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**UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION**

**UNITED STATES OF AMERICA,**

**Case No. 3:12-cv-02265-SI**

**PLAINTIFF,**

**DEFENDANT CITY OF PORTLAND'S  
STATUS UPDATE**

v.

**CITY OF PORTLAND,**

**DEFENDANT.**

**I. Introduction**

At the status conference on July 27, 2022, the Court requested an update from the City on a number of items, including, *inter alia*, the status of the slide investigations, body worn camera bargaining, and independent monitor discussions. As discussed herein, the City continues to make important progress towards achieving the ultimate goals of the Settlement Agreement – achieving substantial compliance, delivering enduring police reform, and returning oversight and

direction of our local police agency to our local community and its elected leaders.

**II. Status of Slide Investigations**

In what is generally one of the latter parts of the investigatory process, the confidential Police Review Board (“PRB”) convened on October 12, 2022, in connection with the investigation involving the training slide containing the “Prayer of the Alt-Knight” meme. Representatives of both the U.S. Department of Justice (“DOJ”) and the Compliance Officer/Community Liaison (“COCL”) attended the PRB. The matter is moving onto the next stage of the investigatory process.

With respect to the slides containing outdated case law, the matter is progressing through the investigatory process.

**III. Status of Body Worn Camera Bargaining**

The City continues to engage in bargaining, as required under the Oregon Public Employee Collective Bargaining Act (PECBA), ORS 243.650 - 243.806.

**IV. Status of Independent Monitor Discussions**

The Parties continue to discuss the many possible paths to achieving their shared goals. To that end, a mediation session facilitated by the Hon. Stacie F. Beckerman was held on October 25, 2022, between DOJ, *amici curiae* Albina Ministerial Alliance Coalition and Mental Health Alliance, intervenor Portland Police Association, and representatives of the City. The City is committed to the mediation process.

**V. COCL Transition**

Dr. Rosenbaum has notified the City that he plans to retire as of June 30, 2023, and the City would like to publicly thank Dr. Rosenbaum for his hard work and positive contributions to policing in Portland during his tenure as the COCL. Consistent with the City’s current obligations under the existing Settlement Agreement, the City will begin the process of identifying a new COCL to replace Dr. Rosenbaum.

**VI. PSR Update**

Portland Street Response (“PSR”), a Portland Fire & Rescue program, dispatches teams

of mental health crisis responders and emergency medical technicians to non-emergency calls involving people experiencing mental and behavioral health crises. The program was piloted in the Lents neighborhood of East Portland in February 2021, with one to two units responding to calls daily. In March 2022, PSR expanded City-wide and experienced a substantial increase in call volume, which highlighted the need for additional staffing to manage the added volume. In response, PSR started the recruitment process, resulting in a significant increase to its staffing in the last few months; PSR continues to recruit and hire staff to increase PSR's capacity to respond to more calls. PSR now has four to six units available to respond to calls daily and is in the process of hiring an overnight shift, which will allow PSR to operate 24 hours a day by the end of 2022.

One of PSR's goals is to reduce the number of calls traditionally responded to by police, and in particular, those where no crime is being committed or where there is no emergency. A preliminary calculation of data from the Bureau of Emergency Communications ("BOEC") shows that PSR is currently diverting 3.3% of calls that would have traditionally been dispatched to police and 19% of calls diverted from PPB when considering only "Unwanted Person" and "Welfare Check" call types. These figures are similar to the 4% overall reduction and 27% reduction in "Unwanted Person" and "Welfare Check" call types noted in the PSU one-year program evaluation report (PSU's full triangulation of BOEC, PSR, and contextual data will be provided during their next evaluation in November 2022). There are a variety of factors that may have affected call volume diversion figures following PSR's City-wide expansion (see pages 29-31 of the one-year PSU evaluation), including geographic differences in concentration of individuals experiencing mental health crisis and houselessness, community relationship development with PSR, awareness of PSR, and dispatcher acclimation in sending calls to PSR rather than PPB.

## **VII. Update on the Portland Committee on Community-Engaged Policing**

The City has made significant progress toward bringing the Portland Committee on Community-Engagement Policing ("PCCEP") into substantial compliance with Section IX of the

Settlement Agreement, addressing two of the most pressing concerns: membership and staffing. At the time of the status conference in July 2022, PCCEP had only eight members, one more than the quorum required to take official action. By September 1, 2022, when the membership terms begin and renew, City Council had approved appointments to fill all thirteen positions on PCCEP. A full-time PCCEP project manager started on July 18, 2022, filling a position vacant since January 2022 and adding capacity for the PCCEP to meet and fulfill its mission. The full Committee has been meeting weekly since September 14, 2022, starting with an important private community-building session and required introductory training, provided by the City and DOJ, on the history of the case and Settlement Agreement and PCCEP's responsibilities thereunder. They have since met to hear and discuss the Portland Police Bureau's ("PPB" or the "Bureau") stops data and held town halls on August 18, 2022, and October 26, 2022, where COCL presented their quarterly reports and took questions from PCCEP and community members. PCCEP also hosted a well-attended town hall for Independent Monitor LLC on October 12, 2022, to hear directly from the community about the City's response to the 2020 protests, discussed further below.

On October 26, 2022, the Committee voted to form four subcommittees: Community Engagement, Racial Equity, Behavioral Health/Mental Health and Addiction, and Settlement Agreement and Policy. Subcommittee meetings will begin in November and December, as will Steering Committee meetings, which are required under the bylaws to guide the PCCEP agendas and workplan. PCCEP members have also drafted a statement to present to the Court at the November 9, 2022, status conference.

Significant work remains to be done, however. In September 2021, PCCEP recommended that the City substantially revise the PCCEP Plan. The Mayor's Office developed a proposal to revise the Plan, and after further discussion with PCCEP in April 2022 and consultation with the PPA and *amici*, sent the proposed amended PCCEP Plan to DOJ for review and approval. That process is still pending. A proposed bylaws revision, motivated largely by members' desire to clarify PCCEP's obligations under Oregon Public Meetings Law, is also

pending further consideration and decision by the Committee. Finally, PCCEP plans to elect co-chairs in November 2022.

#### **VIII. PPB Training Update**

DOJ and COCL, together with representatives from the City, had an opportunity to observe the Bureau’s Special Emergency Reaction Team (“SERT”) and Crisis Negotiation Team (“CNT”) offsite training from September 19 - 21, 2022. On September 22, 2022, and October 26, 2022, DOJ also observed the annual Bureau-wide In-Service training. Real-time feedback provided by DOJ and COCL was positive and productive, allowing for helpful suggestions and critiques to be quickly incorporated into the training presentations, as well as an opportunity for the Bureau to address any concerns right away. This thoughtful and collaborative approach allowed for timely course correction and was effective. The City would like to explore, together with DOJ and COCL, applying this collaborative approach to other areas of the Settlement Agreement.

As the Court is aware, in 2021, all Bureau members received comprehensive crowd management training to address concerns stemming from 2020 and a changing legal landscape. Beginning in January 2023, members will again receive comprehensive crowd management training, developed in consultation with PPB’s Policy Team and the City Attorney’s Office, and reviewed by DOJ and COCL.

#### **IX. Civilian Education Director (“Training Dean”) for PPB’s Training Division**

Council offices and the Bureau collaborated to develop an updated job posting and hiring process for the position of PPB’s Civilian Training Dean, consulting with the *amici* and COCL for feedback on the hiring process. The hiring process was created with the intent to include the *amici*, Intervenor PPA, and a community member at various steps of the recruitment process, while simultaneously respecting the important procedural protections for all candidates by requiring participant confidentiality. The steps of the hiring process are outlined below:

##### **1. Application Review**

1. All applications for the Training Dean position will be reviewed and scored by a

panel consisting of a representative from Council offices, a representative from PPB's Training Division, a member of PCCEP, a member from *amicus curiae* the Mental Health Alliance, and a member from Intervenor PPA.

2. This panel will recommend interviews for the five candidates receiving the highest scores.
2. First Round Interviews
    1. A panel consisting of a representative from Council offices, PPB's Equity and Inclusion Manager, a member from *amicus curiae* the Albina Ministerial Alliance Coalition, and a member of PPB's Training Advisory Council will interview and score the top five candidates.
    2. This panel will recommend second round interviews for the top three scoring candidates.
  3. Second Round Interviews
    1. The second and final round of interviews will be conducted by a panel including Chief Lovell, Mayor Wheeler and a member of his staff, and at least one member of the public designated by Chief Lovell.
    2. The ultimate hiring decision will be made by Chief Lovell and Mayor Wheeler.
  4. Engagement with Final Candidate
    1. Once selected, the final candidate will receive an offer of employment conditioned on the successful completion of a background check.
    2. Once the candidate has accepted the offer, the candidate will be invited to participate in a community engagement forum and may be asked to meet with Council offices.

The position description was posted on October 3, 2022, and is slated to remain open for thirty days. The City has the option to extend the posting deadline to ensure a robust and diverse candidate pool.

#### **X. The 2020 Critical Assessment**

Independent Monitor, LLC (“IMLLC”), the consulting firm engaged to complete the critical assessment relating to the 2020 protests required under Paragraph 189 of the Settlement Agreement (the “2020 Critical Assessment”), completed its second site visit to Portland in October 2022. The IMLLC Team comprises principals Nick Mitchell, who currently serves as the Court-appointed monitor of a federal consent decree with Los Angeles County and the Los Angeles County Sheriff’s Department and previously served as Denver’s Independent Monitor, and Phil Eure, the former Inspector General of the New York City Police Department, as well as Dr. Matthew Buttice, Policy Director at Denver’s Office of the Independent Monitor, and crowd management subject matter expert Lt. Pete Davidov, Deputy Director of the Montgomery County Police Department’s Special Operations Division.

During its October visit, the IMLLC Team met with community members, as well as representatives from City Council, the Mayor’s Office, the District Attorney’s Office, the Office of Independent Police Review, the Federal Bureau of Investigation, DOJ, the Multnomah County Sheriff’s Office, Portland Fire & Rescue, and the PPB. The IMLLC Team also participated in a town hall hosted by PCCEP on October 12, 2022, with nearly 150 attendees.<sup>1</sup> IMLLC is continuing to conduct interviews by Zoom and has created a special email inbox to receive community feedback, input, and requests for interviews ([Portlandreview@independentmonitor.com](mailto:Portlandreview@independentmonitor.com)).

The IMLLC Team will return to Portland to observe the Bureau’s crowd management training in 2023, and their initial draft report is expected to be published in early 2023. The City will have sixty days to respond to the draft report, as well as provide a Training Needs Assessment based on the report.

#### **XI. PPB Personnel Update**

Despite hiring challenges across the nation, on September 22, 2022, the Bureau welcomed twenty new police officers, representing the first significant staffing increase in years.

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<sup>1</sup> The recording of the IMLLC Town Hall is available at the following link: <https://www.youtube.com/watch?v=AdW8vafChS4>

With this group of new hires, PPB is up to 793 sworn members, including 537 officers, still below the 882 officers authorized.<sup>2</sup> The training process for a new PPB hire is approximately eighteen months, including the State Basic Police Academy in Salem, a PPB Advanced Academy, and field training with a PPB mentor.<sup>3</sup> The Bureau currently has eighty-seven officers in the training process.

Three new Public Safety Support Specialists (“PS3s”), who are non-sworn, unarmed members in uniform who serve alongside sworn officers, were also hired. The PS3 Program was created by the City to enhance community engagement opportunities and vary the City’s responses to lower priority calls for service. With PS3s taking over lower priority calls, officers are freed up to respond to 911 calls. The City Council recently committed an additional \$1.8 million to fund thirty-six new PS3 positions. PPB now has thirty-one PS3s out of an authorized seventy.<sup>4</sup>

## **XII. Adoption of Office365 and Revision of Force Data Collection Reports and After-Action Reports**

The City’s Bureau of Technology Services is working with PPB to implement Office365 at PPB. The transition to Office365 will allow the Bureau to capture information on edits to and completion of Force Data Collection Reports and After-Action Reports, as required by newly adopted Paragraph 188 of the Settlement Agreement. Office365 is currently being tested with a portion of PPB employees and, provided there are no implementation issues, will be rolled out Bureau-wide thereafter. The City hopes this project will be completed in the near future.

## **XIII. Corrections to the Sixth Periodic Compliance Assessment Report**

The City thanks DOJ for the corrections to DOJ’s Sixth Periodic Compliance Assessment

<sup>2</sup> See <https://www.portlandoregon.gov/police/news/read.cfm?id=442513>

<sup>3</sup> The Advanced Academy is required training for PPB recruit officers after completing the 16-week Basic Academy at the State of Oregon Department of Public Safety Standards and Training (“DPSST”). Advanced Academy is an additional twelve weeks of training unique to the Bureau and not offered by any other law enforcement agency in Oregon. The curriculum builds on the foundational training that recruit officers receive at DPSST, and develops additional knowledge and skills recruits need for being effective and safe as PPB officers. After the Advanced Academy, the recruits complete the balance of their 18-month probation with the Field Training and Evaluation Program (“FTEP”).

<sup>4</sup> More information about PS3s is available here: <https://www.portland.gov/police/divisions/ps3s>

Report (ECF Docket No. 295) made in the DOJ's Status Report filed on October 24, 2022 (ECF Docket No. 307).

**XIV. Conclusion**

The City's efforts discussed above demonstrate an ongoing commitment on the part of the City's elected officials, Police Bureau leadership and members, as well as numerous other City employees and community stakeholders to the shared mission of improving policing in Portland. The City remains committed to achieving substantial compliance, delivering enduring police reform, and returning oversight and direction of our local police agency to our local community and its elected leaders.

Dated: November 4, 2022

Respectfully submitted,

*/s/ Robert Taylor*

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