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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,**

v.

**CITY OF PORTLAND,**

**DEFENDANT.**

**JOINT MOTION TO APPOINT  
INDEPENDENT MONITOR,  
CONDITIONAL ON CITY COUNCIL  
APPROVAL**

Plaintiff, the United States of America, and Defendant, the City of Portland (City) (collectively, the Parties), have selected MPS & Associates led by Mark P. Smith to serve as Independent Monitor (Monitor) pursuant to Section XII of the Amended Settlement Agreement (Agreement) (ECF 408-1), conditional on City Council approval scheduled for May 2, 2024. As required by the Agreement, the Parties selected the MPS & Associates following a thorough process that included multiple opportunities for input from representatives of the Intervenor

Defendant Portland Police Association (PPA), the enhanced amicus Albina Ministerial Alliance Coalition for Justice and Police Reform (AMAC), amicus Mental Health Alliance (MHA), the Portland Committee on Community Engaged Policing (PCCEP), and community members. *Id.* ¶¶ 203-206. The Parties agree that MPS & Associates is the most qualified candidate and meets the Agreement's criteria that the Monitor have high ethical standards, an understanding of Portland's specific community, challenges, and progress, and deep expertise and experience in law enforcement oversight, constitutional policing, and community engagement. *Id.* ¶ 201. The Parties therefore respectfully request that the Court appoint MPS & Associates as Monitor pursuant to the Agreement. *Id.* ¶ 206.

## **I. SELECTION PROCESS**

The Agreement provides a process pursuant to which the Parties will jointly select an Independent Monitor to perform the duties specified in the Agreement. *Id.* at ¶¶ 201-206. Upon the Court's entry of the Section XII amendments on November 30, 2023 (ECF 401), the Parties agreed upon terms for the Request for Applications (RFA). The RFA, which sets forth the responsibilities and required qualifications of the Monitor, posted on December 14, with applications due by January 19, 2024. The RFA is attached as Exhibit A.<sup>1</sup>

The United States sent the RFA to dozens of recipients, including some who had previously applied for and served on monitorship teams in other police reform cases. The City announced the RFA on its website and social media sites, emailed it to City distribution lists of those interested in policing-related agencies and committees, and encouraged recipients to share the RFA through their networks.<sup>2</sup> The City also arranged for the RFA to be sent to more than 300 past attendees of the annual national conference on policing consent decrees. The City advertised the RFA through postings with the National Association for Community Oversight of Law Enforcement (NACOLE), the International Association of Chiefs of Police (IACP), the

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<sup>1</sup> The RFA is also available online through the City's procurement website, at <https://procure.portlandoregon.gov/bs0/external/bidDetail.sdo?bidId=00002255&parentUrl=activeBids>.

<sup>2</sup> For example, the Oregon Women Lawyers Society (OWLS) emailed its extensive list of members on December 22, 2023.

Police Executive Research Forum (PERF), and Partners in Diversity, a Portland-based organization dedicated to helping employers attract, retain, and develop professionals of color.

As required by the Agreement, the Parties evaluated applicants based on criteria that included the following: “ethics; subject matter expertise in policing; project management capacity; ability to write about complex matters succinctly in plain language intended for a general audience; commitment to establish a local presence; demonstrated experience, willingness, and ability to solicit and obtain meaningful community participation; ability to seek out varied stakeholder interests and perspectives, including law enforcement, the Black community, communities of color, mental health communities, and LGBTQIA+ communities; demonstrated knowledge about Portland’s history of policing, mental health needs and services, and institutional racism, and willingness to expand upon that knowledge.” *Id.* ¶ 204. The Parties also considered applicants’ proposed fees and costs. *Id.* ¶ 210. Those criteria guided the Parties’ selection, from first review of applications through the final selection.

The Parties received applications from 13 teams. The Parties reviewed each application, as did invited representatives from the PPA, AMAC, MHA, and PCCEP. The stakeholders provided their feedback on the applications to the Parties on January 26, 2024. The Parties then selected seven candidates for interviews, which took place over Zoom on February 5, 6, and 8, 2024. The PPA, AMAC, MHA and PCCEP representatives observed the interviews and afterward met with the Parties to offer their input on the candidates. After considering the stakeholder input and their own review of the applicant teams, the Parties announced three finalists on February 21, 2024:<sup>3</sup>

- Crime and Justice Institute, Katie Zafft
- DLG Consulting, Darryl Neier
- MPS & Associates, Mark P. Smith

Profiles and resumes for each team were posted on the City’s website, pursuant to Paragraph

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<sup>3</sup> Announcements throughout the process were shared by email and social media, and can be found in the archive of the Mayor’s news releases, see <https://www.portland.gov/wheeler/news>.

205.<sup>4</sup>

The finalists and members of their teams appeared in person at a public town hall forum on March 12, 2024. The forum, held in the Portland Building and via Zoom, had been announced February 9, 2024, and was advertised in the Asian Reporter and Portland Observer, in addition to promotion on the City website, email lists and social media. *See id.*, at ¶ 205. A video of that forum is available online.<sup>5</sup> Each candidate provided a 15-minute presentation of their proposal and team, followed by a facilitated question-and-answer session with the community. Questions community members asked but that could not be answered due to time constraints were then forwarded to the candidates for written response. Those additional responses were shared with the community online on March 17, 2024.<sup>6</sup>

Following the forum, the Parties conducted interviews with each finalist team and received further input from observing stakeholders. After the close of the 32-day public comment period on March 24, 2024, the Parties jointly selected MPS & Associates as the most qualified candidate to propose for Court appointment as the Independent Monitor.

## II. QUALIFICATIONS OF MPS & ASSOCIATES

The Agreement specifies that the Monitor’s team will include “people with expertise in policing, civil rights, data analysis and auditing, project management, behavioral health, emergency dispatch, and writing about complex matters succinctly in plain language intended for a general audience.” *Id.* at ¶ 201. MPS & Associates is comprised of professionals with the qualifications, expertise, and experience necessary to successfully perform the duties specified in the Agreement. Mr. Smith has extensive

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<sup>4</sup> The City posted the initial resumes and profiles for each finalist team and added documents (including for newly added team members for each of the three teams) as the process continued. The public records page allows members of the public to “follow” the page and receive updates when new information is posted, see [https://portlandor.govqa.us/WEBAPP/\\_rs/\(S\(vk505jfdqzbzshcqxe3jt0fv4\)\)/BusinessDisplay.aspx?sSessionID=&did=77&cat=0](https://portlandor.govqa.us/WEBAPP/_rs/(S(vk505jfdqzbzshcqxe3jt0fv4))/BusinessDisplay.aspx?sSessionID=&did=77&cat=0).

<sup>5</sup> The video is available at <https://www.youtube.com/watch?v=5cIf68hGKfU>.

<sup>6</sup> Available at

[https://portlandor.govqa.us/WEBAPP/\\_rs/\(S\(kk1hfiweeu0rnnhmmavdu5rq\)\)/BusinessDisplay.aspx?sSessionID=&did=77&cat=0](https://portlandor.govqa.us/WEBAPP/_rs/(S(kk1hfiweeu0rnnhmmavdu5rq))/BusinessDisplay.aspx?sSessionID=&did=77&cat=0).

experience in civilian oversight and review of law enforcement agencies. He will be supported by a diverse team that includes subject-matter expertise in police practices, internal investigations and accountability, statistical analysis, use of body-worn camera evidence, response to persons experiencing mental health crisis or houselessness, and community policing. MPS & Associates also includes a long-time Portland leader in community engagement.

Below, we briefly summarize the relevant experience of each proposed team member: Mr. Smith and his proposed Deputy Monitor Brian Buchner; Antoinette Edwards (community engagement); Chief John Thomas and Deputy Chief (ret.) Cori Lowe (constitutional policing practices); Russell Bloom (police oversight and accountability); Dr. Susruta Sudula and Dr. Robert Fornango (data and performance analysis); and Jose “Che” Ramirez (services to individuals experiencing houselessness).

Mark Smith, Lead Monitor, has spent nearly the entirety of his 19-year legal career in civilian police oversight and constitutional policing. Since 2018, he has served as the Inspector General of the Los Angeles Police Department (LAPD), leading the office that gave him his start in police oversight as a special investigator. He also served as the Los Angeles Sheriff’s Department’s Constitutional Policing Advisor, an independent police auditor for the Bay Area Rapid Transit’s (BART) Independent Police Auditor, and the First Deputy Chief Administrator for Chicago’s Independent Police Review Authority. Upon appointment, Mr. Smith plans to resign his position as Inspector General of the LAPD, and the Portland monitorship will be his primary professional focus.

Mr. Smith earned a B.A. from the University of California (UC) at Berkeley and a J.D. from the University of California at Los Angeles (UCLA). He is a former board member of the NACOLE and a founding member of the Board of the Association of Inspectors General Western States Chapter. He has also presented on civilian oversight, body-worn cameras, and early intervention systems at various professional associations including NACOLE, the IACP, and the Public Sector Network.

Brian Buchner, Deputy Monitor, has worked in civilian oversight, constitutional policing, public safety, and programming for unhoused people for 20 years. He is currently the Assistant Inspector General of the Audit Section in the LAPD's Office of the Inspector General. Prior to that, he spent eight years with the City of Los Angeles coordinating programs to serve unhoused people, including development of the City's first unarmed alternative response program that diverted 911 calls involving people experiencing houselessness to clinicians, outreach workers, and service providers. Mr. Buchner began his career as a policing specialist with the Police Assessment Resource Center.

Mr. Buchner has served as a senior fellow with the Policing Project at New York University School of Law, is a former president of NACOLE's Board of Directors, and has been a policing advisor to the American Law Institute. He has published articles on civilian oversight, community policing, and force during crowd control events. He also teaches graduate-level criminal justice classes at the University of Southern California (USC).

Mr. Buchner earned a B.S. from Bowling Green State University, an M.A. from the University of Missouri, St. Louis, and a certificate in public safety leadership from USC.

Antoinette Edwards is a Portland resident with decades of experience in leadership, community service, and advocacy in the City. She served as director of the City of Portland's Office of Youth Violence Prevention and its Office of Public Safety and Peacekeeping. Prior to these positions, Ms. Edwards was the first Director of Diversity for the Oregon Trail Chapter of the American Red Cross.

Ms. Edwards was a founding member of the nation's first chapter of Parents, Families, and Friends of Lesbians and Gays created by and for African Americans. She has received numerous local awards for her work, including, among others, from Ecumenical Ministries of Oregon, the Equity Foundation, Northwest Social Justice Fund and Big Brothers & Big Sisters

Northwest, as well as the FBI Director's Community Leadership Award. She holds a B.S.W. from Portland State University.

Chief John Thomas has spent 38 years as a law enforcement officer, culminating in his current position as Chief of UCLA's Police Department. Prior to joining campus police in 2006, he served with the LAPD for 20 years, rising from the ranks of patrol officer to lieutenant. During his tenure with LAPD, Chief Thomas served as watch commander, represented management during collective bargaining processes, and managed patrol personnel.

Chief Thomas has a B.A. from Mount Saint Mary's University, an A.A. from Cottonwood Leadership College, and an Executive Master of Leadership degree from USC. He is affiliated with IACP, the Police Executive Research Forum, and the National Organization of Black Law Enforcement Executives.

Cori Lowe recently retired from a nearly 20-year career with the Albuquerque Police Department (APD) where she last served as the Deputy Chief of Police. In this position, she led APD's Compliance and Oversight Division, which instituted and maintained the assessment mechanisms necessary to ensure the Department came into and maintained substantial compliance with the federal consent decree for the City of Albuquerque. She has assisted other police departments in their reform efforts and served as a panelist at the 2023 Consent Decree Conference.

Deputy Chief Lowe has an A.A.S. from the Community College of the Air Force, a B.S. from the University of Nevada, Las Vegas, and an M.P.A. from Wayland Baptist University.

Russell Bloom has worked for BART's Office of the Independent Police Auditor for the past decade. He currently serves as the Independent Police Auditor for the agency. In addition to his position at BART, Mr. Bloom has consulted for the City of San Jose and Albany on police oversight. Prior to joining BART, he was a volunteer commissioner on the Berkeley Police Review Commission and held various legal and investigator positions in the private sector.

Mr. Bloom holds a B.A. from UC Berkeley and a J.D. from the New College of California School of Law. He is a member of NACOLE and the National Police Accountability

Project and has presented to the Local and Regional Government Alliance on Race & Equity on creating internal buy-in for racial equity in policing.

Dr. Susruta Sudula is a Senior Forensic Auditor with the Port Authority of New York and New Jersey, Office of the Inspector General. Before that, she was a special investigator for the LAPD Office of the Inspector General and a senior performance analyst with the Chicago Police Department. She has also held research and investigator positions for New York State's Division of Criminal Justice Services, the Police Foundation, and the New York Police Department's Civilian Complaint Review Board.

Dr. Sudula holds a B.A. from Temple University, an M.A. and Ph.D. in Criminal Justice from John Jay College of Criminal Justice, and an M.Phil. in Criminal Justice from City University of New York. She has published on a variety of topics, including race and policing, cognitive interviewing, and survey design for justice-involved youth.

Dr. Robert Fornango is an independent data analyst with experience evaluating criminal justice and health care systems. He is currently the Chief Executive Officer of F1 Analytics, which provides data analytics training and services to businesses. Prior to that, Dr. Fornango spent six years at Health Services Advisory Group, Inc., ultimately serving as the Executive Research Director. Before entering the private sector, Dr. Fornango was an assistant professor of criminology and criminal justice at Arizona State University.

Dr. Fornango holds two B.S. degrees, an M.S., and a Ph.D., all in criminology and criminal justice, from the University of Missouri at St. Louis. He has published in academic journals on several topics, including the impact of stops on crime rates.

Jose "Che" Ramirez has spent his nearly 20-year career working with individuals experiencing substance abuse, incarceration, and homelessness. He is currently a Senior Advisor of Homelessness Operations to the Mayor of Los Angeles. Prior to that, he served as the former Mayor's Deputy Mayor of City Homelessness Initiatives. Before his municipal service, Mr. Ramirez ran two organizations providing services to people experiencing homelessness in San Francisco and Los Angeles. He began his career providing direct services



to youth and people recovering from substance abuse and mental health challenges.

Mr. Ramirez has a B.A. from UC Santa Barbara, and several certificates in non-profit management and leadership.

Team members' qualifications are set forth in greater detail in the proposal submitted by MPS & Associates in response to the RFA. Ex. B.

During the interview process, public town hall forum, and written responses to community questions, MPS & Associates demonstrated a clear understanding of the goals and requirements of the provisions of the Amended Settlement Agreement that remain subject to monitoring and self-monitoring, the importance of community engagement and establishing a consistent local presence, and the need for objective and credible oversight of the implementation process. MPS & Associates is well-positioned to successfully monitor the remaining provisions of the Amended Settlement Agreement, and has expressed a strong commitment to helping the City and PPB achieve substantial compliance in an efficient and sustainable manner. MPS & Associates has also demonstrated professionalism and integrity, and is free from any actual or apparent conflicts of interest.

### **III. FINAL HIRING STEPS**

The Parties are filing this Motion to allow for 30 days of public notice prior to the hearing on May 15, 2024. The City's joinder to this filing is conditional on the Portland City Council's formal acceptance of the selection, which is set for Council consideration on May 2, 2024. Community members will have an opportunity to comment on the selection before Council, as well as at the Court hearing on May 15, 2024. Upon the Court's approval of the selection, the City will finalize a two-year contract with the Monitor.

### **IV. CONCLUSION**

For the foregoing reasons, the City and the United States respectfully request that the Court appoint MPS & Associates as Monitor pursuant to the Agreement.

Dated: April 15, 2024

Respectfully submitted,

**FOR THE CITY OF PORTLAND:**

*/s/ Robert Taylor*

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