagement and outreach with PCCEP input. The metrics are addressed in the Community Engagement Plan. As the Community Engagement Plan was only adopted by the City on October 2019, there is still much work to do to ensure that PPB collects relevant data and provides PCCEP with robust yet digestible metrics data for evaluation. To date, PCCEP believes the City is in substantial compliance with Paragraph 149 of the DOJ Settlement Agreement, though there is much work to be done.

Section IX, Paragraph 150: Annually, PPB shall issue a publicly available PPB Annual Report, which shall include a summary of its problem-solving and community policing activities. A draft of the Annual Report shall be provided to the PCCEP for review and comment before the report is finalized and released to the public. Once released, PPB shall hold at least one meeting in each precinct area and at a City Council meeting, annually, to present its Annual Report and to educate the community about its efforts in community policing, in regard to the use of force, and about PPB's policies and laws governing pedestrian stops, stops and detentions, and biased-free policing, including a civilian's responsibilities and freedoms in such encounters.

PPB released its 2018 annual report in July 2019. The Report was discussed during PCCEP's July meeting. The PCCEP made recommendations and PPB accepted those recommendations for the 2019 Annual Report. PPB held meetings in each precinct to discuss the report, and the PPB Chief presented the report to City Council in October 2019. PCCEP believes that the City is in substantial compliance with Paragraph 150 of the DOJ Settlement Agreement.

Section IX, Paragraph 151: PCCEP shall meet as needed to accomplish their objectives as set forth in the PCCEP Plan. PCCEP shall hold regular Town Hall meetings which shall be open to the public. To the extent that PCCEP meetings are subject to the Oregon Public Meetings Law, or similar regulatory or statutory requirements, the City shall be responsible to give advice necessary to the PCCEP to ensure compliance with those laws and agrees to represent PCCEP in any challenges regarding compliance with those laws.

Since November 2018, PCCEP has been holding monthly, open public meetings attended by the community as well as City and PPB representatives. The five PCCEP subcommittees have also held regular, open public meetings. The City Attorney has been responsive in providing guidance when sought about public meetings requirements. PCCEP believes that the City is in substantial compliance with Paragraph 151 of the DOJ Settlement Agreement.

Section IX, Paragraph 152: The City shall provide PCCEP members with appropriate training necessary to comply with requirements of City and State law.

Each PCCEP member goes through a lengthy training program to familiarize themselves with applicable City and State laws and requirements. Training has been provided by and with the City Attorney's Office, amicus groups, and city staff. PCCEP believes that the City is in substantial compliance with Paragraph 152 of the DOJ Settlement Agreement.

Concluding Statement (as approved by the membership on 2/24/20)

We recognize that we stand on the shoulders of countless individuals and organizations who have been fighting for more just and equitable policing in Portland for generations, including several that are party of this very lawsuit. It is our goal—and indeed mission—to do our part to acknowledge the wrongs of the past, improve PPB policy and practice, and rebuild trust between the police and the community they serve. We are honored to be part of this effort and thank the city and our fellow Portlanders for their support.

We find there is a still a long way to go to fulfill the spirit of the Agreement, in particular the requirement “that the City and PPB put in place more effective systems of oversight and self-correction that will identify and correct problems before they develop into patterns or practices of unconstitutional conduct and/or erode community trust” (2).

Given the continued high rate (60% in 2019) of police killings of people suffering mental health crises, the high rate of use-of-force incidents against people identified as mentally ill and homeless, and the disproportionate stops of black pedestrians and drivers, we conclude that there are no adequate measures in place to correct problems that have existed in Portland for more than a decade. While we applaud the efforts of the PPB to implement new training programs to address these issues, if the same patterns and practice of questionable conduct persist year-after-year, then we cannot conclude that the systems of oversight are in fact working.

In conclusion, while we believe that the City is in substantial compliance with Section 9, we also believe that PCCEP remains a work in progress, with the need for continued efforts to build on our foundation of trust by expanding outreach to all corners of our City.