



League of Women Voters of Portland

PO Box 3491, Portland, Oregon 97208-3491

503-228-1675 • info@lwvpdx.org • www.lwvpdx.org

Board of Directors

Debbie Kaye
President

Marion McNamara
1st VP

Chris Cobey
2nd VP

Nancy Donovan
3rd VP

Adrienne Aiona
Treasurer

Anne Davidson
Secretary

Debbie Aiona

Carolyn Buppert

Judy Froemke

Linda Mantel

Amber Nobe

Margaret Noel

Audrey Zunkel-
deCoursey

Off Board Leaders

Jen Jacobs
Budget

Ann Dudley
Nominating

Mary McWilliams
Membership

Philip Thor
Endowment Fund

DATE: April 25, 2022

TO: Honorable District Judge Michael Simon

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

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

The League of Women Voters of Portland has been involved in issues related to police accountability for over 40 years and closely tracks the city's Settlement Agreement with the U.S. Department of Justice. We appreciate the opportunity to comment on whether the eight remedies in the proposed addendum to the Settlement Agreement are fair, adequate, and reasonable.

Key Issues and Recommendations

- **City support for Portland Committee on Community-Engaged Policing**
- **Police Accountability Commission: end date and quorum requirements**
- **Independent Police Review transition: Citizen Review Committee appointments, standard of review**
- **Body-worn cameras: policy, safeguards, officer review of footage**
- **Civilian leadership of Training Division educational functions**

Community Engagement

Portland Committee on Community-Engaged Policing

The League places a high priority on public involvement and continues to regularly attend Portland Committee on Community-Engaged Policing (PCCEP) meetings. Although not addressed in the proposed remedies, we believe staffing issues and recent developments at the PCCEP deserve the court's attention. It has been disappointing to watch the committee struggle with staffing, membership, and leadership structure. We were alarmed when Mayor Wheeler attended a recent meeting and suggested the city might put the committee on a 60-day hiatus. A similar hiatus preceded the dissolution of the Community Oversight Advisory Board (COAB). Disbanding the COAB was a significant setback to community involvement and to the oversight of the Settlement Agreement's implementation. It would be a real loss for the city to repeat that experience with the PCCEP.

League of Women Voters of Portland:

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

It is encouraging to see that the Department of Justice (DOJ) is prepared to provide additional support to the committee and facilitate training for newer members and the public over the next two months. The city must do its part and fill vacant PCCEP positions, hire staff, and demonstrate that it can support the committee now and in the future. We encourage the DOJ and court to hold the city accountable to the Community Engagement section of the agreement and ensure the public's interests are well represented by the PCCEP.

Officer Accountability (Addendum paragraph 195)

1. Police Accountability Commission

The Police Accountability Commission (PAC) started its work last December. It is charged with designing the new voter-adopted community police oversight board that will replace the Independent Police Review (IPR). Two issues have emerged that merit your attention. One of our League members is on the PAC, but the following comments are from the League of Women Voters of Portland, not the accountability commission.

Timeframe

We have noted some inconsistency regarding the commission's end date. The addendum to the Settlement Agreement sets an end date 18 months after the court order is entered, which presumably would occur in Fall 2023. In February, city council agreed to this time frame along with the other remedies in the addendum. More recently, council passed a resolution providing for an end date 18 months after the commission first started meeting in December 2021, which would be June 30, 2023.

Five months have passed and the commission is just completing its organizational structure. Much work needs to be done. Although there is a provision for extending the deadline if necessary, going through that process would add an unnecessary barrier to completion. Therefore, the League recommends adopting the time frame described in the addendum, 18 months after the court order is entered, sometime in Fall 2023.

Quorum Requirements

Another area of concern is the commission's quorum requirement. The PAC has 20 positions, so in order to meet the quorum requirement, 11 must be in attendance. This is true even if some have resigned or are temporarily inactive for personal, professional, or other reasons. Given the city's track record filling vacant seats on the PCCEP and COAB, this should be adjusted so that a quorum consists of a majority of active members. The definition of active members is included in the PAC's bylaws.

The League encourages the DOJ and court to step in and require this approach. As a supporter of the ballot measure setting the stage for a major revamping of the city's police oversight system, the League wants to honor the voters' wishes and see the commission's work successfully completed.

2. Independent Police Review Transition Plan

We appreciate that the city's transition plan creates a structure and funding for the IPR to continue to function up until the new oversight system is ready to accept and process complaints. The city should also determine how, in the absence of the auditor's involvement, new Citizen Review Committee (CRC)

members will be recruited and recommended to city council for appointment. Currently, the city auditor nominates the committee members.

The League urges the city council's and the court's support for the CRC's efforts to change its standard of review from the reasonable person standard to preponderance of the evidence when recommending changed findings in misconduct cases. The authority to make final findings remains with city council, the police commissioner, or chief of police. Ideally, this would happen soon so that the CRC could test the less deferential standard before the transition to the new oversight system takes place.

Officer Accountability – Body Worn Cameras (Addendum paragraph 194)

A thorough public process should be completed before the city commits to purchasing cameras. The community needs to have the opportunity to understand the policy choices and provide the direction necessary for the city to acquire suitable equipment.

The city's body-worn camera policy must include provisions that prohibit violations of ORS 181A.250, the state statute that protects Oregonians' First Amendment rights. This law prohibits the collection and maintenance of information on individuals engaged in political, social, or religious activities unless there is reasonable suspicion that those activities are or may be criminal.

The League agrees with the DOJ recommendation in its Nov. 15, 2021 memo to the Portland city attorney and police chief that, in use of force incidents, officers should be required to write their reports before viewing camera footage.

Training (Addendum paragraph 191)

The importance of civilian leadership over the educational aspects of the Training Division became even more evident upon the release of the Rapid Response Team training presentation slides. In addition to the duties described in Attachment 1 to the addendum, the new civilian head must have the authority to prevent the use of training materials with objectionable content.

Conclusion

With the additions and changes described above, the League believes the proposed remedies are fair, adequate, and reasonable. Thank you for considering our comments.