Dear Judge Simon,

On behalf of PCCEP, we thank you for the opportunity to present today. Every step the City takes towards adopting the Community Board for Police Accountability is a step towards upholding the values ingrained in this Settlement Agreement. PCCEP is excited about the promise of a system with increased independence, transparency, and responsibility to impacted communities.

We would first like to recognize the work of the former Police Accountability Commission in developing the code package proposed last fall. As a fellow community board working on policing issues, PCCEP knows better than most how tremendous of an undertaking this project was for the PAC. PCCEP also understands that the City has an obligation to stand up an oversight system that is functional and legally defensible. We appreciate everyone's commitment to creating the best accountability system possible. In the spirit of community leadership that has guided this process all along, we hope that the Judge, City, and amici will consider some lingering concerns PCCEP has identified about the details of the future CBPA.

In the revisions to Section VIII being considered today, it is outlined that "City Council shall have authority to remove a member of the CBPA for cause," including "Objective demonstration of bias for or against the police." This criteria is reflected in the CPBA code language as well, and is a sharpening of the anti-bias criteria as previously written in Section VIII for CRC members, which stated that members must be "representative of the many and diverse communities in Portland, who are neutral, unbiased, and capable of making objective decisions." As fellow community board members, this rewrite strikes us as significant; whereas the former language refers to general capabilities of objective decision making and encompasses any form of bias, the new language does not include mention neutrality or objectivity and limits displays of bias only for or against police. The new language also suggests that bias can be "objectively" identified yet does not provide any guidance as to how it will be assessed.

We want to be very clear that we wholeheartedly support a board that is neutral, capable of objective decision making, and is not impacted by individual bias. These provisions already exist in the CBPA code, which PCCEP takes no issue with. However, in reference to the specific language about bias for or against police, we are concerned that the criteria as written is both an impossible standard to uphold when seating a board of 21 members, and is problematically vague. Once again, speaking from our experience as a community board that works on policing, we know that there is no such thing as an "**objective** demonstration of bias for or against police."

In a recent public forum about the CBPA code, a PCCEP member asked how bias would be identified in discipline cases heard by the CPBA. The City Attorney at the meeting responded to community attendees by saying *"How do we know when someone is doing that? [...] It's not an easy thing to determine [...] If there's a bias for police, you all, I imagine, are going to tell us, and if there's a bias against police, then the Union's going to bring it up."* This response illustrates that objectivity is an unrealistic premise when it comes to identifying bias, and the associations of a given person or group play a significant, and in this case, alarming role when it comes to subjective assessments of their judgement.

The City has defended the inclusion of the anti-bias language as necessary in order for the CBPA's discipline decisions to be upheld in court. However, PCCEP believes the vague standards create a huge legal liability for the City, and further, would make it impossible to seat a 21 person board.

In line with this concern of bias is the makeup of the nominating committee for the CBPA. Under section 35B.020, "The nominating committee should be comprised of: Two CBPA representatives; One community member from each Council district as designated by the Council members of that district; One representative designated by the Chief of Police; One representative from Portland Police Association; and One representative from Portland Police Commanding Officers Association." Given the desire for objectivity and fairness in decision making, the operations of the nominating committee must be set up to ensure this. As it currently stands, and speaking from experience as a community board, this committee be unable to nominate members successfully given the three police-related positions.

Lastly, PCCEP has also heard numerous concerns about the lack of accountability for the Chief of Police. While we know this gets into the details of the code, we think it's crucial to bring up here. Section VIII exists to hold police accountable, and we fear that the chief's possible exemption from this process undermines the very nature of police accountability in Portland. The CBPA code states that, "1. When there is an allegation of misconduct against the Chief of Police, the OCPA shall investigate the allegation and report its findings to the Mayor, unless the Mayor opts for another entity to perform the investigation." It's unclear why the mayor may be exempt from this process in which the city deems to be the method for reviewing police misconduct. It follows that any investigation into the chief should belong to the objective entity that is the CBPA to ensure both fairness and objective reviews of behavior like the code package promises.

To reiterate, we as a committee believe in the purpose of this board, but want it to be as successful as possible in its duty of accountability. We think the above references to the bias, nominating committee, and chief's potential lack of due process, are essential to overcome before this board can operate effectively.

hare and inform this process. We are grateful for the time and voice we can offer, and want to recognize