

Portland Committee on Community Engaged Policing

Recommendation to define outcomes for substantial compliance

To Chief Outlaw, Mayor Wheeler, Compliance Officer and community of Portland, OR

Whereas the Compliance Officer has concluded that the City of Portland and the Portland Police Bureau have reached substantial compliance in the Department of Justice Settlement Agreement, Case No. 3:12-cv-02265-SI. As laid out in their Quarterly Report of October 3, 2019;

Whereas steps have been taken by the Portland Police Bureau to address the issues raised in the DOJ settlement. They have crafted new engagement plans, trainings and policies among other steps. In doing so they have included the public and PCCEP in shaping their plans;

Whereas while we the members of PCCEP believe that these actions are a step in the right direction, we believe an assessment of Substantial Compliance is premature. There is not enough evidence to determine substantial compliance. The assessment is based on outputs where the focus should be on outcomes.

Whereas the Portland Police Bureau continues to make strides in improving relationships with marginalized communities. There remains a large gap in trust with many marginalized communities of Portland, including the African-American community and other communities of color, the houseless community and the mentally ill community among others. The death of Andre Gladen highlights the deadly consequences of PPB's continued struggle to engage with persons with mental illness and African-American community members. Additionally, according to an Oregonian analysis in 2017, over 50% of arrests by PPB officers were homeless individuals.¹ The PPB's own data shows that half of use-of-force incidents in the last two years were of homeless people. Furthermore, a 2018 City Budget Office report highlighted the disproportionate arrest of Black students at Portland Public Schools.² These are but a few statistics that highlight areas of concern that must be redressed if substantial compliance is to be affirmed;

¹ https://www.oregonlive.com/portland/2018/06/portland_homeless_accounted_fo.html

² <https://www.portlandoregon.gov/cbo/article/714559>

Whereas assessment of Paragraph 84 of the settlement agreement highlights scenarios and trainings implemented by PPB, which is the output, more time is needed to assess if this positively impacts officer behavior and interactions with community members, the desired output. Assessment of Paragraph 89 acknowledges the work of Unity Center to provide mental health services, the output. However, PCCEP has concerns about the effectiveness of Unity Center to adequately support the needs of those suffering from mental illness, the outcome.³ More time is needed to work on the deliverables of these and other paragraphs of the Settlement Agreement and show true and sustained success;

Whereas, the aforementioned statistics and questions cast doubt on the assertion that substantial compliance has been met. PPB and the City of Portland should continue their efforts to better serve all communities of Portland and further articulate what success looks like. The Compliance Officer should further evaluate all sections of the Settlement Agreement and provide an update on the progress of PPB and the City in their fourth quarter report;

Resolved, that the Portland Committee on Community Engaged Policing (PCEEP):

1. Disagrees with the assessment of the Compliance Officer assessment of substantial compliance;
2. Recommends the Compliance Officer further assess the sections of the Quarterly Report, dated October 3, 2019 and allow more time for the outputs to demonstrate the desired outcomes;
3. Recommends that the Portland Police Bureau and the Mayor more clearly articulate what their desired outcomes are based on the required outputs detailed in the Department of Justice Settlement Agreement.

Therefore, be it resolved that the Portland Committee on Community Engaged Policing (PCCEP) recommends that Chief Outlaw and Mayor Wheeler work with PCCEP and other community partners to define what true substantial compliance looks like to the community of Portland. This can be done by articulating clear outcomes that align with the outputs as established in the Settlement Agreement, that are acceptable to both PPB and the community, in order to establish substantial compliance. We further

³ <https://www.portlandoregon.gov/pccep/article/744153>

recommend the Compliance Officer defer the assessment of substantial compliance until further progress can be evaluated.

Summary of Recommendation:

PCCEP recognizes and acknowledges the variety of education and reading levels of members of the Portland Community. As such, below is a summary of the above recommendation in a condensed format and a more broad reading level.

Recommendation to define outcomes of substantial compliance summary:

- PCCEP does not agree with Compliance Officer that the Portland Police Bureau (PPB) and the City of Portland have reached substantial compliance of the settlement agreement.
- Substantial compliance means that PPB has made enough changes in behavior to get a passing grade from the Compliance Officer
- PCCEP wants to see PPB make more changes in order to agree with substantial compliance.
- The changes PCCEP wants to see include better interactions with the African-American community and other communities of color, mentally ill community, homeless community among other communities.
- PCCEP recommends that Chief Outlaw and Mayor Wheeler work with PCCEP and other groups to make clear goals about what substantial compliance actually means.

DRAFTED October 21, 2019