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November 19, 2015

Adrian Brown, Assistant United States Attorney, District of Oregon
Jonas Geissler, Senior Trial Attorney, Special Litigation Section, Civil Rights Division
Ellen Osoinach, City Attorney, Portland
Judy Prosper, Deputy City Attorney, Portland

Dear Ms. Brown, Mr. Geissler, Ms. Osoinach and Ms. Prosper:

I am writing to lodge a complaint against the Compliance Officer Community Liaison (COCL) over the lack of established processes by which Community Oversight Advisory Board (COAB) members can be expected to conduct the business of the Board.

Officer Paul Meyer is one of five Portland Police Bureau (PPB) police advisors on the COAB. As such, he is a non-voting member. Officer Meyer has made complaints against COAB members Philip Wolfe, Rochelle Silver and myself in his October 16, 2015 email to the COCL and others and his October 29, 2015 letters to each of us. See attached Exhibits A-D. The three of us are voting members of the COAB and, among other subcommittees to which we belong, each of us are members of the Data Systems, Use of Force, Compliance Subcommittee (DSUFCS), which I also Chair. Mr. Wolfe is also a member of the Executive Committee.

Officer Meyer is a member of the DSUFCS. His complaints arise out of his displeasure with the DSUFCS's development, consideration and approval of 8 recommendations for submission to the full COAB regarding the substantial rewrite and improvement of Portland Police Bureau Directive 1010.00, Use of Force. See <http://www.cocl-coab.org/sites/default/files/102215-1%20through%208%20Recommendations%20regarding%20Directive%201010.00%2C%20Use%20of%20Force.pdf>. These recommendations were originally scheduled for the full COAB to consider at its October 22, 2015 meeting but have been rescheduled for the December 10, 2015 meeting.

Officer Meyer concludes each of his letter complaints with the following statement:

"Paragraph 144 of the Settlement Agreement addresses the action that should be taken in the case of misconduct."

Paragraph 144 of the Settlement Agreement reads, in its entirety, as follows:

144. The COAB shall report to the COCL. The COCL will chair the COAB, preside over COAB meetings, take and count votes, and perform such other activities as are necessary for the efficient operation of the COAB. If the COCL determines that a COAB member is no longer fit to serve on account of misconduct, the COCL shall consult with DOJ prior to removing such member. Following the removal of a COAB member, an alternative shall be selected from the same pool of applicants as the removed COAB member.”

Officer Meyer’s citation of this paragraph makes clear that he is seeking the removal of three of the four voting members of the DSUFCS for what he alleges is our misconduct.

Although Mr. Wolfe, Dr. Silver and I know that Officer Meyer’s complaints are unfounded, one possible reason for his complaints may be the confusion created by the COCL’s failure to create and implement a clear process for the development, vote and approval by COAB subcommittees of recommendations to be submitted to the full COAB for its consideration. The COCL introduced a required recommendation form for submission to the COAB without being clear about how it is to be used. See link to completed forms for recommendations regarding PPB Directive 1010.00, Use of Force, cited above. The process as understood by me as Chair of the DSUFCS and other voting members on the subcommittee was that I or others at my direction would complete the COCL’s required recommendation form with a “brief synopsis” and summaries of “pros” and “cons” regarding the particular recommendation. It was never my understanding that anyone’s “pros” or “cons” would receive special entitlement and be included verbatim. For that matter, the COCL has never stated that any material from any subcommittee member in support or opposition to the recommendation be included verbatim in the required form. Yet the crux of Officer Meyer’s complaints against me and the others is that his arguments against the recommendations were not entered verbatim into the form.

As Dr. Silver pointed out at the DSUFCS meeting on November 16, 2015, her comments, including “pros” and “cons” which she has raised during the development of recommendations and during the DSUFCS’s consideration of those recommendations have been summarized and in some instances not included at all. It appears that Officer Meyer, for whatever reason, may have mistakenly believed he was entitled to have all of his comments and objections related to a recommendation included in the recommendation form, unedited and not summarized. My point here is not that Officer Meyer was incorrect in his belief (although I do consider that he was incorrect), but rather that the COCL’s failure to provide a clear process for the use of a form it introduced could have contributed substantially to his perception and hence to his registration of the formal complaints.

As another example of a lack of process, the COCL has not created and implemented any process, written or otherwise, for resolving complaints against COAB members. At one point, the COCL emailed Officer Meyer and informed him what the process would be for resolving his complaints but did not notify Mr. Wolfe, Dr. Silver, or myself as to what the process would be. See attached Exhibit E. More recently, the COCL has informed us that a process is being

created, with no indication of what that process might be. Because of this confusion and because the lack of clear processes places COAB members at risk, the DSUFCS voted at its regularly scheduled meeting on November 16, 2015 to recommend to the full COAB that it consider and vote on the following recommendation:

“Before any steps are taken by the COCL, the City Attorney, the City of Portland or the DOJ to resolve Paul Meyer’s October 16 and 29, 2015, complaints against Philip Wolfe, Rochelle Silver and Tom Steenson, the full COAB should be consulted and approve of a process set forth in writing for resolving complaints against COAB members.”

Kathleen Saadat is the local COCL person and actively involved in the day-to-day activities of the COCL and the COAB. Pursuant to the Settlement Agreement, she is the COCL person who serves as the Chair of the COAB. Ms. Saadat was at the November 16 DSUFCS meeting and present for the discussion and vote on the above recommendation. During the meeting, she did not tell the DSUFCS that the recommendation would not be placed on the full COAB’s agenda, which naturally led me and others at the meeting to believe the important recommendation would be added to the agenda for the November 19, 2015 meeting of the full COAB.

The next day I asked Ms. Saadat to add the DSUFCS’s recommendation to the COAB’s agenda on November 19. I was shocked by her denial of my simple request.

“The request is denied as it inappropriate to put this on the COAB agenda.

- 1) the COAB does not have the power to stop the processes of any of the entities named in the proposal
- 2) COAB administrative processes are the purview of the COCL

Hearing yours and others concerns about fairness, I am working on a process to promote confidence in a fair disposition of the Complaint)

Kathleen Saadat”

See attached Exhibit F.

It is fundamentally unfair for any COAB member to face removal from the COAB without an established process set forth in writing for the resolution of complaints against COAB members. I believe it is also fundamentally unfair for the COCL to establish such an important process without at least consulting with the full COAB, and preferably obtaining the concurrence of a majority of its members. All that the DSUFCS wanted in voting its request is the opportunity for the full COAB, as soon as possible, to consider and vote on its process recommendation in that regard. The arbitrary refusal, after the COCL’s attendance at the Subcommittee meeting where a

procedural objection could have been raised, is disrespectful of the Subcommittee and its members.

Such unilateral action by the COCL in establishing processes only further damages the already fragile and troubled relationship which exists between the COCL and the COAB. Unfortunately, this is not an isolated incident and is only one of several recent actions or inaction by the COCL which raise concerns about its ability to effectively fulfill its role as specified under the Settlement Agreement.

While many of the problems described here are attributable to the actions of Ms. Saadat in her capacity as the COCL member who chairs the COAB, it is not at all clear that replacing Ms. Saadat would rectify the situation.

With or without the removal of Ms. Saadat, the COCL must create clear and coherent processes, consistent with the demands for cooperation and transparency that are inherent in the DOJ's original lawsuit against the City and in the guiding philosophy of the Settlement Agreement as it attempts to reform the Portland Police Bureau.

Thank you for your anticipated prompt attention to my complaint.

Sincerely,



Tom Steenson

- cc: U.S. District Judge Michael Simon, District of Oregon
Ashlee Albies, Attorney for Albina Ministerial Alliance Coalition for Justice and Police Reform
Charlie Hales, Mayor, City of Portland
Nick Fish, Commissioner, City of Portland
Amanda Fritz, Commissioner, City of Portland
Steve Novick, Commissioner, City of Portland
Dan Saltzman, Commissioner, City of Portland
Mary Hull Caballero, Auditor, City of Portland
Dennis Rosenbaum and Amy Watson, COCL
Kathleen Saadat, COCL
Dr. T. Allen Bethel, Co-Chair, Albina Ministerial Alliance Coalition for Justice and Police Reform
Jason Renaud, Mental Health Association of Portland
Sylvia Zingeser, Board Member, National Alliance on Mental Illness
Jo Ann Hardesty, President, NAACP of Portland
Jan Friedman, Disability Rights Oregon
Dan Handleman, Portland Copwatch

Debbie Aiona, League of Women Voters of Portland
Jann Carson, Associate Director, American Civil Liberties of Oregon
Bud Feules, Executive Committee Chair, COAB