

## PCCEP Recommendation Template

<b>Title of Recommendation</b>		<b>PCCEP Recommendation to Appoint an Independent Monitor in the Settlement Agreement</b>	
<b>Author(s): (Subcommittee or committee members)</b>	<b>Celeste Carey, Robin Wisner, Ann Campbell, Leslie Martinez, Ashley Schofield, Gloria Canson, Byron Vaughn, Tia Palafox</b>	<b>Date presented:</b>	<b>February 28, 2023</b>
<b>Summary of Recommendation:</b>  PCCEP recommends that an Independent Monitor be appointed to oversee compliance in the Settlement Agreement. PCCEP also recommends that the new Independent Monitor have a local presence and demonstrate substantial expertise in issues pertaining to mental illness, racial equity, community engagement, and evidence-based police oversight. The community must be engaged in the selection process to ensure adequate demonstration of this criteria.			

<b>Body of Recommendation:</b>  The Portland Committee on Community-Engaged Policing recommends that an Independent Monitor be appointed in the <i>United States of America v. City of Portland</i> Settlement Agreement. The Settlement Agreement was approved in 2014 after PPB was found to engage in a pattern and practice of excessive force against those with actual or perceived mental illness. Many Portlanders had hoped the Settlement would improve outcomes for the mental health community and other communities whose rights are compromised by Fourth Amendment violations, including victims of racial profiling, persons with disabilities, persons experiencing houselessness, and others.  Nine years, dozens of compliance reports, two community oversight board systems, millions in taxpayer dollars, and countless hours of public testimony later, PCCEP echoes the question of the community at large: Why has so little progress been made?  The percentage of officer-involved shootings and in-custody deaths of people in mental health crisis actually went <i>up</i> after the Settlement Agreement was reached,
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from 55% between 2004-2012 to 67% between 2013-2018.<sup>1</sup> Using PPB's own data, the Mental Health Alliance has shown that use of force against people with mental illness has been on the rise since 2017, both in numbers and intensity.<sup>2</sup> PPB's use of force against BIPOC communities also remain disproportionately high relative to Portland demographics. Use of force against Black people comprised 21% of incidents according to PPB's most recent Force Analysis report<sup>3</sup> despite making up only 5.6% of the population.<sup>4</sup> As recently as November 2022, two Black men were victims of officer-involved shootings.<sup>5</sup> No matter what boxes towards compliance have been checked over the last decade, our communities deserve better.

PCCEP believes that the lack of progress and accountability with this case lies with the City, and would like to formally thank Rosenbaum & Associates for their hard work over the years. However, the compliance officer/community liaison (COCL) monitoring structure has been fraught since its inception. Mental health advocates criticized the selection process in 2014, noting that the City failed to recruit applicants with sufficient expertise in issues pertaining to mental illness, racial equity, or police oversight. The public also expressed concerns that the COCL selected was not based in the Portland community. These concerns continue to be voiced at PCCEP meetings almost a decade later, representing the community's lack of trust in our current monitoring system.

PCCEP also has concerns about the City's management of the COCL contract. Although COCL has asserted their independence from the City, PCCEP wonders if true independence can exist between an employer and a contractor. Coupled with the DOJ's separate monitoring process, this system creates the public perception of one set of compliance assessments that are pro-plaintiff and another that are pro-defendant. Not only is this system hard for the community to understand, but it continues to degrade trust in efforts to advance compliance with the Settlement Agreement.

PCCEP recognizes that the reasons for noncompliance are many, and there is no single solution to achieving our goals as a community. However, we believe that a court-appointed Independent Monitor is a first, crucial step in bringing momentum back to the Settlement Agreement.

PCCEP hereby recommends that an Independent Monitor, reporting directly to the court and with an independently managed contract, be appointed to oversee the Settlement Agreement. However, this is the bare minimum; as outlined above, the City's 2014 selection of a compliance officer initiated a cycle of promising to involve

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<sup>1</sup> [Microsoft Word - OIR Group Report 7 .docx \(portlandoregon.gov\)](#)

<sup>2</sup> [285-Dec-of-Chavez.pdf \(mentalhealthalliance.org\)](#)

<sup>3</sup> [799661 \(portlandoregon.gov\)](#)

<sup>4</sup> [U.S. Census Bureau QuickFacts: Portland city, Oregon](#)

<sup>5</sup> [PPB Officer Involved Shootings | Tableau Public](#)

the community in the process and ignoring our voices. To begin to redress this harm, PCCEP demands a robust reflection of community concerns and opportunities to participate in the selection of the Independent Monitor in the following ways:

- 1) The Independent Monitor Team must have expertise in issues pertaining to living with mental illness. PCCEP believes there are a variety of ways this requirement can be met, whether through personal lived experience, experience with a family member, or working in a direct service capacity alongside communities experiencing mental illness. The monitor team should understand how policing and other institutions of power have failed people with mental illness and let *their* perspectives guide implementation of the Settlement Agreement. An effective team will demonstrate competency in using a trauma-informed approach and distilling a broad range of community voices into solutions that work for impacted populations.
- 2) The Independent Monitor Team must bring a racial equity perspective to their work. PCCEP recognizes that mental illness is an intersectional issue, and that Black, Indigenous, and People of Color who have a mental illness are at extreme risk for police violence. Moreover, the BIPOC community at large is disproportionately harmed by areas named under the Settlement Agreement. The Black community in particular continues to be harmed by institutional racism within policing, and any forward-looking, just system will center their voices at its very core. PCCEP recommends that the Independent Monitor team be comprised of a minimum of 50% of individuals who identify as BIPOC. PCCEP also recommends that the team at large demonstrate cultural competency in how structural racism in policing has caused generational damage to communities of color.
- 3) The Independent Monitor Team should have a local presence in the Portland community to facilitate dialogue with community stakeholders. PCCEP recommends the monitor have an in-person office space in Portland that is accessible for community members to come and discuss concerns about the Settlement Agreement, ongoing implementation, and compliance progress. This dialogue, and other methods of community engagement, should be considered a qualitative evaluation criteria whereby the community's assessment of public safety outcomes are an essential part of measuring whether progress is being made.
- 4) PCCEP recommends that the community be formally represented in the selection process for the Independent Monitor team, beginning with a PCCEP representative assigned to every stage of the process. This would include any drafting of an RFP, screening of RFP applications, interviews, and final selection. PCCEP further recommends that a town hall be held prior to the final selection of an applicant. The town hall should be publicized with sufficient

advance notice and significant efforts should be made to procure attendance of a community body broadly representative of the many and diverse communities in Portland, including persons with mental illness, mental health providers, faith communities, minority, ethnic, and other community organizations, LGBTQIA2S+ people and organizations, and student or youth organizations.

PCCEP recommends that EITHER (1) the termination clause in the Settlement Agreement remain as written in Paragraph 175 so that the City must achieve and maintain substantial compliance with all provisions for one year, OR (2) that a shift to a partial termination system will trigger a new assessment by the Independent Monitor if there is any backsliding on any sections previously found in full or partial compliance.

It is past time for a change. PCCEP believes that an Independent Monitor will reinvigorate the Settlement Agreement with a renewed sense of urgency. Moreover, we hope the DOJ and the City hear our concerns and take seriously the selection criteria outlined above. Only the communities centered in the Settlement Agreement can lead the charge to solve these problems and work towards a public safety system that leads to not just compliance, but real results for all Portlanders.

<b>How does this recommendation redress barriers to racial equity?</b>	<p>Unconstitutional policing disproportionately harms BIPOC communities through implicit and explicit bias, leading to higher rates of police brutality and other forms of structural racism implicated under the Settlement Agreement.</p> <p>An Independent Monitor will help advance the Settlement Agreement. If the City achieves and maintains full compliance, the remedies in the Settlement Agreement will promote constitutional policing and help reduce harm to communities of color.</p>
<b>How does this recommendation improve outcomes for persons with mental illness?</b>	<p>The Settlement Agreement was reached because of PPB's unconstitutional use of force against people with perceived or actual mental illness, or those who are experiencing a mental health crisis. Real</p>

	<p>or perceived mental illness frequently intersects with other factors of identity, including class, disability, addiction, and/or race. These factors not only make people more vulnerable to abuse of power, but can pose substantial barriers to participating in the policymaking process.</p> <p>An Independent Monitor will help advance the Settlement Agreement. The remedies in the Settlement Agreement are intended to redress the wrongs of PPB's use of force against persons with mental illness. Moreover, the Settlement Agreement is intended to give voice to those who cannot represent themselves. A monitoring process that is more independent from the City and PPB and with substantial community input will help advance this goal.</p>
<p><b>How were marginalized and underrepresented communities, including those who will be affected by this recommendation, engaged to shape, write and otherwise develop this recommendation?</b></p>	<p>PCCEP members held a series of discussions in public meetings in service of crafting this recommendation. The PCCEP membership engaged in developing this recommendation represents a diverse spectrum of the Portland community, including the BIPOC community, those who identify as experiencing mental illness, and those who identify as having a disability. PCCEP also incorporated public input into this recommendation, including comments, ideas, and data from members of the Albina Ministerial Alliance Coalition for Justice and Police Reform and the Mental Health Alliance.</p>

## Resources

*Please list all resources relevant to this recommendation*

[Microsoft Word - OIR Group Report 7 .docx \(portlandoregon.gov\)](#)

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