



Portland Committee on Community Engaged Policing (PCCEP)

March 23, 2021 Full Board Transcript

Elliot Young:

I want to recognize our special invited guests tonight, our friend and colleague, Jared Hager with the DOJ and his colleague Jonas Geissler, also with the DOJ. And they will be presenting in a little bit on their report on the settlement agreement.

Elliot Young:

But first to start off tonight, I want to acknowledge the pandemic of gun violence that is of course occurring in our city over the past six months to a year, but also the recent tragedies in Atlanta which seems to be anti-Asian motivated mass killing. And then the recent tragedy in Boulder, Colorado which is a mass shooting.

Elliot Young:

Although I think we're still unclear of the motive or what that is about, but I think we could all agree there are too many guns and too many people shooting each other in our city and in our country so hopefully, we can move beyond that as a country at some point. With that downer of a message, I'm going to turn it over to Taji.

Taji Chesimet:

Thank you so much. From here we're going to go to subcommittee reports, starting with the Racial Equity Subcommittee.

Lakayana Drury:

Can you come back to us. Marcia hasn't had a chance to jump on yet.

Taji Chesimet:

Sure. The Behavioral Health Subcommittee.

Barb:

Hi, you guys. It's Barb from over here. We continue to have good conversations. This last meeting we had one member of the behavioral health sub-unit. Sub-unit? Good. Well, just mixed metaphors and



everything. The behavioral health unit from the Portland PB. And this next meeting, we're going to talk about the loss of the houseless liaison and also other ideas for a panel discussion and coming up with questions for that. Thanks.

Taji Chesimet:

Thank you. I will tell the Youth Subcommittee update real quick. So first we had a conversation with the policy team from PPB about a youth director we were working on that was paralleling the LGBTQ recommend directive. We decided to pivot it from the recommendation asking for a full new directive to us helping supplement and help draft edits to existing directives that pertained to youth matters like use of force and other matters.

Taji Chesimet:

We'll be working on that come later in the year as they have a lot on their plate right now. And then we also were missed out on a presentation from Sergeant Schmotz, he wasn't able to make it but he'll be coming to our April meeting to discuss the current youth initiatives going on at PPB. From here, let's go to the Settlement Agreement and Policies Subcommittee

Anne Campbell:

Hi. We spent our last meeting reviewing three directives that were up for... They actually had passed being open for comment but we had them on our agenda. So we talked about them and we discussed them at length and we don't have any changes to vote on here tonight as our process that we've agreed on that we will review them in the Settlement and Policy Subcommittee. We'll talk about any changes we want and then we'll bring them to the full board for maybe a boat, and then we will put them on the PPB website. Thank you.

Taji Chesimet:

Thank you. And Racial Equity Subcommittee, you ready yet?

Lakayana Drury:

Yeah, I can give the report. So we had our meeting last week. It was really good. We heard from Marlin with the Equity and Inclusion Office of the Portland Police Bureau. And then we heard from a woman named Canada and I'm blanking on her last name [inaudible 00:14:43], who gave an excellent overview of grief and trauma and how that impacts gun and gun violence work in the city.

Lakayana Drury:

And we just spent the rest of the time hearing from her and community members as well as PCCEP members were able to talk and ask her questions about grief and about trauma. I think it was excellent and we would love to have her back for some extended discussion because it impacts work a lot.



Lakayana Drury:

And then we've been having ongoing conversations with, excuse me, Deputy Chief Chris Davis, just about strengthening the relationship between the Portland Police Bureau and PCCEP which is ongoing work that has to be continued.

Lakayana Drury:

Just to have better communication, we desire for our committee to have a strong relationship because we know that the work we do on PCCEP can only go so far as Portland Police Bureau fields bought into the work we're doing and has a relationship that is one of dialogue and ongoing work. And I just found out that her last name is Taylor so thank you Amy for that. And so that's some of the things that we've been working on in the Racial Equity Subcommittee.

Taji Chesimet:

Thank you. And I think the TRC, Anne, do you want to give that update?

Anne Campbell:

We're continuing to put together different ideas and we'll be planning a meeting with the community in early April. The TRC stands for Truth and Reconciliation Committee. We're actually just looking at some of the options out there for our community at this time. Do you have anything to add?

Taji Chesimet:

No, I think we're really looking forward to the next steps, and how we'll bring in more people, and I'm excited for the plan we have put together so far so it should be good. And then from here, Elliot, do you want to give the Steering Committee update, it encompasses core patrol as well.

Elliot Young:

So, the Steering Committee met. We spent a bunch of time talking about core patrol, so we've had a town hall and then we had a work session a couple of weeks ago. And what we tried to do at that work session was take the feedback and the map app feedback from the town hall and start to draft recommendation ideas.

Elliot Young:

And we will be having our next work session for core patrol I think on March 31st so look for that announcement on the website. And there, we will be continuing to hone these draft recommendations which will then go out to the public for a second round of comment.

Elliot Young:



And we have heard from a number of community members asking us to improve our outreach. And I know Barb has suggested that she might be willing to help with that outreach. And so we need all the help we can get from PCCEP members or other members who are willing to help us do that outreach.

Elliot Young:

Looking forward the plan is that we have these recommendations brought to PCCEP hopefully by late April for a vote and then to the city council by May where we will propose them to them. So, that was the core patrol.

Elliot Young:

We also are going to be having our upcoming, I guess, it's every three-week meeting with the mayor's staff and office and where the co-chairs of the TAC; Training Advisory Council, the CRC; Citizen Review Committee, and PCCEP meet with the mayor. And sometimes he comes sometimes he doesn't and the staff members Anne, talk about issues so that we're all on the same page. Taji, did I miss anything?

Taji Chesimet:

Yeah, I would just say that we also had a chance to meet with the CAG, the Coalition Advisory Groups. And we're trying to figure out a way to maybe create a more harmonious connection between the existing CAG and their connection with the mayor and trying to maybe figure out ways we can blend and coalesce to work in more unified voices so to say.

Elliot Young:

Yeah, and one of the other things on the steering committee we talked about were this inevitable discussion of our bylaws. And so later today, we actually drafted a few ideas for changes to the bylaws that we'll be able to discuss and vote on.

Elliot Young:

And then the final thing I'll say is that after we had our meeting there was the whole kettling incident that happened. And so some members of the Steering Committee drafted a statement that wanted to have a discussion among PCCEP and see if we could vote on that about the kettling as a tactic used by the PPB. That's it.

Taji Chesimet:

And then did I forget any subcommittees? Let's just go from here to the PPB updates.

Anne Campbell:

I think Chief Rush is joining us. Is she here yet? I'm sorry.



Rush:

Sorry about that. This is [inaudible 00:21:02] finishing up a meeting, a bureau wide meeting with the chief. So sorry, Aida has decided it must restart so I am on my phone. So just for updates, the chief did the budget presentation last week, so I'm not sure who was able to observe that, but looking for some of the ways that we can continue to streamline our budgets.

Rush:

We are still looking for ways that will allow us to hire back. We are about 116 folks down from what we were this time last year. So in addition to that, we are continuing to work on gun violence and our ways to address that and also trying to incorporate community oversight into that.

Rush:

I know some folks have heard some plans as far as bringing back a possible uniform component stack though we want to be very mindful that this is structured differently than it has been before and involves a lot of community input and work as we continue to work through that.

Rush:

We are assigning more detectives to homicide and assault to address those cases that are continuing to increase. Obviously, they are the most significant cases, some of the most impactful cases that we deal with. Obviously, there's a lot of other pieces that impact people as well, but we are just trying to do our best to reallocate our resources as best as possible while continuing to look for ways to include the community as we move forward. Thank you.

Anne Campbell:

Thank you, Chief Rush. And I think the last one is Annie Meyer's updates. [inaudible 00:23:01] I'm not sure.

Annie Meyer:

I'm here. Thanks Taji. So, in response to the horrific racist mass shooting last week, city council issued a collective statement condemning racism and standing in solidarity with our AAPI community members, Asian-Americans, and Pacific Islander community members.

Annie Meyer:

Now, moving forward every other week, the police chief and I will be meeting with about 15 AAPI community members and listening, learning, figuring out ways that we can be more supportive to those communities.

Annie Meyer:



We know that those communities have experienced racism their entire lives but that has increased significantly racist crimes against them over the last year, in my opinion, from the rhetoric of the former president contributing to that. So, short-term requests coming in from them and then also more long-term strategies to support them. That's what I've been focused on personally.

Taji Chesimet:

Thank you Asena. I'm not missing any other updates I think, and so from here we're going to transition to the DOJ report out and then we'll have an opportunity I believe for some Q and A.

Elliot Young:

Before we get to that, I just wanted to see if there are any questions for the subcommittee reports or for Assistant Chief Rush. I've got one for, is it Assistant Chief Rush? Anyway, here's my question. Do you know what the solve rate on homicides is in Portland and whether that solve rate has changed over the years?

Rush:

I do not know the clearance rates off the top of my head, but I can get that for you.

Elliot Young:

Thank you.

Rush:

Yes.

Elliot Young:

Are there any other questions, sorry, I didn't want to leave time.

Amy Anderson:

Yeah. I have one Elliot. And my question is how many of them are drug related? The gun violence, are they drug deals gone bad, are people high? I'm really curious to know what the substance use percentage is in these crimes.

Rush:

Out of our homicides so far this year?

Amy Anderson:

I'm curious to know if the increase is due to methamphetamine use or drug sales, that kind of thing.



Rush:

Right. I don't know the number. Like I said, I'll get you the clearance rate and the number that detectives... If they're not solved, they may say they believe it has a controlled substance somehow related to that so, I'll try to get that for you. So the clearance rate, and then what the detectives feel have a drug component or a nexus of some sort.

Amy Anderson:

Yeah, that would be wonderful because there's some bills in the legislature right now around drug treatment protocols and if we can show just cause I believe maybe we can move that forward by showing that the majority of violent crimes and killings and whatever are drug related. You see what I mean? I'm looking to get to the bottom of the actual drug problem in Portland.

Rush:

Okay. Yeah, I'll get that for you.

Theo Latta:

Thanks for that explanation AC Rush. I'll write these down and I'll send them over to you as per the document requests that we do with Mary Claire. So I'll send those over to Mary Claire and you.

Rush:

Wonderful. Thank you.

Elliot Young:

Oh, I'm just remembering one more thing and then there are two more PCCEP members I want to introduce. We did get from Mary Claire, the FDCR reports on a flash drive and they are somewhat redacted to take out some personal information.

Elliot Young:

We've been instructed that we're not allowed to share that with the public, the data, but what we are going to do is our own analysis, and we're in the process of hiring like official data analysts to look over those as well as the other data.

Elliot Young:

But I just wanted to let the public know that they have given us those reports so we'll be looking into that. So I want to introduce two people who were not introduced at the beginning. So Zainab, and then Marcia. Zainab.

Zainab:



[inaudible 00:28:09] A member of PCCEP she/her are my pronouns.

Elliot Young:

Thank you. Marcia.

Marsia:

Hey, good evening, everyone. I apologize for being late tonight. I'm Marcia Perez, I'm the chair of the Racial Equity Subcommittee and I also use she/her pronouns.

Elliot Young:

Okay. Thank you, Marcia. Okay, now turning to our main attraction though is just the warm-up end. We have Jared and Jonas and the DOJ report and we've given about an hour so we're early so up till 6:30, I think we'll have plenty of time for this discussion. So, have we made Jared a cohost?

Jared:

No need.

Elliot Young:

Oh, no need. Okay, go ahead.

Anne Campbell:

Right, thanks. So, we're going to try to keep our comments pretty high-level so that there's more time for questions and answers, and feedback from the community. And the way we thought we would do this is just go section by section with Jonas talking about sections three and four, me talking about five, six, Jonas seven, eight and me nine. So Jonas, I'll turn it to you for section three.

Jonas:

Thank you so much. See, I noted the link that you provided was for the full report, there's also the executive summary if you have that link as well, that's a little easier to digest. I want to thank the PCCEP for taking time to listen to our short presentation today.

Jonas:

But especially I want to thank the PCCEP for providing any feedback they wish to us. It's more important to me that we listen today than that we speak so if you'll excuse the brevity of my comments, I'm going to try to go quickly through the points that were in the executive summary for section three and four then I'll wait later I'll return to section eight.

Jonas:



So, section three deals with force. We said in our executive summary that there is a certain context, and of course you are familiar being on the ground in Portland with that context there were crowd control events, May 29th onward.

Jonas:

There were some breaks in it. Some of the members of the crowd were perfectly peaceful standing on the street others were a criminal element that as we saw in the last response to the kettling event, the criminal element does not represent Portland. It's not an element that I think anybody would want to validate.

Jonas:

Among the other things that add to the context are a diminishment in the revenue to the city owed to the pandemic itself. And then PPB frankly experienced the cut of its funding last year, regardless of what your feelings are about the cut of funding it's just one of the facts with which we deal.

Jonas:

And then there's the upcoming change to the accountability system and whatever affects that has currently on section eight of the settlement agreement. As to force, there was a certain positive side. The positive was as to non-crowd control events PPB was able to comply with the sections of the settlement agreement on use of force, including all the policies that govern it.

Jonas:

And there were no deaths as a result of PPB use of force in 2020, that's a significant positive. On the critical side, it's a very critical side there were approximately 6,000 uses of force during crowd control events.

Jonas:

Every time there's a use of force, there's supposed to be a force data collection report that goes up through the channels. There's supposed to be a sergeant who responds to the scene if possible, but the policy acknowledges they may not always be able to respond to the scene but they still must conduct an interview. They still must conduct an investigation.

Jonas:

We found that many of the FTCRs were quite literally a check the box without an assessment of the quality of the use of force, the legal justification before it tends to deescalate and communicate beforehand.

Jonas:



We recommended four remedies outlined in our executive summary. PPB should complete its expected master after action review of crowd control events including a critical assessment of supervisory force investigations and command reviews.

Jonas:

PPB should identify the investigative force events that still require administrative investigations. Those that are a potential violation of policy, and then ship those off to RIPP.

Jonas:

Third, PPB should develop and implement a method to investigate uses of force and chaotic crowd control events. There was a fourth implement, additional crowd control training and fifth, fully implement approved force policies and reporting going forward.

Jonas:

I'm going to go on to training, but of course I welcome all questions. And I think our plan is that we go through our presentation and then we have questions, but it's not my meeting. Elliot, you tell me if you have a different opinion of it.

Elliot Young:

Well, if there are any specific questions about something you've just said this might be a good time for people to ask clarifying questions. Anne.

Anne Campbell:

Thank you. I had a question. Is there a timeline for training that you think would be appropriate?

PART 1 OF 6 ENDS [00:33:04]

Anne Campbell:

Timeline for training that was... That you think would be appropriate.

Jonas:

So, very good question. And that really dovetails with section four of the training section, the training in general, as governed by a needs assessment and then training plan. When usually they do in-service training, they meaning PPB, does in-service training January, February of a year, may carry through to March. There've been years where they've done it all in one block, or they split it over Spring and Fall.

Jonas:



PPB is already undergoing the in-service training right now. They are also planning and have executed some remedial training in response to Judge Hernandez order, the legal training in December, and then the upcoming training for Grenederes. We expect PPB to develop a remedial training plan for all of that crowd control training, not only for ROT, but for the organization as a whole.

Jonas:

Did I answer your question? Are there other questions before I go on to section four? Because I've already given a sort of a preview of section four.

Elliot Young:

Yeah. I just had a question about...

Anne Campbell:

I'm sorry. So was there a timeline on that, but within six months or no? It was just... please develop a plan.

Jonas:

Yeah, forgive me. I didn't give you a specific number. No, there's not a specific number. Yes. We have pushed PPB to develop a plan. So, no specific number. There's a rule of reasonableness here. And quite frankly, we don't want to delay remediation of a civil rights violation. It needs to happen in a timely fashion.

Elliot Young:

I had a question about your comment that you were encouraging PPB to follow through on the disciplinary investigations that might've been indicated by the FTC, our reports. Do you know where the bureau is on that process? Have they done 10% of those... 50%?

Jonas:

We do not yet have the audits of the 6,000 uses of force from PPB. They haven't provided that to us. So as to identifying potential out of policy uses of force by way of the audit, we do not have a product.

Jonas:

However, we are informed that both IPR and internal affairs received real-time notices from the public mainly, but also from internal sources of potential violations of policy said some people who reported themselves, as they used an FN round, or used some other use of force. They had some people that were recorded on video and were shown by the media, and other people who recorded them on their private media and sent them in. So as to the specific uses of force that should end up in administrative investigations. If there's a complaint from those public sources or the internal sources, those should



already have gone to IPR. If it's revealed by audit, that is a process that is not yet complete PPB, hasn't done it yet. Hasn't sent it to us this year.

Elliot Young:

So in your own analysis of the FTC reports, you didn't look into how many had indicated a need for investigation or possible disciplinary action?

Jonas:

So I didn't do a quantification of the uses of the FTC armed use of force reports that would go over to investigation. Rather, what we did is we looked for, in our sample 6,000, right? You get them at the end of December, from PPB, we dive through them in a sample fashion. It's a one day period for each week of the protest events. We have two experts and three different attorneys that looked over the force reports and the after action reports, and they're associated together as a day. Day, 8:00 PM to 8:00 AM. Okay.

Jonas:

In those, you will see some reviews of after actions where the Lieutenant says, oh, this should have gone, or this is going to go to internal affairs. In fact, we cited a couple of those and the full report that Theo posted. In those, you will also see a series of forced data collection reports and after action reports that simply check the box and there's no data to support the use of force other than the checkbox, right? Or a narrative that is copy pasted, the copy-paste narrative isn't very helpful. One could say we should, PPB should refer all those to its internal affairs. The PPB needs to do its audit to determine what actions it's going to take. And it should do that on time and fashion.

Elliot Young:

Okay, thanks. So why don't you continue?

Jonas:

I'm sorry. I don't want to get too long winded with the answers to things. In training I'll make it extremely brief. [inaudible 00:37:54] Jay found that over. I'm sorry, go on.

Speaker 1:

I have a question real quick. Before you get started, given the past history of trainings have been... military format, is what I call it. What do you see as the trainings for this level of crowd control? Where do you think the training is going to stem from? Will it be a different model or are you still going to use the military model?

Jonas:



Well, I don't want to assume the fact of the question. I absolutely respect the question we pointed out in one of our earlier letters that in the tech training, which was done at first aid using the tourniquets training, they used a bunch of military models that was sort of in [inaudible 00:38:38] about three years ago because there wasn't many civilian models. And so we said in our letter, don't use us versus them. Don't use we're all in blue, and then there's everybody else. And frankly, we have to relate to each other as human beings and that just doesn't work.

Jonas:

But I don't want to assume that the crowd control training means this is a military model. I don't think we could make that jump. We had scheduled to go out last year to a view in person, the ROT training, but COVID canceled that training and our trip there. We have seen some of the crowd control training in the advanced academy. I wouldn't characterize it necessarily as military. PPB uses a model called FEMA NIMS. National Incident Management System, it's the same model that many, many other cities deal with, it's the national model. You have to have a plan. You have to plan for contingencies, have a command center and commit adoptions, [inaudible 00:39:30], and we had an expert on seeing to assess that sort of execution during the crowd control months.

Speaker 1:

Thank you.

Jonas:

No problem.

Jonas:

So very quickly on training because of the pandemic, about half the people didn't receive the in-service training with the hands-on tech skills, that's understandable. Some other cities handled it differently. PPB did manage to change course during the in-service training and where it couldn't deliver the classroom sessions in large classroom settings. We all recall the governor's order, no large settings, right? They did video record the session that we had already watched. In February, Chief Reynolds and I were already out there, Jared was there and we had already watched it along with [inaudible 00:40:19] and they use the videos of that week to show it to the rest of the agency.

Jonas:

And so I think that's enough on those two sections and I'll let Jared take over. I apologize for the lengthy answers. Thank you.

Jared:

And I can keep sections five and section six, fairly brief. These sections have been found in substantial compliance since May 2019. And I know this committee might be more interested in the areas that



aren't in substantial compliance for section five community-based mental health services. There are just one point I want to make. And that's because in December 2019, this committee recommended a re-evaluation of the city's compliance with paragraph 89. And that recommendation was made to the compliance officer, but we took that recommendation as well. The reasons the committee gave to reevaluate the city's compliances 1.The unity center, according to the committee had a documented record of performance deficiencies. 2.That the PCCEP saw the unity center as "not a walk-in center as defined by field experts." And I can paste that recommendation into the chat after I'm done speaking.

Jared:

The points I just want to make on that, is... we reevaluate every section, every paragraph of the city's compliance with the settlement agreement. Every time we file a report. And so we appreciate the recommendation and the call to reevaluate, but I do want to assure the committee and the public that we reevaluate the city's compliance every time we file a report. 2.On the merits of the recommendation, we have still found the city in substantial compliance with paragraph 89. And the larger context, if you look at paragraph 88 and 89, the agreement only legally binds the city to action. In paragraph 89, codified as an expectation of the United States that another actor would create walk in and drop off center, at least one. And that actor is a local community care organization. 2.That we found the unity center complies with this call for a walk-in or drop off center, notwithstanding the problems that it's faced.

Jared:

Those problems are overseen by state entities, the Oregon health authority, as well as a different federal entity, and that's health and human services, the center for Medicaid and Medicare services. In December 2020, those agencies found that the unity had rectified its deficiencies, and we have no reason to believe that their funding is now jeopardized. The second point I wanted to make on that is that the memo from Cascadia Behavioral Health that the committee relied on for its recommendation, didn't actually say that the unity center wasn't a drop-off or walk-in center, but instead said that there are certain best practices that should be followed. It didn't take the second step and say, the isn't one or isn't following those steps. And it's really beyond the purview of our agreement, which has focused on police response to mental health crisis.

Jared:

And in that regard, Portland Police Bureau through two directives, is ensuring that people in a mental health crisis aren't put into a police cruiser and transported to jail. Instead they're handed off to an ambulance and taken to get services in the main, and those directives 650.45 And 850.20 Are being adhered to faithfully by the bureau. And so for those reasons, we find that 89 is still in substantial compliance.

Jared:



Section six deals with crisis intervention. And there are three points I want to make here. 1. There is a certain commendation that the bureau deserves in this last reporting cycle, because force in cases where officers perceive a mental health component to the call is extraordinarily low as a percent of overall encounters. And whenever force is used, that level of force is most often very low.

Jared:

So we get data on a rolling basis from the police bureau every six months. And the last six months' set of data, Portland police officers responded to 8,880 calls involving a mental health component force was used in just 76 of those encounters, which is less than 1% of the calls. And that low rate is consistent with the aggregate data that we've seen over a 30 month period of data that we've received. And so that spans from April 1st, 2018 to September 30th, 2020. And in that time we have over 54,000 encounters involving a mental health component and force being used and less than 1% of those calls. And most often the force is category four, which is defined as not reasonably likely to result in physical injury. And so that's where for example, officers, forced someone's hands together to handcuff them. That's handcuffing against resistance.

Jared:

That's a level four type of force. And so of all the forces in the last 30 months used in calls involving a mental health component category four was more than 50%. That's 256 of the cases out of about 500 encountered involving force, and category two and three force which is... ECWs or tasers, which is part of the reason we got involved in the case is just used in one fourth of 1% of the encounters. And that's 144 cases. So force is extremely low as a percentage of overall encounters involving a mental health component. The other point I wanted to make here is in relation to paragraphs 94 to 96. And this has to do with the behavioral health unit advisory committee. There've been lingering concerns from the community about how the BHU advisory committee has decided to conduct its business. Most importantly, with respect to transparency and not being open to the public.

Jared:

We believe that the committee has appropriately considered those competing interests and offered various alternatives that we find are acceptable members of the BAQAC are from a diverse community. They have offered to meet with interested individuals and groups. In 2020, the BHU advisory committee released a new community engagement plan where they accepted and solicited community input. And they frequently have participated in this committee's, behavioral health subcommittee, which we find has been very impactful to the committee business.

Jared:

Tomorrow, the BHU advisory committee is going to hold its first public facing meeting, and I have a Zoom link and I'll put that in the chat. It's going to go from 6:00 to 7:30 PM. And so for those of you who are interested, as I know the Mental Health Alliance had been interested, you should attend that and ask all the questions that you want to ask.



Jared:

The final point I want to make here before passing it back to Jonas is about paragraph 113 to 115. And this recognizes that BOEC, that BOEC, the Bureau of Emergency Communication is really an essential player. When you talk about police encounters with all people, because calls often start with a 911 call. So there's a call for service that the police are responding to. When we think about crisis intervention, BOEC, 911 call operators are the crucial gatekeeper and they're the crucial body that puts into effect the city's triaged approach. So they can redirect calls to non-emergency lines. They can divert calls to the Multnomah County crisis line. If it's a suicide and no weapon present. Of course, 911 is who dispatches ECIT officers. So if you want an officer with Enhanced Crisis Intervention Training, ask 911 operators to send an ECIT or a specialist dealing with mental health.

Jared:

And they're the ones who get the right personnel to you. I mention this because it's crucial as this committee talks about re-imagining core patrol services. Re-imagining what policing looks like. It's important to remember that those calls most often start with 911. So, and I know the committee has been doing this, and I see Melanie Payne is on the call, and [inaudible 00:49:04] has been involved in the re-imagining core patrol services. But I just do it to remind you to keep them involved. Because if you want a different style of policing, it does begin often with 911. And so if you can get those calls that you don't want to going to law enforcement, going to another specialist agency, start there. And I think you guys have been doing a great job.

Jared:

So with that, I'll pass it back to Jonas, unless there's specific questions.

Jared:

Thanks.

Jonas:

For section eight accountability, we apply the same criteria we did in prior years, and especially came up with two main critical issues. 1. The office of Independent Police Review, IPR, as you know, did not meet the 180 day investigative timeline that the settlement agreement requires that is from the initiation of the investigation through the recommended funding. The second was the absence of supervisory investigations about which I spoke of in the fourth section. During those crowd control events, deprive the accountability system of data it needs if allegations of misconduct [inaudible 00:50:16] arise and they have already.

Jonas:

And I also want to add a particular self-critique here. Commander Brian Hartman correctly pointed out on page 51 of the DOJ compliance assessment report that stock entry 236-1 that [inaudible 00:50:33]



posted. I cited paragraph three of directive, 31530. And I'll tell you, candidly, I should not have said a paragraph three.

Jonas:

The incident to which I was referring to that writing, was before paragraph three was enacted, but paragraph two was still there. So just to be clear, PPB applied 31530, to the other supervisors actions after the use of force under paragraph two, but the acting supervisors actions beforehand, they did not assess. The same point still stands. They reached double jeopardy, did not hold an acting supervisor accountable because they didn't bring the charge they should have under the approved policy. The third paragraph was added later to make clear the supervisor responsibility, the obligation for satisfactory performance in paragraph two is nonetheless still applicable.

Jonas:

So with that quite candid admission statement that paragraph three didn't exist, the point still stands. We ask for a certain remedy and accountability that the city take concrete steps to reducing the timelines and the IPR investigations. And of course that occurs against the backdrop of the ballot initiative and the public support for a change in the accountability system. As yet, it's still quite unclear if that remedy will be capable of being executed in time and we still require full administrative investigations, particularly force investigations cannot be closed down, absent, clear and convincing evidence that has no basis in fact. So that is section eight. I welcome questions now. Of course, we're going to hand it back to Jared if there are no questions right now.

Jared:

Thanks. And the last section to talk about is section nine and that deals with community engagement in the creation of the PCCEP I just a couple of points to make. 1. Section nine is still, a section that had conditionally approved amendment. It's not quite finalized, and the court has indicated it needs more time to evaluate whether or not the PCCEP is a fair, adequate and reasonable substitute for the former Community Oversight Advisory Board. The court has nevertheless encouraged the parties to perform the amended term, notwithstanding their conditional approval. And we believe that the city has continued to support PCCEP in a substantially compliant way. They've given PCCEP the authority it needs, the administrative support required and has also ensured that the membership is adequate. At the same time, We acknowledged the concerns that PCCEP that has raised with regards to the timing of mayoral responses to PCCEP recommendation as well as we have our own concern.

Jared:

And then number of community members have indicated concern about the membership, maintaining a roster of 13 people. In that regard, I'll just note that I believe Kia Meyers Duggan has now been off of the committee for two months, and so I'd expect a thirteenth member to come forward ASAP. This is an area where we have always indicated that we evaluate the city's compliance with its obligations. And so if PCCEP doesn't want to look at soft data, or do something else that the community thinks is extra



important, the city is not going to be able to make PCCEP do that. And we would not find the city out of compliance just because PCCEP wants to exercise its discretion in a certain way. Now there's a limit to that. The city is not able to hide behind PCCEP and say PCCEP hasn't given us a recommendation for a replacement member.

Jared:

That's an obligation of the city to ensure that there are 13 members on this committee [inaudible 00:54:29] function. And we would not allow the city to outsource non-compliance in that sort of way. One point I want to make about the paragraph 150, where we found the city is no longer in substantial compliance with this obligation to issue an annual report and hold annual meetings before each of the precincts, as well as at city council. The city failed to present its 2019 annual report. As we required, it failed both in terms of form and content. It didn't hold any east precinct meeting as is required and we can't confirm, and neither can the compliance officer confirm that the content of the meeting that the north or central precinct complied with the requirements of paragraph 150. The city can correct course in 2021 by releasing a timely annual report for 2020.

Jared:

And by holding public meetings in each [inaudible 00:55:26] precinct as required. And I want to quote the language of the settlement agreement so that it's clear that it's not just presenting the annual report, but the city is required 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 in detention, and bias-free policing, including a civilian's responsibilities and freedoms in such encounters." There has been a lot made about public data that the bureau has shared and national outlets have picked up in regards to the biased stops data, where it's shown that, not only with stops, but also with consent searches that people of historically marginalized groups and especially Black and Brown individuals in the city of Portland are subject to stops and consent searches at a far greater frequency than could be expected based on their overall numbers.

Jared:

This is something where paragraph 148 talks to the need for the bureau to collect that data and share it with PCCEP. And we would encourage PCCEP to continue looking at that data, understand what it is, shine a spotlight on it, and hopefully crowdsource some solutions. That is a very important part of the settlement agreement, even though it's just one paragraph. I just want to also note that this is a very low bar. It's one meeting per year, per precinct in other jurisdictions where the departments involved precincts hold monthly meetings and do so to great effect in building community relationships. One other point about the technical assistance we've offered to the city on this, where we don't view paragraph 150 as fairly allowing the police bureau to substantially comply with paragraph 150, by holding all three precinct meetings at one time in one virtual meeting.

Jared:



Instead I think there's a lot of value to having the difficult conversation, and the department thinks there's value to having those difficult conversations within each precinct, tailored each precinct, so that citizens throughout Portland can hear those important statistics and those important rights and responsibilities. Now it's going to be difficult, for the bureau and the city to discuss the use of force in 2020, given that there were over 6,000 uses of the force over the summer, but those difficult conversations can yield a lot of value in putting a spotlight on yourself and critically thinking about how you might approach things differently going forward. And with that, I think we'll end and take questions. I think we've, we've left at least a half an hour, and we welcome any feedback, questions, comments, or otherwise.

Elliot Young:

Thank you, Jared and Jonas for that detailed presentation. And I would just remind everyone the executive summary link is there as well as the link to the whole report.

Elliot Young:

So why don't we take a round of questions first from PCCEP, but then I do want to open it up quickly to the public and, but let's see if there are any PCCEP specific questions off the bat.

Elliot Young:

Yes. [inaudible 00:58:48].

Lakayana Drury:

Yeah, I had just two questions. Just at the end, you were talking about consent searches to Black and Brown communities and the overrepresentation of that. And I'm just curious as we hear talk about creating some sort of new gun violence response team, what your thoughts are on that and given the history of their stops data, what are your guys' thoughts on that? If any. And then also as the city is starting this new oversight body and transitioning out of IPR, what you guys' thoughts are on that and how that could impact the settlement agreement.

Jared:

I think I'll take the first one and then pass it to Jonas for the second one. We're not going to take a position on a specialty unit, whether or not it complies or doesn't comply, but [inaudible 00:59:53], you raise a great point that there is a history of extreme disparity with the specialized unit that looks into gun crime or investigates gun crime. I would say that, just because a unit has a history of problems doesn't mean that that's necessarily going to be the case going forward. I think there's a way to learn. And so if there, even if there's value to having specialized unit thought, the ability to have community oversight in more real time, which I think, is part of the mayor's plan here, I can't speak for the mayor. But I think from the department's perspective, what we can say is that keeping a critical eye on, on



these results and being results focused is the role of this committee. In addition to the role of the community at large, I don't think it's an issue at this time for the department of justice.

Lakayana Drury:

Thanks, Jared.

Elliot Young:

Okay. Sorry, Jonas?

Jonas:

[inaudible 01:00:58] down a second question is with respect to the [inaudible 01:01:00] initiative. Thank you for the question [inaudible 01:01:03]. The [inaudible 01:01:04] initiative, I think we have two important aspects to the settlement agreement. 1. Will there be an attrition of current investigators and IPR? So they can't keep up with a 180 day deadline, excuse me. So they can't keep up with a 180 day deadline. That would be problematic. 2. What is the plan? Paragraph four says whatever changes happen to city government, it needs to be consistent with the settlement agreement. So if the plan is to keep a CRC and there are plenty of CRC members, great, they can keep on going with a PRBs like they have them right now. So the Citizen Review Committee is the CRC, Police Review Board is the PRB. If they eliminate the Citizen Review Committee, then they eliminate the members that are supposed to sit on police review boards.

Jonas:

And there's no more civilian input. There needs to be a replacement for that. There needs to be a replacement for the independence of the IPR, because that's run out of the auditor. It's not run out of one of the other city council members. It's not one of the elected commissioners. Instead there's an independence that IPR brings, and it was important for our settlement agreement, something with the city, we wanted to retain a settlement agreement. So we did indeed retain the value of the city. We don't know where that is yet. You don't know where the plan is

Elliot Young:

Okay. And then [inaudible 01:02:24].

Anne Campbell:

Thank you. I have another question about timeline. You were talking about, Jared, you were talking about PPB, the annual report, and them holding meetings in precincts, each of the precincts to educate the community and talk about other issues. That didn't happen. What is the... It didn't happen last year. Is there a... What's the timeline moving forward on that?

Jared:



Yeah, and I wish I could provide you one, but I can't, I don't host those community meetings and I don't prepare the PPB's annual report. I believe they're on the call and can answer for themselves. We would expect it to be timely and held in a fashion where you can have some wiggle room. So, for example, it's been twice now where the annual report has been released at the end of the year, in a way where the city has not been able to hold the precinct meetings as required. I would hope that the city would learn from that and issue the annual report a little bit sooner. Now they have their own issues with COVID, and with staffing and everything else, but it doesn't excuse the requirements of the settlement agreement. And our role is to assess compliance. It's not to perform the task. And so for those timeline questions, I think they're better directed to the city.

Elliot Young:

Well, why don't we ask [inaudible 01:03:56], if you're still on the call, could you give us a sense of when the report for 2020 will be out?

Speaker 2:

No, I cannot. It's not under my branch as far as the investigations branches, when that will be out, but I can try to find that out for you. Obviously holding meetings, public meetings in precincts is not an option at this moment. So we're going to have to see how we work through that. There's CDC guidelines and Oregon health authority guidelines, and city guidelines that we have to maintain as far as how we can host things. But obviously, the DOJ has made it very clear that they would like us to have this available sooner and find a way to make sure that we are providing that to the public. So I don't know the timeline for this, but I'll try to find out for you. And just as a follow-up to the earlier questions, I did email the commander of the detective division and he is working to try to find you that information. I don't know that I'll have it before the end of this meeting, but I will get it to you soon.

Elliot Young:

Thank you. [inaudible 01:05:12].

Jared:

I just want to verify one thing, that we don't expect these precinct meetings to be held in person when there's the pandemic going on at the city has shown itself to be quite proficient in holding Zoom meetings like this one here that has 40 plus members present. So I think zoom meeting is sufficient.

Elliot Young:

Thank you, [inaudible 01:05:31].

Zainab:

Thank you. I have a couple of questions. One, I see there's codes on the report and I was wondering, is there a different... are those the only two color codes, the yellow and the green? Or is there another



step where I probably didn't see in the reports prior to joining PCCEP, where there was different colors associated with these reports. And thank you again, this is very thorough, and I like your links...

PART 2 OF 6 ENDS [01:06:04]

Zainab:

-these reports. And thank you again, this is very thorough and I like your links and everything too, but can you explain to me the difference between the partial compliance, substantial compliance, and is there another step, or does everything have to be green? Just want to make sure.

Jonas:

The settlement agreement requires that the city reach and achieve substantial compliance. Substantial compliance means there may be small issues that fall to the wayside and they're not systemic, but systemically they are substantially complying with the requirements of the settlement agreement, and they must do so for each of those main provisions that's in our report card, and then have that substantial compliance for full year before it gets dismissed. Yellow means partial compliance, means they didn't reach substantial, or if they had reached substantial previously, they fell back down. In the past we've also used red for non-compliant and we've used blue for when we find that there's not sufficient information at the time. And I believe at one point we used some light green for nearly substantial compliance, but really, anything short of substantial compliance is not sufficient.

Zainab:

Thank you, Jonas. And I appreciate that explanation because that goes into my next question. We're reading this report now, and I'm not sure when the next assessment is going to be, or the next report is going to be conducted, or reviewed, if they are not in compliance the full year, as you explained, will it then some of those green, could it possibly go back to yellow or red, and how do we support the PBB and the city, so that they continue to remain in substantial compliance? And what role does PSAP play in that?

Jonas:

If you don't mind, Jared, I'll initially talk about it, but I invite you to speak to the PSAP portion as well. Could they fall back? Yes, they've done that in the past. They were green in the prior year, in January 10, 2020 they reached substantial compliance with all the main provisions of the settlement agreement, but they fell out of it and they could fall out in other areas if not maintained in other areas. We highlighted the peril of having insufficient force investigations on the front end for section three, the fourth section, imperiling section eight, the accountability section, down the road. If you don't establish the record, how can you do a sufficient administrative investigation later? Jared, I want you to speak about the PSAP portion, please.



Jared:

Yeah. And then, I first want to answer your questions, [inaudible 01:08:30]. We have historically filed a new report about 30 days before the next court hearing. The court has scheduled a hearing for August 29th, I believe. Maybe August 26th of this year. And that's a reschedule from the February 25th date. And so, we may file something before then, but we haven't decided yet, those are above my pay grade. Go ahead, [inaudible 01:08:56].

Zainab:

Thanks for that. So, you're saying that if they are in compliance by August, for use of force, for instance, or training, they could start possibly be in the green or does it need to take another year before it can be in substantial compliance? I'm just trying to understand the whole frame as [inaudible 01:09:22].

Jared:

I understand. And so, they could get back into substantial compliance at any time, they could produce their annual report tomorrow, for example, hold the precinct meetings in April and May, and then they could be in substantial compliance with section nine. Once they're in substantial compliance with every section, and we'll file a report that says they're in substantial compliance with every section, that triggers the one year period where they have to maintain that substantial compliance before the case goes away, or before we would ask the judge to make the case go away.

Jared:

And so, there is a plenty of time before, we'll make a report or an announcement that they're in substantial compliance, and that would trigger a one-year period where they have to prove it, essentially. Your question about what the PSAP can do, I think the PSAP can do plenty and I'll speak just the section nine with paragraph 150. We want these precinct meetings to have value for the police bureau and for the community. So, I would appreciate your megaphone, your invitation list. So, when the police bureau tells you that they're going to be holding their precinct meetings, you can send that to your network.

Jared:

And so, there can be real value in the exchange of dialogue, talking about community policing practices, use of force, your rights and responsibility when you get stopped. You don't have to consent to a search if it's a voluntary search and people should know that. And I think if the bureau and the city take efforts to educate people about those rights, even when they might seemingly conflict with the Bureau's interest to solve a crime or find a gun, that can go a long way to repairing trust. And so, for you guys, at least with respect to section nine, keep doing what you're doing. During the pandemic, I thought, this committee has done really an excellent job of outreach and engaging the issues. But specifically, with paragraph 150, you can't make the city hosts those meetings. But when they do host them, you can make sure that the community knows about it and attend.



Elliot Young:

Thank you, Jared. And I think I could say for PSAP that we would love to publicize them. I don't think we ever found out about last year's meeting. So, we would need to know about them to be able to inform the public. I have a few questions and then I want to open it to the public. So, some of these they're easy questions, they are factual. Jared, in your presentation, you talked about force being used in less than 1% of the mental health calls. I'm wondering how that compares to the general public, in other words, how many calls for the general public result in use of force? And the reason why that's important is of course, we're looking for disproportionate impacts on people with mental health issues.

Elliot Young:

Second question is about stops data. We have had sessions on stops data. I think you've been there. And the issue that comes up always is the PBBs analysis, there is no disparate impact. The way that they use their benchmarks suggests that this is not disproportionate at all. And you and I, and every expert I've talked to on this issue, disagrees with the way that the PBB looks at this, but I'm wondering how we could engage in a conversation where we're all talking on the same level, if there's a basic disagreement about whether there's dis-proportionality. And that concerns me because if the PBB, as they do now, does not believe there's dis-proportionality, then there's no need to try to address something which doesn't exist.

Elliot Young:

On the question of tear gas, you raised in your report that Mayor Wheeler announced his policy of not using tear gas without consulting with the DOJ, and that you didn't have guidance on that for several months. So, my question is, has the city entered into a negotiation with the DOJ over that policy? And if so, has the DOJ given it's okay for that, what you consider a change of use of force policy. And then, the final question is actually the big question about this whole report. The entire settlement agreement is based upon the idea that training and feedback will help to improve the PBB, your finding in terms of the FTC our reports, is that in most of these cases or in many of these cases, these are checking boxes.

Elliot Young:

In other words, it's not resulting in an actual investigation and a feedback loop. If that's true, in other words, if they're just checking the boxes, would the city be out of substantial compliance? Let's say all the other things are rectified and the city is doing their reports on time, but you find that the reports are not substantive and are just checking the boxes. What do you find the city out of substantial compliance?

Jared:

Thanks, Elliot. That's a lot there, and I think I'll take the first two and then pass the second two to Jonas. I do believe that there's requirements to hold officers to account that the paragraph 169, and in part of holding them into account to policy is ensure that they're writing good after action reports. But to start



on the issue of force on non mental health calls, that's a number that we certainly can figure out. I don't have it right now, but I do know is that mental health component calls are about 8-10%. And so, where I cite 8,800 over the last six months, we can expect there was somewhere in the range of 80 or 72,000 other calls, and then taking the number of force reports, subtracting out the mental health, I can get you those numbers, so it's a good baseline.

Jared:

Sitting here, I know that it's much higher than 0.9%. I don't know if it's in the range of 3 or 4% or where it's at, but that number, I think we can identify. On your second point about the staff data, I don't want to speak for the city and how they have approached the issue of dis-proportionality. The numbers don't lie in relation to percentage of population and percentage of stops, and percentage of consent searches. So, just on a [inaudible 01:16:00] understanding of the word disproportionate, I think it's clear disproportionate that they're not recognizing that I'm not. I don't know that they don't recognize that or acknowledge it. I think, instead, maybe the city has justified it because they're looking for perpetrators of crimes, and if you're investigating a crime or the victim is a black person, it's more likely that it's the same race crime.

Jared:

I don't know that that's necessarily a great justification. I think it would depend on particular cases. In order to cut through the noise zone, to get to your question, what you can do, I think you start the conversation there, let's get an agreement of terms and understand what we're talking about and force city, or request that they put their analysis, whether it's a justification or a denial, front and center, and then talk through those issues and get to the next issue. But I don't believe that the 538 report, the Oregonians reported on it, the OPB I know has reported on it, well as the other, I see Alex is on the call, everyone's reported on the absolute numbers and it clearly disproportionate in relation to overall population. And so, with that, I'll pass it to Jonas for the last few questions you had.

Jonas:

Thank you, Jared. I posted to the chat, the PBB data portal for uses of force in the last 45 day period that they report on, they're at 6% of custody has resulted in a force incident. Historically though they're at about 3.5%, and I invite you to look at the data yourselves and to question PBB about their own data. I think that COVID skews things a little bit, and you don't want to encourage a police agency to arrest more people to make it look like the ratio is better. Sometimes not arresting is more efficacious. Sometimes it's the right thing to do, sometimes it's not. There's some judgment calls around that, but you don't want push that ratio as the motivation for changing why one arrests or does not arrest.

Jonas:

As to the tear gas order, yes, we found in our report that the Mayor's direction substantively changed the criteria in policy. We still assert that. We've consulted with our expert consultants on this. This is not just an opinion of lawyers. We stuck to that opinion. We've talked to the city about it. I believe the city is



determining what to do, has not given us a written document, but I believe they'll be working on in standard operating procedure for [inaudible 01:18:33]. We would want to make sure that that is comprehensive as to all potential applications of CS gas. Note that we did not make a value judgment on whether or not it's the right thing or not to say use CS gas or not. Really, the critique that we made was, you can't go out there under the settlement agreement and change the rules for your uses of force without first coming back to [inaudible 01:18:57] and DOJ on those rule changes, because we have an agreement and that agreement is a court order. We all must abide by it.

Jonas:

And whether we like it, or don't like it, it's not really the issue, we don't have the power to change that order without going back through the amendment process. Your last question, to my recollection, and I want you to correct me if I'm wrong, was would check the box be sufficient. No, in civil terms, it would not. They must substantively assess uses of force. That's what the policy requires, the policies 10.10 and 10.10.10 PBB promulgated as also 6.35.10 for [inaudible 01:19:31] promulgated with DOJ and [inaudible 01:19:34] approval under the settlement agreement. Effectively, they implemented the settlement agreement by having policies that govern force and then trained on those policies. We expect them to fulfill that obligation under the settlement agreement by abiding by those policies. I hope that answers the question, Elliot, but please tell me if you'd like more information.

Debbie:

Elliot, you're muted still.

Elliot Young:

Thanks for answering those questions. Just to follow up for you, Jared, on the use of force data. It's my understanding that 15% of the use of force has included people with some mental health issue or perceived mental health issue. Does that seem, in terms of weighing dis-proportionality, does that seem disproportionate to you or does that seem in line with the general population?

Jared:

The number you quoted was 15%?

Elliot Young:

Yeah.

Jared:

I don't know the numbers of people who identify with the mental illness. The data we're looking at is a little different. I think you're looking at the number of force applications and we're looking at force in an encounter versus the number of encounters that an officer has. There are certainly instances when multiple uses of force could happen in a single encounter. And I believe there was a subject in a Forest



Park that was having a crisis and had knives. And there were, I want to say, hundreds of uses of force from far, non-lethal weaponry. So, I think that would skew the numbers a little bit. I would hesitate to say something is disproportionate or not from a blanket numbers perspective, without knowing the actual numbers.

Jared:

I know if you talk behavioral health concerns and addiction and alcoholism, which sometimes it gets lumped into that, it would certainly be higher than 15%, but those benchmarks, I don't know, are as illuminating in this regard, in terms of the force encounters, force to encounter ratio. And again, some of that data could be a little bit misleading based on the officer's perception. But again, that's what brought us to the case, use of force against actual or perceived mental illness. And so, it is important, I think for us to understand what the officer perceives at the time and whether they use force after the fact.

Elliot Young:

Okay. So, we have [inaudible 01:22:02] and I want to invite the public to start raising their hands so we can get you in the queue.

Taji Chesimet:

Yeah, I'll try to keep my question quick. So, the PSAP has been undergoing a lot of work on the truth and reconciliation, I'll say a lot lightly. I'm just wondering how you see the work of truth telling and truth reconciliation commission and police brutality work relate to the community policing efforts that are pertaining to the settlement agreement, and how it will further help us determine how we can figure out these determinant ideas of disproportionate policing and better defining them and better working towards them, recognizing the harms that they've caused in the community and whatnot.

Jared:

I mean, in a word, I would say essential, [inaudible 01:22:43]. I think though, the work of that committee and the city's larger effort to have a truth and reconciliation over some of the historic harms and even present day harms is absolutely essential. And, we've gotten into it a little bit tonight, the truth of what the word disproportionate means in relation to the overall population of the city. And there are historical harms that have been suffered in the black community here in Portland that need to be addressed. And I think it will take some hard soul searching for city leaders and police leaders to do that. But I encourage you to keep at it and I think genuine reconciliation can only come when you have that genuine truth. And so, focus on the truth part and then reconciliation comes later.

Taji Chesimet:

Thank you.



Elliot Young:

Thanks, Jared. And now we have a long list of folks from the community. So, I've Debbie [inaudible 01:23:38], Maxine Bernstein, Alison [inaudible 01:23:40], and then Portland Copwatch. So Debbie, please.

Debbie:

Hi, I'm Debbie [inaudible 01:23:46] voters of Portland. At first, I wanted to ask, you both have talked about the transition from the IPR to the new oversight board, and I'm curious, and express some of your concerns, I'm curious, what can the DOJ do if we get to the point where the IPR isn't functioning properly, but the new board isn't up and running. And then, I'll get my second question out there right now, and then you could just do them both, however you want. The second question is, the league has been trying to interact with this whole annual report process and been very disappointed with how it's gone so far. And we've written to city council about it, but it appears that they... I did manage to get to one of the precinct meetings a couple years ago, there was no way to tell that the commander had any idea of what the content of the presentation was supposed to be, and notification is terrible.

Debbie:

And so, I'm curious... And then, we can't testify at city council meetings because it's a report. So, the city council can't hear what the public thinks about what they learned at the precinct meetings that they have. So, could you talk kind of about what your big picture hope was for the annual report and the precinct meetings, and a city council meeting, and specifically what kind of, besides the content of the meetings, how do you think they can do better with notification, and then how can they get the commanders at the precinct to do a better job covering the expected content? Thanks.

Jared:

Those are great questions, Debbie. I'm going to let Jonas answer the first, and then I'll jump onto the second one.

Jonas:

So, the question was, if IPR becomes defunct and there's no plan, no transition, what happens? The answer is, the city still must comply with the settlement agreement. As I said before, it's a court order and we don't get to say, "We don't want to comply with I". The question I really pushed back is, now that we've given our report and we've solicited from the city that we want a response, and we've said, we want to correct you the action plan, and the city says, "Well, no, there's no corrective action plan required under the settlement agreement," maybe something that we don't necessarily agree with, there was supposed to be a training plan. There was supposed to be a plan on accountability timelines. But now, that we've gotten there, does the public of Portland have a preference.

Jonas:



The settlement agreement has a process. We would issue a notice of noncompliance out this process, not saying it's going to happen, but this is the process. There'll be a notice of non-compliance and a paragraph [inaudible 01:26:32], that would trigger a mediation. And if the mediation fails, then adversarial positions before Judge Simon. There are people in Portland that testified last time we were before Judge Simon, that they wanted DOJ to go away. There are other people that have said, as we finally remember Dr. Buffel having the discussion with Judge Simon about the hammer, there were people that said, give the court the hammer. So, what would the public prefer? Not that that will determine it for us, but I would like to take back the message to DEC for consideration. Do you prefer DOJ to go away? Do you prefer DOJ to amend the settlement agreement? Do you prefer DOJ to seek enforcement? Tell me, please.

Zainab:

Is that a question for everyone, or you are just asking it in general?

Jonas:

It's a deliberative question. I think everybody could answer it on their own and I don't want to eat up the whole time about it, of course.

Zainab:

Okay.

Jonas:

But that's part of my mindset, is that I would like to have some feedback and I invite you to add to the chat please. And then, Jared, if you'd like to answer the second part of the question.

Jared:

Yeah. And just to put a bow on what Jonas just said, Debbie, ultimately we can't force the city to do anything, only the judge can because he's got the power of the contempt and the power to issue injunctions with his equitable powers. And so, rubber hits the road. That's ultimately what the department can do. As to your question about paragraph 150. I mean, you've raised excellent points here tonight, and you've raised excellent points on the way to tonight. I've read your letters with interest and I think that we share a vision that this annual report is an outreach effort to share with the community what the bureau is doing, not just the good, but the bad and the ugly as well. And that goes to some of the items that are called out in paragraph 150 to talk about use of force, to talk about rights and responsibilities of civilians in encounters with police so that the city has that knowledge and it needs to share it with the community because sometimes community members don't know what their rights and responsibilities are.

Jared:



In terms of the outreach, we talked a little bit about it tonight. Part of the bureau's community engagement plan is to enhance and improve communication with the public. This annual report and the precinct meetings is a perfect opportunity to do that. I believe Dan is the only one who has even seen an invitation list to the precinct meetings from 2020. I haven't even gotten that list of invitation. I know I wasn't on it. I know the PSAP didn't get it. To me, that is a deficient performance. And ultimately, again, I can't make the city or the bureau expand the invitation list, I can encourage them to do so, I can remind PSAP, I can ask for that invitation myself and an invitation for Amy Ruiz of the compliance officer team, but that's ultimately the only authority I have is to ask.

Jared:

And, rubber hits the road and there's a failure again, eventually going back to [inaudible 01:29:39] question, that yellow becomes a red and it's an official notice of non-compliance. And we talk about it in a mediation and a face-to-face meeting with the city. And then we go to the court. I don't think people necessarily want us in that adversarial process, but again, as Jonas said, we would invite the communities advice or guidance of like how you would want us to enforce a provision if the city falls down based on your expectation of what paragraph 150 requires, or any other paragraph IPR [inaudible 01:30:12] oversight board.

Elliot Young:

Thank you. Next from the fourth estate, Maxine Bernstein.

Maxine Bernstein:

Thanks for your time, Jonas and Jared. I was a little late, so forgive me if you've covered this, but I wonder, do you know what the city's plan is to get back into substantial compliance, particularly with use of force reporting and supervisors' reviews of use of force? Has DOJ been working at all with PBB to provide advice, or Jonas mentioned, requesting an action plan, is that... I just wondered what's done once you find that they're not in substantial compliance, do you work with PBB?

Jared:

Yeah, I think I can answer that, Maxine, and Jonas has hit on it some. We have asked for a plan of remediation and the city has not agreed to provide one, and I think they're right when they say the settlement agreement doesn't necessarily require it, but then there are other provisions that require a plan. And, ultimately, the only way we can get a plan is to issue a notice of non-compliance, that would be an unfortunate way have to go about it. But as of now, we don't know the city's plan. I believe there are representatives from the city on the call who could answer that question more intelligently than I can. But what I can say is that we've asked and we've not received one. As to your second question of what ultimately happens, I think, if we don't get a plan and if the non-compliances persist, then the only thing we can do is issue a notice under the enforcement provisions of the settlement agreement and try to get an action plan that we feel sufficient that way.



Elliot Young:

Thank you, Mary Claire, maybe you could answer this question, which was asked from the community about whether there is a plan for getting the bureau back into substantial compliance or the city.

Mary Claire:

What I will tell you is that the practice has been, every year the Department of Justice does their annual compliance report, and up until prior to last year, when they found us in compliance, on the areas that they found us not yet in substantial compliance, they gave us technical assistance and it is then up to the city and the bureau to take that and to act on it in order to come, either achieve a substantial compliance or come back into substantial compliance. We have never had to write up our plan. We just knew, and we are well aware that we will not come back into compliance until such time as those technical assistance requirements that DOJ has written in their report are done. And we are well aware of it. We've had conversations with them. We indicated that we intend to fulfill those requirements, but we do, in terms of a date and time, we do not have that.

Mary Claire:

I will remind you that we only got the report probably four or five, six weeks ago at the most. There's a lot in there, as you can see. It's going to take a number of efforts on the bureau's part, but we have committed to doing additional training for the members on crowd control, which clearly is the biggest issue that was found in this report. I will remind everybody that the regular use of force they had no problems with. So, the focus is on crowd control over the past summer. And, we have every intention of having a training and addressing the points that the DOJ has raised in there, including the content of the reports, the timeliness of the reports and other aspects that they outlined in their report. So, we will be taking each one of the areas that they have identified and addressing them as we can.

Jared:

And I'll just add, the one difference in the situation that we confront today is that the city had achieved substantial compliance. And over the summer, it was revealed to us and to the city community, and to the world, really, that there is a systemic failure to implement some of the terms of the settlement agreement. It's not just we're training, but all of those uses of force have occasion an extreme number of complaints for IPR to investigate. And if the system can't handle the amount of force that the city chooses to use in a crowd control situation, well, then that's a problem that we're now confronted with. And if you look at paragraph 178, I mean, it says DOJ shall do something when we see a failure to implement the settlement agreement. And that's a little bit different than in year two or year three, when the city's making slow progress, but making progress nonetheless, towards the goal. Here we had to go reach and we found, was revealed to us, that there are some problems with them maintaining that goal.

Mary Claire:



Well, and the city would respond that in fact, we have systems in place and it is our position that we were overwhelmed by the situation that we faced through the summer in the unprecedented protest activity that took place in the city. No other city in this country had 171 straight days of protest activity. And so, we have a system in place, and in the report, Jonas also mentioned, reports where we did comply with those terms, but given the number of incidents and just because there were 6,000 uses of force does not mean that that was unconstitutional force or there was anything wrong with the force. I would remind you.

Jonas:

That's correct.

Mary Claire:

Yes. And the number is not indicative, most of that force was not, is low level force as well. But, any of the ones that were referred, went to IPR, they're being investigated. And I will tell you that the system that we have in place to review every use of force, people should understand that every use of force is reviewed by the bureau up the chain. And so, instead of having 40 in a month, in June we probably had 3000 and it doesn't take rocket science to understand how three people are regular staff of three analysts could not possibly keep up with that increase in number. We had, in that short period of time, what would average out to be five and a half years of their work. So, I want to put this into some context. It was not that the bureau didn't have a system. It's not that we deliberately didn't do the work.

Mary Claire:

It was just that there was so much of it that we could not keep up. We immediately notified the Department of Justice at the beginning of June, that we knew we had a problem. The settlement agreement unfortunately has very rigid timeframes, and there was no exception for crowd control for a 72 hour reporting for the after actions. And so, given the nature of what was going on, and all of you can remember what June was, it certainly got better over the course of time when we made adjustments to how we handled this and put more resources towards reviewing these, and helping to put these force reports together with the after actions and stuff. But still, it was overwhelming to the system that we had in place that's not usually dealing with anything, but probably 10 uses of force a week.

Mary Claire:

So, I would urge you all to consider that and, or to understand that, and to know that we are now, the bureau has gone through very intensive review of all the aspects of crowd control. And we will be reviewing that with the members, and making changes to the systems in place, and hopefully getting some changes in technology that would help this to track these reports better and things like that. So we are, have been, it's not just since the DOJ report came out, we have been working on this since the protests began, making changes throughout the course of the summer. And now, once it ended in November, had an opportunity to take a breath and look at the whole event.



PART 3 OF 6 ENDS [01:39:04]

Mary Claire:

... an opportunity to take a breath and look at the whole event and assess from the analysts all the way up to incident commanders. Everybody was interviewed to get their feedback on what went right, what went wrong, what needs to change, and we intend to do so.

Jared:

And then I just want to call attention to the fact that holding officers to account, if some of those 6,000 uses of force were not in policy or were not constitutional, that's an important aspect of the settlement agreement. It's really at the core of the settlement agreement and if the bureau system has been set up to handle that much force, that's something that needs to be addressed and so the department is looking forward to see how that's addressed.

Mary Claire:

Jared, I don't know what you're talking about there because any allegation of excessive use of force that was brought to our attention was either taken to IPR or IAA and is under administrative investigation. What I was talking about is the timelines for getting that stuff done. There is no allegation that we are not administratively investigating any allegation of excessive use of force.

Jonas:

Well, I want to make sure that we're clear that in our report that we said they must identify uses of force that may potentially be out of policy and send those for investigation. The problem was having failed in their systems. You can have a system if it doesn't work it's not a system that you can depend upon.

Jonas:

The problem with having failed our system for investigation of force at the front end, is that you starve the accountability system on the backend of necessary data to understand whether or not the force was constitutional.

Jonas:

The second issue becomes the willingness to hold people to account. We are eager to see for both the data and the willingness evidence from the city that they are in compliance. I have some search data I don't know where we go yet from here. We'll have to see.

Elliot Young:



And just to follow up, Mary Claire, you said that the PVD has done a robust review of the whole crowd control events. Will that review be made public or any part of it be made public?

Mary Claire:

I expect it will be but it is in a draft that has not made its way all the way to the chief's office yet but ultimately, I think AC Rush could speak to this but I expect that we will be sharing the parts that we can with the public.

Speaker 3:

I know other people are waiting to ask questions but I did have a question and just following up about the comment. Basically, what Jonas was asking about whether or not there should be a correction of action report. Mary Claire, what are your beliefs on that particular correction action report? Is that something that the city and the police bureau could possibly do or is there going to be restraints or other issues related to that as well?

Mary Claire:

We will internally develop a plan to address the concerns of the Department of Justice in their compliance agreement. I will tell you that part of the reticence is that last year we did provide... We couldn't finish the in-service once COVID started given the governor's directive that no more than four or six people could be in a room and our classes of officers were 20, 25, whatever so we had to stop and suspended in service last year in March.

Mary Claire:

We indicated to DOJ and COCL sometime in that spring that we hoped to reestablish that in service in August with smaller groups. So we couldn't have the large scale classes that we normally would, so we were going to try and bring people in smaller groups like six, whatever the number was I forget that it was agreeable to the governor's order. And that was in the spring.

Mary Claire:

So, we had every intention of doing that. And then along came the protests which took a lot of our resources to do handle that every night, as well as you're all aware that we had some substantial cut to the budget of over \$15 million, which affected our ability to pay overtime.

Mary Claire:

And overtime is a huge piece of paying for in-service, because we only do in-service during the day and two of our shifts obviously work other hours and stuff like that. So, in the fall we informed both the Department of Justice and COCL that we weren't going to be able to keep to our remediation plan then, which was to do the rest of in-service in the fall because of those once again unforeseen circumstances.



Mary Claire:

So, our plan was knowing full well we had to get this training done because probably 45% of the bureau had been trained and 55% hadn't and everybody needs to be trained to the same courses that we would instead repeat the practical skills, the in-person courses in January 2021 when we started the in-service for 2021.

Mary Claire:

And that information was shared with both COCL and DOJ. And in both COCL and DOJ's report, they proceeded to use the fact that we had given them a plan for August that we couldn't fulfill and basically hold that against us. And to be honest with you, that colors my perception of why would I give them dates I don't have now to be held to them when I'm not sure...

Mary Claire:

COVID could come back. We don't know what comes, we will set out things but circumstances sometimes change. And so my reluctance is to be held to something that may have to be changed again. But it's not that they are kept in the dark, I am required to do a quarterly report. We speak every other week on the phone on Mondays and they are kept apprised of the efforts that the bureau is making on an ongoing basis.

Mary Claire:

So, between those frequent calls and the quarterly report, they are kept apprised of the efforts the bureau makes at all times to come either back into compliance or to maintain compliance. So there is a mechanism to let them know at all times what we're up to, it's just not going to... My reluctance is to put on a piece of paper these dates and times when we're not sure when that can occur and not going to be hoisted on my own petard or whatever the expression is to be honest with you.

Speaker 3:

Thank you. And I appreciate also learning about the quarterly reports that are being done. So at least there is something that is being shared between you the PPB. Not you but-

Mary Claire:

No, absolutely. We have conversations all the time with COCL and DOJ. This is not something that they're not aware of what we're doing on a very regular basis so I can assure you of that.

Elliot Young:

Okay. So you might have noticed we passed by our allotted time but that's fine. This is an important conversation, we're going to give the public definitely all the time to ask questions. We'll just cut into our bylaws time, which was a lot of too much time anyway. So Alison, sorry for making you wait. You're up.



Alison:

Sure, thanks. This question is for either Jared or Jonas. I'm curious, I know that the city was found to not have checked all the boxes, so to speak, when the mayor issued a ban on tear gas. I think it was in the fall. But I'm wondering there's some bills in the state legislature that are going to change a lot about policy and tactics for policing if they're passed throughout the whole state.

Alison:

One of them for example is a potential ban on using tear gas for crowd control. And I'm just wondering if the state passes laws about policy and the city is forced to follow it, but the state doesn't pass any particular directives about amending training or updating that, would the PBB or city be found out of compliance for changes that come through the state legislature or is it just when the city does something and doesn't check all the boxes?

Jonas:

Thank you for the question, Alison. So, Department of Justice the office of legislative affairs does all the lobbying and communication with legislatures. And I don't want to give the impression that any response is an effort to affect one way or the other the passage of a piece of legislation. That's not my aim at all.

Jonas:

If and when the state passes changes, the police agencies with which we work have to provide policies in accordance with the state law changes. So for example, the change with respect to choke holds will result in a change in 1010. We've been in negotiation with PPB about that.

Jonas:

If the state changes laws with respect to CS gas, we'll have to see a change of policy, PPB will have to propose it in writing, see it on the paper, and then we will go back and forth, compare it to the law, compare it to their settlement agreement, and see which chance there is a supremacy clause so we could have something more permissive in the state than what the settlement agreement provides.

Elliot Young:

Okay. And next up we have Dan Handelman, Portland Copwatch.

Dan Handelman:

Hi, good evening. This is Dan Handelman, he/him pronouns. Mostly what I have are comments so if either of you want to respond that's your decision. But you noted that the percentage of force, I guess people in mental health is very low compared to how many times they're encountered, but 145 four times in two years is more than once a week that people in the community with mental health issues were being subjected to forced by the police.



Dan Handelman:

You also didn't talk about the high percentage of people being subjected to deadly force who have mental health issues, which is one of the main concerns that community has about the use of force that brought you here in the first place. You talked a little bit about the police review board and the case where the city tried to claim double jeopardy for an officer had not been investigated for something.

Dan Handelman:

I don't know how to override that ridiculous claim but I do want to say that we appreciate that you created the stipulated discipline and that the CD agreed to put those cases into the police review board report. But the report that just came out a couple of weeks ago, there are no details on what happened in those cases and because they don't go before the board, nobody is making recommendations about them and I'm hoping you can weigh in on asking the city to do that; to give those stipulated discipline cases to the board for review of policy issues.

Dan Handelman:

At the council when the annual report was presented, the testimony from the police bureau lasted for eight minutes. Okay, that is exactly how long it lasted. I watched it on video and played it back myself. Eight minutes, so that is not substantive to be able to cover all the areas that you discussed.

Dan Handelman:

The mayor's office is continuing to insist that they don't have to take public input during reports, even the whole point of this exercise is for community engaged policing so their community's engage. If the mayor does not want to take public input when the police are giving their report to its council, there's a fundamental problem in understanding what the purpose of this entire agreement is for.

Dan Handelman:

And on that note, as a member of the AMA coalition for justice and police reform due to a collaborative agreement that the coalition signed with the city, every time there's a meeting at the PCCEP, I make sure to alert all the people who are on that mailing list of when these meetings are happening.

Dan Handelman:

But I can't alert people about meetings like the BHUAC meeting if they're not announced to the public. And hearing about it one day in advance is part and parcel the same problem that I'm talking about here where the city is not paying attention. And finally, just responding to Ms. Buckley's claim about the minimum number amount of force that was used in most cases at the protest, I'm going to paste in the show that 44% of those uses of force were well above the minimum level. Thank you.

Elliot Young:



Do you Jared or Jonas want to comment on any of those points? And Maxine, is that an old hand that's up or do you have a follow up?

Maxine:

No, that's all. Thanks for checking.

Elliot Young:

Sure. Lakayana.

Lakayana:

Yeah. I know we had spoken earlier about the disproportionate stops data, and I was wondering if Chief Rush, if you could just speak to it about what PPB's perception or interpretation is of that data. I didn't want us to just assume how you all explain those disproportionate stops or what comments you had on that.

Mary Claire:

I think the stops data while it has very valid and we need to look at the information that this provided, it's very limited also in what it articulates. And what PPB has done historically is we have not done a good job of explaining what those limitations are and what we are allowed by law to provide.

Mary Claire:

And so what I'm hoping that moving forward with the community oversight is that we are able to look at the stops data, we're able to articulate it better, we're able to share that with the community, and really highlight exactly what does that data mean.

Mary Claire:

There are limitations as to how far down we can drill down into that data and provide that. And so I'm hoping that we can find a better way to explain those numbers than we have in the past. Something that we failed upon is being able to really articulate what those numbers mean so, I'm hoping that we can do a better job in the future.

Elliot Young:

So, I've read the analysis of the stops data. And I guess the question for you AC Rush, is do you believe that data shows disproportionate policing of black Portlanders?

Mary Claire:

I believe the data does because it doesn't have context behind it.



Elliot Young:

Okay. Thank you. Alex Lewinsky.

Alex Lewinsky:

Thank you. I just wanted to follow up and thanks for allowing us to ask questions. I wanted to follow up just with what AC Rush mentioned. What is that context? Could you give us an example of what that extra context could be and how that could help understand that data?

Mary Claire:

Yes. I'll give it in a very broad sense. So the stops data doesn't allow the data to be aggravated down to the person who was stopped or the officer who was conducting the stop. So if the data shows that there were 100 African-American men stopped, it doesn't allow us to then go deep enough to say that it was one person stopped 100 times, 10 people stopped 10 times, or 100 individual people.

Mary Claire:

So that's where we need to do a better job of explaining exactly what that data means, explaining who the officers are stopping and why. And I think that that can be done and I think that the community would greatly appreciate that.

Elliot Young:

Thank you for that. And then we have Jonathan Levinson and then we're going to move on. Jonathan.

Jonathan Levinson:

Following up on that again, I mean, for example, in 2019, there were 33,000 vehicle stops and 18% were black drivers. I mean, you would have to have a lot of duplicates for... That's what accounts for the disproportionality. Is there more context or is that the primary situation you're talking about?

Mary Claire:

If you're referring to me, I'm saying that the Portland Police Bureau can do a better job of articulating that. That was just one example.

Elliot Young:

Okay. And Barbara Bochinski and then we will definitely move on.

Barbara Bochinski:

Well, I wanted to say that I can see why you want the data Officer Rush, of how if it's the same person being stopped repeatedly. It's just that I remember one time back pre-COVID when I went to a meeting,



this officer said he stopped the same guy three times in one evening, so he pointed out that same inaccuracy. But the thing is, the guy had been pulled over originally for expired registration.

Barbara Bochinski:

And later I remembered when that happened to me some years ago. I only got pulled over once and I was not afraid. I wanted to make sure that I had the paperwork in order so that if a different officer stopped me, I could show it to him but it never occurred to me that the same officer would stop me again. Why would he do that? So, that seems like harassing the same person. Why would you do that? So I'm not sure it's relevant and is it relevant? It seems like the same thing could happen to white people so I don't see how it has to do with the race thing. Thank you.

Elliot Young:

Okay. Well, it sounds like there are lots of questions about the stops data and I think it's a topic that PCCEP could follow up on. So without further ado, I'm going to turn it back to Taji for our next segment.

Taji:

I'm pretty sure you were going to lead this one but I just wanted to say one more thing on the topic. I think we'll have an opportunity once we have this analyst looking at the FDCR data to have another town hall and discuss more in depth; the data, the repercussions of the data, the disproportionalities, and issues that arise when we have an analyst to take a look at that. So, I'm looking forward to more opportunity to discuss this topic in particular but Eli are you good to take it from here?

Elliot Young:

Sure. The next topic was just about the bylaws. So this is something that for more than a year, people have asked us to look into. And I'm putting a link to a shared Google Doc, it's not editable now so what you'll see is not the full list of our bylaws, maybe Theo, you could put that link in there.

Elliot Young:

What we've done is just take the sections that we're looking at adding to, and then what you see in highlighted are the suggested additions to that. And maybe I'll share my screen if you could make me a co-host. Okay. And then I will share-

Taji:

I just want to make sure since we are okay on time, Alex and Barbara, those are past hands.

Elliot Young:

Okay. So here's the shared screen. Let me talk about the first one and then Anne helped draft the second one, so she could speak to that. So a question about when decisions are made, when we have a



vote, how votes are taken. And we do not run our meetings by rules of order but this clarification allows for us to understand the rules of the road going forward or proposes the rules of the road.

Elliot Young:

And it would be section D, once a vote has been taken the results will be tallied and announced. If there is a tie between yes and no votes, the body may reconsider the vote at the request of any member. Debate will be reopened and a new vote will be conducted.

Elliot Young:

And this has happened more than once where we've taken a vote and then we have renegotiated that. And this just clarifies under what conditions that could happen and also when that happens, what will the procedure be. So, it would reopen the debate and then we would take a new vote.

Elliot Young:

So, moving down to subcommittees. I'll do this proposal and then Anne will do section eight, respect the group. So, this is about subcommittee meetings. The way the subcommittees have run has been a little ad hoc and that's worked in some cases and not worked in others. And so trying to regularize leadership and what the responsibilities of subcommittees are we thought would be helpful.

Elliot Young:

So B says, subcommittees will elect chairs or co-chairs on an annual basis. And this allows for people to both affirm leadership, and reaffirm leadership, as well as to change leadership as we do on the steering committee on a regular basis.

Elliot Young:

Chairs are responsible for developing agendas for the meetings in consultation with the PCCEP members on the subcommittee. So in other words, that is the chair's job to develop the agenda with consulting other PCCEP members on the committee.

Elliot Young:

And then C co-chairs of PCEEP and subcommittee chairs will be responsible for setting agendas and meeting with members of the public and city servers to move the work forward. Summaries of any meetings with elected officials will be provided to the full body in a timely manner.

Elliot Young:

So, there's been questions that have been raised when chairs of subcommittees have met with elected officials and not everyone was aware of that or invited. And so we feel this proposal makes a distinction between just meeting with a member of the public or a city server versus with an elected leader and



tries to lay out the conditions under which that could happen. So, Anne, do you want to speak to respect the group section?

Anne Campbell:

Yes, can you go up just a little bit. I want to remind everyone that this was shared with all PCCEP members. It was a number of weeks ago. Is that correct, Elliot?

Elliot Young:

Yeah.

Anne Campbell:

So, it has been out for people to add to, make comments that sort of thing. I added number eight, respect the group. PCEEP does not have any bylaw regarding conflict or group process. So can you go down a little bit. I titled it respect the group, hold two time agreements, avoid being argumentative or engage in other disruptive behavior, address conflicts in private not in the group, unacceptable behavior such as publicly subjecting members to false allegations and/or bullying will not be tolerated.

Anne Campbell:

The other one that I have submitted to the group is on conflict resolution. If there's a conflict between members that they're unable to resolve between themselves, here are steps for possible resolution: members can reach out to steering committee members for assistance. Members can reach up to PCCEP's staff for assistance. And members can reach out to the mayor's office for assistance. So these are some other ones that we've added.

Elliot Young:

One thing I forgot if you see that purple comment there. So this was raised I think by Barb and we should definitely discuss it. In our bylaws it only allows votes by PCCEP members on subcommittees and Barb was... I think it was Barb who was recommending and I agree with, that we could change that to include all members of subcommittees including the public. So those are all the proposals that have been made and we'll take questions or comments. Zainab.

Zainab:

Yeah. Thank you. I was going to ask you if you could scroll up to the top. So, I appreciate this and I didn't realize this was still a working document that we were going to talk about it so it was kind of hard to follow.

Speaker 4:

Yes.



Zainab:

Yes?

Speaker 4:

Oh, sorry. I agree with-

Zainab:

Okay. Thank you. Sorry about that. But when I'm looking at this and I appreciate this basically on what has been going on, but if you can scroll down a little bit. In regards to the vote to vote not just PCCEP members, what are we talking about they're voting on, recommendations? So, maybe that's the thing. Should there be somewhere where it talks about what we vote on? That's a question and probably an add.

Zainab:

And then the next thing, it was about respect the group. Respect the group is of a very loose term here but if there is complaint that needs to be... The person has a complaint and they want to submit this complaint, who will they submit a complaint to? If they had a complaint just in general on PCCEP itself, who would they submit that complaint to?

Elliot Young:

So let me take the first part of that. If you look right above the purple, subcommittees main gauge, non-members only members may vote to approve reports and recommendations. So I think the bylaws indicate that it's reports and recommendations that are voted on. I'm not sure that has been our practice, but given that it's our bylaws we should be voting on reports and recommendations in subcommittees. And I guess this proposed change is to say who can vote, and right now it says only PCCEP members can vote. The proposal is to allow anyone from the community who is part of the subcommittee to vote. Go ahead.

Zainab:

So, we have full board meetings like right now we have 48 people who are [inaudible 02:07:56]. Does that mean that all 48 people who want to vote on a particular recommendation or report are able to do that?

Elliot Young:

No, this is only in reference to subcommittees not to the full board.

Zainab:

Okay. And so sometimes-



Amy:

Talking about now, how many people get to vote on accepting or not accepting these bylaws? That's kind of, I think the question because-

Elliot Young:

The full board it's only PCCEP members who vote. That's not being proposed as a change. The change that's proposed is to subcommittees.

Zainab:

Okay. And last the piece about, is it a possible to add in addition to conflict resolution complaints in general so that people know how to submit complaints. Because while all three of those may be a reality for some, they may want to speak about certain issues but they just don't know who they need to address those issues with.

Anne Campbell:

Thank you for that. I think this conflict resolution only relates to PCCEP members. Your question if I'm understanding it correctly is if a community member has a question or a comment about PCCEP and I would have to ask, is that correct?

Zainab:

No. [inaudible 02:09:36].

Anne Campbell:

Pardon me.

Zainab:

I'm asking as a PCCEP member if you have complaint that's not a conflict but a complaint that you want to submit, who would you submit complaints to? What procedures, or process, or what lines should we be looking at to resolve any complaints that people may have? [crosstalk 02:10:00].

Anne Campbell:

If I could just jump in really quickly Taji and then go ahead. These are our documents we're working on so we could add that. We could say if there is a conflict or complaint we could add that in there.

Zainab:

That's good. I think that it's not just about conflicts that happened, but it's also people may have issues too just in general so we shouldn't just narrow these bylaws. If we are looking to adjust them now let's adjust them so that it can incorporate several different scenarios.



Anne Campbell:

That would be the idea that we would be doing that.

Elliot Young:

Zainab, I added some language to speak to that. It says if there's a conflict or complaint between members or of a general nature that they are unable to resolve between themselves. So, in other words, if it's a general complaint then you could either speak to steering committee members, you could speak to PCCEP members, or you could reach out to the mayor's office. So those are the three general lines.

Zainab:

And then my last thing is that if none of the three provides what a person needs then what could be the end resolve for that person or persons when it comes to this particular conflict of resolution? Is there going to be a mediation, will there be... What are some of the things.

Anne Campbell:

Well, that's great. I think that when I was putting this together and thinking about it, when I say that-

PART 4 OF 6 ENDS [02:12:04]

Anne Campbell:

I was putting this together and thinking about it. When I say that members can reach out to steering committee members for assistance, that for assistance has a plethora of ideas that could happen. It could be mediation, it could be a meeting, it could be... It leaves it open for people to determine what would work best. If there's something you'd like to add there...

Zainab:

I think it should be such as... Such as conflict resolution, sorry, mediation, such as... If there's areas... Amy has something to say, but yes, that's all I had to add to that. Sorry, I didn't realize I was off video, but I didn't need to be off video, but sorry about that. Thanks.

Amy Anderson:

I originally agreed that I would lay out a format for the bylaws and then Judith informed me that the city already has bylaws and everything's already in place. When I did my research about bylaws, it basically said to keep things at a very high level. This stuff for writing is operation.

Anne Campbell:

[crosstalk 02:13:15] Last couple of days.



Amy Anderson:

What?

Elliot Young:

Go ahead, Amy.

Amy Anderson:

Where I was going was that I did some research into trying to look up actual bylaws, like foundations for nonprofits, for governments. Basically it only contained a few pieces of information. What we're looking at is actually considered operations, which would go under the P-Set plan. I really want to help people draw out that these aren't actually really constructed bylaws. We're mixing them between operations and what actual bylaws are supposed to say. Maybe we need to go back and review the P-Set plan, add in our operations, add in the things that we want to build upon. Then we'll have two solid documents that actually reflect what the world calls bylaws. What we got here isn't what is supposed to be in there in theory.

Amy Anderson:

The other thing is about the voting. If we were to use Robert's rules of order, it's my understanding that the chair or chairs don't vote, unless there's a tie. Then the chair's vote makes or breaks the tie. That's how it works in my understanding and most other committees that use Robert's rules of order for voting, not for everything, but just for voting. It really calls out how to do the process. Maybe we should think about using a better process for voting instead of what you created. Then we wouldn't have to worry about ties because the chair wouldn't be the tie breaker. You see where I'm going?

Amy Anderson:

There's a lot of procedural things that are mixed up in this document. My thoughts were, if we want community input, then we need to really be looking at the P-Set plan and make that our living document and leave the bylaws alone. Judith said the city already has them. We don't need to create new bylaws. We need to create a new P-Set plan.

Elliot Young:

Okay. Thank you for that [crosstalk 02:15:40] Taji.

Taji Chesimet:

[crosstalk 02:15:42] just like to respond to that. I personally do not think that is... I think bylaws can be as much a living document as any other living document that a body decides to make alive. I don't think we need to limit ourselves by the structures of what bylaws are on X body or X nonprofit. I think bylaws can be whatever you want them to be, especially if we're a very niche body that isn't like every other body. Bylaws, I think what we're doing here is not making new bylaws. We are adding additional



amendments to the bylaws, which is a typical process all bylaws can and should be existing by. I think bylaws in this way, if we're voting on them as P-Set, having the conversation now and in soliciting feedback publicly, I feel like that's a fine practice. I don't think we need to upend that and restart from the scratch.

Taji Chesimet:

I feel like we just have a lot of work to do. We shouldn't be trying to make new work for us to do by trying to move our bylaws back to a structured, simple model of amending the P-Set plan, which is something I'm pretty sure hasn't been amended since the inception of P-Set.

Taji Chesimet:

Just my two cents. I don't want to get this too down the rabbit hole, but I feel like there's a fine process that we're trying to go out here. I do think that it's important that we have this conversation now, rather than later as we've been putting off the conversation for a while.

Zainab:

Can I just add a piece.

Elliot Young:

Go ahead [crosstalk 02:17:11].

Zainab:

I added the bylaws in the chat so that people know and saw the P-Set bylaws and that's why I felt it was confusing reading what was here and trying to bleed them in with the current bylaws. I just would love to see this full structure of how we plan to better update bylaws or whatever, add into an addendum to the bylaws, whatever that is. I'd like to see it in this full package once it's finished. Thank you.

Elliot Young:

In terms of what is here, as I said, this is just taking out pieces because the other pieces we're not speaking. Where it says section eight sub-committees that's where if we just tried to adopt this, the stuff in highlight would be adopted. Then this new section eight respect the group would be added. In terms of changing the bylaws, we did this once when I first got on P-Set and we have already changed the bylaws in terms of voting, what's a quorum and how many people we need to pass a resolution. We're fully empowered to change the bylaws. These bylaws speak to things like who votes, what the responsibilities of chairs are, and the conflict resolution, which seems to me to be an appropriate subjects for bylaws, because it's the general way of operations for this body. Lockiana?

Lakayana Drury:



Find my unmute button here. I think we need to work on understanding the bylaws, understanding the P-Set plan. I'm not sure that this space right now is the best for this topic. We've struggled with this in the past. There's definitely a need to look at them and to update them, but I'm feeling like there's some more conversations we need to have and understandings before we can fully move forward with this. That's just my suggestion.

Elliot Young:

Lockiana, could you suggest where those conversations would happen?

Taji Chesimet:

What sort of things that people don't understand?

Lakayana Drury:

Understanding the purpose of the bylaws, the plan. Marcy has suggested the retreat. [crosstalk 02:19:43]

Elliot Young:

We can't do it at the retreat because no business could take place at the retreat. It needs to be done in a public meeting.

Lakayana Drury:

Yes. The general aspects of it, but understanding what we're trying to work on. We don't have to vote on anything obviously there, but understanding what we're talking about. It seems like we're not a hundred percent on the same page with that. I just think that there is better space than in public when we're still trying to understand the various parts of it.

Elliot Young:

As I understand it and as Judith has explained, unfortunately, according to our bylaws and the way we were set up, all deliberations about substantive matters, and this is obviously a substantive matter, need to happen in public. That's why we had the conversation at the steering committee. The proposal was sent around, but we can't even over email deliberate. That's why this deliberation is happening here at the full board. Now, if what I hear what you're saying is to send it back to the sub committee for further conversation, then that's a place it could happen. My understanding is it could not happen at the retreat.

Lakayana Drury:

The understandings of the structure of what trying to do. Not deliberating on the actual pieces of it, but making sure that when we bring it public, like right now, that we all have an understanding of what the



bylaws are supposed to be. It's clear that we don't have an understanding. I'll just end it there, but that's just my thoughts. I think before we have it, we have to understand the pieces and what we're trying to do and maybe the larger term or the bigger picture of it.

Elliot Young:

I see Amy's hand and then Anne's hand and then Taji. Amy, is that an old hand?

Amy Anderson:

Yeah, I got to take it down. I'm good. Thanks.

Elliot Young:

Okay, Anne, then Taji.

Anne Campbell:

I appreciate all this conversation. I'm wondering, just moving forward, I know that we've talked about... I've been on P-Set I think it's a year now, and we've talked about looking at the bylaws. Many members have talked about that, and I'm wondering if... We put this out for comment from members and we didn't receive any, when we did that. We can't talk about it at the retreat, so I'm just wondering, moving forward, what would be a better venue for these? I think it's important to have this discussion so that we can all agree on some of the changes or any of the changes or what different things would look like in order to actually follow through on looking at the bylaws and making any changes we want.

Theo Latta:

I'm sorry, real quick. Just to jump in and add a different vantage point. This is a good opportunity to create an ad hoc subcommittee that's just a one-off, just meets one time as a subcommittee in the public eye and does the by-laws quickly with public involvement, with P-Set involvement that's well broadcasted. Just after that meeting takes place and the ad hoc sub committees is done cause it's already lived its purpose. That meets all the requirements of a public meeting laws that... P-Set volunteered to agree to it when P-Set didn't have to.

Elliot Young:

Taji.

Taji Chesimet:

Yeah, I don't understand currently what is the confusion on this point? I'm understanding this quite clearly that we have bylaws. We have the P-Set plan, the P-Set plan has not been edited frequently. The bylaws are not limited to the confines of a typical bylaws structure and can be as unique to a specific body as any other bylaws for a respective body. I think this is pertinent and it hasn't happened for a



year. I think we should try to finish the conversation substantively about what things we should or should not add, like we have done previously even before I was on this body.

Taji Chesimet:

Then we should move on from there because it seems like I'm very against a ad hoc committee, again. I'm very against more settings of meetings that have different focuses. I think we just need to make this be as much of a business item as the next, and we could be able to finish it if people see all the different sides to it. I feel as if it's not something we're all understanding, then that should be clarified. Then I guess we could re bring it up next month if people need clarification, vis-a-vis an email. That's the only way I could consider and would want to be involved in further deliberation on this topic in particular. Thank you.

Elliot Young:

Okay, Zenab.

Zainab:

Yeah. Thank you. Thanks everyone and Taji, yes. Thank you Theo for adding your note, because that was a question I was going to say. The bylaws that I've submitted was from 2018. That is my issue is that when things are being changed, where is the information being held, recorded so that we know what the last change has been. This particular style of working with P-Set bylaws, to me, just this format in general, just wasn't as clear to me. I would have preferred to have had the last version of the bylaws to see what texts were changing and have that text either side by side of that...

Zainab:

That's really what I'm talking about. I have no problem in having discussions during our full board meeting. Like Taji expressed, I don't see the need for an additional sub committee meeting other than possibly a special meeting or a special meeting just on this topic alone, if that's needed. As far as I'm concerned, if the last... What'd you say Theo, the last bylaws were... I don't see it anymore. The last bylaws were provided in 2019, then where are those bylaws are those posted online? Then are the others that I just pulled offline, should that be removed so that people are not confused by which is the last or latest version. It's just more of how are we tracking our versions of our bylaws and plans?

Elliot Young:

Yeah, that's an excellent point. The amended version is up. It's called amended. I think our whole website, as I've said a million times, is a mess. I can't find reputations. I can't find anything on it because it's not organized chronologically. I agree with you. I think we should get rid of the older ones and just have the latest version up there.

Elliot Young:



In order to get a sense of the committee now on whether to move forward or whether to table, I would like to just take a vote. If the majority of people want to table it, then we will table it. We will either bring it up in a steering committee meeting or create an ad hoc committee as Theo suggests. If on the other hand, the majority wants to go ahead with voting on these, then we should do that. Let me just get a sense. We're not voting on the proposal now. We're voting to end debate and move on to a vote. If you want to move on to a vote on these issues or continue discussion on these issues, vote yes. If you want to table it for a later date, vote no. Is that clear? Okay, Taji.

Taji Chesimet:

Yes.

Elliot Young:

Lockiana.

Lakayana Drury:

No.

Elliot Young:

Anne.

Anne Campbell:

Yes.

Elliot Young:

Zenab. You're on mute.

Zainab:

Thank you. I didn't get the difference between the two. Can you repeat that once again?

Elliot Young:

Yes would mean we should move towards a vote on this today. No means table it for a later date.

Zainab:

I prefer to see the final. I'm not sure if that means the wait to later date and I prefer to see the final draft. That would be maybe, or in between.

Taji Chesimet:



The bylaws are not being edited in their entirety. We're only editing and adding these parts. We just want to know if we want to continue the conversation on adding these parts and voting on whether or not we should add these, or if we should table the embedding entirely and come back to it another time.

Zainab:

I think that we should vote on these things, yes.

Elliot Young:

Okay, Amy.

Amy Anderson:

These then would be called an amendment. We're not actually rewriting the whole bylaws. We're just making amendments to different sections. What Zenab said earlier, you guys really have to look at this as an incomplete document. I want to table it because it's incomplete. We need the other information, the original information beside the new information so we could see if the language needs to be amended. I would like them side by side or page per page. You're right. It won't take long to work an amendment, but it's hard to know if these can be voted on tonight.

Elliot Young:

I'll take that as a note, but I guess... I would understand, I guess what you're saying, if there was a red lining and we were changing the words throughout the thing. Basically what we're doing is just adding. The one thing that may change the original document is if we change who gets to vote at the subcommittees, but everything else is additions. We have not subtracted anything from what exists, all we're doing is adding additional pieces. That's why you don't see all the other stuff. Basically if you look at what is there under the amended version, all of that will remain and the highlighted parts will be added.

Taji Chesimet:

We can continue on the rest of the amendments, the amended version if need be at another date, but we're just talking about this specific additions now.

Amy Anderson:

[crosstalk 02:30:51] categories. Okay, then the subcommittee meetings, including the steering committee meetings... That paragraph where the whole idea of quorums and certain people voting, I wish you would just take it all away and say, every member of every subcommittee can vote. Just make it simple because eventually don't we want to have members of the community maybe running as chairs? I don't know that it necessarily should always be P-Set members being chairs.



Elliot Young:

That's true and we have had members of the community as chair. Our bylaws now do not prevent that.

Amy Anderson:

They don't specify it.

Elliot Young:

They don't specify it. I guess in terms of this vote right now, what we're talking about is tabling versus discussing. Amy, your vote is you want to table or continue the discussion?

Amy Anderson:

[crosstalk 02:31:52] vote on something that's incomplete.

Elliot Young:

You want to table it. Okay. Yolanda.

Yolanda:

I'd like to continue the conversation.

Elliot Young:

Okay. I count up four yeses and two nos.

Theo Latta:

Marcia hasn't voted.

Elliot Young:

Oh, sorry. Marcia.

Marcia:

Yeah. Thanks. I vote to continue the conversation. I definitely think that we need a lot of clarity around just the differences of... I'm hearing the confusion. I think we should continue the conversation for purposes of tonight. I do think that maybe a work session about the discrepancies that we're all talking about or I'm hearing you all talk about is needed.

Elliot Young:

We've decided to continue the conversations. Zenab.



Zainab:

One of the things that you just mentioned, there is an addition to the bylaws, which is number eight. That's the thing I think we're all getting confused about. There is additions to this bylaws and that is number eight because that's not listed.

Elliot Young:

Yeah, there are definitely additions. What there is not is any subtraction.

Zainab:

[crosstalk 02:33:11] 14, 13 and 14.

Elliot Young:

Right. There's no subtraction.

Zainab:

Right, but this is a change to the bylaws. Again, I guess for me, if we're going to continue with the conversation, that's great. Thank you.

Elliot Young:

We're continuing with the conversation. I think one of the big issues, which was actually suggested by a community member is this question of who gets to vote on the subcommittees. I've expressed my view that I think it's fine for and good for the public to vote. Do people have a view of that, whether our current system where only P-Set members get to vote is preferable? Lockiana?

Lakayana Drury:

Just for clarification of how things have worked previously on voting and subcommittees. In subcommittees, community members can be a member of that. There's only a 13 body member of the actual committee, but they can be a member of the subcommittees. In the mental health subcommittee, the previous one, they had chairs that were not P-Set members. That was fine. That was acceptable. We've also had them vote on subcommittee specific issues. Then when it comes to a full body, you can't have the community vote. I think it should just stick like that. The P-Set members are the P-Set members for a reason.

Lakayana Drury:

Then, also, at any given day, you could have a different number of people. You could start sending people to it to vote. It would bring into a very messy thing. I would suggest if you wanted to add clarification on how that worked, that might speak to what Amy said.



Elliot Young:

Barb?

Barb:

I have a delay, sorry. I'm happy to continue the conversation, Lockiana, but you have a 13 now 12 member committee for P-Set. You have four sub committees plus a steering plus two, almost three ad hocs now. You've had subcommittees that have had only a single P-Set member on them or two or maybe three. That just doesn't seem like a community engagement type situation to me. I just wanted to say that.

Elliot Young:

Barb, I would also, I guess, reiterate that. My sense is that at a lot of the steering committees, there are very few P-Set members there. I really don't think this voting thing on the subcommittees is going to become overly politicized with people rushing in to vote. My sense is that in general, on the subcommittees, there haven't even been votes for the recommendation. We have not been following our bylaws as they currently exist, but I think what this... What it would do if we were to change it to include the public is really enfranchise the public to take an active role in those subcommittees. I do think it's appropriate at the full board for only P-Set members to be voting, so I'd make a distinction.

Lakayana Drury:

Just to be clear, I don't know if the racial equity subcommittee has ever voted. I think we might've. We did do some stuff, I guess we did. We created a mission statement within the subcommittee and how the SPMI the mental health subcommittee did... They had a list of people who are considered members. These are the people that were on it and they voted and did that. That's how I would suggest a sub committee operate. You don't have just someone who just pops in on a meeting is like, "I'm now voting on said topic at this subcommittee." There's only 13 of us, so it's not like there's going to ever be a subcommittee that's got 10 P-Set members on it. That's why the original idea was to have community members be a part of it so they can expand and also be a part of it.

Lakayana Drury:

I don't see any problem with them voting on a subcommittee issue. It's not a final vote. It's a vote to... "Hey, we're passing this recommendation and sending it to the full body." The full body then has the ultimate vote as far as passing it or not, or adding and making changes. Even though the subcommittee voted on a recommendation, once it comes to a full body, you got to get public comment from everybody. You got to get comment from the P-Set members themselves. It presented its own challenges, but that's how it's previously worked. I think some of the subcommittees as they've been turned over or new, they haven't always followed those processes. I don't think it's inhibited that by any means, but that's just my thought and sharing some of what we've done historically.



Elliot Young:

Taji. Did you have a hand up briefly?

Taji Chesimet:

No longer. Sorry.

Elliot Young:

I'm hearing that there seems to be general approval for this idea of the public voting in the subcommittee meetings. It seems like just getting rid of that whole paragraph, and I will highlight the paragraph I'm talking about, would deal with that issue. In other words, if we got rid of that paragraph... Let me underline it. That would mean that we could then write language, which says that subcommittee recommendations can be voted on by the members of that subcommittee, including P-Set members and members of the public. Something like that. Barb, is that a new hand?

Barb:

No.

Taji Chesimet:

I was going to say, if you wanted to write that I was going to direct if anyone else had any other questions or comments on the substance of the amendments or additions really to the bylaws and public. If anyone from the public has any questions or comments or ideas or thoughts, please be willing to share. You're able to share them now as well. Portland Copwatch.

Amy Anderson:

Oh, Elliot. I have another comment on the... Subcommittees will elect chairs or co-chairs on an annual basis. We need to put in there, the steering committee reelects its officers every year. Subcommittee chairs should at least go two years because it'll take that long to get the hang of what's going on. This is not easy to pull off a year. I would go two years on the chair and one year for the officers, for the steering committee, because that's what it is.

Taji Chesimet:

Amy, I called on Portland Copwatch first. I also just don't agree with that. I think it should be just yearly. I don't think there needs to be two year requirements. It feels like too much of a commitment to be a co-chair for that long. That's just my personal opinion. If anyone else's thoughts on it as well, but also Copwatch and then we can get back to that amendment idea. Dan, are you on the line?

Dan Handelman:



Yes, somebody muted my computer access. I'm on a phone. I had to double on mute. This is Dan Handelman with Portland Copwatch, and I think you really should think about the definition of a member of a subcommittee. I think you can't just leave it up to a whim and say, some people are going to be voting members and some people aren't. Then you do open yourself up to having a bunch of people who have completely different ideas about transforming police and you do coming in and make a proposal that the general membership has to vote on it at a regular meeting.

Dan Handelman:

A better idea... I think Mr. Jerry was getting toward this idea, having a roster of who the members are and who they aren't. There should be some other kind of criteria that includes understanding the bylaws and understanding the PCCP plan that was put into place in the first place so that you're not just getting people wandering off the street and voting. It might be a requirement that some percentage of each subcommittee has to be formal members, but I don't know how you're going to do that. As you said, there are only 13 of you and you have five or six subcommittees. I really recommend coming up with something that defines what a subcommittee member is. I'm saying that as somebody goes to some of those meetings and I don't consider myself a voting member when I go to them. Thank you.

Taji Chesimet:

I think... Sorry, Dan, go ahead if you have more to say.

Elliot Young:

Go ahead, Taji.

Taji Chesimet:

I was just going to say that I thought Lockiana was alluding to this earlier. I am also not personally opinion of a fan of this just because it requires a level of ensuring certain members are holding those rosters. It just creates another task for staff and/or the chairs to have to take on. I just think it would be... Because the recommendation voting in a subcommittee has no necessary implication on the actual general body, I feel like anyone who's there can vote on it, even if they are a person off the street so to say. If they came to the entire meeting, listen to the conversation and then all they're voting on is whether or not they agree this should be pushed up to the larger body. They're not changing the world with their vote, whether or not they are a long-term member or not.

Taji Chesimet:

That's just my opinion, just because it seems too complicated to have to try to maintain a roster of who goes to it and doesn't go. Then how often do they go? They came twice, they should be getting a vote. Do they need to come five times? Does that make you a honorary subcommittee member? I just think it makes a more complicated process for something that the vote is not that... I'm not going to say important, but just does not have an implication on the rest of the body.



Taji Chesimet:

Let's just say seven people were at that meeting. Five of them come all the time. Three are [inaudible 02:44:51] people. There's two [inaudible 02:44:53] people who maybe hated the recommendation. They could vote no. It doesn't change anything. Five who were already there would understand and get the information and were staying on top of that stuff and voted yes, it doesn't matter. I don't know.

PART 5 OF 6 ENDS [02:45:04]

Taji Chesimet:

Staying on top of that stuff and it would be gas. It doesn't matter. I don't know?

Elliot Young:

Okay. So what I, what I have here based on what I'm hearing in this conversation is some language subcommittees will be made up a piece of members, as well as members of the public. All people present will be eligible to vote and recommendations and reports. I share Taj view that this is not of great like importance because these aren't, we're not talking about recommendations that will be adopted. This is just forwarding these recommendations on thus far, we haven't even had votes. So I mean, what we're doing is just trying to establish a process.

Taji Chesimet:

So we came to issue like if that became an issue that was raised by any sub committee and then brought to the steering committee, we could address that is a good question. I think it has to be generalized to the member of the public.

Taji Chesimet:

And I feel like the city employees were willingly abstained from their vote and let know that they're not, they don't have a role there. They shouldn't be putting their opinion on that. Would that seem, we can maybe even add that stipulation if necessary, but I think it would be, I knew you were nine years. Someone might think that too. I see. It's an important thing to mention as well, but I'm saying we should come raise the, it should be an issue if it becomes an issue, but I don't think it needs to be something added and all the language you're adding is only being added because it became an issue. And that's why the bylaws, it can be living like that. So I think if it comes an issue we can add in and address that with our Lester system before. But I think we could add a stipulation that the public should not include city employees.

Elliot Young:

Yeah. So I'm adding that now, which says city employees acting as employees are ex official and will not vote because there could be someone who's a city employee who just happens to show up. And you



know, as a member of the public, but there are certain people who are there as part of their job. And it makes sense that they act as ex official, meaning they don't get a vote.

Lakayana Drury:

But just to be clear, right? Like a recommendation could be worked on for three months by members of a Subcommittee. And then they go to vote on it, which would bring it to the full body and random people could vote on it potentially and cause it not to come to the full body. And we would just take that vote as is.

Elliot Young:

No, I think what would happen in that case where like all of a sudden, bunches of people came to vote against the proposal is the chair of that Subcommittee could come to the full board and say, this proposal was worked on for three months.

Elliot Young:

And it was voted down by a group of people, but you could still have the full body consider it. You would have to sort of reveal what that vote was. But there is a process, not all of our recommendations come through Subcommittees. And as I've said before, very few of them have actually been voted on by Subcommittees. Okay.

Taji Chesimet:

Then we get ad, I see what your problem is lacking. I think there could be some language that says that if there is over 50% of non typical P step attending members, then that could trigger a situation where it could still be raised to the full board, but it is noted that it was voted and it was voted with the majority non typical members so that people know that there was a reason for this it's odd out of the ordinary, but is still noted to at least follow the same rules.

Taji Chesimet:

And you don't have to try to not have a process.

Lakayana Drury:

Yeah. And somebody could also bring a recommendation up to Elliot's point and I'm just going to make this recommendation and bring it to the piece up. That's also a process. I think it should just, I think it should just be clear and I think we should try and close any loopholes as much as possible in drafting this year. So I do think it should be, if we're going to say this Subcommittee, I think it should have, especially if it's going to have co-chairs or whatever, there should be some kind of list. And people who are interested in participating will sign up and it might be a little bit of work, but I wouldn't suggest that a recommendation that's been spent because it doesn't have to be like just 50 people come in and like try and becomes tragic combination.



Lakayana Drury:

It could just be three or four people that come in off the street on a random day and, and they hear recommendation and they don't agree with it. And then Austin, you get into this thing where somebody has spent, the general group has spent it and somehow it gets black. So I'm just trying to close those loopholes. Just my thought.

Taji Chesimet:

Would my suggestion work to close that loop hole in people's.

Zainab:

I'm really trying to get an understanding one. Are we having the discussion right now about the bylaws in general? Are we just talking about a Subcommittee one? Second, what is wrong with group of five people who disagree with something coming in and bringing that to the attention if they weren't there for the three months? You guys have established that they can present their information, but are you, are you now saying that these votes establishes whether or not the information is then now directed, given or relayed to the full board?

Zainab:

Cause I don't see that in anything in the Bible, anything in the bylaws of the structure of how it all supposed to happen, maybe that will go in our later discussion on what's the proper way that recommendations or reports be handled because I don't see a fan of people having concerns about something because it may be.

Elliot Young:

sure. So what I'm hearing is lots of concerns about this particular portion of this, this issue. And I'm wondering whether, if people still have concerns about this, whether we could actually table that particular part of this question for now and vote on the rest of it, which seems that there's might maybe less concern about, and then we could come back to this question about voting or not voting and how to include members of the public. Because there are lots of questions and maybe some more time to figure out a process for that.

Elliot Young:

Does that make sense?

Taji Chesimet:

Can I say it again? Basically we will vote on, we will move this section out and this will be one of the ones we'll have to further deliberate on and boating on the remainder pieces of the amendments of the additions to the bylaws. That's the contract resolution section. That's the Subcommittee, other pieces that I think we need to, I personally think we should vote on those, but we can pull that up, push it up



for a vote if necessary, because we have that there are substantive things that there based on the fact that this is the point of contention. There is a consensus on the other pieces of it. And if that's not the status of the rest of the amendments, then please let that be known. But from my understanding, it seems as if the other pieces of the amendments have value and have a means to be adopted.

Taji Chesimet:

So we can use those and, and adopt that accordingly. And, and we have a point of contention obviously with this specific amendment. And so obviously there is value in tabling that specific section and letting us continue on from here.

Elliot Young:

Okay. Cause we also have other business that we're trying to conduct. So I'm going to move to a vote on only the yellow highlighted sections. These are additions, nothing else in the entire document is going to be deleted. So if you look at the yellow highlighted sections, this is what we're voting on too. Let me.

Taji Chesimet:

Can you just read the additions that aren't the one that we're not voting on.

Elliot Young:

You mean read the ones that we are voting on.

Taji Chesimet:

Yes. Sorry.

Elliot Young:

So propose changes D once the vote has been taken, the results will be tallied and announced if there is a tie between yes and no votes, the body make reconsider the vote at the request of any member debate will be reopened. And a new vote will be conducted under Subcommittees B Subcommittees will elect chairs or co-chairs on an annual basis. Chairs are for developing agendas for the meetings and consultation with the piece that members on the Subcommittee C co-chairs of piece, and the Subcommittee chairs will be responsible for setting agendas and meeting with members of the public and city staffers to move the work forward. Summaries of any meetings with elected officials will be provided to the full body in a timely manner. Section eight, respect the group holds the time agreements avoid being argumentative or engaging in other disruptive behavior address conflicts in private, on the group, unacceptable behaviors, such as publicly subjecting members to false allegations and or bullying will not be tolerated.

Elliot Young:



Section 8 or 9 or 13 or 14, 14, eyesight's going conflict resolution. If there is a conflict or complaint between members or of a general nature, that they are able to, if they're between members that there are unable to resolve between themselves or of any member who has a general complaint. This is getting to Schnapps point. Here are the steps for possible resolutions members can reach out to the steering committee. Members for assistance. Members can reach out to piece of staff for assistance. Members can reach out to the mayor's office for assistance. That's the sum total of the additions. No subtractions. We're not dealing with the voting issue. So any clarifying questions before we move on to a vote,

Taji Chesimet:

I will once again,

Barbara:

document. [inaudible 02:55:38].

Zainab:

Yes.

Zainab:

I think Barbara was already did.

Barbara:

We got to stop this? You have right.

Elliot Young:

Amy. We took a vote to discuss and the majority wanted to discuss it. Now we're moving on to vote. If people think we are still need more time to discuss it, then I suggest you vote. No. So any clarifying questions?

Elliot Young:

Okay. Taj

Taji Chesimet:

yes.

Elliot Young:

Okay. [crosstalk 02:56:15]



Lakayana Drury:

I'm in general agreement with most of these, this conflict resolution one, I think needs work. I'm going to abstain at this time and just see where everybody else is wrong.

Zainab:

And yes,

Elliot Young:

Zainab,

Zainab:

No. I prefer a full reel view of the entire bylaws, because I'm not sure if these are the only ones that we should be looking at and addressing now that I'm reviewing them. And I need to have the last revised document. Thank you.

Taji Chesimet:

You mean more? I just want to say that, like this isn't the only time we'll ever review.

Zainab:

It's not that Taj. It's more of I'm trying to, who knows when that's going to be. It could be when I'm never on this comedian too. Right? What I'm trying to say right now is that I thought there was going to be a way to have a community or someone look at these things or maybe have more dialogue. But again, if you want the answer. No, thank you.

Elliot Young:

Thank you, Amy.

Amy:

No.

Elliot Young:

Yolanda.

Yolanda:

Yes.

Elliot Young:



Marcia.

Mercy:

No.

Elliot Young:

And I vote, yes. That's one, two, three, four, five yes's. One, two, two nos and one Ascension. So past says five to two or three, depending on how you count,

marcia:

4 to 3

Elliot Young:

What's that, I had Taj Elliott and Yolanda, Marcia's yes. That's fine.

marcia:

Marcia's voted No.

Elliot Young:

Oh, you voted? No,

marcia:

Zainab voted No.

Elliot Young:

Oh, sorry.

Elliot Young:

I didn't one, two, three. So one, two, three, four. Okay.

marcia:

Block abstain. So it's four to three to one.

Ann:

I thought mercy. Mercy. You voted?

Mercy:



No.

Elliot Young:

Okay. Okay. So four to three. So I guess that given past practice do you want to change your vote?

Taji Chesimet:

Yes, you should.

Taji Chesimet:

We can constitute a new vote. Maybe? Do we want to do it's just a tie then, then that's our sort of,

Lakayana Drury:

I honestly think we should just table it. Even with how it stands, I think that an abstention three no's and then four yes's, that would be my suggestion, but I feel like it's a little bit unfair for me to go back and switch my vote to a no based off this. And I've done this before, so I'm just going to leave it. But I think that it, I think the spirit says we should probably table it, but I will leave it up to the stairs.

Elliot Young:

Well, if you're keeping your votes, according to the votes, we voted it passes and we will continue to look into the bylaws.

Elliot Young:

We will look into the voting one and any others. And I suggest the steering committee, which is where we discussed. This last is a good place to discuss it. It could be at the settlement and policy review,

Taji Chesimet:

Will have it on the agenda for next month. So we'll have it brought up again. We'll keep the conversation fresh in everyone's mind and we'll try to continue to amend it accordingly, as good as possible with someone that can be a mutually agreeable for the whole body. And so I'm glad we can continue the conversation on more. Go ahead,

Taji Chesimet:

Elliot, which is if you want to share this.

Elliot Young:

Yeah. So I'm going to share the statement on kettling and I'll put this into the, well, here it is, I guess I won't put it into the chat. So this is members of the steering committee came up with this.



Elliot Young:

"Dear Mayor, Ted Wheeler and Chief Chuck Leavelle. We understand the difficult job faced by the Portland police and trying to maintain the safety of property. And at the same time, protect the right of protesters to express their views. We also understand that if individuals violate the law by committing acts of property, destruction, lighting fires, or otherwise endangering public safety, that officers have a duty to arrest those people. However, the practice of kettling, large groups of people as occurred on March 12th is a blunt instrument that catches large numbers of peaceful protestors, legal observers, and journalists in its web. Although the police indicated that everyone in the kettle was going to be charged with interfering with an officer.

Elliot Young:

This overly vague charge will not be prosecuted by the district attorney. Furthermore, even though the courts have thus far declined to ban the kettle tactic, the lawsuits alone suggests that this is a tactic that even if legal does not enjoy widespread community support, the kettle tactic serves to sow distrust of the police and chills free expression at peace of our primary role is to help build better relationships between the community and the police. We respectfully submit that the kettle tactic is having the opposite effect and we therefore encourage you to consider ending its use."

Elliot Young:

So, any comments first from piece of numbers about this statement saying that.

Zainab:

How many times has this tactic been used in the city of Portland?

Elliot Young:

It use a couple of years ago was used several times. And then there were court cases against it. And so in the last year and a half this is the first instance when it was used.

Zainab:

And so the purpose of class did see the articles in the news. And I also read about either the piece of links that were shared about kettling and understanding different tactics. Do the police officers use the word kettle tactic as,

Amy:

yeah. I've never heard that term before. I'm like why?

Elliot Young:

That is the term that's used.



Lakayana Drury:

And we ask PDB since they're they're here.

Zainab:

Cause I remember when someone talked about the fact that using pepper spray was something totally different. So I just want to make sure we're phrasing the phrase is being properly. However, so that they're aware of what specifically is being talked about.

Elliot Young:

Good question, Mary Claire, could you respond to that? Does kettling tactic makes sense to you?

Amy:

I'm not sure that I'm the right person to speak to that. I know it's constitutional. The courts have found it constitutional, but in terms of.

Elliot Young:

So do you understand when, when someone says kettling, do you know what that is referring to?

Amy:

Oh, I'm sorry. I know, but I don't know if that's a term of art or practice.

Elliot Young:

Do you know if there is another term of art?

Amy:

Brian, do you know? I'm sorry, Elliot.

brian:

No, no, no. I think that, I think that BPB understands kettling, it's used in this context. It's not the term we use, but we certainly understand through litigation what the concern is.

Elliot Young:

Okay. Thank you.

Zainab:

Well, the reason why I asked the question is because I remember the last time there was a discussion about what I said, tear gas and the wrong language views being used Elliot. And I want to make sure that



the right language is being used. So they understand. So whether or not it's in parentheses or whatever, or how they define whatever actions they took, that day or night to do the arresting. And then the last question is how much does it cost the city? what will cost you this type of tactic? So the questions I'm asking really for the police bureau itself. And so I'm not asking our committee to answer these questions, but these are the questions that I was thinking about when I read this. And is there a reason why there were no links or anything to provide some supportive documentation or this is not considered a recommendation at all, as it's just a letter.

Elliot Young:
Right?

Elliot Young:

In a recommendation, I think there would have been links to all sorts of documentation, the ACLA lawsuits. But since this is just a statement, I think the assumption was that people were aware of it through the news reporting, the general topic. But those, I think those are good questions for PVB, if that like the larger tactic and how it's used.

Zainab:

See Bob, sorry. See, Dan's comment in the Portland. Cop watch about the fact. And that's my concern is that they will not, they will say, or they will claim it is not what they do the incident.

Elliot Young:

Yeah. I'm less concerned about the legalities of this since this is just a statement. I think it's very clear that we're referring to what happened on March 12th. Kettling is used in all the journalists reports it's used in the lawsuits. So if they try to say, But we're basically communicating to chief Lavelle and, and the mayor, what that we think that tactic that was used, which is referred to as kettling is not, is not only not effective, but harmful for the community.

Elliot Young:

That's what the statement says. let me open it up to the public also, because there might be some public who have issues and let me stop sharing so we can see people. Is there anyone in the public,

Dan:

Mr. Yang, this is Dan Handelman again with Portland Cop watch I just, I dropped in the chat language. You might add to what you already wrote. Just say kettling, the common term for the tactic of surrounding or group of on all sides to detain multiple community members. And that way they can argue, they don't know what kettling means.

Elliot Young:



Okay. I could definitely add that.

Lakayana Drury:

or just ask, Mr. Ryan or Brian, who's just on the line, what term you guys would, would use or prefer.

brian:

lucky on. I don't know that I can answer that right now. I know we discussed through litigation, some different policy language, but I don't believe that's been settled yet. So, I I said earlier we understand what kettling means as you used in this context.

Lakayana Drury:

Thank you.

Elliot Young:

Okay. Any other comments by a Community or a Piece of members? I'm just trying to edit this as we go.

Elliot Young:

Okay. Well, hearing none, we could move on to a vote on this. A vote. Yes. Is to approve the statement being sent on behalf of peace up vote. No. Is to not approve of it. So Taj.

Taji Chesimet:

yes.

Elliot Young:

Block

Lakayana Drury:

no.

Elliot Young:

And Ann.

Ann:

yes.

Elliot Young:

Zainab.



Zainab:

yes.

Elliot Young:

Amy.

Barbara:

she's okay.

Elliot Young:

Yolanda.

Yolanda:

Yes.

Elliot Young:

Marsia.

marcia:

yes,

Elliot Young:

I vote. Yes.

Elliot Young:

Is Amy back Barb?

Barbara:

Count to five.

Elliot Young:

Okay. One, two, three, four, five.

Barbara:

Abstain.

Elliot Young:



Okay. So we got one, two, three, four, five, six yeses, one oh, and one abstention. The statement measure passes, or the statement passes. Thank you. Sorry for going over tonight. I'm going to turn it back to Taj, just to close us out.

Zainab:

Before you do that. Are we going to get able to get answers to the questions that we ask and when will we get those answers and how will we get those answers?

Taji Chesimet:

No, that's a great question. Do you know, I was just thinking about that. And so I know that Theo, you said you noted the requests that were being made on behalf of a piece of members or community members. And so you said you coalesce those, so you'll send those to assistant chief rash. Yeah.

marcia:

So I go through Mary Claire, and I'll CC chief Mary Claire's, the liaison from the PPB. So she handles the data requests or information requests, but I will, for sure, CCAC rush, I know AC rush is yours is incredibly useful, helpful and responsive. So yeah, I have the chat saved. I'm going to send all of them over Mary Claire and AC restroom and we'll get right on it.

Taji Chesimet:

Okay. Thank you. And with that you know, still recognizing the harm that is existing in our community, in Portland and in the communities across the country in Atlanta or in Boulder, Colorado, and recognizing the hard work we're doing. And thank you everyone for coming out and thank you, the DOJ for presenting sharing, Jared, and Jonah's great presentation. And thank you for taking on those comments and thank you again, that members for showing up as well. And with that, we'll close out our March meeting and we'll see you all on an exciting April.

Taji Chesimet:

Thanks. Y'all.

PART 6 OF 6 ENDS [03:12:34]