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1	IN THE UNITED STATES DISTRICT COURT
2	FOR THE DISTRICT OF OREGON
3	PORTLAND DIVISION
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5	UNITED STATES OF AMERICA,)
6	Plaintiff,) Case No. 3:12-cv-02265-SI)
7	v.)) October 4, 2018
8	THE CITY OF PORTLAND,)
9	Defendant.) Portland, Oregon
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13	STATUS CONFERENCE
14	TRANSCRIPT OF PROCEEDINGS
 15	BEFORE THE HONORABLE MICHAEL H. SIMON
16	UNITED STATES DISTRICT COURT JUDGE
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TRANSCRIPT OF PROCEEDINGS 1 2 (October 4, 2018) (In open court:) 3 THE COURT: Good morning. 4 DEPUTY COURTROOM CLERK: Your Honor, this is the time 5 set for a status conference in Civil Case 12-2265-SI. 6 7 States of America v. City of Portland. Could I have counsel in court, beginning with plaintiff, 8 the government, identify yourself for the record, please? 9 10 MR. HAGER: Jared Hager on behalf of the United 11 States. 12 MR. GEISSLER: Jonas Geissler on behalf of the United States, Your Honor. 13 MS. CHAMBERS: Kristen Chambers. 14 15 THE COURT: I think the U.S. Attorney was going to introduce himself. 16 17 MR. WILLIAMS: Bill Williams on behalf of the United 18 States. 19 THE COURT: Good morning. MS. GOWIE: Renata Gowie on behalf of the United 20 21 States. THE COURT: Good morning. All right. Ms. Chambers. 22 MS. CHAMBERS: Kristen Chambers for Albina 23 Ministerial Alliance Coalition for Justice and Police Reform. 24

MS. ALBIES: Ashlee Albies for the AMA Coalition as

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well.
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              THE COURT: Good morning.
                              I would like to introduce our clients
              MS. CHAMBERS:
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    Dr. Haynes and Dr. Bethel.
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                           Good morning.
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              THE COURT:
              MR. CHAVEZ: Juan Chavez for the Mental Health
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    Alliance. I'm joined also by Mr. Bob Joondeph, who is with
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    Disability Rights Oregon.
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              THE COURT:
                          Welcome.
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              MR. KARIA: Good morning, Your Honor. Anil Karia for
    Police Association.
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               THE COURT:
                          Good morning.
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                           Tracy Reeve on behalf of the City of
              MS. REEVE:
    Portland, Your Honor.
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              THE COURT: Good morning.
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              MR. VANNIER: Good morning, Your Honor.
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    Denis Vannier for the City of Portland.
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              THE COURT: Good morning.
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              MR. AMBERG: Mark Amberg for the City of Portland.
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              THE COURT:
                           Anyone else?
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         All right. Welcome, all.
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         I understand that the City has recently adopted the
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    regulations for the ordinance establishing the PCCEP, that
    training has taken place and is taking place and that the first
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    meeting is scheduled for early November.
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So to the extent that I was hoping to hear today "How are things going with the PCCEP," I understand the limitations on our information.

As you all know, when we had our last conference, which was the annual conference earlier this spring, I approved, in large part, the amendments that the parties had agreed upon to the settlement agreement, and I deferred the approval of the amendments relating to the replacement of the community oversight board -- the COAB with the PCCEP structure -- so we can learn a little bit more about how that was proceeding before giving approval.

One of the concerns that I had is that if I were to approve that at that time, the way the amendment is structured, I believe, would not provide for much continuing court oversight of any changes to the PCCEP mechanism as long as it was consistent with what was put forth in the amendment. That gave me some concern. I wanted to make sure it was working before essentially writing a blank check.

Looking at this entire settlement in hindsight, I'm not quite so sure that it was the right thing to do to approve the settlement at the outset without having a court-approved monitor. But that's what both parties presented to me. It was still in the area of a sufficiently novel and creative solution to a serious problem. I wanted to see how that worked, and so I gave approval to it after our fairness hearing. But I'm

still reluctant to turn over a blank check, and so I do want to see how things have been going. That's why I did ask for this six-month interim status conference.

I have read, and I appreciate everyone's report. I did read the City of Portland's memorandum updating me on the status, along with the declaration from Ms. Reeve, the declaration of Mandi Hood, and the attachments. I appreciate that.

I have read the plaintiff's post-status conference status report, and I appreciate the plaintiff's views on it and also answering the questions that I raised at our last meeting; so thank you for doing that.

I have received the status report and read it from the Albina Ministerial Alliance, as always, found it very helpful and informative; so I appreciate your efforts there.

I've also received four pieces of written correspondence that I found very helpful. I received from the League of Women Voters a memorandum dated October 1st. I have received from the -- Mr. Dan Handelman and Portland Copwatch a very informative and helpful email dated October 3rd, and I've also received helpful and informative emails from Ms. Anne Brayfield and Mr. Joe Walsh.

I think I've asked my courtroom deputy to circulate those to the parties. If you don't have copies of any of those four items, let Mary know, and we'll make sure you have them.

In addition, as you saw in the agenda that I distributed, what I plan on doing is hearing some presentation and comments from the United States, as plaintiff, first; followed by the City of Portland; followed by the Albina Ministerial Coalition; followed by the Portland Police Association; followed -- if the compliance officer of the COCL wants to make any comments, that would be welcome as well; followed by friend of the court, the Mental Health Alliance. And then we would hear any comments from any members of the public who wish to provide public comments beyond what I've just described and what we have all just heard. I think there was a sign-up sheet that -- Mary, do you -- was that distributed back there and do we have --

DEPUTY COURTROOM CLERK: You know, I don't have it.

THE COURT: So we'll see how that looks, and I'll inform you how that looks. Depending upon how many people wish to speak, if we can get everything completed before our lunch break, we'll do it; if we can't, I've set aside the entire day for this hearing, if needed, and -- but we will have a lunch break if we're going to do that. And so when I get the sign-up sheet of who wishes to speak, we'll give further information and direction about that.

But that's it for my preliminary or introductory comments.

Again, I do appreciate all the hard work, not only that you all have done in getting me the reports that you have provided, but the real hard work, the real important work, is done not in

this courtroom but as part of implementation of the settlement agreement. And from what I have read, everyone has been working hard to implement the settlement agreement and the spirit behind it, and I recognize that and I appreciate that.

I look forward to comments from the United States.

MR. HAGER: Thank you, Your Honor. We respectfully renew the joint stipulated motion to amend the settlement agreement. That's electronic court filing ECF 157. In May, the Court approved most of the proposed amendments through ECF 171. The remaining amendments to the framework for community engagement replacing the community oversight advisory board with the Portland Committee on Community-Engaged Policing are the only items before the Court today.

The Court has conditionally approved these changes. That must mean, at a minimum, on their face, these changes aren't unreasonable, aren't patently inadequate.

The Court has allowed the parties to perform as if the amendments were approved, and we have.

As a result, we don't have to rely just on a facial assessment at this time. We have experience too. The PCCEP reflects an intentional and inclusive effort to create a perpetual body to restore community confidence in the Portland Police Bureau through systemic oversight and engagement. It deserves our faith and our support.

Your Honor, we ask that you now give full unconditional

approval to the Portland Committee on Community-Engaged Policing. Our request is supported by four reasons.

First, the amendments are the product of a process established by the agreement at paragraph 184. That process was previously ruled to be fair, adequate, and reasonable. And that's ECF 86, 96, and 99.

To briefly remind the Court, the agreement builds in substantial safeguards to ensure that amendments are fair and worthy of approval. The changes were proposed by the City, but it took an act of council. The council gave multiple five-to-zero unanimous votes but not before much public comment and many revisions.

In short, Your Honor, the Court should approve the changes because they're stipulated and because they're presented in accordance with paragraph 194.

Second, in April the Court conditioned approval on appearance at this hearing for this Court's further evaluation of whether the PCCEP process is going well, specifically to assess if the committee gets formed according to plan and functioned according to its design. And I'll reference page 139 and 140 of the Court's transcript.

The process is going well. The effort has been deliberate and thorough, facilitated by effective leadership, as described in the City status report. ECF 183 to 185.

The City, the mayor's office, and the facilitator have

welcomed us, the United States, and the compliance officer at every step along the way, and there have been many steps to date.

The committee was formed as required by paragraph 141 and has been given the authority described in paragraph 142.

Now, that paragraph sets minimum authority -- a floor.

The committee can go further, and, in fact, the plan does go further. PCCEP's authority includes evaluating performance.

It includes oversight, independent oversight, and it includes the ability to make recommendations. And I'll direct the Court and the public to Section VIII of the PCCEP plan regarding statement of work.

The committee members are diverse and personally invested in the mission of police reform as required by paragraph 143. The City is providing substantial administrative support an ongoing obligation paragraph 144.

Now, it's true, as the Court recognized, that PCCEP members are still in the middle of training. And their first regularly scheduled public meeting won't occur until November. But that shouldn't impact the Court's approval today. We shouldn't conflate adequacy of the amendment with adequacy of performance. That analysis isn't contemplated by paragraph 184 or any legal standard, that I'm aware of, and it isn't needed in this case, Your Honor. The training is mandatory. It's required, and it's been scheduled. Regular public meetings are

mandatory. This group, Your Honor, is worthy of our faith.

Six months ago the PCCEP was just an idea, a written proposal. Today, it is 13 members. It is six alternates, and it's two expert facilitator groups. It has the support of Chief Outlaw and the rank and file officers of the police bureau as represented by Portland Police Association today. It has the support of Mayor Wheeler and city council and their staffs. Because the committee is functioning well to date, we ask that the Court also show its support by giving final approval for -- and cementing PCCEP's existence.

Third, the amendments should be approved today because they are fair, adequate, and reasonable. Notwithstanding any snapshot of performance. The changes are entirely consistent with the principles embodied by the agreement. They create a great chance of a lasting framework for community engagement and oversight.

The new framework addresses problems while preserving and enhancing the COAB's defining characteristics, including its mission to independently assess implementation of the agreement and its duty to regularly engage the public, elected city leaders, and the police bureau.

But PCCEP goes further than COAB by divorcing the body from the compliance officer, by untethering it from the four corners of the settlement agreement, the amendments give community oversight and engagement a longer life, a broader

mandate, and the empowerment of self-determination. The changes are facially reasonable. The plan is facially reasonable. The United States respectfully submits that the committee can and should be expected to discharge its work in good faith through public meetings. Accordingly, the Court should approve the changes.

Finally, the United States believes that committee members and the committee itself would benefit from having the Court's full unconditional approval today, not later.

Conditionality is not without cost. Conditionality casts a cloud. Potential disapproval could very well discount the perceived value of an all-in effort of the members. We know from experience that volunteering in this context is a significant burden. There's good cause not to pile on this burden, the weight of a conditional existence, based on these members' performance.

The Court's approval today would provide a real benefit to committee members as they tackle tough topics for the first time as a group. Faith and support build confidence, and confidence breeds strength, courage, and success. This committee merits our confidence. At its core, conditional approval does one thing. It preserves the possibility of rejection.

At this stage, however, with the City now fully committed and with volunteer members on the cusp of investing significant

time and effort, rejecting the PCCEP amendment would be a disproportionate response to potential problems that might arise. I can think of many less intrusive alternatives. Collaboration among the parties in the amici, compliance officer reports, status conferences with the Court. All of these would be better than continuing that cloud of potential rejection.

Whatever must happen ultimately, should happen immediately. If the Court were to reject the PCCEP framework, it would be useful to know sooner. Just the same, the Court should approve the framework if it is fair, if it is reasonable, if it is an adequate way to meet the purpose of restoring community confidence, and which believe that it is.

Your Honor, we respectfully ask you to grant the joint motion to amend the settlement agreement.

THE COURT: Thank you, Mr. Hager. Let me ask you a few follow-up questions if I may. The AMA coalition and their status update notes at the top of page 2 that for the past two years the City has been in noncompliance with the settlement agreement in the area of community oversight.

Does the government -- does the plaintiff agree?

MR. HAGER: We certainly believe that we have not been able to find compliance given the nonexistence of the Community Oversight Advisory Board.

THE COURT: In the plaintiff's view, have all parties

been acting in good faith since the outset of the settlement agreement?

MR. HAGER: I think so. Yes, Your Honor.

THE COURT: And so notwithstanding everyone's acting in good faith, we still have not -- we still had a situation of noncompliance with the settlement agreement; is that right?

MR. HAGER: That's right.

THE COURT: Okay. Now, the AMA also points out in the middle of page 2 that whereas the settlement agreement required court approval of any amendment or modifications, the details of the PCCEP, the Portland Committee on Community-Engaged Policing, are set forth in a document that is separate from the settlement agreement and can be modified without the -- as AMA puts it, without entry into the court record.

Does plaintiff agree with that?

MR. HAGER: I think we would reserve our right to disagree with the premise. Paragraph 184 suggests that amendments and the amendment process, which has been deemed fair, adequate, and reasonable, allows the parties, with an act of council, with the agreement of the United States collaboration of the parties, to amend the agreement without further action of the Court. We would preserve that argument. The point is well taken, though.

And to not fight the hypothetical, the second aspect of

that, we do believe there's some value to having a community board have some flexibility to change some of the terms without having an act of council, without having to run changes up the flagpole of the United States, which can be time-consuming, to give it that ability to respond to problems more immediately.

So that was by design to have some of the bylaws or the specifics outside of the agreement. But it is well taken that that can be changed without court oversight.

Now, it cannot be changed without the approval of the United States or without collaboration with both the AMA and the PPA, which is codified in the settlement agreement.

And you say "collaboration," does that THE COURT: mean that the AMA has veto authority to override or overrule any proposed changes to the PCCEP agreement?

That wouldn't be my understanding of the MR. HAGER: definition of "collaboration," but at the same time, I would just want to note for the record that, you know, we have a democratically elected local city council, and they have been very responsive to concerns raised by the AMA and other citizens too.

And I certainly mean no disrespect for THE COURT: our democratically elected city council at all by this process, and I assume neither does the United States.

> That's right. MR. HAGER:

THE COURT: But the United States sued the City,

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didn't they?
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                         That's right, Your Honor.
              MR. HAGER:
              THE COURT: And I assume you had a good-faith basis
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    for bringing this lawsuit?
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              MR. GEISSLER: We did, Your Honor.
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              THE COURT: All right. You mentioned that the
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    members have been appointed.
         Am I correct that the city council just affirmed the
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    appointment of the members a week ago yesterday?
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    September 26th?
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              MR. HAGER: That's correct.
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              THE COURT: And you mentioned that the first public
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    meeting has not yet occurred.
              MR. HAGER: That's correct.
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              THE COURT: And it's scheduled for when in November
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    of 2018?
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              MR. HAGER:
                           That will be up for the board to decide
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    or the committee to decide, and I don't think they've tackled
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    that issue yet.
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               THE COURT:
                          Have I heard you -- I'm not sure I heard
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    this correctly, but I thought I heard you say the committee is
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    functioning well today. You didn't mean the PCCEP committee,
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    did you?
              MR. HAGER: Oh, I did, Your Honor.
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              THE COURT: But they have not yet had their first
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public meeting. Am I correct?

MR. HAGER: Part of the PCCEP functioning well, I believe, is the training that they have been undertaking. Part of the PCCEP functioning well is the formation of the PCCEP, and that process went well with diverse input and diverse results.

THE COURT: So we have good input, a composition of the committee that the United States supports. But when you say the committee is functioning well, you are not intending to imply that they have had well functioning meetings, public meetings, because those haven't yet occurred and are not yet scheduled to occur until November. Am I correct?

MR. HAGER: That's right, Your Honor. The statement of work is a little bit broader than just public meetings. It does require some of these training activities, not only to get to know each other and the process of being a committee under a city structure, but engaging with the police bureau, through ride-alongs and community academy, and that's happening this week. The final trainings will occur next week.

THE COURT: And once we start with the public meetings in November, what's the anticipated frequency of public meetings? Is it --

MR. HAGER: Well, it's at least once per month, and that is a floor again. The committee will be free to decide for itself if it wants to meet more regularly than that. In

addition, there have been the allowance for subcommittees and subcommittee meetings at the behest of the AMA.

THE COURT: I take it, because I have not seen any paperwork or submission on this point, my assumption is that I do not have a recommendation from the committee itself, as a committee, the PCCEP committee, as a PCCEP committee, saying they think it is a good idea to approve the amendment at this time as opposed to wait to see how things are going.

Am I correct that I don't have that formal recommendation from the committee yet?

MR. HAGER: I certainly have not seen that formal recommendation, Your Honor.

THE COURT: All right. Thank you very much,
Mr. Hager. I do recognize the good faith and the hard work
that has been put in, frankly, by everyone. You sense some
skepticism in my questions, but please do not interpret that
skepticism as a lack of respect for everyone's good faith and
hard work.

MR. HAGER: Very good. Thank you, Your Honor.

THE COURT: The skepticism is simply about when is the right time for the Court to give approval to an agreement or an amendment that the Court will then not really be able to continue to monitor if further amendments are needed or even brought about.

MR. HAGER: I understand.

THE COURT: Thank you.

All right. I look forward to hearing comments from the City of Portland.

MS. REEVE: Thank you, Your Honor. Tracy Reeve, Portland city attorney, on behalf of the City of Portland.

The City is delighted to be here today to report back to the Court, the parties, the amici, the public, and to welcome the Mental Health Alliance as an additional amicus.

With the help and engagement of the community, the evaluation committee, the Selection Advisory Committee, the enhanced amicus Albina Ministerial Alliance Coalition for Justice and Police Reform, the Department of Justice, the City and PCCEP staff, and the hard work of the PCCEP facilitators. Thirteen outstanding individuals from diverse backgrounds across a broad spectrum of our community have been seated on the Portland Committee on Community-Engaged Policing.

I would like to ask that any of the PCCEP members who were able to be present today, please stand to be acknowledged when I read your name. The 13 new PCCEP members are Sebastian Chevalier. And Sebastian is a youth member. Yolanda Clay, Lakayana Drury, LaKeesha Dumas, Bob Dye, Sharon Gary-Smith, Aden Hassan, Andrew Kalloch, Michelle Lang, Patrick Nolen, Sam Sachs, Zachary Thornhill, and Kalonji Williams -- excuse me, Kalonji Williams, another youth member.

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THE COURT: Let me interrupt right there and say I do recognize and appreciate your willingness to serve on this very important committee for the good of our entire community, so thank you.

> Thank you, Your Honor. MS. REEVE:

The City is also very grateful that the PCCEP members have agreed to serve and hopes the Court will have the opportunity to hear from some of them during the public testimony of today's proceedings if they so elect.

The PCCEP will hold its first public meeting next month, as the Court has heard. After close to two years without a functioning community engagement body, this is a huge step forward.

I'm going to deviate a little bit from my prepared remarks to address one of the questions -- actually, two, which I think are related, questions about the process, which is the Court asked is it true that the City has been in noncompliance for two years, and it's of course true that the City has not been in substantial compliance for two years. And the Court's question about whether it's appropriate to have the process for making changes to the community engagement plan occur outside the framework of amendments to the settlement agreement.

I think those two things are not unrelated. The City was without a functioning community engagement body for two years because, once the problems developed with the existing

structure, the City was required to -- under the terms of the settlement agreement, to go through the process of amending the agreement. That process, in large measure, is what caused the delay of two years. Because there was a lengthy collaboration process, there were a number of city council hearings on the proposed amendments before we even got to that process to select, the City collaborated with the Department of Justice and the AMAC about the amendments. There was a mediation process.

There were then three or four city council hearings, at which there was robust public participation and testimony. The council finally approved those amendments in late August of 2017 for the new structure for the community engagement body.

It then took until December 26th of 2017 to get final approval from the Department of Justice and all of the parties to get the stipulated motion filed. And then through the process since that time, then the hearing was held before this Court in April, but another status conference was set now.

So one of the reasons that the City is --

THE COURT: And the committee appointed last week or the -- and the committee approved by the city council last week?

MS. REEVE: Correct. Correct. And that process -- and I'll go a little bit through what that process was, but my point is simply that because there is a very exhaustive process

that has to be followed for amendments to the settlement agreement, that also proved to be a process that was very cumbersome when difficulties with the community engagement structure were identified, and the parties very purposefully drafted the amendments so that that process would not have to occur should future difficulties arise so that we wouldn't have a delay of that length of time again, and the idea is to allow more nimble efforts to correct difficulties that arise while still having safeguards in place.

And those safeguards that are in place include consultation with the Portland Police Association and enhanced amicus AMAC. They include Department of Justice approval. And because this plan was set up and approved by city council, they also include city council approval.

And so that is certainly a robust process, but it is one that is not as lengthy and time-consuming as securing actual amendments to the settlement agreement.

I just want to second what the United States said. The other reason that the PCCEP plan was designed to be referred to in the settlement agreement and to have floor requirements set forth in the settlement agreement, but to be independent, is that we're establishing the PCCEP at a very different moment than was -- the COAB was established.

The settlement agreement was negotiated in 2012, and at that point, the terms regarding the COAB were contemplated.

The COAB was intended to be created extensive with the beginning, essentially, of the City's compliance efforts.

We're six years down the road from that point in time, and the City is much farther along in its path to substantial compliance than it was in 2012. All of the parties and the City certainly understand that robust community engagement is necessary to fully achieve the purposes contemplated by the settlement agreement. Constitutional policing and a trusting relationship between the Portland community and the police bureau which serves that community and the other city public safety functions.

In order to ensure that that body continues to perform that crucial function or to help perform that crucial function, it's essential that the PCCEP have an existence that continues well beyond whatever date it is when the City achieves substantial compliance and Your Honor finally dismisses this case.

And so that is the -- one of the major reasons that the PCCEP was designed to have, as I say, four requirements in the settlement agreement but an existence separate and apart from the settlement agreement that will continue after the settlement agreement.

I would like to -- I would also like to concur with the United States to the point that the AMAC raised in its status report, that it's true that the primary focus of the PCCEP is

to serve that crucial community engagement function. But the PCCEP's mission is broad, and the PCCEP also has an oversight role with regard to the settlement agreement and the authority to independently assess the settlement agreement using the tools outlined in the plan. And there are many tools outlined that PCCEP has the ability to gain information, to gain written responses from the City. It really has much more robust tools than the COAB had.

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AMAC also noted that under the PCCEP plan, PCCEP members are appointed by the mayor, which is, of course, true.

Again, that was by design so that there is a more straight connection between the PCCEP and the politically accountable mayor, who's also the police commissioner. And should a different commissioner be the police commissioner, the PCCEP will also have that relationship.

And, again, one of the difficulties created with the COAB was that it was not a part of the -- or at least not clearly a part of the City but was working through the COCL which ended up -- although it was well-intentioned, it ended up being an awkward structure.

The selection process was overseen by a Selection Advisory Committee, which had one community member appointed by each city commissioner, including the mayor. All applicants who met the minimum required qualifications for eligibility were evaluated by the Selection Advisory Committee which determined

who to interview. All appointed PCCEP members, all of the 13 members who had been appointed, were interviewed and recommended by the Selection Advisory Committee, and the final appointment decision was made by the mayor in consultation with council offices and then the city council confirmed all the PCCEP members.

So there was robust community engagement and involvement by city council members other than the mayor.

I'd also like to briefly touch on some of the other concerns raised by the Albina Ministerial Alliance Coalition in its submission. One of the concerns is that -- and I'm quoting from their brief. It is critical for the community to have a live voice at the meetings, not solely via electronic means, and that decisions are not made before public comment.

And the City took this concern to heart, and the amended PCCEP plan specifies that meeting agendas shall be structured in a manner that provides a meaningful opportunity for public comment. Prior to the conclusion of deliberations and voting, it also provides that public meetings will be generally open to the public, and it also provides that facilitators will ensure that no votes are taken without the public having the opportunity to be present.

The AMAC also addressed a concern about PCCEP's limited ability to meet without the public present should good cause be shown due to safety concerns. AMAC stated that this language

should be limited to legitimate threats to safety, and the City and the facilitators concur with that. The City does not believe that legitimate threats to public safety should be limited to physical safety, but it does concur that good cause needs to be shown and legitimate threats to safety need to be shown.

The City will apply the good-cause requirement to mean that PCCEP could only meet in private in the face of a legitimate threat to safety, such as physical violence or ongoing verbal abuse. Certainly not merely the discussion of uncomfortable topics.

The City also acknowledges AMAC's concerns about the timeliness of notice for meetings, and the PCCEP staff and facilitators have committed to providing a minimum of two weeks and generally at least three weeks of PCCEP meetings.

The PCCEP website will have all PCCEP notices, minutes, and reports posted and will link to the COCL's website for compliance reporting.

The City also acknowledges AMAC's legitimate frustration about quick requested turnaround times for reviewing documents and drafts and will try to do better. And we note our appreciation for AMAC's recent extensive participation in the PCCEP plan, amendment process and discussions back and forth. That process lasted approximately six weeks from the time that we contacted the AMAC. And during that period of time, a

meeting was held and numerous emails and correspondence were exchanged regarding actual language and the City and the AMAC were able to agree on almost all changes.

There was some time sensitivity, as the City needed to have the amend PCCEP plan approved by counsel and by the Department of Justice. After the consultation process and before the PCCEP members could be appointed and seated, and the City appreciations AMAC's quick turnaround time to enable us to accomplish that.

AMAC also raises a legitimate concern about ensuring a process for the selection of alternates to the PCCEP, and I'm happy to report on that. Six alternates were chosen by the mayor. Four adults and two youths. Those alternates have all been invited to participate in the current retreat and on-boarding process for PCCEP members, including participation in PPB ride-alongs and also the PPB community academy.

They're also welcome to attend all PCCEP meetings and subcommittee meetings and will be provided full access to all information that PCCEP members have access to. Alternates are not currently ranked, and this was intentional.

Because the City is not mandating their attendance at PCCEP meetings, given the substantial time commitment, should it become necessary to replace a current PCCEP member, the City will assess each alternate based on their level of participation in PCCEP activities and their familiarity with

the work of the PCCEP, along with their original application and interview, to determine who to appoint from the alternate pool.

In addition, in anticipation of terms expiring, the City will reopen the application process to interested Portlanders. And through this process, which will adhere to the parameters set forth in the PCCEP plan, the alternate pool will be expanded and replenished and alternates will continue to be trained alongside new PCCEP members.

The City did also consider AMAC's suggestion that the Selection Advisory Committee be retained to meet annually, but ultimately decided against it, given the burden this places on individuals who are not City employees whose time commitments cannot be foreseen and who are not otherwise connected to or obligated under the settlement agreement.

Nonetheless, every effort will be made should it become necessary to reconvene the original Selection Advisory Committee. And if that is not possible, the affected commissioners, those commissioners whose member was not able to continue, will be asked to appoint another committee member to serve. The City hopes that this information is responsive to the concerns raised by the AMAC in its memo.

I would like to very briefly touch on some of the steps the City has taken to initiate the PCCEP. And I'm not going to go through everything that's in our brief, but it may seem

like, "Well, why are you just now seating them?" Some of the difficulty -- among the many difficulties faced by the COAB, the City took to heart and really heard that the COAB was not given enough time for training, was not provided enough support to come together and coalesce as a group and establish shared goals and a shared work plan. And so the City is really committed to doing things differently this time.

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The City, in -- as I mentioned, on December 26th of 2017, all parties and enhanced amicus Albina Ministerial Alliance filed a joint stipulated motion to enter the amended settlement agreement with the Court. The City issued a revised request for proposals for PCCEP facilitators in February. revised because the original RFP issued by the City in November did not generate as robust of responses as the City had hoped. And with the help of the evaluation committee, which the City did a renewed RFP in February 2018, and that evaluation committee was comprised of -- and I apologize if I'm mispronouncing anyone's name, Freda Ceaser, Director of Equity and Inclusion at Central City Concern. Dana Coffee from the Portland Commission on Disability. Jan Friedman, Attorney with Disability Rights Oregon. Janie Gulickson, Executive Director of the Mental Health Association of Oregon. Kalei Luyben, a member of the Albina Ministerial Alliance Coalition for Justice in Police Reform. And Daniel Portis-Cathers, a member of the NAACP.

THE COURT: And the Court does thank them and recognize them for their hard work and its important role.

MS. REEVE: The City initially set one facilitator, but when the responses were received, the evaluation committee determined that the top two candidates were phenomenal and that working together they would best serve to engage the community, and so two facilitators were therefore hired by the City on that recommendation.

On of the two facilitators chosen was Training for Transformation, led by Hun Taing and Brandon Lee. And I believe Mr. Lee is present. There he is.

THE COURT: Welcome. Thank you, sir.

MS. REEVE: The City would like to acknowledge

Mr. Lee's and Ms. Taing's hard work as well as the hard work -excuse me. Training for Transformation and some Oregon state
certified minority business enterprises that specialize in
equity focused community building between law enforcement and
the diverse residents they serve.

The other facilitator selected was the Brad Taylor Group, an emerging small business specializing in developing communication strategies through training seminars, conflict resolution, and facilitation services. And Mr. Taylor has extensive experience working with and advocating for some of Portland's most vulnerable residents, including those who have lived experience with mental illness.

The facilitators really hit the ground running in May of 2018, and their outreach strategy focused on removing barriers to participation for historically marginalized communities and empowering Portlanders with lived experience to take the lead in the process.

To date, the facilitators have put in well over 500 hours of work.

The facilitators also recommended the certain limited changes to the PCCEP plan, and, very briefly, the goal of those changes was to increase the size of the PCCEP to allow youth participation, to reduce the number of required monthly meetings to make the time commitment more manageable, and to establish some committees with open meetings to do additional work that the full PCCEP wasn't required for, also to provide for alternative training protocols for any PCCEP members who felt an accommodation was needed and to give the PCCEP greater control over the methods to be used for community engagement in order to be able to put an emphasis on community gatherings and nontraditional methods of meeting Portlanders where they are.

The conditionally approved amendments to Section IX laid out the process, the roadmap, for those changes at paragraph 142. That process was followed, and, as I've already mentioned, enhanced amicus AMAC participated, and we appreciate that. Intervenor PPA also participated, and both PPA and AMAC provided suggestions to the City which were incorporated and

which approved the amendment.

The amendments were subsequently approved by the DOJ and then by city council. In the meantime, the Selection Advisory Committee was appointed and those -- each council member appointed one member. Dr. Cynthia Fowler, a psychiatrist and Chair of the Health Committee of the NAACP, was appointed by Commissioner Saltzman. Julie Ramos, a mental health advocate and the recent Vice Chair of the Citizen Review Committee, appointed by Commissioner Fritz. Musse Olol, Chairman of the Somali American Council of Oregon, was appointed by Commissioner Eudaly. Bobbin Singh, Executive Director of the Oregon Justice Resource Center, was appointed by Commissioner Fish. And Derald Walker, a psychologist and Executive Director of Cascadia Behavioral Health, was appointed by Mayor Wheeler.

The Selection Advisory Committee and facilitators were supported by staff and engaged in a broad outreach strategy to reach as many Portlanders as possible, including presenting at community meetings, informational sessions, targeting informal conversations within their respective network, and six more formal information sessions held in geographically diverse locations around the city. The facilitators also did very targeted outreach to particular individuals and communities.

Because of this great work -- and I really do want to give kudos to the facilitators -- over 100 applications to receive on the -- to serve on the PCCEP were received from a broad

spectrum of Portlanders.

The Selection Advisory Committee focused on the following areas in assessing those applications: Lived experience as a member of a marginalized community, lived experience with mental or physical health issues, interpersonal skills, experience working within and advocating for marginalized communities, and experience utilizing social services and engaging in government processes.

The Selection Advisory Committee selected the candidates to interview and then conducted interviews in August, this past August, which all, as you've heard, were monitored by a representative of the Department of Justice or the COCL.

The Selection Advisory Committee then provided a slate of candidates -- a suggested slate of candidates to the mayor, along with alternates. Mayoral interviews occurred also in August and were also attended by the United States Attorney's Office. The mayor announced his selection of PCCEP members and alternates on September 11th, and those appointments were confirmed by the city council on September 26th.

As you've heard, the PCCEP members have already begun their extensive on-boarding and training process, and the first public PCCEP meeting will occur next month.

The City is now in a position to fully come into compliance with its obligations under Section IX of the settlement agreement, and the City has not achieved full

substantial compliance yet because that requires PPB to be engaging with the PCCEP, but we're poised to do that now that we have a PCCEP and an outstanding PCCEP to work with.

And Mr. Vannier, at whatever point the Court wants to hear argument on the issue of whether final approval shall be granted, will discuss that. But I would just concur with the United States that we're -- we're asking these 13 community members to step up, give a huge time commitment to do difficult work, controversial work, taxing work, and I would urge the Court to consider that they're entitled to have a framework within which they're doing their work, to have -- to be established unconditionally as the Portland Committee on Community-Engaged Policing.

Should any issues crop up, we've already shown that the PCCEP plan can be successfully amended with the process specifically set forth. We don't anticipate that. We are not aware of any issues. But we have a mechanism to do it that won't take two years the next time. And these committee members would be willing to do this work on behalf of the City. We would urge the Court to give them the ability to do that and not under a cloud.

Finally, I just wanted to mention Section X of the settlement agreement, which largely concerns accountability and the COCL's work, but paragraph 160 refers to the COCL's required town hall meetings to present draft reports to the

community. Under this paragraph, the COCL and the City, in consultation with the PCCEP, shall ensure that the time and location of these quarterly town hall meetings are well publicized with sufficient advanced notice to procure attendance of broadly representing a community body.

To date, the City and COCL -- the COCL has been holding such town halls with support from the City. Now that the PCCEP is seated, it will have the responsibility of coordinating with the COCL to host the town hall meetings at which the COCL presents its report, and the COCL and PCCEP receive comment.

Because PCCEP has not yet completed its training process, that will not occur for the next quarterly town hall meeting because that is occurring in about two weeks. I want to make sure that everybody who's here who is interested has that information. It's also gone out to the distribution list and has been posted. But that next COCL quarterly town hall will be held on October 17th. It will be hosted by the COCL and the City at 6:00 p.m., in room 2500-B of the 1900 building, which is at 1900 Southwest Fourth Avenue. Future town halls, following that town hall, will be coordinated with the PCCEP, and that will allow the City to come into full compliance with Section X of the settlement agreement as well.

In conclusion, Your Honor, the City is extremely gratified to finally be able to be before you today to report that great strides have been made toward achieving substantial compliance

with the community engagement requirements of the settlement agreement, and the City is very grateful for all of the support from the community and the parties and the Albina Ministerial Alliance and the volunteers to get us to this point.

As I said, I don't know if the Court wants to hear argument now or later on the --

THE COURT: Probably later.

MS. REEVE: Okay.

THE COURT: But let me ask you two follow-up questions. I appreciate your comments, Ms. Reeve, and I thank you very much.

You mentioned the facilitators, and I do recognize their hard work in this training toward transformation and the Brad Taylor Group. Is there a term of the facilitator's contract with the City?

MS. REEVE: My understanding, Your Honor, was the initial term was for a year with an option for an additional six months, and of course under City procurement rules, that can always being extended.

THE COURT: And has the year expired, or when does it expire?

 $$\operatorname{MS}.$$ REEVE: No. They began working, Your Honor, in May of 2018.

THE COURT: So that will continue through May of 2019?

MS. REEVE: Yes. And, as I say, there's already provisions for another six months, should that be deemed necessary.

THE COURT: The second question I have is I get that difficult matters take a long time. I get it. I -- I do not -- I'm not being critical. But my question is given all that had to be done and that the city council's decision just occurred a week ago yesterday, September 26th, as you say, was there a relationship, any connection at all, between the timing of the City's decision last week and the long-scheduled hearing in this case for today?

MS. REEVE: No, Your Honor. That's just how --

THE COURT: Pure coincidence.

MS. REEVE: Honestly, Your Honor, that is -- we -we -- let me say this: We absolutely wanted that process
completed before we came back to Your Honor, but other than
that, no, there was no connection. That was the soonest we
could get it done with the PCCEP plan amendments that came from
the community and the facilitators and the process of needing
to go through those amendments and have a meaningful -- as I
say, the collaboration process with PPA and AMAC took six weeks
itself. DOJ needs time for approval. So, no, Your Honor, it
wasn't scheduled to occur the week before the hearing.
Although, we did want it completed before this hearing.

THE COURT: I get it. There's a lot of work to be

done. I fully accept what you're saying. I do note occasionally having an externally imposed deadline is not a bad idea for a whole bunch of things in life. I get it.

Mr. Vannier, I think it will be most helpful, if you were going to urge me to approve the amendment today, as opposed to after the PCCEP has had an opportunity to do -- have some meetings and see how it works, I think that argument will be most welcome after we've heard all of the reasons why I shouldn't do that.

All right. Thank you very much.

MS. REEVE: Thank you, Your Honor.

THE COURT: All right. I look forward to hearing from Albina Ministerial Alliance.

MS. CHAMBERS: Good morning, Your Honor. The AMAC does acknowledge that there have been a lot of progress and some improvements in the PCCEP plan and greatly appreciates the City's cooperation and making some of those changes. However, AMAC still has some concerns similar to what the Court has about full approval of the PCCEP plan at this time.

As AMAC has raised with this Court many times, the process by which the PCCEP plan was created was a very exclusionary process involving an appeal to the Ninth Circuit and a mediation that specifically excluded AMAC.

We have noticed time and time again that when the City talks about collaboration with AMAC, the City defines what

"collaboration" means and that sometimes that means that AMAC is included in the conversation after some sort of preliminary decision or draft has already been made or is given pretty last-minute notice to be able to provide some input.

Based on that past experience, the AMAC feels strongly that we need to see how the PCCEP is actually functioning and that if we were to wait six months and see how the PCCEP is actually operating, that this Court would be in a much better position to fully approve the plan.

Now, that's not to say that AMAC is rejecting the PCCEP or not appreciating the work of the community members and the plan as it's stated, but we have to remember that even the criticisms today and the critique by AMAC of this plan is based on what is already understood to be set in stone, and so they're fine-tune critiques when what we were working on a couple of years ago was, in AMAC's view, a much more robust and community-involved oversight of the system.

If you wouldn't mind, I would like to ask your permission that my clients, Dr. Haynes and Dr. Bethel, may also speak?

THE COURT: Of course.

DR. HAYNES: Thank you to The Honorable and distinguished Judge Michael H. Simon in the case of United States of America v. the City of Portland. Case
No. 3:12-02265. The Albina Ministerial Alliance for Justice and Police Reform was given enhanced amicus curiae by the

request of the Court to collectively engage in mediation with other intervenors and the Department of Justice. We faithfully engage in mediation that produced the settlement agreement that was accepted by all parties. After several modifications of the original settlement agreement, we stand before the Court with a new modification of the original settlement agreement.

On April the 19th, 2018, the fairness hearing was held on the most recent amendment to the original settlement agreement.

All parties agree to a joint stipulated motion to enter the amended settlement agreement.

On May the 5th, 2018, the Court approved the amendments to the settlement agreement and conditionally approved the changes to Section IX and X, relating to the community oversight engagement. AMAC agrees with the amendment and goals and concept and plan of PCCEP with some concerns. Many of those have been adequately responded to by the City while others necessarily have not.

We believe that the thrust of the Portland Community on Engagement Policing is a critical component to reforming the Portland Police Bureau and building trust between the historical and polarized diverse communities and the Portland Police Bureau. But history has clearly shown that there is no one approach, a plan, or solution to our problem. We must always have a multifaceted approach and plan.

Most of these concerns have been shared with the City and

the city council and some have been adjusted. One, that in the procedure and process of PCCEP meetings and that the public is given face-to-face opportunities to voice their opinion and comments in an open session prior to the decisions that are made in PCCEP. We are glad to hear that the City responded to that.

Two, that PCCEP establish protocol and internal procedures to carry out its duty and responsibilities of reviewing the settlement agreement and its review on evaluation of the agreement of whether it is progressing or not progressing. I must say that there was only when AMAC introduced this -- that it was added to the plan and that the language was changed on this because -- and that's one of your great visions,

Judge Michael, in making AMAC enhanced amicus curiae, because that would not have been in the original PCCEP plan.

PCCEP -- that PCCEP provide the opportunities to hear voices of diverse citizens on issue of police reform. We're not interested in just having sensitivity sessions, but we are interested in collecting the ideas of the community on the issues of reform to make the Portland Police Bureau a model for the nation.

Three, that PCCEP provide -- after providing opportunities, that PCCEP participate, not organize, which is quality hearing of COCL, and that has been added by the City. We're concerned deeply about some other issues, in terms of my

idea -- my friends and colleagues with DOJ in their particular statement that PCCEP is functioning well. We're going to have to disagree. Nothing can be functionally well until the actual meetings begin to take place and we can do an evaluation of whether it's functioning well.

Also, there's other concerns that we have that concern deeply about the militarization of the local police force and the escalation of the handling of a mass protest by the Portland police. We're concerned also by the gap in the training and the implementation when it comes to the policy of the escalation within the Portland Police Bureau.

One of the things that we conclude, in agreement with you, Judge, that there needs to be an evaluation period of how the PCCEP is working or not working following the beginning of meetings.

In conclusion, the late, beloved dreamer and practitional prophet in America, Dr. Martin Luther King, once said human progress is neither automatic nor inevitable. Every step towards the goal of justice requires sacrifice, suffering, and struggle, the timeless exertion, and passionate concern of dedicated individuals.

And so at this time I'm going to turn it over to my colleague Dr. T. Allen Bethel.

THE COURT: Thank you, Dr. Haynes. I appreciate your wisdom and comments.

Dr. Bethel.

DR. BETHEL: Thank you. Good morning, Judge, and thank you so much for this opportunity to be at this status conference again. I want to cover just a few points, particularly regarding the PCCEP and some generals about the Portland Police Bureau.

Unfortunately, I sit here today in the aftermath of another police-involved, officer-involved shooting. The killing of a young African-American man. Mr. Patrick Kimmons.

While I understand that it does take time to get information, I do want to encourage that in this process that we get information as soon as possible to help keep peace within the city. When rumors begin to swell, it's hard to take rumors back and quiet things down.

I'm reminded of something that I believe worked well and I would suggest to the bureau to consider doing again. It happened under Chief Foxworth's reign. We would have what I would class as a "Here's what we know" meeting. It happened the day after a shooting or no more than a second day after a shooting. "Here is what we know" so that the information was in the community and the community had something to deal with, whether to deal with speculations and rumors.

With that being said, let me talk a little bit more about PCCEP. And I want to say, before I move from that, I want to express my appreciation to the Portland Police Bureau for the

fine work that their fine officers do. I understand that there are issues. We do appreciate their work, and I must also say I appreciate so far what I know that Chief Outlaw is doing and is proposing to do, as I heard her share with us yesterday in our partners meeting.

When we deal with PCCEP, here are some other concerns:

Continuity. I heard the City say that there's something about giving it a long life, being able to continue. One of the issues that we had in the beginning with the COAB that brought it to its demise is, number one, we didn't have clear procedures as to how replacements of alternates would be selected. I think that that needs to be reiterated today, and it needs to be written and put as a part of what's going to happen with the PCCEP plan so we are not caught again wondering how we were going to do this.

Secondly, in terms of dealing with the alternates, we want to make sure that there is a long life of the PCCEP, and the only way to do that is to make sure that there is facilitation that is granted and doesn't disappear in a year and hope that we can extend it six months or go through procurement processes to extend it another six months.

One of the big issues was COAB, number one,

Judge De Muniz had -- I didn't pronounce his name right, and I apologize for that -- had left. We brought in another person and ended. Kathleen Saadat and ended. Then we had a whole

two-year period of nothing. Facilitation has got to be understood as a key to PCCEP continuing and not be relegated to a discussion between members of the PCCEP as to who will be the chair or vice chair, whatever, to keep these meetings going.

Outside facilitation, non-biased, is going to be the best thing, and I'm going to urge the City and the Court to urge the City and the DOJ to make sure that that is a part of the PCCEP plan and is a continuing plan that is put there.

I don't, and I'm not very comfortable with it being lying in the hands of a political move. In the next few years, we will be electing or may have the same mayor, police commissioner or we may not, and that always brings about an informational change as to whether I like this person or this group or I want to change it based on where I am. I'm not speaking of myself. I'm speaking about the political movements and machines that we have.

The process so far, I can say it has been good in terms of getting it started, but we'll never know how well the door on -- the close of -- the vehicle will operate until that door has been opened and closed several hundreds of thousands of times to see if there will be any defects that needs to be corrected before it is actually rolled out and given to the public to be used. I want to encourage and say that while I believe what we have done is progressing in the right way, it is too early to give a report card to say, "Pass this with

flying colors."

I want to urge the Court and the DOJ to understand that AMA is not rejecting what we have in the PCCEP plan. We feel that it is too early to say give it final approval.

We would urge that at least six months after the first meeting that it is brought back into a conference to then give final approval or conditional approval, whatever the Court may decide at that time, but -- but presently, we do not have enough information to say that it is functioning well or that it has gained the confidence back of the community with the Portland Police Bureau because there has not been any engagement of the public in a large way that we will be able to give any type of evaluation on that.

With that, Judge, I thank you very much for the opportunity to present to the Court again today.

THE COURT: Thank you, Dr. Bethel. I appreciate those comments and your wisdom.

I have a follow-up question, sir. It's a follow-up question for the AMA, whether it's Dr. Bethel, Dr. Haynes, or Ms. Chambers who wants to tackle it. I leave that to you all.

I appreciate what you're all saying that we need to see if it works. We need to give it enough time to see that it works. Here is my question for you all: What does working look like? Let's suppose we give it six months after the first meeting. Maybe even longer? I don't know. But we come back, and then

we ask the question, "Has it worked?" What's the criteria that we should use then? In other words, well, the door opens and closes and it hasn't fallen off and it keeps out the -- keeps out the environment like it's supposed to. What does working look like? Any thoughts on that?

DR. HAYNES: Thank you, Your Honor. Working would be in both quantitative and qualitative terms. Quantitative means in terms of -- the meetings, the number of engagements in the community, the process of the feedback. The qualitative terms has to be measured in terms of expressions of the beginning of the building of relationships in the community between the Portland Police Bureau and its citizens. In particular, these citizens who are here today and the African-Americans who are definitive, quantitative in number of people who have been harmed or shot by the Portland Police Bureau.

I also think in terms of -- and that's not going to be an overnight process. I don't -- I don't think, in terms of having a meeting, that sometimes it will be called a difficulty. In any kind of public meeting and democracy, we're going to have sporadic situations that erupt, and so -- but the thing of the building of those relationships and the development in the beginning, I think we will see certain steps there and whether they're doing what they say they will do.

Do you want to add something?

DR. BETHEL: In addition, Judge Simon, I would say

that the communications would be enhanced greatly. So that the community at large knows when, where, and that places are chosen where it is accessible to the community as well. I want to see trust being established or reestablished with the bureau where we look at accountability and openness to the public. While we are here, concerned in this case about officer-involved shootings and excessive use of force and that which is around the issues of those who are mentally ill or who are perceived to have mental illness, we also must also include that part of this PCCEP working and bringing it together would also be the handling of complaints from citizens against the bureau, and they would be investigated in a timely fashion and that they would be open to the public having some transparency and seeing what is happening in those particular cases or those complaint situations that would come forward.

The other piece about what would it be in terms of its working is that you would hear on the streets, in community meetings, people saying there is hope again in the community working with the Portland Police Bureau and serving the community and protecting her citizens.

Thank you.

THE COURT: I find that very helpful.

Now, to help me further, let me repeat back a little bit of what I'm hearing from you to make sure I understood it.

That in order to understand whether the proposed amendment and

specifically the PCCEP structure is working, it will take a look at -- we should take a look at both, as you put it, quantitative and qualitative factors or considerations. Among some of the quantitative or measurable factors, it might be the number of meetings, the frequency of the meetings, whether there's sufficiently advanced notice of all of the information that needs to go out and the feedback that comes in, how -- how often do they satisfy the obligation to give sufficient advanced notice versus just notice a minute or two or an hour or a day before.

Relatedly, is their timing -- is the handling of complaints done in a timely fashion? How long does it take to respond or to have public informational meetings? Those are all quantitative factors.

But you are also telling me another aspect of consideration of whether it's working is the qualitative factors, such as is there, by and large, community acceptance? Is there a community perception that complaints are being well handled, transparently handled, and timely handled? And as you just put it so well, is there a general feeling within the community that there's a renewal of hope?

Do I understand what you're saying correctly?

DR. HAYNES: Yes, I believe you are -- really have a comprehensive concept of what we're saying.

In addition to that, Judge Simon, the quantitative would

also include the evaluation that is actually taking place of the settlement agreement by PCCEP.

THE COURT: Understood. There is that old adage that if you can't measure it, you can't improve it. But I also think as much as there's some truth to that, quantitative measurements are the important thing to do, but it's not the only thing. I very much respect what you're saying about the qualitative aspects as well. If I hear what you're saying, you think that probably six months after the first meeting is sufficient time. It may or may not be. That remains to be seen. But you need at least six months after the first meeting. Is that what I'm hearing?

DR. HAYNES: Yes, sir.

DR. BETHEL: Yes, sir.

THE COURT: All right. Anything further,

Ms. Chambers?

MS. CHAMBERS: No, thank you, Your Honor.

THE COURT: You know, we're making good progress, and I'll tell you about the list that I've received. It has eight names on it. Let's hear from Portland Police Association, and then we'll take our midmorning break soon enough. And so I look forward to comments from Mr. Karia.

MR. KARIA: Thank you, Your Honor. I'll keep my comments relatively brief. We heard a lot from the United States and the City the details of our PCCEP today. I do want

to start by thanking Dr. Bethel, in particular, for his acknowledgment of the police bureau and the officers in the police bureau. It is important and refreshing to hear, Dr. Bethel, coming from you, in particular, the support which is necessary to make sure the settlement agreement becomes lasting as part of the police bureau, and it's important that officers hear that their commitment is not going unnoticed.

Your Honor, for all the reasons that Mr. Hager has eloquently stated and Ms. Reeve has stated, the PPA joins the USA and the City in asking this Court for final approval of the PCCEP amendments today.

If, as it was intended, PCCEP is to be an autonomous lasting body, it must be built on the foundation of this Court's support which should come through final approval of the enabling amendments. I share Ms. Reeve's sentiment and Mr. Hager's sentiment that it is an important message coming from Your Honor and this Court.

THE COURT: Let me interrupt for a moment and say I agree with you.

MR. KARIA: Thank you. As -- without getting caught in the weeds and without stealing Mr. Vannier's thunder, if I can take the liberty to speak very briefly as to what I believe to be the narrow legal issue before this court, as it will help flesh some of where we put some of the comments we hear for the rest of the day in our analysis.

I would note that I believe the question before this Court is whether the settlement agreement amendments in Section IX of the proposed revised settlement agreement are fair, adequate, and reasonable. And this Court asked a very good practical question, which is part of that measurement whether the -- is that -- part of that measurement was whether PCCEP is working, and I would offer, Your Honor, that what the parties have asked this Court to do under, as you acknowledged, sir, the very unique nature of this settlement agreement, we have asked this Court to make sure that the enabling amendments for PCCEP to be built and to flourish are approved and that the question of is it working is left to the parties, to include the AMAC, to determine. And once the USA sees substantial compliance that PCCEP is working, that that will be brought back before this Court and explained to this Court why it is the USA and COCL have measured that success in the way that they have, both qualitatively and quantitatively.

Thank you, Your Honor.

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THE COURT: Thank you. I appreciate those comments.

Does the compliance officer/community liaison wish to be heard?

DR. ROSENBAUM: Yes, Your Honor.

THE COURT: All right.

DR. ROSENBAUM: Thank you, Your Honor.

Dennis Rosenbaum on behalf of compliance officer.

THE COURT: Welcome, sir.

DR. ROSENBAUM: Your Honor, I thank you for this opportunity to address this matter and report on this. We've been closely following the development of the Portland Committee on Community-Engaged Policing, or PCCEP. We believe this model has some strengths not found in the original framing, including the separation of the PCCEP from our investigative work as the compliance officer. There should be a separate community engagement component that's self-directed. Your recognition and conditional approval of that distinction last year has allowed us to take an independent look at this model of engagement. Excuse me. So we can verify some of the comments that have been made here today.

Despite a very slow start to all of this and a very slow planning process, we have been impressed with the process used to recruit and select members of the PCCEP. As you know, two groups facilitated this process, and in terms of recruitment, first of all, they engaged in various serious outcome -- outreach efforts, excuse me, that resulted in more than a hundred people applying to sit on the PCCEP with diverse backgrounds.

The Selection Advisory Committee of five respected community members was appointed, as you know, by the Mayor and members of the city council, as well, and we consider this a democratic process because the council members are elected by

the people of Portland.

We have closely observed the work of the selection committee, which met several times to establish criteria for deciding who should be interviewed, weighing all of those factors. I won't repeat that here. But it was a very thorough effort. They interviewed 22 people, and these interviews were done in a manner that was consistent with everyone.

When evaluating the applicants -- and we have observed -- was there -- the selection committee was candid, thorough, fair and thoughtful in their observations and deliberations as they recommended potential members and alternates to the PCCEP.

Mayor Wheeler, as you know, interviewed these individuals in a transparent setting with others in the room, including the Department of Justice and COCL, and then on -- in September, early, appointed 13 members and two youth.

As you've heard this past week, the PCCEP members participated in a retreat and that we participated in to get to know one another. We coalesced, gained some clarity about their mission, and established organizational structure.

My understanding from these observations is that the event was successful and the group is making progress toward achieving these goals.

In the near future, as you know, the City is planning more formal training. We think the ride-alongs with police officers are going to be very helpful so they can understand better the

police function.

So, overall, we're impressed with the process of recruiting, selecting, and orienting members of the PCCEP. We feel this process has been what I would call procedurally just, in that the organizers sought input from a variety of sources, treated applicants with dignity and respect, used various methods to ensure that the selection process was fair, including diverse selection criteria and standardized interview questions, and showed concern for the welfare of those who were willing to come forward and participate.

So, in summary, we were, you know -- although we were originally disappointed in the amount of time it took to reformulate the community engagement component of the settlement agreement, I have to admit we have been impressed recently with the results.

Undoubtedly, some of the challenges for PCCEP will occur when the group begins to hold public meetings later this year. As you know, Portland can be a tough environment for this kind of work, but the -- with continued training and support from the City, this group has the capacity, I believe, to serve as a role model for respectful and healthy community engagement and police-community relations.

The City will need to provide the necessary training and resources to the PCCEP to develop the community engagement plan and oversee a citywide survey of community residents that will

measure some of the things that folks here today have said are important, along with other community engagement activities.

And the PCCEP will need to hear from all segments of the Portland community, and we're counting on them doing that.

We offer our assistance, as needed. As you know, we have produced a number of reports, quarterly reports. The most recent one just came out October 1st. A draft for the public to review during the next month on training and early intervention, and we'll make those reports available to PCCEP as needed.

And we agree with the recommendation of AMAC and encourage PCCEP to participate in and promote the town hall meetings with the community and seeking the community impact -- impact -- input to our reports and on other matters of community engagement.

The -- as the city attorney has pointed out, the first one is October 17th at 6:00 p.m.

Anyway, overall, Your Honor, I think that I'll close by just saying that we would be comfortable with your approval of the amendments to change the community engagement section of the settlement agreement. Although, we want to stress that this does not imply that there is substantial compliance with Section IX. I mean, we --

THE COURT: As of right now, there's not.

DR. ROSENBAUM: Yeah. And we intend to continue to

monitor that, as does DOJ. So we just want to reassure you of that. Thank you.

THE COURT: Thank you, Dr. Rosenbaum. I appreciate your comments and I also appreciate all the hard work you're putting in into this project.

In a moment or two we'll take a break, but let me talk to you about where we're going to go after that. After a 15-minute recess, I would like to hear comments from the -- from the friend of the court Mental Health Alliance. And after that, I have a sign-up sheet with eight names on it, and we'll go in this order, and I would like folks in this order to keep their comments to five minutes or less, please. And the order in which you've signed up is the order in which I would like to hear from you.

The order is Mr. Dan Handelman. Kalei Luyben. Joe Walsh. Lightning, Philip Wolfe, Debbie Aiona, Kristin Malone, and Linda.

I will remind you of those names when we come back from our break, but that's the order in which I plan on calling on you after I hear from Mental Health Alliance.

After I hear from those eight individuals -- and, by the way, I think we'll be able to complete this by -- I'm sorry, before our lunch break.

So, Jill, if you plan on doing what you need to do, whether it be yourself or with assistance, I think we'll be

able to complete this before our lunch break.

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And then after I hear from the final member of the public who signed up, Linda, I would like to hear back from the City's attorney, Mr. Vannier, and you're welcome to argue about anything you wish to argue about. But let me tell you a couple of the items that I would like you to address so you can think about those and prepare. And that is -- number one is what does it look like to say we have a fully functioning committee? Along the lines that we've heard earlier, it probably does have some quantitative and qualitative aspects to it. What's the City's view of what it would look like and how we know that we have a well-functioning committee that's working?

Second question, how long after the first meeting does the City realistically think it will take before we might have enough information to make that judgment?

So those are the two issues on my mind. I will, of course, listen to anything else that you wish to say, and then final issue, my mind is still open, but you can read what you want into this, I encourage counsel to look at their calendars for June.

We'll be in recess 15 minutes.

(Recess taken.)

DEPUTY COURTROOM CLERK: All rise.

THE COURT: A couple of preliminary matters. I'll wait for everybody to be seated.

A couple of preliminary matters. First, let me ask.

Someone asked during the break, one of the clerk staff, whether a transcript will be available to the public and how to get it.

My expectations have been generally that one of the parties or all of the parties have ordered transcripts.

Am I correct in that? And if that's going to be the case here, does that get posted to someone's website so that members of the public who can see it, can see it? Because the Court is generally not in the business of posting transcripts to a court website.

Maybe someday we will be or should be, but we haven't yet.

Does anybody know the answer to that?

MS. REEVE: Your Honor, I believe, in the past the transcripts have been ordered. I'm not aware that they have been publicly posted. If the Court and the court reporter have no objection to that, the City would have no objection to that, assuming that some party orders the transcript again.

THE COURT: Jill, am I correct that you wouldn't mind, is that correct, if someone orders the transcript?

Everybody is looking at you now.

Can I ask the plaintiff, the United States, to take care of that, please?

MR. HAGER: Yes, Your Honor. Happy to do it.

THE COURT: Thank you. Second preliminary matter:

During the break someone expressed a little confusion to me --

one of my staff expressed some confusion to me as to exactly what did I mean when I told Mr. Karia that I agree with him. I just want to clarify that. I get how important it is that the PCCEP be given authority from the Court, that the proposal be approved, that they understand that this is part of the way the settlement is being implemented, and that's what I meant when I say, "I agree with you, sir." I get that that is important.

I didn't hear you say -- maybe I missed it -- that that be done today. If you said it and I missed it, I apologize. That wasn't necessarily the part that I agreed with, as you can hear from my questions.

I'm skeptical about whether we should give approval today, as opposed to wait and see once it gets started. They haven't had their first public meeting. Let's let them have their first public meeting. Let's see if it does work. And I assure everyone if it works, I'll approve it; if it doesn't work, you don't want me to approve it.

So I wanted to clarify that that's what I meant when I said, "I agree with you, sir." I didn't hear the "today" part of it. But one of my staff did hear you say "today," and said, "Did you really mean today?" So I'm clarifying that.

MR. KARIA: Thank you, sir.

THE COURT: Thank you. All right. I look forward to hearing comments from the amicus and AMA, American Mental Health Alliance. And Mr. Chavez.

MR. CHAVEZ: Good morning, Your Honor. First, I would like to extend the Mental Health Alliance's gratitude for being granted amicus status in this case. Their voice is an important one to be heard, and we'll -- we're grateful to be here at this table, working on solutions, and fulfilling the intent and goals of all the parties to this settlement agreement to provide a safer, healthier Portland, especially for those suffering from mental illness, as they navigate our city.

Much of the changes to the policies and practices of the Portland Police Bureau are necessary. A change of culture is also needed to ensure the ends that we seek.

Allowing this alliance to speak is the first step to changing the culture around the needs of Portlanders with mental illness. As has been noted, all three organizations have participated at some juncture in the implementation of the settlement agreement, and we look forward to, as amicus, working to relay to the Court the kind of useful knowledge that we have gained through that process.

Without delaying our opinion on the amendments at hand today, for that matter, we join AMAC in saying that it is too early for this Court to accept the PCCEP amendments in total finality.

To express in more detail our concerns with that, I would like to invite one of our clients, Mr. Jason Renaud, who is

part of the Mental Health Commission of Portland.

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MR. RENAUD: Thank you, Judge Simon, for approving our proposal, our request, and I just thank you for having this status hearing. It's been almost -- it's been two years have elapsed since Mayor Wheeler resigned the members of the COAB that we discussed, public oversight to the settlement But to close observers, the COAB ceased to be agreement. effective almost a year before that in the late spring of 2016. That is caused by a lack of training that has been observed, inexperienced facilitation for that particular sort of meeting. Sort of tedious disconnect between the Mayor's office, now, that's the former mayor, and the community concerned with police use of force. Add to that some frustrated testifiers, political incidences, slow walk by the DOJ to respond to COAB decisions, and the city council not replacing COAB members, and it really seems to have been an intentional mess.

There's been not one, but three hearings, here with -- in this courtroom with no public oversight, and the Court -- I think you knew that they were off the rails long before Mayor Wheeler stepped in. That's at least 600 days of noncompliance, as everyone has agreed upon, observed by this court.

So the work now with the COAB is probably lost. Unless the PCCEP members demand the review of the work and use it, the time spent by COAB members will be wasted, and we're -- worse,

the work of the COCL, from 2014 until now, must also be reviewed by the PCCEP members and understood and incorporated into their future work.

The PCCEP members are really stepping in the middle of a river. I've met with the members of the COAB, and I've just recently had a chance to meet with most of the members -- at least get introduced to most members of the PCCEP. And there's a significant difference between the two committees. The first came through -- basically through recruitment. And the second came basically through application. And the skill sets, the experience, the notability, the community recognizability and -- are quite different.

One committee had no training and professional meeting facilitation. This committee will have professional training and no meeting facilitation. There's no governance set for this committee. There's no chairperson. There's no complaints or appeals process. There's no, sort of, structure about how the committee will function, and that was largely where it derailed the COAB.

By comparison, the scope of the PCCEP's work has been limited, yet widened to include issues beyond harmed people with mental illness by police, this -- the scope of this settlement. So perhaps their work has gotten harder.

I'm interested in the PCCEP because three brave applicants, selected by Mayor Wheeler, identified themselves to

him as people with mental illness and/or addiction, just like those described in the DOJ findings.

Those three persons have an extraordinary interest in the success of this agreement. They represent the interests of tens of thousands of Portlanders just like them, and I ask to speak regularly to this Court to the credibility and value of those voices that are going to provide some oversight to this agreement.

If those three persons -- two of whom are in this room -- don't believe they are safe in calling at least for help, then this agreement has not been successful, if you want a qualitative measure of our feeling safe with police officers.

Second, I'm also concerned about unity. Unity is a basic part of this agreement, sort of a facility that started after the agreement was written, and it's been a lot of trouble, and it's necessary that we have these enhanced mental health services, but -- well, here is what I don't know: I -- I don't know why Legacy hasn't responded to the March 2018 OSHA report that there were hundreds of assaults by patients against staff members. So I don't know how that happened. I don't know what it represents. I don't know how or if it was remedied. I just don't know.

The Oregon Health Authority, as you've read in the news, closed Unity in July in response -- well, partially closed it in response to media reports about deaths at Unity. I don't

know why the authorities didn't do something earlier because they knew these deaths had occurred weeks and months before. They knew that these assaults were occurring. They knew that there were other clinical and design deficits at Unity that were unaddressed.

Now, Unity is still in jeopardy of being closed by the feds, and there is no plan B. I don't know why the Oregon Health Authority and Multnomah County not working on an alternative to Unity. They're not. The catch phrase is "It's too big to fail." At this point, that's poor management.

Courts and physicians should not have to send fragile people needing help for psychiatric illness to rooms where hundreds of assaults have occurred.

Multnomah County has suspended senior staff in the mental health division, launched an internal investigation to determine why the division stopped investigating complaints. I don't know why and the State doesn't know why and the County doesn't know why the County stopped investigating patient abuse complaints. Allegations of abuse.

The County has also started an audit of the mental health division. That should be interesting.

I also don't understand why Unity has been connected in this case so closely to the ideal of a drop-in -- drop-off or walk-in center. It doesn't conform to the common standard definitions of those. We'll be going away from the -- coming

back with some writing to define those better for you based on other comparable miles. Thank you.

THE COURT: Thank you very much. I appreciate the contributions from the Mental Health Association Alliance.

MR. RENAUD: I would like to introduce my colleague Bob Joondeph also.

THE COURT: Welcome, Mr. Joondeph.

MR. JOONDEPH: Thank you, Judge Simon. Thank you very much for allowing us to have this status before you.

Disability Rights of Oregon has become involved in this way in the case even though we have been very involved with the case in other ways over the years. In fact, we have been involved with police issues in Portland for over 30 years in various ways. And during that time, all of those years, I really believe that everyone has worked, as you have said, in good faith and have worked hard in order to address these issues, and I think the complexity and difficulty of these issues are reflected in the fact that they're still here working on it.

The -- when the settlement agreement was arrived at, we were thrilled. We think that the settlement agreement is an excellent agreement. And what it focuses on, as you know, of course, is the treatment of people who have mental illness and perceived mental illness in our community. There are aspects of the settlement agreement that talk about police practices, but also there's a very important part, as Mr. Renaud was

addressing, that talk about the need for adequate mental health services in Portland.

We understand that there's different enforcement abilities for those two portions of the settlement agreement; however, I think it was -- it's said in that agreement and it's been acknowledged repeatedly that the success of one is dependent on the success of the other. And this is really why the Mental Health Coalition has coming together -- or the alliance, I should say, has come together because we are concerned that the attention to the mental health services and how police interacted with that particular community could possibly be diminished as the -- as the case goes forward.

It's been noted that the question before you is whether amendments to this settlement agreement are fair, adequate, and reasonable, and we think it's premature to make that judgment at this point, and I'll explain why.

In fact, it might have been represented by some comments by the parties today. I believe Mr. Hager said that the -- the -- as we look at the settlement agreement today, we have the agreement and the amendments, but then we have an attached document that's from the parties about how this new PCCEP will operate.

When I look at the amendments themselves, I was unable to find the phrase "mental illness" in those amendments, and there doesn't appear to be any direct reference to those amendments,

in terms of the tasks that the PCCEP was supposed to take on.

When you take a look at attachment, it does talk about that, and it does have some of the qualities that have been mention today, and we appreciate those.

However, as Ms. Reeve pointed out, the way it's been presented to you allows the parties to amend without delay, to change the terms of the agreement without delay, so that it can be nimble, and that is a desirable quality.

However, our concern is that that can mean because PCCEP is, as people have expressed it, a type of democratic process, which has been articulated as being positive, and we agree with that. However, we view this as a civil rights action that is specifically designed to enforce the civil rights of people with mental illness.

Part of the problem, I believe, over 30 years we have worked on this, is that sometimes the democratic process doesn't put the energy into the needs of traditionally disadvantaged populations in our community because it represents a broader voice.

So that brings us to conclude that there still needs to be clear judicial oversight over the settlement agreement, which is designed to address the civil rights of people with mental illness.

THE COURT: It was originally brought as a civil rights complaint, settled as a civil rights complaint for the

1 | settlement that required continuing court availability.

MR. JOONDEPH: And so, just to conclude, I would say that your questions about how will we tell if it's working, the one thing that wasn't mentioned, that might be included in one way, is how is it working for people with mental illness?

THE COURT: Good point.

MR. JOONDEPH: Thank you, Your Honor.

THE COURT: Thank you, Mr. Joondeph, I appreciate that.

All right. What we're going to do next is hear from the nine folks. There was a last-minute addition to the list. The order, again, would be Mr. Dan Handelman, Kalei Luyben,

Joe Walsh, Lightning, Philip Wolfe, Debbie Aiona,

Kristin Malone, Linda, and Ann Casper.

Again I would ask that the comments be made from the podium to the Court. Please address your comments to me, and also please keep your comments to five minutes.

Mr. Handelman, where you, sir?

MS. REEVE: Your Honor, if I may, Mr. Lee -- Brandon Lee, one of the facilitators, would like to speak, but didn't sign up on the sheet.

THE COURT: I'll add Mr. Lee to the end of the list. Good morning, Mr. Handelman.

MR. HANDELMAN: I would like to note that in the past we've had multiple members of our group testify for you, and

there are three of us here today. I'm hoping that you might indulge me for ten minutes, rather than five, so that I can get the comments in that we have prepared collectively.

THE COURT: Let's see how it goes, but don't speak -- but don't read quickly.

MR. HANDELMAN: The more you limit me, the faster I talk.

Okay. Judge Simon, Portland Copwatch sent in written comments and presented at the Fairness Hearing in April about the status of the settlement agreement. We recognize that today's focus is on the community engagement part. We are updating some of the comments.

THE COURT: Hold on for a second. You're going to wear out our court reporter.

MR. HANDELMAN: Okay.

THE COURT: You can read slowly. I won't limit you to a strict five minutes. I will make it reasonable, but please read slowly.

MR. HANDELMAN: We are focusing these comments on the community engagement part, and this is based on our observations of public documents and meetings. These comments are not being made on behalf of the AMA Coalition. We also take note and it was mentioned briefly before that this Sunday the Portland police killed the third young African-American man in two years. Most of the people who have been killed by the

Portland police, since the DOJ came to town, have been in mental health crisis.

Also, the PPB used a chokehold at the end of August, which we believed had been banned in 1985 after an African-American man was killed by the same move. So we mentioned previously that many of the changes made to the PCCEP were made behind closed doors. The AMA Coalition was not always invited to be part of those discussions. And I should add that part of the delay in getting those discussions moving was that the City had filed -- I don't have to remind you of this, Your Honor -- had filed an objection to the Court asking them to come to an extra status agreement, which made your own role in this left in question.

THE COURT: Everyone is always welcome to appeal. That's part of our process.

MR. HANDELMAN: I know they're welcome to, but that's partly what caused the delay, and I don't want that to go unmentioned today.

So our concern about lack of community engagement, when we're trying to find how police are going to engage with the community, is of key importance.

When city council inducted the members of the PCCEP last week, the Mayor did not allow public testimony at council.

It's ironic when we were taking about how to improve community engagement.

We support the mental health alliances we found. And amicus status will help open up the discussion to more members of the public. We were kind of alarmed at seeing the Portland Police Association and the DOJ's opposition, in light of the fact that Your Honor invited people to apply for amicus status at the hearing in April.

On to the community engagement concerns. It would be appropriate for the Court -- inappropriate for the Court to accept that the City has met its obligations to create a new COAB replacement. Since the body was deactivated 611 days ago, there's been no meeting of a new civilian board in those 611 days.

The PCCEP is now in the middle of its orientation and not expected to have its first meeting until November, as you know. That will be 21 months since COAB was dismantled.

Various oversight bodies that are supposed to improve police behavior and accountability listed in the agreement have either fallen apart, which is a community police relations committee and the COAB. They failed to hold public meetings, which is the BHU Advisory Council and the Police Review Board or to continue to struggle with the lack of powers for transformative policy recommendations. The Citizen Review Committee and the Training Advisory Council.

The shootings and the violence, particularly at protest

actions, are continuing, despite the existence of all these committees.

Specific to the PCCEP structure, we believe the COAB was mostly sound and much of its failure was due to the influence of the COCL. And it was mentioned already that one of the most important changes made was removing COCL from the board and allowing them to choose their own chair.

On that note, we really think that leadership of PCCEP is very crucial. It doesn't mean that the staff person have to tell them what to do, but they have to remind them of their commitments and obligations they made at previous meetings, hold them to continuing their work on an ongoing basis, and continue pressing forward with the old recommendations made by the COAB and any recommendations the new body makes so that they don't get forgotten from meeting to meeting.

To meet the Court's approval, we'd like to see the PCCEP actively functioning for at least six months, and we want to make sure that they can. And it's here, our -- our criteria that we laid out. Independently assessing the implementation of the agreement that's acquired of COAB, stated by council in its task list for PCCEP, give feedback on COCL reports at quarterly town halls, hold open meetings, and work -- also, we join the AMAC in being concerned that they're allowed to shut people out based on safety concerns that are not adequately defined.

But we do like the fact that the PCCEP now is required to take public comment before voting. The AMAC mentioned electronic means. We're very concerned that there was talk about having the public put in a separate room and then the only way they can communicate is by video. We don't think that's adequate.

We want to make sure that new body maintained at the first membership, the six alternate members were not mentioned publicly; although, a member of the MHA was able to get a list that they shared with us.

There's no criteria to decide who gets seated in what order; although, we heard some from the City Attorney this morning or how to refill the alternate posts. This was another problem that led to the downfall of the COAB.

They need to engage the entire city council, not just the Mayor, on the progress and changes in the PPB. They have to help develop metrics to measure possible bias in police stops. And that's actually outlined in that section of the agreement as well.

There -- they need to meet with community groups and other advisory boards that are mentioned in the founding document. We would also like to see the PCCEP make a report to the Court before a decision made -- is made about the adequacy of the structure. And I think Your Honor is hinting at that today, but I think hearing from the members themselves would be

useful.

Although, it's not tied to the new board, the -envisioned by the agreement of the bureau to present annual
reports, we only know that this happened in 2016 after -- after
the fact. It was -- they had poorly promoted public
presentations, and there was no report that we can find on the
website created in 2017 or 2018.

We have repeatedly suggested the public presentations should involve civil rights organizations, provide counterpoints to claims about force, bias-free policing, and people's rights and responsibilities, which are all outlined in the agreement but are not happening.

In the absence of an oversight board, the City has been holding monthly committee forums since February. Only a few were geared to listen to community concerns. Others seem to be designed to let panelists run out the clock, talking about everything but use of force. And at the last several, it was a member of the community who used the term "use of force."

With regard to timeliness, paragraph 146 required the new board to be selected, trained, and seated to provide the content of a new community service within -- survey, sorry -- within four months of the agreement being amended, which would have been in August. So the City already missed one important deadline.

Furthermore, we remind the Court that despite the rosy

picture in the COCL's reports, which are created out of whole cloth, a new category of substantial compliance, conditional, the City must attain full compliance and sustain it for a full year to satisfy the terms of agreement.

We continue to have many other concerns about the language in the agreement and the COCL's analysis. We recognize the other concerns are not front and center today. We hope there will be another -- annual status conference no later than April of 2019 -- though, it sounds like it will be in June -- to raise those issues and revisit the PCCEP and look at their progress.

THE COURT: I just have a monstrous trial calendar in April and May.

MR. HANDELMAN: Okay. I appreciate your giving us a time frame, anyway.

Thank you very much, Your Honor. I think that concludes it.

THE COURT: Thank you very much, Mr. Handelman. As always, I do appreciate your comments.

Kalei Luyben.

Welcome.

MS. LUYBEN: Good morning, Your Honor. I concur with the amicus on the subject of the mental health crisis that's going on in the city right now. I won't belabor it. And I also concur with what Dan Handelman has said, and I won't

belabor that.

What I'm bringing up at this point is the fact that the COAB was not the only noncompliance issue. The other noncompliance issue was what happened with the investigation of the former chief of police, whose name I won't mention, but you have it in writing in front of you.

So on July 26th of 2018 my husband and I went down to the district of -- I think it's called the Oregon Board on Public Safety Standards and Training, and what happened I heard at that meeting is that the City of Portland had sent such highly redacted records and made such obscure points that the -- the committee that was preliminarily charged with reviewing the case thought that there should be no disciplinary action against the former chief. And their idea was that the press had vastly overstated the culpability and liability of the former chief. And so the original idea was no discipline whatsoever, and that became a problem of conscience for the chairman of the board of the DPSST, and so he asked and/or directed that the policy committee reconsider.

And it felt, to me, like unless we citizens share the burden of responsibility and speak up from our own points of view, then we become culpable with the failure our own democracy, and I didn't want that to happen.

I also would like to mention a name, and it's the name of Chris Davis. He was one of the people that recommended that

disciplinary action be taken. And so you can see from the writing that I've submitted to you that we ended up prevailing but by a very narrow margin of one. So the certification of the former chief was revoked.

But I guess what I really want to say is that part of my duty and my responsibility is to carry the heavy load that the police carry, and this was a heavy load, not just for the police, but certainly for the police, and it certainly would have been, from my point of view, tragic for our new chief of police to have available for double dipping an undisciplined former chief of police hovering somewhat like a ghost over the city of Portland.

I just wanted to call this to your attention because there are really serious legal issues that we citizens have to deal with, and though the Mayor of Portland would like to have a cheery PCCEP with wonderful activities for our community engagement and I totally support cheerfulness on the part of all of us, there still needs to be someone -- I won't name any names, but I will -- I will address myself to you. There still --

THE COURT: Someone who's grumpy.

MS. LUYBEN: I join you in that one.

But I still require that you maintain control over this case. Thank you, Your Honor.

Thank you, Ms. Luyben.

Mr. Walsh, welcome.

Mr. Walsh, do you want a chair?

MR. WALSH: What, sir?

THE COURT: Would you like a chair?

MR. WALSH: No, Your Honor. I'm going to be short.

As we get old, we shrink, so I'm getting shorter.

THE COURT: Well, if you change your mind and want a chair, Mary will bring you a chair.

MR. WALSH: The first COAB meeting there were about 200 people at that meeting and most of them were citizens. They were not activists. And they lined up and they expressed the problems that they were having with the police department. And all of the activists that I knew who were really excited because we like citizens that come and tell their stories, so we get tired of fighting, and sometimes we need to rest. And we want the citizens to say, "I ran into this police officer, and he was rude," or "I ran into this police officer and he was delightful." We need to hear that.

The next meeting of the COAB, there were about a hundred people that showed up. And we were worried. What happened? It should be going the other way. Because you asked the question, Your Honor, how do we know it's succeeding? And when we know it was succeeding is when we have more people come to the meetings, that we do outreach, that we don't hide in the darkness, but we only had a hundred.

At the third meeting, there were less than 50, and the fourth meeting it was the activists. And we were outraged.

And we kept saying, "What are you doing?"

And then we found out that the people that were giving their time on the COAB could not even get a stipend. It was totally volunteer. But the head of COAB was making a hundred thousand dollars a year. Then we got really outraged, and we said, "What are you doing? How can you justify that?" You're going to do it again because the people that are on this committee are not getting stipends.

Now, look, folks, you can figure out a way of giving them a stipend. Cover their costs. Whatever. They put in more than 30 hours a week; for God sakes, give them a stipend. You created a committee to fail. That's what COAB was. It was created, Your Honor, to fail. They did everything to fail. COAB did their jobs. They submitted a hundred recommendations. A hundred. Where are they? Nobody knows. Where are they, Your Honor? They've acted on one. Rosenbaum acted on one.

The way it was set up, my understanding of this, and I could be wrong, was that COAB was submitted to the COCL and the COCL was submitted to the Justice Department and they would act on it. What happened? They spent two years working. I'm sorry.

THE COURT: It's okay. Be just a little -- a little quieter.

MR. WALSH: I'm really working on lowering my voice.

THE COURT: You've done a good job.

MR. WALSH: They spent two years, two years working on those recommendations.

THE COURT: Mr. Walsh?

MR. WALSH: What did you do with them?

THE COURT: Mr. Walsh, to me. To me.

MR. WALSH: Yeah. The activists that I know want so much to bridge a gap between the police and us. We've reached out. You haven't. You haven't.

THE COURT: You need --

MR. WALSH: I get thrown out of every other meeting at city council because -- the last time I got thrown out, it was because the Mayor selected these people without input from the citizens, and the way he did it was he said it was a report and reports do not have to have citizens' input at the council meetings. It's an option by the presiding official, and he won't do it.

So he -- he appointed all these people without any significant input. Nobody contacted me. I don't know about you guys and how much you had to say about these appointments. I think the Mayor did it on his own. I may be wrong, but nobody is saying, "No, Joe, you're wrong." He appointed these, and as long as that happens, Your Honor, you have to keep jurisdiction. You have to say, "I'm not approving this today.

I've got to watch a little bit longer. I'm going to see what it looks like to succeed."

And you said something the last time I was here that really struck me. You said maybe what you people need to do is to hold meetings to figure out how to hold meetings. Has that happened, City? No. No. How many years ago was that? I don't know. Two?

Has the City, in good faith, reached out to the activists and said, "Let's hold a meeting to figure out how we can get along"? Just that one concept. Have you done that? No. But everything is okay. Eight years ago you shot Keaton Otis --

THE COURT: No, we're not going to go into that. We're not going to go into that.

MR. WALSH: Pardon?

THE COURT: It's been about seven minutes, sir, if you would please wrap it up.

MR. WALSH: Okay. I'm going to wrap it up right now. Eight years ago you shot Keaton Otis 30 times; hit him 20. Someday it will happen again.

So when you ask the question, Your Honor, how are we doing, my answer is how many shots were fired Sunday night and why? And then decide how we're doing.

Thank you for your patience.

THE COURT: Thank you, Mr. Walsh. Thank you for your comments.

Lightning.

Good morning, sir.

LIGHTNING: Good morning, Your Honor. My name is Lightning. On Section IX in the contract settlement agreement itself, I think, pertaining to PCCEP, we need to give it about a 12-month time frame and come back and really analyze on how it's working. One of the points on PCCEP and really what we want to do is -- the outcome we want to see is that I want to give -- just from my position, I think the Portland police are making strides in a positive manner on dealing with the people that have a mental illness or the perception of that.

I think they're beginning to have a more deescalation-type process on letting people kind of voice their concerns and -- and don't react too fast. Kind of have a -- an understanding that people out in the community might not express themselves in what some people consider to be normal in the community, might have anger issues that seem to be inappropriate to some people in the community; but, I think, the police are beginning to process that with their training and understand that sometimes a more relaxed "at ease" approach is beneficial for all parties involved. I think in the community we're seeing that, so I will say that about the police at this time.

Now, knowing that there's many more improvements to be made, I think Unity Center was a positive direction to go. I think what we are experienced in seeing at the overall

situation at the Unity Center is that we have a much more complicated situation out on the streets and through the communities than we thought we had. And that's going to take a tremendous amount of training within the Unity Center to understand how to deal with people now maybe coming from the street into Unity Center very angry, very upset, and how to deal with them now in a reasonable manner and understand their needs to, when they go back out in the community, has it been beneficial to go to that Unity Center?

As you know, on the LEAD program, which

Attorney Underhill -- or District Attorney Underhill has been working on, and it's been pushed through, has been very beneficial.

I still want to see, when we're talking the affordable housing issue and implementing more services in those units that we build, as you know, for the mentally ill, for the people with addictions, for people with the need of supportive services added to their current living situation, to prevent that, which, again, isn't necessarily always the police's fault, but to prevent that interaction out on the streets with the homeless person, it's obviously better to have them in housing with supportive services. And we have already calculated that we save money by doing that. We save money in the long-term; that they don't have that interaction with the police, go to jail, come back out on the street, and it becomes

a revolving-door cycle that we see, and we see that in data now just recently. 50 percent of the homeless are in the arrest.

And we have to analyze that and try to solve that problem by getting more housing, which we're doing. We did the affordable housing bond, the City. We're working on the Metro. We're working on the supportive housing to implement into those units throughout the communities.

And, again, from my position, I really think we have a really good police chief. I really do. And I think that she views a lot of this in a very open-minded but almost a caring approach, and I -- I like to see that. You can see by the way that she responds to certain things that it's -- it's a caring approach also in trying to have an understanding that to really call it community policing, anyone out on the street, under a bridge, on the sidewalk, that is our community. That -- these are the people we need to begin to possibly lift up at a certain degree, at least, and to be conscious of, you know we're dealing with people out here. People that need assistance, that need supportive services, that need housing, and we have to take that all in consideration on how we might interact with them.

We can't come in aggressive to somebody that's been traumatized for many years. You just can't do that because their first response is to, you know, push back aggressively, and that's what they've done their whole lives.

We're trying to lift them up, trying to have the community show a little bit of acceptance and have the proper services to keep them stabilized out in the community; stabilized, to where they can function in a reasonable manner and live a reasonable life in our city, which we should all be working to help them.

So, again, just on PCCEP, I think it will be very positive. I like to the direction it's going. The only concern I've had on this -- I always like a separation from the police commissioner making decisions over PCCEP or who gets appointed, who -- who ends up being on the committees. I like that independent separation, especially when we're talking the settlement agreement itself on Section IX.

Thank you for your time.

THE COURT: Thank you very much. I appreciate those comments very much, Lightning. Thank you.

Philip Wolfe.

MR. WOLFE: Good morning. Good morning, Your Honor.

It's really nice to see you again. I'm glad to be here this morning. Before I proceed, I would like to request an additional minute to allow for the interpreting process. Would that be okay with you?

THE COURT: Don't worry.

MR. WOLFE: Thank you. So before I start, I would really like to address Tracy's comments about the PCCEP and its functioning. It hasn't even been established yet. I think she

needs to take back -- they need to take back that comment. To say that everything is running well, I don't even think it's functioning yet, and I just want to emphasize that that comment should be redacted.

There was also a comment that the COAB was set up, and they had the chair running it, and they stepped down, and then Kathleen took over the process as chair, and then they -- that person stepped down, and since then there's been no one involved. But I take that a little bit personally and feel offended by that because there were people that stepped up and took -- took that on, even though they weren't paid.

And the running chair, there were a lot of people arrested in the community, and then they were also thrown out of meetings, and that's been an ongoing process.

But with my time as chair, running that, it didn't happen.

And so I think that says a lot in comparison to how it

functioned previously.

And COAB was really the truly only independent oversight body. And now with PCCEP, we'll see.

With the first rounds, I was interviewed during the first round of the selection process, and I feel like -- and then I was rejected, and I felt like that was a slap to the face because I have been committed in working for the past several years for public safety. I love Portland. Portland is my home, and I'm very concerned about the safety of its citizens.

And then later, out of the blue, Ted called me in and said I want to have a conversation with you, and I was kind of questioning the selection process and how it was being run at that point. I didn't -- it wasn't clear what exactly the dialogue would be.

But, again, I had a conversation, and it seemed to be an interview. And then I was denied again, and that was a punch to the stomach. And I've had a lot of feedback into that process. But my point is, my concerns about PCCEP is I want you to hold off. I don't want you to approve anything yet. I'll admit, I'm excited, but I have some nervousness around it. You know, by Ted, the Mayor himself, the police commissioners, and now the running of PCCEP.

So I feel nervous and I feel excitement; but for the citizens and the public, this person is not a well-liked person who is running it, and I'm wondering how that is going to impact the process. So I have some concerns.

And then on the 4th, I was involved with the protests, and the police did attack the community for no reason. And there was a police shooting, and I understand there was about a 45 -- a line of about 45, and then there was something that was lethal -- sorry. Just one moment. The explosive device, the flash-bang device that was used for crowd control, the angle of how that was shot was considered lethal and there was lots of documentation, photos and videos that were taken, and while the

chief of police -- first, I want to recognize that the chief of police and the chief deputy, thank you for coming in without a gun. It's makes me feel like we're on the same playing field.

We're equals. So I want to recognize that I appreciate that.

But having a conversation with an ultraconservative person, their comment was blaming the community for starting the uprising.

And since that, it's been about two months from what happened, there's been no proof or anything. There's no investigation that's been completed. And for the chief of police to blame that on the citizens for the uprising -- I understand from what's been going on, there's really no trust. No police accountability. And three people have been killed three year by police. Two of them black men, black people, and then the other one was in mental crisis.

And excessive force has been used. It's been escalated. And so my question is with all of this going on, all of these issues still coming up without the investigations, without the accountability -- and I -- I -- I think it's pre-PCCEP. There's been six different meetings, and the numbers have dwindled in those last six meetings. And last time there were only ten members from the community that showed up, myself being one of them.

So I think you need to take a serious look at the process, at what is going on before you make your final determination.

I think there's still no trust from the community in the PCCEP that's been established.

I have pictures here that show the protests from the 4th and the police lined up and looking at the community, not looking at the opposing -- the Proud Boys, the opposing protesters, and the angles of the gun are show -- of the explosive device are shown here in this photo as well.

And then reporter Doug Brown was filming, and the police were attacking the reporter, and that's just not acceptable.

And this shows -- this was pictures from the ER. There was injury to the back of the person's head, and they had said -- the ER said, "If it wasn't for wearing a helmet, you would be dead." And that's a big concern.

And this is a picture of chemical burns. Chemical burns? This is warfare. This is not just controlling your population. And looking at this happening, I -- I envision this happening again at future protests. Will things like this continue to happen? When is this going to change? When is it going to improve?

And how can PCCEP improve the situation if there's no trust in that body, and that's one -- I did a protest through -- or a complaint through an independent police review. And, really, I would love to have an opportunity with you, Chief Outlaw, to bring things into alignment and work with the DPST -- DPSST and police training. I'm a community member. I

live in downtown. I see the police every day. I study them.

I've taken film. I've taken photos. And I have a unique

perspective just from my experience living here in Portland. I

would love to have a dialogue with you around what I -- what

I've seen, and I'm hoping that one day we can truly sit down

and have a heart to heart.

I'm not here to attack you. I'm not here to cause unrest.

I just want to -- you, Your Honor, to take this all into

consideration before you make this final approval.

Would you like me to provide you with these photos?

THE COURT: No. I saw them when you held them up.

And I don't want to turn this into an evidentiary hearing that decides specific issues like that. But I do very much appreciate all of your comments, Mr. Wolfe, and, as always, I appreciate you being here.

MR. WOLFE: Thank you, Your Honor.

THE COURT: Debbie Aiona.

And, Ms. Aiona, I received and read the letter from you and the League of Women Voters, so I thank you for that.

MS. AIONA: Thank you. Thank you, Your Honor. I'm

Debbie Aiona, spelled A-I-O-N-A, representing the League of

Women Voters of Portland.

THE COURT: Sorry. I mispronounced your name.

MS. AIONA: That's okay. Took me a while to learn it too.

The League has mixed feelings about whether the Court should lift conditional approval for Section IX of the settlement agreement. It is our sense that the Court expected that the PCCEP would be up and running by now, but the committee has yet to hold its first public meeting.

The City has, however, made significant improvements to the plan with community input and has devoted considerable effort to the recruitment and selection of committee members.

It appears the City is on the right track. But until we have seen the committee in action, final approval is not merited.

The League is several items to highlight regarding the PCCEP plan. The updated plan places as greater emphasis on open public meetings. As an organization that values informed and active participation in government, the League believes this practice is an essential requirement for any public body.

We understand that committees quite often prefer to conduct team building and bonding sessions in private, but trainings on the history and content of the settlement agreement and the responsibilities of public officials should be open to the public.

These provide valuable learning opportunities for community members and benefit the City in the long run by improving the quality of informed public participation.

The plan does not describe designated committee member

alternates. It was good to hear that the City has identified six people to be alternates; however, that process -- that part of the process should be included in the plan, and we also urge the City to keep those 13 seats full at all times, you know, give or take.

We commend the City for including interactions with the community and settings other than traditional committee meeting but encourage the PCCEP to hold regular meetings where policy matters are discussed and deliberated and the public is invited to provide comment.

Staff support should enable the committee to more effectively carry out its duties. It is our expectation that this support will include staff drafting of reports at the committee's direction and with their final approval.

The League is particularly supportive of the following provisions. Subcommittee meetings will be open to the public, public comment will be taken before committee votes. PCCEP will meet with the Police Commissioner, Chief, and other key officials at least twice a year. Recommendations will receive a City response within 60 days. The Mayor's office will produce annual reports on the committee's work. The committee, with mayoral approval, will have the authority to review and comment on police bureau directives outside the usual two-year cycle.

We also have comments on a couple of other items.

The monthly public safety meetings organized by the Mayor's office have been extremely valuable both in terms of information and dialogue. The League encourages their continuation, perhaps on a less frequent basis, once the PCCEP is meeting regularly.

Finally, at the April 19th Fairness Hearing, the question of internet access to all the information related to the settlement agreement was raised. The Court indicated an expectation that the City or COCL would maintain a website where the public could find all the relevant information. Our volunteers who worked on this memo can tell you from firsthand experience that we needed to visit several online locations to find the relevant documents.

In our view, the Portland COCL website would be the ideal location for all of the materials, and we encourage more active and comprehensive management of that site.

Thank you for considering the community's perspective as you deliberate on the next steps in this process.

THE COURT: Thank you very much, Ms. Aiona.

I thought when we talked about this last time that all the materials were available on the City's website, or where did you tell me they were available? Do you recall?

MS. REEVE: I believe the compliance materials,
Your Honor, are available on the COCL website, and the intent
is, as the PCCEP is up and running, to have all the PCCEP

materials available there but to link to the COCL website.

THE COURT: Thank you.

Kristin Malone, please. Welcome.

MS. MALONE: Good morning, Your Honor.

THE COURT: Good morning.

MS. MALONE: My name is Kristin Malone. I'm the Chair of the Citizen Review Committee. We appear actually in Section VIII of the settlement agreement, so I'm sorry if I'm a bit off topic. I've come here today because the settlement agreement is being positioned as a barrier to improvements to the police oversight system in ways that the CRC at least doesn't believe are founded, and because this is an opportunity to stand in front of most of the relevant people who could sort that out.

Specifically, the CRC has recommended not for the first time a change to its standard of review on which it hears appeals of officer misconduct. The CRC currently is required to defer quite significantly to the responsible unit manager of the accused officer in reviewing findings.

So while we are an advisory body, most often the chief is not getting our advice. This refers not just to questions of what happened or did not happen, but what the policies mean and how they are interpreted. This has extended, for example, to questions to whether accidental cycles of a Taser were in compliance with a policy that said each cycle of a Taser must

be separately justified. That case was actually appealed all the way to city council. And city council, using our same standard of review, decided that they needed to defer to the interpretation offered by the Bureau of Management.

So in our capacity in our ability to advise, we have requested that our standard view of review would be changed. Our standard of review is mentioned in the settlement agreement as a definition. That's definition 61. And then again in paragraph 135 CRC appeals, which says simply the City and PPB agree that the CRC may find the outcome of an administrative investigation is unreasonable if the CRC finds the findings are not supported by the evidence.

We believe that the agreement should function and should be recognized as a floor, not a ceiling, to the citizen oversight. And in our conversations with city councilors, we have received support for the principle behind our change, but the response has been a fear that the settlement agreement doesn't allow it.

So I -- I guess I would just appreciate the guidance of the Court, if possible, or any people in this room who would like to work it out.

THE COURT: Let me ask you a question or two in follow-up.

Have you put that -- or has the CRC put that request and proposal in writing with the City?

1 MS. MALONE: Yes.

THE COURT: And dated when?

MS. MALONE: Dated several months ago.

THE COURT: Okay. Have you received a written

response from the City or the United States?

MS. MALONE: No.

THE COURT: In a few moments, or later today in this hearing, I'm going to ask them, "Did you receive it? Do you plan on responding? What's the right process?"

But I also encourage you at our next hearing to come forward and let me know what's happened between today and the next hearing on this question.

Let me just invite either the City or the United States now, if you wish, anybody have any comments or questions on this particular issue? I don't want to spend too much time on it.

Mr. Geissler?

MR. GEISSLER: Your Honor, the United States has not received a written request. Rather, I believe, the request went to the City. The City should opine upon that request, should consider whether or not it complies with the city code, and whether or not the City wants to ask for an amendment to the settlement agreement and present that to the United States.

THE COURT: Thank you, Mr. Geissler.

Anything from the City at this time?

MS. REEVE: Your Honor, I'm aware that the request has been made. I'm not in receipt of the written version of the request, and the -- the -- in addition to the settlement agreement issue, there are bargaining issues, and I would let Mr. Karia address that if he wishes to. But it would be a change that would likely have to be bargained with the Portland Police Association.

THE COURT: Any comments you wish to make, Mr. Karia?

MR. KARIA: Yes, Your Honor. Just to reiterate what

Ms. Reeve said, yes, there are bargaining obligations from our

standpoint, and we did provide Ms. Malone, along with

Chief Outlaw and -- excuse me -- the IPR Director Severe a

letter responsive to the discussion laid out our -- the

association's thoughts on the general subject.

So there has been some dialogue and some healthy dialogue to include representatives of the association meeting with representatives of the CRC.

THE COURT: Ms. Malone, did you receive a letter from Portland Police Association?

MS. MALONE: Yes. And the CRC views there being two barriers here. One is the settlement agreement and one is the bargaining issue. So either one of them.

THE COURT: It's pretty significant hurdles to overcome.

On the settlement issue -- here is what I would suggest to

you, and you are welcome to let me know at our next hearing how things are developed. Provide copies in writing of whatever you want, feel free, to the attorneys of record in this case.

My courtroom deputy can make sure you have the email addresses. It's also, I think, on the docket -- electronic docket sheet for this case. But provide that to them, including the friends of the court -- besides the intervenor, Portland Police Association; friend of the court AMA; and our new friend of the court, the Mental Health Alliance.

And to the extent that an amendment to the settlement agreement is needed and appropriate, they are the parties that know how to present that amendment to me. So that would be step one.

To the extent that this is an issue that requires bargaining with the Portland Police Association and the City, as I think we discussed about four or five years ago, there's not a whole lot I can do about that, except under certain circumstances under this settlement agreement, and we're not there yet.

Does that make sense?

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MS. MALONE: Yes. I guess I was just trying to get clarity on whether it's even worth bargaining if it would or would not violate the settlement agreement.

THE COURT: That is a question to which I cannot answer.

MS. MALONE: I would say I have some paper copies of 1 2 our proposal here today. I will be in the back. THE COURT: You're welcome to deliver paper copies to 3 counsel of record, including for the amicus. 4 Thank you, Ms. Malone. 5 MS. MALONE: Thank you. 6 7 THE COURT: Linda. Linda, I did not get your last name. If you want to give 8 it to us, you're welcome. If you would rather not, you don't 9 10 have to. 11 MS. SENN: We've moved into afternoon, Your Honor. 12 THE COURT: Okay. Not yet. I can still say good --13 Still good morning. MS. SENN: For the record, my name is Senn. 14 15 THE COURT: How do you spell that? 16 MS. SENN: S-e-n-n. 17 THE COURT: Thank you. 18 MS. SENN: Thank you, Judge Simon, for this time 19 before you, and I would also like to say thank you to the 2.0 Honorable Reverends Bethel and Hayes. 21 Sorry. I'm a little bit nervous. And I would also like 22 to say thank you that the Mental Health Association was here 23 and said our names.

I do want to also extend that I have seen PPB attempting

to adjust the way they interact with our community. As far as

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for the PCCEP, I will woefully ask that Your Honor wait. I continue to watch the process. And before approving or denying this committee, that you would be able to use an equitable lens to see that folks that have perceived or known mental health illnesses are being lifted up in this community in what way that is equitable for them.

Because our community has felt the lack of compliance by PPB's use of force and continued abuse on our community, Unity being one of the ways that folks with mental health illnesses known or perceived have been extended abuse through PPB that way by placing folks that are houseless, that -- the difference between exhaustion, addiction, and mental health seems to be a struggle for PPB to really understand what that looks like and how our community also receives extended use of force from PPB is something called "BIDs." Business Improvement Districts. It should just say it all. It should be said business inclusion districts.

And, furthermore, abuse towards our citizens by the -- I don't know how to say it nicely, the use of Wapato as a comprehensive shelter space for people that are experiencing houselessness or small crimes that would -- would have, like, crimes like erecting shelters or illegal campsites that could send people to jail or, as Daryl Turner said, an option to go to Wapato. Your Honor, I believe the place is still a jail, regardless.

THE COURT: An unused building that was built as a jail that I know a number of people are struggling with to try to figure out what type of effective and beneficial use to make of it.

MS. SENN: I hear you, Your Honor.

Furthermore, I was in the streets on Sunday morning when Patrick Kimmons -- I guess it's an investigation, was occurring, where family members were mourning the loss of their loved ones in the streets and witnessed PPB being extremely inappropriate with their behaviors towards the family and the community at that time.

Also, PPB, in the evening, put the community and the family at risk in the night asking us to please move our barriers and remove the vigil from the streets when family members were still standing there openly mourning in the community.

PPB, then, after community members and family members were engaged with vehicles in the night, where we're not visible so much, after a few folks came into close encounters with vehicles, PPB then said, "Well, we'll allow you to put back up the tape for a little while."

I think that when there's mourning in the streets, that PPB should also tilt their hats.

There's a lot of things that have brought me to this day.

One of them, I think, if you can recall, a few years ago, when

I spoke before you about my son and the encounters that he had. Since then, I have moved with our community through different avenues to support by being present at meetings for COCL and COAB and also being present in the community, engaged in different activities where use of force and police brutality on community members is just unacceptable.

I also have recently spent the last year as the vice president of the board of directors of Sisters of the Road, and the work we do there is based upon community engagement and community input and community needs and community ideals.

If that doesn't give Your Honor a hint that we are a community organizing organization, I think that PPB has reached out to us, and I appreciate that. But I would also appreciate that PPB would please end this -- please start listening to what our community is saying.

Our nation is -- is this seeping wound, so to speak, right now, and our communities really need those that are in lead to support us, and we're just not seeing that.

That's all I have to say, Your Honor.

THE COURT: Thank you very much, Ms. Senn. I appreciate your comments and appreciate you being here again.

Final two presenters will be -- and then we'll go back to counsel -- Ann Casper, followed by Brandon Lee.

Ms. Casper.

MS. CASPER: I guess it's still good morning,

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Judge Simon. We have one more minute.
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              THE COURT:
                          Good morning.
                           I would like to -- and I didn't get back
              MS. CASPER:
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    to you because I didn't know how to. Last time I was here, I
 4
 5
    told you I would tell you about peer support. I didn't know
    how to reach you. So how do I get that information to you?
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 7
              THE COURT: Well, the best thing to do is probably to
    send a PDF my email to my courtroom deputy, Ms. Austed.
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 9
                            I don't have a way to make a PDF. Can I
              MS. CASPER:
10
    make it a regular Word document?
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              THE COURT:
                          Yes.
                                Just send it to her attention.
12
    She'll have it PDF's and scanned, and we'll distribute copies
    to all of the parties in this case.
13
14
              MS. CASPER: Oh, thank you.
15
                          Anything that comes to me, I really do
              THE COURT:
16
    think it's appropriate to share with all the parties in the
17
    case.
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              MS. CASPER: What's her email address? Do you know?
19
                          Mary will write it down and hand it to
              THE COURT:
20
    you.
21
              MS. CASPER: I just didn't have it last time.
                                                              I feel
22
    like I had homework and I didn't do it.
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              THE COURT:
                          That's all right. No problem. She'll
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    write it down and give it to you.
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MS. CASPER: In the light of peer support, I was

asking somebody else, I only saw two support people here. One person said she couldn't do it because she's part of the committee. So I asked Jason Renaud to come stand up with me of peer support, and this is part of peer support. So he is being here holding space for me mutually. He may not agree with what I say. So what I say may not be what he thinks. Just to let you know that.

But he is holding safe that on my path -- I'm walking my path, and he's going to hold the path with me. Okay?

So this is part of peer support.

First, I would like to thank you for -- I guess you had asked Jared -- what's Jared's last name?

THE COURT: Mr. Hager?

MS. CASPER: Yes, Mr. Hager. About how many arrests had been done at Unity? Because I had been searching this for six months and --

THE COURT: And he did supply that information in writing --

MS. CASPER: Great.

THE COURT: -- in the written status report to the Court, and that is available on our website. If you have difficulty obtaining that afterwards, just contact my courtroom deputy, and she will print you off a copy of the United States' status report.

MS. CASPER: So what we found out -- what I found out

1 is that 30 people at that address have been arrested and taken 2 to jail from the mental health facility. Ten people were confirmed patients. So we have patients 3 literally taken from the mental health facility to jail. 4 of those I saw personally. That's why I brought this up last 5 time. 6 7 And two people --THE COURT: Ms. Casper, I'd just ask if you could 8 direct your comments to me. 9 MS. CASPER: Oh, absolutely. I saw other people 10 11 doing that too. 12 THE COURT: I know. MS. CASPER: It's all good. 13 14 THE COURT: And I try and encourage people to make 15 their comments to me. 16 MS. CASPER: Oh, you know, I get so nervous anyway. 17 Thank you. 18 THE COURT: I appreciate that. Have Mr. Renaud stand 19 there. Please be --20 MS. CASPER: Please, more support. No, no, don't 21 touch. No. Stand there. 22 Thanks, Jason. All right. Handshake. Okay. 23 So from that, we found out 30 people had been arrested. 24 That was a shock to me. I didn't think so many had been.

helped build the center, and I had been in these centers

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before. And ten people, literally patients, two people I saw were actually not patients, and so I know two of them had been in the hospital or tried to get in. I happened to talk to Sheriff Reese and the jail system, and I said, "Do you have a way to know" -- make sure that the medical records at Unity, people in Unity, are transferred to the jail? So they're given the same medications. Because when you're given different medications, you're off kilter and it's even worse. There is no procedure.

In fact, Sheriff Reese didn't even know people had been taken from Unity to jail. I also asked the top psychiatrist in the jail system, "Do you have a procedure to make sure that these records are transferred directly?" No procedure.

So I would like to -- I don't know if it's PCCEP, who to ask, to make sure that medical records are directed -- and the booking procedure, the psychiatrist said it's up to the booking nurse to determine if they've been. So what's missing here? Some kind of communication. Let's make sure that communication happens. Okay? I don't know who has to do it, how it happens. Yeah. Let's just somehow -- if PCCEP, or whoever, let's make sure if you're taken as a patient in a mental hospital to jail that all the records are transferred before you get there so they have your medical things ready for you.

THE COURT: Thank you.

MS. CASPER: Thank you.

I would also like to suggest that -- that we get support and money for trauma groups. So those -- those of us who have been in and out of the mental health systems, which -- and special -- it's different to be put in as a patient, as Jason Renaud said, there have been assaults. Well, he said the patients had assaulted people. But if we look at it the other way around, why are they assaulting people?

I have one friend who was actually pepper-sprayed as patient in Unity. She was trying to shield her eyes and get away. They actually took her to Multnomah County Court and charged her with assault.

So something -- something here -- something is difficult here. So we -- and even I consider myself a Unity survivor. It was there. It's so silly. I helped build it, and I end up there. But it was the worst treatment in 36 years I've had.

So I actually had a hard time even driving by it for six months because I would get so angry just looking at the building. So I would suggest that the City and the County and somebody get some money for trauma groups. For those of us who have been through these systems, let us work out our trauma together.

Peers are trained in peer support. We can run our groups.

One really good group I've seen run groups over the past

30 years is called DBSA, Depression and Bipolar Support

Alliance. Of all the mental health support groups that have

been in Portland, they run the best groups. And they know how to handle people who are not doing well and so -- in the group. And keep things going.

So I would suggest through them -- they also work with NAMI and other places. Let's work together. Even people who have been with trauma from police, let's work that trauma out. We as peers can work it out together. We just need some money. We don't have money for food or for places. You know, we just need -- even for facilitation, we can facilitate it ourselves. We just need that.

And let us work out our trauma, so we can work well with everybody.

Another thing with the PCCEP, I didn't apply because I looked at the materials and mental health was always number two and number three on the list of things that was being described as. I'm like, well, I'm really for mental health. Why isn't mental health number one?

THE COURT: What was number one?

MS. CASPER: I can't remember. What was number one? Can somebody tell me? It was -- was it -- I don't know how to say it. Was it race relations? I just don't -- I just remember mental health being number three, and I thought, well, I don't really fit in there. So I'll let other people do that work.

And I'm glad we're talking about civil rights, and it's

interesting to look at to -- qualitative or quantitative, what 1 Bob Joondeph was saying. How does it work for mental health -people in the mental health realm?

So the COAB, as I said before, only four out of the 44 recommendations had to do with mental health. So as a person in the mental health communities -- there's many communities -not just one -- I would say that's not a very good score that -- if I look at a committee that is supposed to be talking about mental health and only four of the recommendations touch upon mental health out of 44, that's not a good ratio.

I was very disappointed with that.

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THE COURT: On the other hand --

MS. CASPER: Yeah, go ahead.

There's 27 amendments to the U.S. THE COURT:

Constitution and only one of them touches on freedom of speech.

MS. CASPER: Okay.

That's really, really important. I would THE COURT: urge you don't just count up the numbers.

MS. CASPER: Okay.

THE COURT: That's just my perception.

MS. CASPER: Yes, that's good. Oh, yes.

22 You're right. Qualitative is also very important.

I would also like -- so I've been on this committee. It's called the Mental Health Subcommittee. It's actually a committee run by -- it's a long acronym, so be careful here.

LPSCC, which is the Local Public Safety Coordinating Council, which is actually chaired half by Mayor Wheeler and half by the Chair of Multnomah County.

And I would like Mayor Wheeler, as the chair, through this to ask that this mental health community start meeting monthly. It used to be monthly for about 10 to 12 years, and then it switched to every four months.

So what helps, if it meets monthly, these are -- it helps us as peers, as people in the community, know what they're planning, what is going on, and then we get monthly reports. I just think it would be helpful to get that back to the monthly session. Otherwise we don't know what's going on. Through that committee, we can.

And I would also like to say I would like to see the CRC reach out to the mental health community. As a person, I never thought about it until I started coming to these meetings. I never heard about the CRC. So I wouldn't even think about -- I've been in touch -- well, I've been taken by police twice, and I guess if I had problems, I wouldn't even think about CRC because that's not in my realm. So how can they reach out to our mental health community?

I also wanted to speak about this morning, Linda was the only one who talked about us with the words that I personally agree with, who's talked about people with mental health issues.

THE COURT: Well, but Mental Health Alliance spoke about --

MS. CASPER: What I heard them say is "fragile people" and "disadvantage people suffering from mental health illness." That's not the language I would personally use for myself. What I use is "people" first. "Persons who have been diagnosed with mental health issues," people with -- always "people" first.

And, also, if you're going to use "fragile" or "vulnerable," add "resilient." I heard this from somebody else. So vulnerable and resilient people. Fragile and resilient. Because we're still alive. We still made it through.

I did want to end with a short story. Yesterday I was coming home, going to my car in the park in southeast Portland. There was a man on the ground. His friends were around him. Apparently, he had taken an overdose. I got down and listened -- listened for his -- for his breathing a little bit, and then checked for a pulse. He had no pulse.

So these people did not want to call the authorities, and they were trying to figure out on their own how they were bringing him back to life. There was no way that was going to happen.

So it was really interesting that people who -- he was dead. He really was dead.

And I was -- finally, a woman -- I didn't have my phone with me. Finally got a woman to call. She called. The ambulance showed up later. First, the fire showed up, police showed up, and I would like to say thank you to Officer Fox. I don't know if he's a lieutenant or what. I don't know those titles. I didn't ask him. He did very well. I was very happy to see Officer Fox do that.

There was another policeman with him, a shorter man. I don't know his name. He did not do so well. Interesting in the same occasion because the -- the man's friends were very scared and -- scared to even call authorities even to get him back to -- to life.

So the -- the other man, the other officer didn't do well because he tried to help encourage a friend to move away from the dead man. He literally was dead. And the man didn't want to move away because he was scared of the authorities. And that man said, "Does that man have a mental illness?" And he didn't. He was traumatized. He was traumatized that his friend was dead. He was traumatized that the system was there. And it's kind of interesting, but I would like to say Officer Fox did a fantastic job.

I did want to say that he came -- through Narcan, he came alive again, and I'm so grateful for that.

THE COURT: Very good.

MS. CASPER: So I do want to say to PCCEP, I'm

looking forward to see what happens. Unity -- I like -Judy Shiprack was a commissioner here. She had an idea about
having different what's called crisis assessment treatment
centers. Little centers around Portland in the areas where
people live.

So example, when we would take people to the hospital, we didn't take them to Adventist because it was too far out there. We didn't want to visit them. So we would -- so think about instead of one big hospital, having community hospital places where families are closer, friends are closer, and it matches. Because in Portland we have different communities in different areas, and the mental health treatment matches that community of that area. I think that would be a lot healthier.

But Unity is still there, and we'll just work with it.

And I want to thank you very much.

THE COURT: Thank you very much, Ms. Casper.

Thank you, Mr. Renaud, for your support.

Mr. Lee.

Welcome.

MS. LEE: Good morning, Judge Simon. I wanted to be here today, number one, to introduce myself officially. I also want to give thanks to all the stakeholders who took the time to be here. I'm really excited to see the investment of all of those that planned to be here.

In light of the time, we do have a committee member from

the PCCEP, and, in light of the time, I wanted to know if I could share my time with Ms. Clay to give her personal experience thus far.

THE COURT: Of course. Of course.

Just state your name, please.

MS. CLAY: My name is Yolanda Clay. PCCEP member. I just wanted to express -- I -- as a member of PCCEP, I understood the responsibility of becoming a PCCEP member all the way through the application, and then being selected as a member. And then going through the retreat and the on-boarding process, I developed an even greater understanding of that responsibility both at a micro and macro level. And I've had the opportunity to meet most of the PCCEP members, and I find that each and every one of them bring a skill set and life experience that will only enhance our ability to work on this important issue with an openness and like mind that will hopefully bring effective and positive results.

Thank you, Your Honor.

THE COURT: Don't go away yet. Number one, I want to thank you in advance for your volunteering and for your service on PCCEP; and, two, I want to add to one of your responsibilities on PCCEP. At some appropriate time, I am going to ask you and your colleagues on PCCEP whether in your opinion it is now time to give approval to the amendment that establishes and creates the framework for PCCEP. I'm going to

want to know what your opinions are.

Sorry to add to your responsibilities, but I'll say in advance that I thank you in anticipation for your insight and your contribution.

MS. CLAY: Thank you.

THE COURT: Anything further, Mr. Lee?

MS. LEE: Yes. I'll make it brief. So I won't touch on every point, but I wanted to be able to offer some context to a couple of points that were made.

Coming in, we had an initial meeting within our first month with AMAC and other stakeholders together. And so one point that comes up -- one that comes up often is in regards to electronic -- having community separate from the PCCEP community process in a room, and watching it electronically.

Some context: We were within -- our first month, we were in the middle of recruitment, and so I want to make it clear publicly, and I think I've taken time to reach out to AMAC privately just to ensure that we -- we at the PCCEP facilitators more importantly wanted to create some time and space for the PCCEP committee to form to establish and make sure they had an opportunity to -- to incorporate processes that they thought were best.

So we, as facilitators, were not held to electronic or specific particular processes that have come up, and I just wanted to make that clear. That particular amendment, just so

you know, came from a study out of Google that said, "How do you put together the best performing team?" And one of those -- the most important was to preserve psychological safety. And so there was a reason why they came out but were not held to that.

We were required to and agree with quarterly town hall meetings. And so the concept of our -- of our proposed community engagement forum was to try to bring some innovation to the typical town hall process that COAB had utilized and other processes had utilized.

I'll give you an example from my outreach, particular outreach, I was able to glean insights from vulnerable community members where they were in the community -- not going through community leaders, et cetera -- and were able to bring those insights back to the City to be able to work on policies, et cetera. And so we see community engagement as a direct link to community oversight.

And being from Oakland, we have gone through our own oversight process. And it took decades, quite frankly, because we had the privilege to begin with recommendations from the COAB. We need to honor those community members that invested in that process and resulted in recommendations. So because of that, we weren't -- we felt we didn't have to come in and mandate out recommendations the first year, and, quite frankly, just saw community engagement as a focal point to be able to

build on for later dates. So I just wanted to provide some context to -- and I think -- the last thing that I would like to mention was the purpose of the retreat and training mechanisms -- one thing that we felt was necessary was this community oversight effort is in the nation. And there are some cities that have been a little bit more progressive and some that are further behind.

One thing that we wanted to do in the retreat and throughout this year is to bring our process in alignment with those best practices that have really been supportive for all respective stakeholders.

THE COURT: Let me add to that.

MS. LEE: Yes.

THE COURT: And I appreciate the need for the retreat, the orientation, the training that needs to take place in the beginning and the environment in which it needs to take place.

I also heard an interesting comment from one of our public commenters that as we also talk about the history of the settlement agreement and that the needs and objectives of the settlement agreement, which really are multifaceted, you can hear there's a number of different pieces to it, a number of different objectives.

The comment that was made was they'd like some public participation into that part of the orientation or training.

So one possibility -- and, by the way, I'm not going to micromanage what is done -- but I want to just channel back one of the comments that I heard, and that is that perhaps as you do your orientation, retreat, history, in a relatively private environment for the needs that that environment will foster, there may also be a benefit to doing a part two where we then, as a part two -- maybe, you know, the advanced class on the history and objectives of the settlement -- bring in and invite members of the public to continue that discussion. And to that extent, maybe one has one's cake and eats it too.

Just something to think about.

MS. LEE: I agree. It's in the works.

THE COURT: Thank you, Mr. Lee. I appreciate you being here, sir.

MS. LEE: Thank you.

THE COURT: All right. I will invite counsel for any final remaining comments, and I will begin with Mr. Vannier.

And you're welcome to address any issues that you wish.

MR. VANNIER: Thank you, Your Honor. I will touch upon the first questions from about an hour ago that you asked me. But, first of all, I wanted to just formally say that the City at this time renews the joint stipulated motion to enter the amended settlement agreement. And we join in the arguments that were made by Mr. Hager for the United States.

In particular, I just want to highlight briefly that the

standards for amending the settlement agreement were adopted as part of the agreement itself and were found by this Court to be fair, adequate, and reasonable at that time. And those standards are governed by paragraphs 172 and 184 of the amended settlement agreement, which specifically pertains to amendments being acceptable if they are necessary to achieve and sustain the intended outcome of the settlement agreement and that they are stipulated to by the parties. And we have that in this case. And so, as a matter of law, it is our position that the amendments should be entered at this time.

Now, turning to the, I guess, the more general questions that this Court asked earlier, one of the things that has become apparent, I think, through some of the comments here is there is some confusion about what acceptance means. We are not here talking about whether the City is in substantial compliance with the PCCEP plan or the PCCEP amendments or even whether the PCCEP works at this point, because, as Your Honor knows, the PCCEP has not met at this point, and we understand that.

But whether the PCCEP works or whether the City is in substantial compliance is a question of, in fact, compliance under the settlement agreement. It is not a question that is relevant to the legal determination of whether the settlement agreement should be entered at this time -- I'm sorry, the amendments should be entered at this time.

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And for the reasons I previously stated, as a matter of law, the parties are entitled to the amendments being entered.

Now, at a -- I guess a more substantive level it is also a matter of fairness and clarities, not only to the parties, but to the members of the PCCEP.

As Mr. Hager alluded to, what conditional approval means is simply that if, say, six months down the line, if this Court were to decline to enter those amendments on a permanent basis, we then default back to where we are two years ago at this point with the COAB, which is a process that, as Mr. Hager noted, despite the good faith efforts of the parties, had proved not workable at that time.

THE COURT: I don't think that's exactly right. I don't think it's we default back to the COAB. The parties disbanded the COAB. We default back to a situation where the City is in breach -- material breach of the settlement agreement.

MR. VANNIER: That's correct, Your Honor.

And so what I'm trying to get to is that there is a need for clarity, not only for the City and the United States, but also for the --

THE COURT: I probably did that.

MR. VANNIER: -- for the PCCEP itself and for the citizens of the City of Portland to know what exactly the parties -- what the City is going to have to be in substantial

compliance with.

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And there's a need for certainty at that point. The -the PCCEP cannot be in a position where six months from now
there is a possibility that it will have the rug pulled from
under it. There is a need for permanency.

Now, turning to Your Honor's questions earlier, what does a fully functioning PCCEP look like? The answer to that is provided by the settlement agreement itself. It is a PCCEP that in the opinion of the monitor, who is the United States, satisfies the criteria outlined in Section IX of the settlement agreement.

Your Honor's question was how long after the first meeting will that evaluation take. And that's, again, up to the monitor. That's up to the United States.

Now, what I do want to point out as a practical matter -because I understand Your Honor's concerns about not losing the
momentum that has happened up to now and having this sort of
public conversation about the settlement agreement amendments
and the -- and the progress that the City is making towards
substantial compliance.

Now, as Your Honor knows, we already have a date. Sounds like it might actually be moved, unfortunately; but we have a date set in April for the next annual status conference.

THE COURT: Let me double-check.

MR. VANNIER: I may be mistaken.

THE COURT: I don't see it.

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MR. VANNIER: I thought a date had been set. I apologize.

We will be back, as Your Honor has said, for the next annual status conference. And I can commit on behalf of the City, the City will be presenting about the PCCEP, how it has worked up to them. By that point, if the hearing is in June, there will have been, what, if I'm counting correctly, seven PCCEP meetings.

THE COURT: Seven months of PCCEP experience.

MR. VANNIER: Exactly, Your Honor.

And at that time, the U.S. DOJ will be able to give you their assessment. The COCL will be able to weigh in on its perspective of that.

But, again, whether the PCCEP works as Your Honor stated or whether the City is in substantial compliance, that's a separate issue than whether these amendments should be entered at this time.

And for the reasons I've explained, as a matter of law, we believe that the parties are entitled to that certainty. We believe that is the fair and reasonable thing to do, and we'd ask Your Honor to enter those amendments at this time.

THE COURT: All right. I appreciate your argument.

I don't think that I have enough information at this time to make an informed decision on whether or not to enter the

final amendments now. So I will continue with my conditional approval.

I am hopeful that when we all get back together again there will much more information that I have and have received and that that information will be sufficiently positive that I will feel comfortable that the amendments are consistent with the criteria set forth in the settlement agreement, including any amendments that have already been approved.

I probably shouldn't share the following with you, but I'm going to anyway. There is an old story -- I don't know whether it's true or just apocryphal about when President Nixon was first going to China and he wanted to find some way to break the ice -- I think it was with Chairman Mao at the time -- before getting into their controversial topics that divided them. To find some area of common ground that they could talk about in a noncontroversial way, and I know that at least it's been reported that President Nixon was a student of world history. He had been informed that Chairman Mao was also a student of world history.

So at their first meeting -- at least the way I heard the story, President Nixon says to Chairman Mao, "Do you think that the French Revolution has been good or bad overall for the world?"

And Chairman Mau's response was, "It's too soon to tell."
So let's talk about when we get back together. Frankly,

looking at my calendar, I don't think we have a meeting in April.

Mary, do you know?

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DEPUTY COURTROOM CLERK: I don't think we have it scheduled now.

THE COURT: Okay. Looking at my trial calendar, would it be feasible -- could we find a time in June, perhaps even maybe the first half of June, for us to have our -- if you want to call it an annual status conference, fine; if you want to call it our next interim status conference, that's fine.

And I would be very hopeful that we would have enough information from all of the parties, including the intervenor, including the amicus curiae, Albina Ministerial Alliance

Coalition, the amicus curiae Mental Health Alliance. Maybe even some input from the COCL, as well as a recommendation from the PCCEP, as to how things are going and whether they've met some of the qualitative and quantitative criteria that we have been discussing today to see if this new direction is working.

So I -- I am hopeful that we will have enough information that the Court can make a decision at that time.

Would sometime in the first part of June work for folks?

Any preferences.

MR. GEISSLER: My only preference, Your Honor, is it not be on a Monday or a Friday.

THE COURT: Not a Monday or a Friday.

MR. GEISSLER: Yes, Your Honor. 1 2 THE COURT: Mary, what looks good on our calendar? DEPUTY COURTROOM CLERK: We could do June 6th at 3 4 9:00 a.m. 5 THE COURT: One second. You know, let me change that for a second. I'm just 6 7 worried that the meeting, the jury instruction meeting the 8 previous week will probably get moved to that. We can make --I'm also thinking about June 13th, notwithstanding that other 9 matter that's on our calendar. 10 11 DEPUTY COURTROOM CLERK: Okay. 12 THE COURT: Do you all have any particular preferences as between Thursday, June 6th, or Thursday, 13 14 June 13th? I guess June 6th would work fine. 15 June 6th. Will that work for you all? MR. GEISSLER: It will, Your Honor, thank you. 16 17 MR. VANNIER: Yes, Your Honor. 18 MS. REEVE: It will, Your Honor. 19 All right. Thank you. Schedule our --THE COURT: 20 "annual" just seems a funny word to use in these days in this context. So our next interim status conference will be June 6, 21 22 2019, start at 9:00 a.m. 23 And is there anything else to be addressed at today's hearing? I'll start with the City. 24

MR. VANNIER: Thank you, Your Honor. Yes.

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wondering if Your Honor could clarify what it views as the criteria that will have to be satisfied for full approval in June.

THE COURT: That's a very interesting question, and let me reflect on all of the comments that were made today, and I will see if I'm able to put something in writing and send it to you.

MR. VANNIER: Thank you, Your Honor.

THE COURT: Thank you. Anything else from the United States?

MR. HAGER: Yes, Your Honor. I just wanted to make clear that the parties can still perform under the conditionally approved amendments; and, secondarily, that the United States and the compliance officer, as we prepare our annual reports and quarterly reports of the compliance officer, that we can assess compliance as to the amended or red-lined agreement, at that ECF 171 as opposed to the original agreement.

THE COURT: Thank you for that clarification. Not only do you have the Court's permission, I think that's a very wise idea.

I would also note, too, that -- and I'll leave this to the discretion of the parties, but as I think it was -
Mr. Handelman noted in his comments on behalf of Portland

Copwatch, paragraph 146 of the revised agreement requires the

new board -- the PCCEP to be selected, trained, and to advise 1 2 the content of a new community survey within four months of the agreement being amended, technically, that part of the 3 agreement hadn't been amended. I will say that if you choose 4 to go forward with a new community survey, I certainly won't 5 find that to be in violation of anything. 6 7 Similarly, if you don't choose to go forward with that 8 community survey, that's technically not a violation of anything, but it might be a good idea. 9 So I'll leave that to the discussion and discretion of the 10 11 parties. 12 MS. REEVE: Your Honor, we will be moving forward with the community survey. Thank you. 13 14 Thank you. Good idea. THE COURT: 15 Anything else from the United States? 16 Thank you, Your Honor. MR. HAGER: No. 17 THE COURT: Anything else from the intervenor, 18 Portland Police Association? 19 MR. KARIA: No, sir. 20 THE COURT: Thank you. 21 Anything further that we should discuss or address from 22 the Albina Ministerial Coalition? 23 MS. CHAMBERS: No, thank you, Your Honor. 24 THE COURT: Anything else that should be addressed

from the perspective of the Mental Health Alliance?

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MR. CHAVEZ: Not at this time, Your Honor. Thank you. THE COURT: Thank you all very much. I appreciate everyone's participation and contributions and your indulgence into going into the lunch hour. We're adjourned with this hearing today. I look forward to hearing from you all and seeing you on June 6th. (Hearing concluded.)

1	CERTIFICATE	
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3	United States of America, v. City of Portland,	
4	3:12-cv-02265-SI	
5	STATUS CONFERENCE	
6	October 4, 2018	
7		
8	I certify, by signing below, that the foregoing is a	
9	true and correct transcript of the record, taken by	
LO	stenographic means, of the proceedings in the above-entitled	
11	cause. A transcript without an original signature, conformed	
L2	signature, or digitally signed signature is not certified.	
13		
L4	/s/Jill L. Jessup, CSR, RMR, RDR, CRR, CRC	
15	Official Court Reporter Signature Date: 11/2/18	
L6	Oregon CSR No. 98-0346 CSR Expiration Date: 9/30/20	
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