



Portland Copwatch 2:40 PM (18 hours ago)

Date: Sun, 28 Oct 2012 14:31:21

From: Portland Copwatch <

To: Assistant Attorney General Thomas Perez <

Mayor Sam Adams <

Cc: Michelle Jones <

Portland City Council -- Comm. Dan Saltzman <

Commissioner Amanda Fritz <

Commissioner Nick Fish <

Comm. Randy Leonard <

Portland Copwatch <

Subject: INITIAL COMMENTS on DOJ/City of Portland Agreement

To the US Dept of Justice, Mayor Sam Adams, City Council, and others:

Our organization, which worked diligently with other organizations in the community to give feedback on the DOJ's September report, has many concerns about the agreement being put forward for adoption by Council on Thursday, and then for submission to the court.

We want to convey these initial concerns while we formulate a deeper analysis of the proposed agreement.

First, it is of great concern that all previous communications are not to be considered when interpreting this document (paragraph 3). There are many recommendations made by the Dept. of Justice that are not reflected in the final document. In fact, we would like to see any and all correspondence from the City Attorney's office and the Portland Police Association to the DOJ, since their fingerprints appear to be all over the weakest parts of the agreement.

Second, it is discouraging that despite efforts to include the community in this process, the agreement explicitly excludes anyone but the DOJ or the City from having standing to challenge the enforcement in court (paragraph 5).

Third, and we will go into more detail on this in our later analysis, is that many of the provisions do not go far enough, and the agreement is slated to last for five years (paragraph 175). We hope this does not mean that the DOJ expects the people of Portland to suffer through inadequate use of force training and policies, and our "byzantine" accountability system that is de facto endorsed in this agreement, for that long.

Fourth, we want to immediately call attention to provisions around the accountability system that are not acceptable, are actually harmful to the development of trust, and appear to be results of compromises made behind closed doors despite community outcry:

a) The Police Review Board will remain closed not just to the public, but also to the person

against whom the force was used; the only changes proposed (paragraphs 130-131) do not remedy this issue that DOJ noted in its report (on page 33).

b) Rather than create a solution for when Citizen Review Committee (CRC) asks for more investigation and the Bureau and the Independent Police Review Division refuse (DOJ report recommendation #10), the report restricts CRC to making one request for more investigation (and is ambiguous whether that means only one aspect of the complaint can be reinvestigated or not-- paragraph 135).

c) Hidden in the definitions section, the DOJ is explicitly endorsing the current standard of review used by the CRC, the "reasonable person" standard (paragraph 61), when outside experts (the Luna-Firebaugh report), repeated community input (Police Oversight Stakeholder report, AMA Coalition, etc) and the CRC itself has asked for that standard to be changed.

d) The agreement explicitly prohibits appeals to the CRC by people who survive police shootings or the survivors of a death in custody about the findings regarding whether an officer committed misconduct (paragraph 43-- also in the definitions section, a poor place to be setting policy).

At the very least, the report should be stripped of these last three specifics and address the first two before locking in the current system or its successor (paragraph 4) for five years.

Thank you
dan handelman

--Portland Copwatch
(a project of Peace and Justice Works)
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