

## **PCCEP Response to Court**

### **Overview (approved by PCCEP at July 27, 2021 full board meeting)**

Portland found itself facing a pandemic and unprecedented racial justice protests at the same time in summer 2020. In our view, the City failed to meet the moment and did not even comply with the minimum mandates of the Department of Justice (DOJ) Settlement Agreement. The Settlement Agreement is a floor not a ceiling. The City has been found by the Compliance Officer and Community Liaison (COCL) and the DOJ to be in compliance with many paragraphs of the Settlement Agreement, but they each found the City out of compliance with issues related to force reporting, training, and community engagement. We broadly agree with these assessments.

Finally, PCCEP suggests that the City refer to [recommendations made by PCCEP about Body Worn Cameras](#) in 2019 if the City ultimately chooses to pursue this remedy.

### **Testimony of Co-Chair Elliott Young**

The COCL and DOJ have found the City out of “substantial compliance” in a number of areas, including downgrading the City’s support for PCCEP to “partial compliance.” While we understand that the Settlement Agreement is a legal document that requires specific actions by the City, we do not want to miss the forest for the trees. One of the frustrating elements of the Settlement Agreement is that it focuses entirely on process (training, reporting, and community outreach) and has no requirement for outcomes. The theory is that if all of the mechanisms in the agreement are in place, use of force and unconstitutional policing would be diminished. Unfortunately, that is not what we have seen in the nine years that the Agreement has been in place. Use of force by police reached an unprecedented level in 2020, disproportionate targeting of Black people, people in mental health crisis and the houseless have continued at rates that far exceed their presence in the population, and those in mental health crisis continue to be killed by the police. The only way you can argue that use of force has declined is by omitting the unprecedented use of force at protests in 2020. And finally, we regularly have white supremacists coming to town with the intention of inciting violence. In the most recent occurrence, the police decided to stand back and not intervene while people armed with paint guns and bats roamed around the city taunting citizens and, in one instance, even shot several live rounds at people on a downtown street.

The DOJ and COCL’s finding of non-compliance is due to lack of training and failure to complete reports in a timely and efficacious manner. What is missing from their analysis is the view of the forest. As I see it, policing in Portland is worse now than when the Agreement was signed, and it was heading in this direction before 2020. I urge the Court to take a step back from the legalistic minutiae of this Agreement and ask the simple question of whether community safety has improved and police misconduct has diminished since 2012. Our sense from scores of hours hearing public testimony and available data is that it has not.

The Portland Police Association has argued that it needs more funding to comply with the Settlement Agreement. While I agree that police officers are overworked, there is an alternative solution to this problem that has been recommended by PCCEP, which is to limit the functions of the police and focus them on what they are trained to do, namely responding to violent crime.

## **Successes**

PCCEP has been very active over this past year and half since the last status conference in January 2020, and when the George Floyd racial justice protests happened, PCCEP kicked into overdrive. We sponsored several town hall fora in which hundreds of Portlanders participated, and passed recommendations that addressed the urgent concerns of the community, including one to [Redirect Resources from the Police to the Community](#) and another to [Ban the Use of Chemical Weapons, Aerial Distraction Devices and Noise Devices Against Demonstrators in Portland](#). Some police resources were redirected (\$15 million) to the community and there has been a partial limitation of some of the chemical weapons we mentioned, but a more serious reinvestment in the community has not happened, there have been repeated calls to increase the police budget, and the money that was allocated to Portland Street Response (PSR) has not even been approved to expand the program beyond one pilot program in a neighborhood. It is worth noting that the PPA has restricted the number of calls to which PSR can respond, and thereby has hamstrung what is agreed by everyone is one of the best alternatives to armed police responding to people in mental health crisis.

The other major set of recommendations PCCEP developed at the request of Mayor Wheeler is related to [Core Patrol Services of the PPB](#). These recommendations were developed with the input of hundreds of Portlanders in two surveys and multiple town halls and work sessions. PCCEP passed these recommendations at the end of May and then presented them to City Council in a work session on July 27, 2021. There is a [public dashboard](#) tracking progress on these measures, but as you can see, so far none have been implemented, and all are listed as “in progress.” It is still too early to say, but the lack of urgency on following through on these recommendations leaves me worried that they will remain as another report gathering dust on a hard drive.

PCCEP also launched an effort to investigate the possibility of a Truth and Reconciliation Commission in Portland. Over the summer, a series of workshops were held to inform the community about how other cities and countries have handled similar commissions.

As you can see from PCCEP’s quarterly reports and [2020 Annual Report](#), the committee has been going well beyond expectations in terms of holding meetings, soliciting community feedback and proposing recommendations to the City. However, with all of that effort, we find PCCEP to not be as effective as it could be due to lack of support from the City and ineffective staff support for our mission. The next section will focus on those challenges.

## **Challenges**

PCCEP is a relatively new body, and there are still some things that need to be ironed out to make its work as effective as possible. I concur with the COCL and DOJ's assessment that the City could be more effective in its support of PCCEP. Far too often, recommendations fell through the cracks, emails about urgent matters did not receive responses for weeks, our liaison with the mayor's office was absent for long stretches, and the internal day-to-day machinations of the PCCEP faltered. The inability for the public, or anyone for that matter, to easily track PCCEP recommendations on our website has been a perennial problem. At the urging of the community, PCCEP leadership pushed to create a chronological list of our recommendations, but that effort was started and then abandoned. Minutes and the video recordings of our meetings are either absent or don't get posted in a timely manner. These obstacles ended up doubling or tripling the amount of work that I and my fellow members had to do. The volume of work to make sure things get done is simply unsustainable for a volunteer body.

After two years on PCCEP, the overwhelming feeling I get is that we are pushing a boulder up a steep hill like Sisyphus. Too often the City seems to create obstacles for our work rather than helping us push that boulder forward. I will be resigning at the end of the month and I wish PCCEP the best in this important work, but our work will only be effective if we have willing partners in those who actually hold the levers of power in the city.