



The League of Women Voters of Portland

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DATE: June 4, 2019

TO: Honorable District Judge Michael Simon

FROM: Debbie Kaye, president
Debbie Aiona, Action Committee chair

RE: Status Conference: United States of America v.
City of Portland Case No. 3:12-cv-02265-SI

The League of Women Voters of Portland has actively monitored the city's police bureau for decades, with a focus on public participation, transparency, policy development, and accountability. We appreciate the opportunity to comment on Section IX of the Settlement Agreement, Community Engagement and Portland Committee on Community-Engaged Policing (PCCEP), and share additional concerns.

Community Engagement and Portland Committee on Community-Engaged Policing (PCCEP)

League representatives have attended a number of the PCCEP monthly meetings and reviewed many of the relevant reports issued in recent months. In our view, the PCCEP is a work in progress. Setting up and organizing a new volunteer City Council-appointed committee takes time and effort.

Off Board Leaders

Adrienne Aiona

Doreen Binder

Suzanne Fleming

Betsy Pratt

Phil Thor

PCCEP Successes

The committee is made up of sincere, hard working members with diverse backgrounds and perspectives. As a group they have started to accomplish their assigned tasks. They participated in the required training, learning about the responsibilities of public officials and the history and provisions of the Department of Justice (DOJ) Settlement Agreement. The League appreciated the public briefing on the Settlement Agreement that we suggested at the last Status Conference. Inclusion of training materials in the Compliance Officer Community Liaison (COCL) report promoted transparency and gave interested members of the public access to useful information.

To promote political responsibility through informed and active participation in government.

PCCEP encourages public participation in a number of ways. It gives community members the opportunity to comment throughout its meetings. The meetings are televised live so people who cannot attend in person can follow along and submit questions and comments remotely. Personnel from the Portland Police Bureau (PPB), City Attorney's office, and DOJ are present and available to respond to questions when needed.

The PCCEP formed subcommittees where recommendations are developed and organizational issues discussed, although we understand these would benefit from broader participation. The full committee has adopted several recommendations and submitted them to the PPB. Before the committee vote, the recommendations were presented and discussed and the public was given the opportunity to comment.

PCCEP Shortcomings

Challenges facing the committee include member resignations that result in constant turnover. New committee members have to be screened, appointed, and trained before they can fully participate in the monthly meetings. This takes time and should be a high priority.

The PPB has not responded to the recommendations PCCEP submitted in February. Those recommendations apply to the annual report the police bureau is expected to present to the public at precinct meetings and at a City Council hearing. The League is a long-time observer of police-related activities and on a number of email distribution lists, but we have never received a notice about the required precinct or City Council presentations. The bureau should tap into the numerous police-related contact lists and social media outlets to inform the public when those precinct meetings are scheduled.

The PCCEP needs more staff support and the city should fulfill its obligation to supply it. The project manager position has remained unfilled for nearly six months and the budgeted community organizer has yet to be hired. An organizer likely would help PCCEP achieve its goal of reaching a broader diversity of community members. Facilitation services also might contribute to meetings that remain inclusive, but are more orderly and efficient. For example, with the help of a facilitator, PCCEP might find it easier to limit public comment before a vote to the item under consideration. This would help focus the discussion and expedite the proceedings.

In conclusion, the PCCEP has made progress, but much more needs to be done in order for it to fulfill the community's expectations and the requirements of the Settlement Agreement. The city should step up and provide the support the committee needs to succeed.

Additional Issues

Following are some additional items we shared with the COCL in February when it released the quarterly report.

Police Review Board (PRB)

In its January 2019 report on police shootings, the OIR Group identified some serious deficiencies in the PRB's performance related to officer-involved shootings.

1. Sergeants who become tactically involved rather than supervising an incident are not being held accountable by the PRB for their misconduct.
2. Tactical decisions leading up to a shooting are not being considered separately from the shooting itself. The commander and PRB should make separate findings on the pre-shooting decision-making and actions.
3. The PRB is not considering specific Training Division and commander recommendations in shooting cases nor is it referring the recommendations it supports to the chief.
4. In the nine cases reviewed in the latest shootings report, all of the shootings were found to be within policy. It is concerning, however, that the OIR Group states that not one pre-shooting decision or action was found to be out of policy in spite of the fact they believe there were several instances of policy violations for which the officer should have been held accountable.

Adequacy of Investigations

In some of the cases appealed to the Citizen Review Committee (CRC), it is clear that there are deficiencies in the formation of allegations. Furthermore, the CRC sometimes sends cases back for more investigation because witnesses were not interviewed or key issues were not explored.

The OIR Group report points to a deadly force case, which is not within the CRC's authority to consider, where it appears the desire to finish the investigation promptly and within the 180-day period required by the Settlement Agreement led to deficiencies in that investigation.

The COCL quarterly report on Officer Accountability and Community Engagement (p. 80) describes a PPB concern that Independent Police Review (IPR) staff "lead" people who file complaints into allegations they had not intended to make. Most individuals complaining about police actions are not experts in PPB directives and sometimes do need help from the IPR staff. On occasion, they complain about an action that was within policy, but in the course of explaining the entire incident, it becomes evident to the intake staff person that a potential violation did occur. It is preferable for the IPR staff member to capture that information. We cannot expect ordinary members of the public to know police bureau policies and frame their allegations accordingly.

IPR Annual Reports

In the early years of IPR's existence, annual reports were comprehensive in nature and contained a large volume of useful information that one could compare from year to year. More recent reports are similar to an executive summary or informational brochure. The League suggests that IPR issue more comprehensive annual reports.