

Community Engagement Efforts in DOJ Settlements

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I. The PCCEP

The PCCEP is charged with reviewing and making “recommendations on PPB policies touching the DOJ Settlement Agreement and/or key areas of concern, including constitutional policing, use of force, interactions with people experiencing mental illnesses, complaint investigations, and racial justice.”¹ Currently, the PCCEP does not have a system in place for how the PBB responds to its recommendations nor for what will be the outcome of its independent assessment of the Settlement Agreement. Furthermore, while the Mayor and Chief of police (or their delegates) are supposed to “endeavor to attend all public meetings of PCCEP, unless PCCEP requests otherwise,” the purpose of that attendance is loosely defined: They are “to listen,” “to provide information” and “learn from PCEP members and public testimony.”²

PBB, DOJ, and COCL developed four indicators of community engagement.³ First, “Interactions with the public and general service delivery”, to be measured through community and/or contact surveys. Second, “Communication with the public” which can be measured through the presence, quality, and quantity of information available on PPB’s website and social media outlets. Third, “Collective engagement with the community through boards, commissions, committees and other stakeholder forums/groups/meetings” the proposed measure of which is the presence, quality, and quantity of PPB participation in these collective events. And finally, “Regular reporting to the community on PPB activities” with the presence, quality, and quantity

¹ City of Portland Plan for Portland Committee on Community-Engaged Policing (PCCEP) at 1.

² *Id.*

³ <https://www.portlandoregon.gov/pccep/article/732333>.

of information contained in PPB's reports, website and social media outlets serving as the metric of success. PCCEP recommended adding a metric regarding integrating best practices from police departments across the country and around the world.⁴

The largest weakness of PCCEB is the lack of structure around the way that the PPB interacts with their recommendations. Without such structure, the engagement is likely to seem illusory or pointless. Unfortunately, the lack of concrete outcomes for community engagement or rules around what the police departments must *do* in response to the reports and community input is not uncommon in the consent decrees I collect in Appendix A. Nonetheless, the consent decrees do offer some guidance for potential metrics that could improve PCCEP's morale.

II. Community Engagement Practices in other Consent Decrees

During the Obama administration, the Civil Rights Division of the DOJ entered into fourteen consent decrees with city policy departments.⁵ Generally, these consent decrees do not necessarily seem to be leading to the broad systemic change that people hoped they would.⁶ One researcher critiqued the consent decrees because he found that meeting the metrics put forth in the decrees does not correspond with structural change.⁷

1. Promising Practices. The Mental Health Alliance identified the potential for members

⁴ *Id.*

⁵ Katie Benner, Sessions, in Last-Minute Act, Sharply Limits Use of Consent Decrees to Curb Police Abuses, Nov. 8, 2018, New York Times, <https://www.nytimes.com/2018/11/08/us/politics/sessions-limits-consent-decrees.html>.

⁶ See, e.g., https://www.stltoday.com/news/local/crime-and-courts/ferguson-needs-to-make-more-progress-on-consent-decree-federal/article_047fa0e7-ca28-5734-8555-ef4366448400.html ("Ferguson officials are 'long overdue' to hire a consent decree coordinator who could correct an 'absence of forward thinking and planning,' she said. Tidwell also said the city still needs to do a staffing study, implement community engagement and neighborhood policing plans, and collect data on police use of force and other police actions.")

⁷ New Orleans: Matthew Nesvet, My Year as a New Orleans Consent Decree Insider, July 30, 2019, The Appeal, <https://theappeal.org/my-year-as-a-new-orleans-consent-decree-insider/> ("But the design of many of the metrics allowed police to check boxes rather than demonstrate real improvement. ... One metric I saw auditors and monitors use to assess progress was the provision that precincts had to show auditors two photographs per month depicting officers interacting with city residents. I examined these photos, and could not decipher how they could be used as evidence that police were gaining people's trust.")

of PCCEP to become “disillusioned” with their membership if there is not an effective feedback loop between the PPB and the committee. Two promising practices from consent decrees in other cities that might strengthen the feedback loop are stricter requirements around PPB attendance at the committee meetings and requiring substantive public responses to committee recommendations.

In Albuquerque, NM,⁸ Los Angeles, CA,⁹ and New Orleans, LA¹⁰ the consent decrees contain some provision requiring police department leadership *and* officers attend community meetings. Requesting that the judge require attendance at some community meetings—including PCCEP meetings or accountability meetings the PPB responds to PCCEP recommendations publicly—could squarely fit under the Portland community engagement metric “Collective engagement with the community through boards, commissions, committees and other stakeholder forums/groups/meetings.” These requirements would strengthen the current permissive language that might lead officers and leadership to not attend such meetings, thus decreasing the opportunities for substantive interactions with PCCEP and other community groups.

In Cleveland, the consent decree requires the police department to “consider and timely respond in writing to the commission’s recommendations.”¹¹ So too in Seattle, the city must “consider and respond to the Commission’s recommendations in a timely manner.”¹² Creating a similar response requirement could mitigate the sentiment that PCCEP’s work is not leading to

⁸ <https://perma.cc/4HHZ-C67Q>, at 81.

⁹ <https://perma.cc/3AVM-6USX>, at 20.

¹⁰ <https://perma.cc/T5FZ-XXPB>, at 107.

¹¹ <https://perma.cc/4FBT-VPG5> at 7.

¹² <https://perma.cc/N425-DPB8> At 7

PPB action. Furthermore, it opens lines of communication between the community and PPB.

2. Community Policing in Portland. PPB has announced a commitment to community policing. “Problem solving” is a central tenet of community policing. PPB defines problem solving as “joint empowerment of police and citizens to coordinate public and private resources to resolve community problems.”¹³ In practice, community policing has taken many forms in Portland, ranging from hiring more officers of color to programs where police officers patrol neighborhoods on foot to build relationships with local “homeless people, business owners, and residents.”¹⁴

This broad understanding of community policing and problem solving might create an effective hook for encouraging more substantive engagement between the PPB and PCCEP. For example, the PCCEP could frame a robust feedback loop between PPB and PCCEP as a form of “join empowerment.” Or, PCCEP could point out that their meetings provide a forum for problem resolution because of the presence of various community stakeholders at its meetings.

Conclusion

Requesting some small tweaks to the community engagement metrics the PPB and DOJ established could support a more effective relationship between PCCEP and PPB. Two promising solutions found in other consent decrees would be: (1) including attendance requirements for PPB officers *and* leadership; and (2) requiring some form of timely public engagement with PPCEP recommendations such as a public community meeting and/or publicly posted written responses to recommendations.

¹³ Police Bureau, 0024.00 Community Policing Purpose, <https://www.portlandoregon.gov/police/article/525130>.

¹⁴ <https://www.portlandmercury.com/news/2019/10/10/27280663/how-does-community-policing-fit-into-a-changing-portland>

Appendix A: Community Outreach Plans

These are examples where the Civil Rights Division required law enforcement agencies to develop and maintain community connections and partnerships; and foster positive interactions between officers and community groups, youth groups, and individuals.

Town hall meetings

- Albuquerque: shall require at least one semi-annual meeting in each Area Command that is open to the public. During the meetings, APD officers from the Area Command and the APD compliance coordinator or his or her designee shall inform the public about the requirements of this Agreement, update the public on APD's progress meeting these requirements, and address areas of community concern. At least one week before such meetings, APD shall widely publicize the meetings. <https://perma.cc/4HHZ-C67Q> at 80
- New Orleans: Open meetings to inform the public of the requirements of the consent decree, update community on progress, and address areas of community concern related to public trust and constitutional policing. <https://perma.cc/T5FZ-XXPB> at 106
- Puerto Rico: The Community Outreach and Public Information program shall require at least bi-annual open meetings for the first two years of this Agreement. During the meetings, PRPD officers from the police region and/or the Reform Unit shall inform the public about the requirements of this Agreement, PRPD's progress meeting these requirements, and address areas of community concern. <https://perma.cc/TBT3-QMM8> at 70.

Small group dialogues;

- Ferguson: "Each FPD police officer will participate in at least one series of meetings, with each series consisting of at least three structured, facilitated dialogues between the same set of officers and community members. FPD officers will make up at least one-third and up to one-half of each dialogue group." <https://perma.cc/AXP6-DMFG> at 3.

On going assessment and improvement plans for community engagement efforts;

- Baltimore: Yearly report on community policing
- Yonkers, NY: Revision to "Mutual Courtesy and Respect Campaign"; survey to measure officer outreach to community members/organizations
- Newark: "NPD will implement mechanisms to periodically measure the breadth, extent, and effectiveness of its community partnerships and problemsolving strategies, including officer outreach, particularly outreach to youth."

- Ferguson: Creating an engagement plan that “provide for all sworn representatives of FPD to actively participate in neighborhood and community meetings and other events designed to bring a diverse group of community members and police personnel together. AND Place emphasis on creating opportunities for positive interactions with communities of color and residents of Ferguson’s apartment complexes. At 5.
- Cleveland: The City will consider and timely respond in writing to the Commission’s recommendations for improvements. Those responses also will be posted to the City’s website. At 7 <https://perma.cc/4FBT-VPG5>
- Los Angeles : Yearly reports
<http://shq.lasdnews.net/content/uoa/LAN/Community%20Engagement%202017%200827%20Final%20PDF.PDF>
- Puerto Rico: <https://perma.cc/TBT3-QMM8> “PRPD shall develop and implement mechanisms to measure its community partnerships and problem-solving strategies and assess their effectiveness. PRPD shall prepare a publicly available report on at least an annual basis that details its community partnerships, meetings, and problem-solving activities, including specific problems addressed and steps taken by PRPD and the community toward their resolution. The report also shall identify obstacles faced and recommendations for future improvement.”

Appointment of community liaison officers

- East Haven, CT at 42. Responsible for monthly meetings with East haven residents to voice their concerns and ask questions. Review complaints. Communicate with the chief of policy about compliance and meetings.
https://www.justice.gov/sites/default/files/crt/legacy/2012/11/20/ehpdsettle_11-20-12.pdf

Requiring that officers attend community meetings

- Albuquerque: , every APD officer and supervisor assigned to an Area Command shall attend at least two community meetings or other meetings with residential, business, religious, civic or other community-based groups per year in the geographic area to which the officer is assigned. At 81 <https://perma.cc/4HHZ-C67Q>
- Los Angeles at 20 <https://perma.cc/3AVM-6USX>
- New Orleans at 107. <https://perma.cc/T5FZ-XXPB>

Create or maintain standing committees or councils drawn from community representatives and stakeholders.

- **Baltimore, MD**, Community Oversight Taskforce (COTF). COTF will review how the civilian oversight system currently functions, how it should function, and what are

the impediments to change, and will then make recommendations based on that information. The assessment will consider civilian oversight models and promising practices in place in other cities throughout the nation. And, COTF will produce a public report with recommendations (example report:

https://www.baltimorepolice.org/sites/default/files/General%20Website%20PDFs/09_09_COTF_Final_Web.pdf)

- **Ferguson, MO:** Neighborhood Policing Steering Committee (NPSC) is responsible for assisting in development of community engagement plan, advise on improving community relations, input in the hiring and recruitment processes for officers, input regarding implementation of the agreement. Ferguson’s consent decree also created a Youth Advisory Board and Apartment Neighborhood Group to provide input on “law enforcement issues, especially issues that have a particular impact on young people”
- **Cleveland, OH:** Community Police Commission (“Commission”), 13 members who represent “the many and diverse communities in Cleveland” members chosen by mayor in consultation with DOJ, representatives from specific groups, e.g. civil rights advocates, academia, business/philanthropic community. The Commission was charged with making recommendations to the Chief of Police and the City related to community and problem-oriented policing, bias-free policing, and police transparency; work with communities to develop recommendations for police practices; report and provide transparency. The City must “consider and timely respond in writing to the commission’s recommendations.” <https://perma.cc/4FBT-VPG5>
- **Albuquerque, NM:** Community Policing Councils (one for each of the six area commands) with volunteers from the community to facilitate regular communications and cooperation between APD and community leaders at the local level. The Community Policing Councils shall memorialize their recommendations in an annual public report that shall be posted on the City’s website. Example reports: <https://www.cabq.gov/police/community-policing-council/community-policing-councils-annual-reports>).
- **Los Angeles County, CA,** Community Advisory Committees (CACs): a. advise the Sheriff and the station commanders on strategies and training to improve community relations, bias-free policing, and access to the civilian complaint system; b. work with the Sheriff and station commanders to establish and carry out community public safety priorities; c. provide the community with information on the Agreement and its implementation; and d. receive and convey to LASD public comments and concerns. The CAC’s reports and recommendations will be posted on LASD-AV’s website. LASD will consider and respond to the civilian panel’s recommendations in a timely manner. <https://perma.cc/3AVM-6USX> at 21-22.

- **Puerto Rico:** Community Interaction Councils: a) reviewing and assessing the propriety and effectiveness of law enforcement priorities and related community policing strategies, materials, and training; b) reviewing and assessing the propriety and effectiveness of PRPD policies on matters such as discriminatory policing, search and seizure, use of force, the civilian complaint process, and victim services; c) reviewing and assessing concerns or recommendations about specific PRPD policing tactics and initiatives; d) providing information to the community and conveying feedback from the community to PRPD; e) advising the Superintendent on recruiting a qualified, diverse workforce; and f) advising the Superintendent on ways to provide data and information, including information about PRPD’s compliance with this Agreement, to the public in a transparent and public-friendly format, to the greatest extent allowable by law. <https://perma.cc/TBT3-QMM8>

- **New Orleans, LA,** Police-Community Advisory Board (PCAB): Agreement to “work collaboratively” to develop and implement public safety strategies that respect and reflect each community’s public safety priorities and concerns about particular police tactics. And, NOPD agreed to “participate in quarterly meetings scheduled by PCAB; to allow the meeting agenda to be determined by the PCAB; and to have command/executive level staff representation present at all regularly scheduled meetings.” <https://perma.cc/T5FZ-XXPB> at 113.

- **Seattle, WA,** Community Police Commission: The Commission will undertake the responsibilities assigned to the Commission in the Agreements. b) The Commission will review the reports and recommendations of the Monitor, described below, and may issue its own reports or recommendations to the City on the implementation of the Settlement Agreement. c) The Commission may review and issue reports or recommendations as to the implementation of SPD’s 20/20 initiative and other initiatives of SPD and the City to support the reform process.

The Commission will hold public meetings at regular intervals to discuss the Monitor’s reports and to receive community feedback about SPD’s progress or compliance with the Agreements. The City will provide the Commission with reasonable administrative support as determined by the City, including meeting space. 10. The Commission’s reports and recommendations will be posted to the City’s website. The City will consider and respond to the Commission’s recommendations in a timely manner. <https://perma.cc/N425-DPB8> At 7